

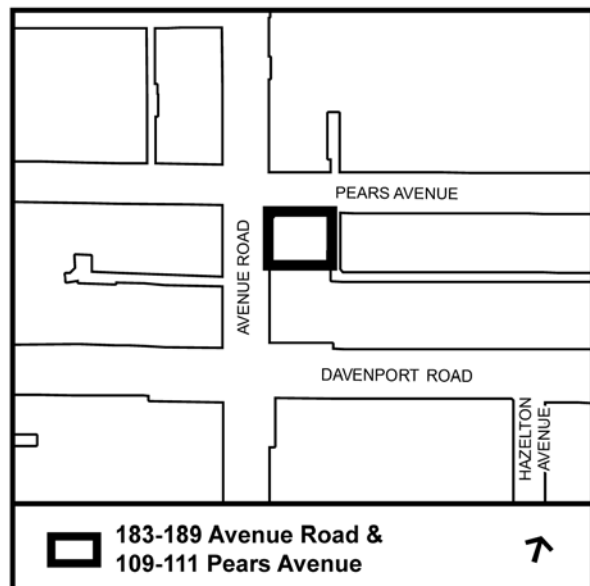
**183-189 Avenue Road and 109-111 Pears Avenue -  
Zoning By-law Amendment Application - Request for  
Direction Report**

<b>Date:</b>	June 25, 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 27 – Toronto Centre-Rosedale
<b>Reference Number:</b>	16 259549 STE 27 OZ

**SUMMARY**

On August 11, 2017 the City Clerk’s Office received notification that the applicant filed an appeal of the Zoning By-law Amendment application to the Local Planning Appeal Tribunal (LPAT), citing Council’s failure to make a decision on the application within the prescribed timelines of the *Planning Act*. A pre-hearing was held on February 1, 2018 and a second pre-hearing is scheduled for September 18, 2018. No hearing dates have been set at this time.

On April 16, 2018, following the appeal, the applicant submitted a revised proposal, for a 12-storey (42.3-metre, plus 3.26-metre mechanical penthouse) mixed-use building at 183-189 Avenue Road and 109-111 Pears Avenue. The proposal includes 447 square metres of retail and 6,951 square metres of residential floor area resulting in a total density of 6.3 times the area of the lot. The proposal includes 22 dwelling units, 43 parking spaces within three levels of underground parking garage, partial retention of the heritage building at 183 Avenue Road, and 80 square metres of parkland dedication fronting on Pears Avenue.



The proposal is not supportable in its current form. The application is not consistent with the Provincial Policy Statement and does not conform with the Growth Plan for the Greater Golden Horseshoe. Specifically, the building does not conform to the Official Plan in terms of height, compatibility and transition to the low-rise residential area immediately to the east of the site, and unacceptable shadow impacts on Ramsden Park to the north and *Neighbourhood* properties to the east.

The purpose of this report is to seek City Council's direction for the City Solicitor and appropriate City Staff to attend the Local Planning Appeal Tribunal hearing in opposition to the applicant's development proposal in its current form. Staff also are seeking direction to continue discussions with the applicant in order to resolve the issues raised in this report.

## **RECOMMENDATIONS**

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### **The City Planning Division recommends that:**

1. City Council direct the City Solicitor, together with appropriate City staff, to attend the Local Planning Appeal Tribunal to oppose the applicant's appeal respecting the Zoning By-law Amendment application for 183-189 Avenue Road and 109-111 Pears Avenue (File No. 16 259549 STE 27 OZ) in its current form for the reasons set out in the report (June 25, 2018) from the Acting Director, Community Planning, Toronto and East York District.
2. City Council authorize the City Solicitor and appropriate staff to seek revisions to the application and continue discussions with the applicant in an attempt to resolve the issues outlined in the report (June 25, 2018) from the Acting Director, Community Planning, Toronto and East York District regarding the Zoning By-law Amendment application 183-189 Avenue Road and 109-111 Pears Avenue, to the satisfaction of the Chief Planner and Executive Director, City Planning, and to report back to City Council on the outcome of discussions, if necessary.
3. In the event the Local Planning Appeal Tribunal approves the Zoning By-law Amendment application, in whole or in part, City Council require:
  - a. an on-site parkland dedication pursuant to section 42 of the *Planning Act* be conveyed to the City, in the location and configuration described and set out in this report (June 25, 2018) from the Acting Director, Community Planning, Toronto and East York District, to the satisfaction the General Manager, Parks, Forestry and Recreation;
  - b. the owner pay for and construct any improvements to the municipal infrastructure in connection with the Functional Servicing Report, as accepted by the Chief Engineer and Executive Director of Engineering and Construction Services, should it be determined that improvements to such infrastructure are required to support this development; and

- c. the owner enter into an agreement with the City, pursuant to section 37 of the *Planning Act*, to secure services, facilities or matters as may be required to the satisfaction of the Chief Planner and Executive Director, City Planning in consultation with the local Councillor.
4. In the event the Local Planning Appeal Tribunal approves the Zoning By-law Amendment application, in whole or in part, City Council authorize the City Solicitor to request that the Local Planning Appeal Tribunal withhold its Order(s) approving the application until such time as:
  - a. the Tribunal has been advised by the City Solicitor that the proposed Zoning By-law Amendments are in a form satisfactory to the City;
  - b. the owner has entered into and registered on the lands at 183-189 Avenue Road and 109-111 Pears Avenue one or more agreements with the City, pursuant to section 37 of the *Planning Act*, to secure, at the owner's expense, facilities, services and matters to be additionally set forth in the related site specific Zoning By-law Amendments, and to the following all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor;
  - c. the owner provides any necessary modifications to the Functional Servicing Report, Stormwater Management Report and Hydrogeological Report, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services; and
  - d. the owner submits a revised Pedestrian Level Wind Study to the satisfaction of the Chief Planner and Executive Director, City Planning and that any mitigation measures be secured in the Section 37 Agreement.
5. City Council authorize the City Solicitor and City staff to take any necessary steps to implement the foregoing.

### **Financial Impact**

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

### **DECISION HISTORY**

At its meeting on April 4, 2017, Toronto and East York Community Council considered a Preliminary Report recommending that staff schedule a community consultation meeting to discuss the proposal with area residents.

The Preliminary Report can be accessed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE23.61>

## ISSUE BACKGROUND

### Site and Surrounding Area

The subject site is located on the southeast corner of Avenue Road and Pears Avenue, just north of Davenport Road, and is part of the area known as Bloor-Yorkville / North Midtown.

The site is nearly square in shape with approximately 36.4 metres of frontage along Avenue Road, approximately 32.5 metres of frontage along Pears Avenue, and a curved corner at Avenue Road and Pears Avenue. The lot line along Avenue Road jogs slightly at the property municipally known as 183 Avenue Road which is a listed heritage property and contains a building constructed at the front lot line. The site has a lot area of 1,171 square metres (0.12 hectares).

The site slopes down significantly both from south to north and from west to east, with a grade differential of approximately 3.9 metres from the highest point at the southwest corner of the site to the lowest point at the northeast corner.

Immediately east of the site is the north-south portion of an "L"-shaped dead-end public lane with a width of 3.66 metres. The lane serves mixed-use properties along Avenue Road and Davenport Road as well as low-rise residential properties along Pears Avenue. A 1.67 metre laneway widening has already occurred at 185 Avenue Road. A further laneway widening will be required for the remainder of the subject site.

Surrounding uses include:

- North: are 2- and 3-storey commercial and residential buildings and places of worship along both sides of Avenue Road; and Ramsden Park on the north side of Pears Avenue east of Avenue Road. Further north, are 2- and 3-storey low-rise residential buildings.
- South: are 1-, 2- and 3-storey mixed use buildings along both sides of Avenue Road up to the Davenport Road intersection; along the east side of Avenue Road south of Davenport Road to just south of Webster Avenue: a 6-storey mixed-use building (163 Avenue Road), a parking lot with approval for a 10-storey mixed-use building (143-159 Avenue Road) (File No. 13 223368 STE 27 OZ), 2- and 3-storey commercial buildings (131 to 137 Avenue Road), and a vacant lot with an OMB approval for a 6-storey mixed-use building (121 Avenue Road) (File No. 04 192570 STE 27 OZ); along the west side of Avenue Road south of Davenport Road to Elgin Avenue: 2- and 3-storey mixed-use buildings.
- East: are 2- and 3-storey low-rise residential buildings on the south side of Pears Avenue, a dead-end street whose elevation drops significantly heading east from Avenue Road. Along the north side of Davenport Road is Davenport Terrace, a series of 3-storey house form mixed-use buildings. Along the south side of Davenport Road is a 5-storey mixed-use building (211-225 Davenport Road), a

3-storey commercial building with a recent approval for a 9-storey mixed-use building (126-128 Hazelton Avenue) (File No. 15 257792 STE 27 OZ), and a 9-storey mixed-use building (195 Davenport Road and 131-133 Hazelton Avenue) (File No. 11 196104 STE 27 OZ). Further east, are two 24-storey apartment buildings at 30 and 50 Hillsboro Avenue.

West: is an OMB approved 20-storey mixed-use building at the southwest corner of Avenue Road and Pears Avenue (164 Avenue Road) (File No. 03 187763 STE 20 OZ); a 25-storey apartment slab building from the 1960s with a recent approval for a 28-storey infill apartment tower on a large site between Pears Avenue and Davenport Road (250 Davenport Road) (File No. 15 192161 STE 20 OZ); and residential buildings ranging from 5 to 11 storeys along the north side of Pears Avenue, west of Avenue Road.

## **Proposal**

### **Original Submission (December 2, 2016)**

On December 2, 2016, the applicant submitted a proposal to develop the site at 183-189 Avenue Road and 109-111 Pears Avenue with a 12-storey (42.3-metre, plus 3.26-metre mechanical penthouse) mixed-use building with 7,118 square metres of residential gross floor area, and 443 square metres of retail space at grade. The proposal included 23 dwelling units, 41 parking spaces within two levels of underground parking garage, partial retention of the heritage building at 183 Avenue Road, and no parkland dedication.

### **Revised Proposal (April 16, 2018)**

Following an appeal of the application, the applicant submitted a revised proposal for a 12-storey mixed-use building. The overall height of the proposed building has not changed since the original proposal was submitted and remains at 42.3-metres plus a 3.26 metre mechanical penthouse, totalling 45.56 metres. It appears as though the applicant's building height is based on measurements taken from the average grade along the Avenue Road frontage of the site which is approximately 3.3 metres higher in elevation than the site's lowest point at the northeast corner. The significant grade change from the southwest to northeast corners of the site equates to an additional 1½ storeys of exposed built form where the property meets the low-rise neighbourhood along Pears Avenue. The revised proposal includes a reduction to 6,951 square metres of residential gross floor area and similar 447 square metres of retail space. The proposed density is 6.3 times the area of the lot.

The proposal contains 22 dwelling units with the following breakdown:

<b>Unit Type</b>	<b>Number of Units</b>	<b>Percentage</b>
1-bedroom	1	4.5%
2-bedroom	9	40.9%
3-bedroom	10	45.5%
4-bedroom	2	9.1%

The site includes a listed heritage property at 183 Avenue Road. The revised proposal retains an increased portion of the heritage building, including the façade, 2.8 metres of the north side wall, 8.0 metres of the south side wall, and 5.0 metres of the roof. No portion of the building or balconies is proposed to be located on or project over the front 5.0 metres of the retained heritage building for the first 6.3 metres or two storeys above the roof.

The revised proposal includes an 80 square metre on-site parkland dedication provided in the form of a 3-metre wide conveyance along the Pears Avenue frontage.

The proposed 12-storey building has varying elevations. Along Avenue Road, the façade is highly articulated with a number of projections and recesses. A 2-storey (6.2-metre) retail space (ground floor and mezzanine) extends along the Avenue Road frontage with a front lot line setback ranging from 0 metres at the retained heritage building to 8.5 metres where the retail wall is furthest from the street. Access to the retail space is located in an angled west front wall facing Avenue Road. The residential lobby is located north of the retail space and is set further back from Avenue Road. Above the 2-storey retail space, floors 3 to 10 are generally set back 3.3 metres from the lot line with a 1.0-metre projection at floor 10, a 1.0-metre step back at floor 11, a 2.5-metre step back at floor 12, and a further step back to the mechanical penthouse. The proposal includes balcony projections to the front lot line up to floor 10.

Along Pears Avenue the street wall ranges from 4-storeys where it is closest to Avenue Road to 5½-storeys where it meets the public lane due to the change in grade. There is no setback between the Pears Avenue street wall and the new on-site parkland dedication. There is a 0.5-metre step back at floors 5 to 10, a 2.7-metre step back at floor 11, a 2.8-metre step back at floor 12, and a further step back to the mechanical penthouse level.

Along the public lane the building will be 0.67 metres from the lot line at the P1 level, with a 1.1-metre step back to floors 1 to 4, a 0.8-metre step back to floor 5, a 0.7-metre step back to floors 6 to 9, a 0.5-metre step back to floor 10, and a 2.8-metre stepback to floors 11 and 12, and a further step back to the mechanical penthouse level.

The south façade is a 10-storey wall located on the south lot line between the subject site and the 3-storey building at 181 Avenue Road. This wall includes windows, starting at the third floor. There is a 3.4-metre step back at floor 11, a 4.0-metre step back at floor 12, and a further step back at the mechanical penthouse level.

Each unit will have access to at least one balcony or terrace that project beyond the main walls of the Avenue Road, Pears Avenue, and laneway elevations. The balconies and terraces are proposed to include large planters for tree planting known as an integrated modular planting and landscaping system (IMPALS).

The proposal includes 34 square metres of indoor amenity space located in the P1 level of the building at-grade with Pears Avenue. No common outdoor amenity space is proposed.

The proposal includes a three-level parking garage with two vehicle entrances off a public lane east of the property, 41 residential vehicle parking spaces, 2 visitor vehicle parking spaces, 20 residential bicycle parking spaces, and 2 visitor bicycle parking spaces. The proposal does not include an on-site loading space.

## **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:

- (d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;
- (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) (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) (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.

### **Toronto Official Plan**

The subject site is located within the *Downtown and Central Waterfront*, as shown on the Official Plan's Map 2 – "Urban Structure". **Section 2.2.1** – "*Downtown: the Heart of Toronto*" acknowledges that the *Downtown* area offers opportunities for substantial employment and residential growth, it also identifies that this growth is not anticipated to be uniform.

Map 3 – "Right-of-Way Widths Associated with Existing Major Streets" of the City's Official Plan identifies Avenue Road as a major street with a right-of-way width of 23 metres.

The site is designated *Mixed Use Areas* on Map 17 – "Land Use Plan" of the City's Official Plan. **Section 4.5** – "*Mixed Use Areas*" identifies that *Mixed Use Areas* are intended to combine a broad array of residential uses, offices, retail and services, institutions, entertainment, recreation and cultural activities, and parks and open spaces.

Policy 2 states that development in *Mixed Use Areas* will:

- create a balance of high quality commercial, residential, institutional, and open space uses that reduce automobile dependency and meet the needs of the local community;
- provide for new jobs and homes for Toronto's growing population;
- locate and mass new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of this plan, through means such as providing appropriate setbacks and/or stepping down of heights, particularly towards lower scale *Neighbourhoods*;
- locate and mass new buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes;
- locate and mass new buildings to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks, and open spaces;
- provide an attractive, safe, and comfortable pedestrian environment;
- have access to schools, parks, community centres, libraries, and childcare;
- take advantage of nearby transit services;
- provide good site access and circulation and an adequate supply of parking for residents and visitors;
- locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences; and
- provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development.

The site is adjacent to an area designated as *Neighbourhoods*, which are considered physically stable areas made up of residential uses in lower scale buildings. **Section 2.3.1** – "Healthy Neighbourhoods" states that at the boundary points between the neighbourhoods and the growth areas, development in the mixed use area will have to demonstrate a transition in height, scale and intensity as necessary to ensure that the stability and general amenity of the adjacent residential area are not adversely affected. Policy 2 requires development in *Mixed Use Areas* that are close or adjacent to *Neighbourhoods* to:

- be compatible with those *Neighbourhoods*;

- provide a gradual transition of scale and density, as necessary to achieve the objectives of this Plan through the stepping down of buildings towards and setbacks from those *Neighbourhoods*;
- maintain adequate light and privacy for residents in those *Neighbourhoods*; and
- attenuate resulting traffic and parking impacts on adjacent neighbourhood streets so as not to significantly diminish the residential amenity of those *Neighbourhoods*.

Policy 3 states that "intensification of land adjacent to neighbourhoods will be carefully controlled so that neighbourhoods are protected from negative impact."

**Section 3.1.2** – "Built Form" directs new development to fit within the existing and/or the planned context of the neighbourhood. In particular, Policy 2 requires new development to use shared service areas, and integrate services and utility functions within buildings where possible. Policy 3 requires new development to be massed to fit harmoniously into its existing and/or planned context by framing adjacent streets and open spaces in a way that respects the street proportion; providing for adequate light and privacy; and adequately limiting any adverse shadow and wind impacts. Policy 4 requires new development to be massed to define edges of streets, parks and open spaces at good proportion. Taller buildings will be located to ensure there is adequate access to sky view. Policy 5 requires new development to provide amenity for adjacent streets and open spaces to make these areas attractive, interesting, comfortable and functional for pedestrians.

**Section 3.1.5** – "Heritage Conservation" addresses the conservation of heritage resources and includes policies that state that Heritage Impact Assessments will evaluate the impact of a proposed alteration to a property on the Heritage Register, and/or to properties adjacent to a property on the Heritage Register, to the satisfaction of the City.

Policy 5 states that proposed alterations and/or development on or adjacent to a property on the Heritage Register will ensure that the integrity of the heritage property's cultural heritage value and attributes will be retained. Further, Policy 26 requires that "new construction on, or adjacent to, a property on the Heritage Register will be designed to conserve the cultural heritage values, attributes and character of that property and to mitigate visual and physical impacts on it." Policy 27 identifies that "where it is supported by the cultural heritage values and attributes of a property on the Heritage Register, the conservation of whole or substantial portions of buildings, structures, and landscapes on those properties is desirable and encouraged. The retention of facades alone is discouraged."

**Section 3.2.3** – "Parks and Open Spaces" provides policy direction for maintaining and enhancing Toronto's system of parks and open spaces and states that the effects of development from adjacent properties (shadows, wind, etc.) will be minimized to preserve their utility. The policies outline a parkland acquisition strategy, grant authority

to levy a parkland dedication or alternative cash-in-lieu, and call for the expansion of the existing network of parks and open spaces. Policy 8 states that parkland to be conveyed to the City should: be free of encumbrances; be sufficiently visible and accessible from adjacent public streets; be of a usable shape, topography and size that reflects its intended use; be consolidated or linked with an existing or proposed park or green space or natural heritage system; and meet applicable Provincial soil regulations and/or guidelines for residential/parkland uses.

**Section 5.6** – "Interpretation" provides guidance as to the understanding and interpretation of the Official Plan. Policy 1 indicates the Official Plan should be read as a whole to understand its comprehensive and integrative intent as a policy framework for priority setting and decision making.

See Attachment No. 8: Official Plan Land Use Map.

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

Site and Area Specific Policy (SASP) 211, in the City of Toronto's 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 forms the north edge of the *Downtown* and includes *Neighbourhoods*, *Apartment Neighbourhoods*, *Areas of Special Identity*, *Mixed Use Areas*, and open space provided by parks and ravines.

Map 2 of SASP 211 provides a height structure plan for the area, comprising of a 'Height Peak', 'Height Ridges', and 'Low-Rise Areas'. The policy states that the tallest buildings in the Bloor-Yorkville/North Midtown area will be located in the 'Height Peak', generally located in the vicinity of the intersection of Yonge Street and Bloor Street, with height and density permissions generally diminishing further from Bloor Street. Further, development along the 'Height Ridges' will be at a lesser height and physical scale than the Bloor/Yonge 'Height Peak', and in a form compatible with adjacent areas.

The 'Height Ridges' extend from the 'Height Peak' east along Bloor Street East, west along Bloor Street West, and north along Yonge Street, a small portion of Bay Street, and Avenue Road. The Avenue Road 'Height Ridge' ends at the south side of Elgin Avenue on the west side of the Avenue Road and slightly south of Webster Avenue on the east side of the Avenue Road. The policy states that the northern portions of Avenue Road, Yonge Street and Davenport Road not shown as 'Height Ridges' are intended to have lower heights than areas within the 'Height Ridges'. The site is located north of the Avenue Road 'Height Ridge'.

SASP 211 also states that development in *Mixed Use Areas* adjacent to *Neighbourhoods* or portions of *Areas of Special Identity* shown as 'Low Rise Areas' on Map 2, should be of a lesser scale, and contextually appropriate and compatible with the adjacent low-rise areas. Development will be designed with sufficient setbacks and transitions in scale, through means such as angular planes and step-downs in height, to adequately limit shadow, wind and privacy impacts upon nearby residences and the public realm. The site

is located in a *Mixed Use Area* adjacent to the low-rise *Neighbourhood* known as Ramsden Park.

## **TOcore: Planning Downtown**

### **OPA 406 – Downtown Plan**

At its May 1, 2018 meeting, Planning and Growth Management 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). 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 with 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*.

### **OPA 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).

## **Zoning**

Under Former City of Toronto Zoning By-law 438-86 the property is zoned Commercial Residential (CR T2.0 C2.0 R2.0) which permits residential and commercial uses, including apartment buildings, retail, office, and other commercial uses. The maximum permitted density and height is 2.0 times the area of the lot and 14.0 metres, respectively.

Under City-wide Zoning By-law 569-2013, the properties at 183-185 Avenue Road and 109-111 Pears Avenue are zoned Commercial Residential (CR 2.0 (c2.0; r2.0) SS2 (x2042)). The uses, density and height permissions are the same as Zoning By-law 438-86. CR properties in the SS2 category are also subject to angular plane provisions from both streets and adjacent Residential Zones. The property at 189 Avenue Road is currently exempt from Zoning By-law 569-2013.

See Attachment No. 9: Existing Zoning By-law Map.

## **Heritage Preservation**

One of the properties that make up the subject site is listed on the City of Toronto Inventory of Heritage Properties. The property at 183 Avenue Road, known as the E.J. Woodley building, was listed by City Council on February 6, 1974.

Furthermore, the subject site is adjacent to a series of three properties listed on the City of Toronto Inventory of Heritage Properties at 177, 179 and 181 Avenue Road.

The Standards and Guidelines for the Conservation of Historic Places in Canada (Standards and Guidelines) is the official document guiding planning, stewardship and the conservation approach for all listed and designated heritage resources within the City of Toronto. The General Standards (1-9) and the Standards for Rehabilitation (10-12) apply to this project.

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

The Bloor-Yorkville/North Midtown Urban Design Guidelines (Design Guidelines) give guidance to improve the physical quality of the area and ensure that its special character is respected in terms of new development. The main planning objectives of the Design Guidelines include:

- enhancement of Areas of Special Identity and historic buildings;
- protection of residential areas from adverse impacts of commercial and/or higher density development;
- improvement of the public realm and publicly accessible areas; and
- excellence in urban design, architecture, and landscape.

The Bloor-Yorkville/North Midtown area is comprised of a number of precincts and corridors, each defined by its attributes in terms of function, built form and character. The subject site is located in the Avenue Road Corridor and abuts the low-rise residential Ramsden Park Precinct.

The Design Guidelines describe the east side of Avenue Road, north of Webster Avenue, as predominantly low-rise and state that special consideration should be given to the impact of development in *Mixed Use Areas* that are in close proximity to low-scale residential neighbourhoods. Specifically, development will:

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

The Design Guidelines also state that new development along the Avenue Road Corridor should reinforce the prominence of the street through excellence in design, a unified streetscape vocabulary, and increasing sidewalk widths by setting new buildings and additions back from the street line.

### **Avenues and Mid-Rise Buildings Study and Performance Standards**

City Council adopted the Avenues and Mid-Rise Buildings Study and an addendum containing performance standards for mid-rise buildings. They identify a list of best practices and establish a set of performance standards for new mid-rise buildings. Key issues addressed include maximum allowable building heights, setbacks and stepbacks, sunlight and skyview, pedestrian realm conditions, transition to Neighbourhoods and Parks and Open Space Areas and corner sites.

City Council also adopted a revised Mid-Rise Building Performance Standards Addendum, for staff to use together with the 2010 approved Mid-Rise Building Performance Standards in the preparation of area studies or during the evaluation of development applications, where mid-rise buildings are proposed and Performance Standards are applicable, until such time as City Council adopts updated Mid-Rise Building Design Guidelines.

### **Growing Up Draft Urban Design Guidelines**

In July 2017, City Council adopted the Growing Up Draft Urban Design Guidelines, and directed City Planning staff to apply the "Growing Up Guidelines" in the evaluation of new and under review multi-unit residential development proposals. The objective of the Growing Up Draft Urban Design Guidelines is that developments deliver tangible outcomes to increase liveability for larger households, including families with children at the neighbourhood, building and unit scale. The Growing Up Draft Urban Design Guidelines have been considered in the review of this proposal.

### **Bloor-Yorkville/North Midtown: Planning Framework & Implementation Strategy**

The Bloor-Yorkville/North Midtown: Planning Framework & Implementation Strategy report (August 2015) was prepared by The Planning Partnership, Greenberg Consultants Inc., ERA Architects., and Michael Spaziani Architect Inc., on behalf of the Bloor-Yorkville Business Improvement Association, ABC Residents Association, Greater Yorkville Residents Association, and Yonge Bay Bloor Business Association.

The objective of this community-led Planning Framework and Implementation Strategy is to address concerns over tall buildings and intensification. It outlines where development should and should not occur, the types of uses and built form that are appropriate, how future development applications will be analyzed, and the future planning approval processes that are required.

The report has two parts: an overview of the history, and current policy and development context; and, a policy framework and implementation strategies, and separate pedestrian realm network plan. The report organizes the Bloor-Yorkville/North Midtown area into 3 districts: the primary development districts; the corridor districts; and, the stable neighbourhood districts. Each district contains precincts, some of which are broken down into segments. Targeted planning policies are proposed for each district, precinct, and segment.

On October 13, 2016 Toronto and East York Community Council requested Planning staff to consider the Bloor-Yorkville/North Midtown Framework's strategies during the evaluation of current and future development applications and City projects in the Bloor Yorkville/North Midtown planning area prior to completion of a Secondary Plan. Staff will consider the proposals in the Planning Framework as part of the review process.



## **Davenport Terrace Review**

On July 8-10, 2014, City Council adopted a City-Initiated Zoning By-law Amendment for Davenport Terrace, a low-rise mixed-use area, located just east of the intersection of Avenue Road and Davenport Road, and identified as an Area of Special Identity in SASP 211. The purpose of the zoning amendment was to ensure an appropriate transition between the mixed-use properties within Davenport Terrace and the residential properties in the *Neighbourhood*, which are approximately 9 metres lower in elevation. The area-specific zoning by-law requires buildings within Davenport Terrace to not penetrate a 45 degree angular plane projected over the lot from along the entire rear lot line, starting at a height equal to the average elevation of the ground along the rear lot line. The subject site is located just north of the Davenport Terrace area.

## **Site Plan Control**

The subject site is subject to Site Plan Control. An application has not yet been submitted.

## **Reasons for the Application**

The application has been submitted to Zoning By-laws 438-86 and 569-2013. Both Zoning By-laws 438-86 and 569-2013 permit a maximum height of 14.0 metres. The proposed development exceeds the height permitted in the Zoning By-laws by approximately 31.56 metres, proposing a height of 45.56 metres (including mechanical penthouse), measured from the southwest corner of the site. Furthermore, Zoning By-laws 438-86 and 569-2013 permit a maximum density of 2.0 times the area of the lot. The proposed building has a density of 6.45 times the lot area. The proposed building does not comply with other Zoning By-law standards including building setbacks, angular planes, amenity space, number of vehicle accesses and parking.

## **Agency Circulation**

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

## **Community Consultation**

A community meeting was held on April 24, 2017 at 111 Avenue Road (Hazelton Place Retirement Residence) and attended by approximately 95 members of the public. At the meeting City staff, the applicant's team, and an urban design consultant for the ABC Residents' Association gave presentations on the site and surrounding area, the existing planning framework, and the details of the original submission. Following the presentations, City staff led a town hall format question and answer period.

The attendees asked questions and expressed a number of comments, issues and concerns, including:

- proposal disregards the planning policies for the area;
- height, scale and density of the proposal is inappropriate;
- building is not contextually appropriate for the area;
- insufficient transition to the low-rise residential area to the east and park;

- shadowing on adjacent low-rise residential areas and park;
- privacy/overlook;
- loss of sky views;
- significant grade change across the site worsen the impacts and perceived height of the proposed building from the low-rise residential area to the east;
- insufficient setbacks, step backs, angular planes, etc.;
- balconies project too far into the proposed setbacks and add mass to the building envelope;
- insufficient heritage resource preservation/conservation;
- too many parking spaces for residents of the building;
- lack of retail parking will cause people to park on Pears Avenue and take away on-street parking supply for Pears Avenue residents and visitors;
- traffic generated as a result of the proposed development;
- Pears Avenue is a dead-end street; traffic is already a problem and a development of this scale will only make it worse;
- public lane dead-ends and too narrow to accommodate additional traffic;
- loading and access for service/delivery;
- who is responsible to maintain the trees on balconies; and
- construction impacts to neighbouring properties.

Some attendees provided comments in support of the proposal, including the following:

- excellent architecture; and
- environmentally-friendly design should be supported.

These comments were considered in Planning staff's comments on the original submission.

## **COMMENTS**

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

#### **Planning Act**

Section 2 of the *Planning Act* establishes a list of provincial interests that approval authorities, including the City of Toronto, shall have regard for when carrying out their responsibilities under the *Planning Act*.

The proposal, in its current form does not have regard to 2 p) and r) which speak to the appropriate location for growth and development and the promotion of built form that, (i) is well-designed, (ii) encourages a sense of place, and (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

These provincial interests and others are further articulated through Provincial Policy Statements that are released from time to time and through other area-specific Provincial Plans, such as the Growth Plan.

The proposal has been reviewed and evaluated against the PPS (2014) and the Growth Plan (2017). The proposal has also been reviewed and evaluated against Policy 5.1 of the Growth Plan, as described in the Issue Background section of this Report.

#### **Provincial Policy Statement, 2014**

The Provincial Policy Statement (PPS) 2014, and in particular policy 1.1.3.3, encourages intensification and efficient development and redevelopment, recognizing the importance of local context and the availability of infrastructure and public service facilities to meet projected needs. Accordingly, the City of Toronto Official Plan identifies areas for intensification and provides a policy framework that encourages intensification in those areas, provided that it is respectful of the existing and planned local context.

Policy 4.7 of the PPS states the Official Plan is the most important vehicle for implementation of the PPS. As a result, the City of Toronto has established a vision and policy framework for this area. The proposal is not consistent with these overall policy outcomes of the PPS as further articulated by the City's Official Plan. This is outlined in detail later in the report.

#### **Growth Plan for the Greater Golden Horseshoe, 2017**

Any decision under the *Planning Act* must conform to the Growth Plan for the Greater Golden Horseshoe.

Policies 2.2.2.4(a), (b), (d) and (f) of the Growth Plan speak to delineated built-up areas and states that all municipalities will develop a strategy to achieve the minimum intensification target and intensification throughout delineated built-up areas, which will:

- a) encourage intensification generally to achieve the desired urban structure;
- b) identify the appropriate type and scale of development and transition of built form to adjacent areas;
- d) ensure lands are zoned and development is designed in a manner that supports the achievement of complete communities; and
- f) be implemented through official plan policies and designations, updated zoning and other supporting documents.

The proposal contemplates the intensification of a site within a delineated built-up area. While it is recognized that intensification is generally encouraged by the Growth Plan and in *Urban Growth Centres*, it must achieve the policy goals as outlined above. In this regard, the City has developed a strategy to achieve the minimum density targets through the Official Plan and in conjunction with the policies of SASP 211 and the Bloor-Yorkville/North Midtown Urban Design Guidelines which provides a greater level of detail and specificity on matters such as built form, massing and scale of development within this section of Avenue Road. These policies are further informed by the existing Zoning By-laws, and the City's Avenues and Mid-Rise buildings Study.

The proposal in its current form does not represent an appropriate scale of development as set out in the City's Official Plan, SASP 211 and Zoning By-law and as such does not achieve the desired urban structure as contemplated in the Growth Plan. SASP 211 provides a height structure plan for the area and prescribes a transition of descending building heights and densities from the 'Height Peak' at Yonge Street and Bloor Street, with along diminishing heights along Avenue Road from Bloor Street West. SASP 211 also requires development in Mixed Use Areas outside of the 'Height Ridges' to be contextually appropriate and compatible with adjacent 'Low Rise Areas'. The proposal in its current form does not conform with Policies 2.2.2.4(a), (b),(d) and (f) of the Growth Plan as it is not in keeping with the urban structure, does not represent an appropriate scale of development for the surrounding area, and does not appropriately transition to adjacent properties, particularly to the low-rise neighbourhood to the east.

Policy 5.2.4.5(b) of the Growth Plan states municipalities may plan for development beyond the horizon of this Plan provided that the type and scale of built form for the development would be contextually appropriate. This proposal is not contextually appropriate. Policy 5.2.5.6 of the Growth Plan states municipalities are to develop and implement urban design and site design official plan policies and other supporting documents that direct the development of a high quality public realm and compact built form in order achieve the minimum intensification and density targets in the Growth Plan.

The City has implemented this requirement through the adoption of built form policies and design guidelines including the Bloor-Yorkville/North Midtown Urban Design Guidelines, and the Avenues and Mid-Rise Building Study.

For the reasons noted above, the current proposal does not have regard to relevant matters of provincial interest in section 2 of the *Planning Act*, is not consistent with the PPS (2014) and does not conform to the Growth Plan for the Greater Golden Horseshoe (2017). The proposal's scale, mass and height does not recognize and respect the local context, both existing and planned.

### **Land Use**

The subject property is designated *Mixed Use Areas* in the Official Plan, which allows for a broad range of uses. The Zoning By-laws also allow for both residential and non-residential uses. Planning staff support the proposed mix of retail uses fronting Avenue Road and residential uses behind and above.

### **Density, Height, Massing**

The subject site is located in an area designated *Mixed Use Areas*. The Plan states that development in *Mixed Use Areas* will locate and mass new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of this plan, through means such as providing appropriate setbacks and/or stepping down of heights, particularly towards lower scale *Neighbourhoods*.

The Plan makes it clear that at the boundary points between *Neighbourhoods* and *Mixed Use Areas*, development in the *Mixed Use Area* is required to demonstrate a transition in height, scale and intensity as necessary to ensure that the stability and general amenity of the adjacent residential area are not adversely affected. In this instance, the subject site, a *Mixed Use Area*, is adjacent to a *Neighbourhood* to the east with only a public lane in between.

SASP 211 reinforces and strengthens the Official Plan's *Mixed Use Areas* policies. The overall intent of the SASP 211 is in part to transition down height and density in the 'Height Ridges' from the taller buildings in the 'Height Peak' to the generally lower and mid-rise context that surrounds the Bloor-Yorkville/North Midtown Area. However, the intent is also to ensure development within *Mixed Use Areas* outside of the 'Height Peak' and 'Height Ridges' is at lower heights than areas within the 'Height Ridges', and is contextually appropriate and compatible with the adjacent *Neighbourhoods* and with portions of the 'Areas of Special Identity' shown as 'Low Rise Areas' on Map 2. The subject site is located outside and north of both the 'Height Peak' and the 'Height Ridge' along Avenue Road and adjacent to the Ramsden Park *Neighbourhood* and the Davenport Terrace 'Area of Special Identity'.

SASP 211 states that development in *Mixed Use Areas* adjacent or near to the 'Low Rise Areas' will be designed to adequately limit shadow, wind and privacy impacts upon these lower-scale areas through distance separation and transitions in scale including means such as angular planes and step-downs in heights. Further, the policy states that this transition is important to reinforce the diversity of built form and use, to foster the stability of *Neighbourhoods*, and to minimize conflicts between commercial or mixed use areas and residential neighbourhoods.

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

Overall, the proposed height and massing are inappropriate for the subject property given its proximity to the adjacent *Neighbourhood*. The proposed building does not fit within the height context of this portion of Avenue Road and does not provide a suitable transition in height and scale to the *Neighbourhood* to the east.

### **Mid-Rise Building Considerations**

The performance standards in the Avenues and Mid-Rise Buildings Study (mid-rise guidelines) have been applied to the proposed development because the subject property is potentially suitable for a mid-rise building, although the proposed 12-storey building is not technically a mid-rise building in its current form as its overall heights is taller than the width of right-of-way, Avenue Road. One of the primary functions of the mid-rise

guidelines is to help quantify the Official Plan policies with respect to providing an appropriate transition in scale between a new development in a *Mixed Use Area* and an adjacent *Neighbourhood*, among other important contextual considerations.

The Planning & Urban Design Rationale Report submitted by the applicant asserts that the proposed development is a mid-rise building but the proposal does not come close to complying with the mid-rise guidelines regarding height and massing.

Performance standard no. 1 in the mid-rise guidelines states that the maximum allowable height "will be no taller than the width of the Avenue right-of-way," excluding a mechanical penthouse. With consideration for the Mid-Rise Building Performance Standards Addendum, Avenue Road represents an Avenue with a right-of-way width of 23 metres for the purposes of applying the mid-rise guidelines. The proposed height of 42.3 metres, excluding the mechanical penthouse, is almost twice as much (1.8 times) as the guideline for maximum height, which indicates the proposed building cannot be considered a mid-rise building in its current form.

Rear transition to a *Neighbourhood* is addressed in performance standards nos. 5A and 5B, which deal with ideal lots and shallow lots respectively. Ideal lots have a depth greater than 32.6 metres and shallow lots have a depth equal to or less than 32.6 metres. The rear transition guidelines are based on the general assumption that a property in a *Mixed Use Area* is adjacent to other *Mixed Use Area* properties on the sides and adjacent to a *Neighbourhood* at the rear. The context of the subject property in relation to the adjacent *Neighbourhood* is typical in that the south side lot line is adjacent to a *Mixed Use Area*, the north lot line abuts a street with the *Mixed Use Area* continuing north along Avenue Road, and the rear lot line is adjacent to a *Neighbourhood* separated by a public lane. Staff have interpreted the mid-rise guidelines to apply the shallow lot performance standards (no. 5B) to rear transition considering the depth of the site is 32.5 metres.

Under performance standard no. 5B, the required setback from a property in a *Neighbourhood* is 7.5 metres. The proposed building is set back 0.67 metres from the rear lot line and 6.0 metres from the residential zone at its closest point. The setbacks gradually increase as the building gets taller, however, overall the proposed rear setbacks do not comply with the performance standard and contribute to the inadequate transition to the low-rise area to the east.

Performance standard no. 5B also specifies an angular plane applicable to the north side of the building that is measured from a height of 10.5 metres and set back 7.5 metres from the *Neighbourhood* property line. Less than half of the proposed building is within the east side angular plane. Such a substantial encroachment into the angular plane demonstrates a lack of regard for providing a transition in scale to an adjacent *Neighbourhood* as required by Official Plan Policies 2.3.1(2)(b) and 4.5(2)(c).

## **Heritage**

One of the properties that make up the subject site is listed on the City's Heritage Register. The property at 183 Avenue Road, known as the E.J. Woodley building, was

listed by City Council on February 6, 1974. Furthermore, the subject site is adjacent to a series of three properties listed on the City's Heritage Register at 177, 179 and 181 Avenue Road.

The applicant submitted a Heritage Impact Assessment (HIA) prepared by ERA Architects Inc., dated November 28, 2016 and revised on March 8, 2018, in support of the application. The HIA addresses the conservation of the E.J. Woodley building, and the impact of the proposed development on all listed buildings on and adjacent to the site

The proposal continues to retain and incorporate portions of the listed heritage building at 183 Avenue Road within the development, including the primary façade, a large portion of the south wall and a return of the north wall. In response to comments received from Heritage Preservation Services (HP") staff, the following changes to the original submission have been incorporated:

- south return wall of the heritage building at 183 Avenue Road will be retained to a depth of 8.0 metres;
- proposed building will be stepped back 5.0 metres above the heritage building at the third floor;
- addition of masonry detailing at the third floor as a transitional element between the heritage fabric and the proposed glazing;
- addition of vertical articulation across the proposed Avenue Road facade to reflect the rhythm and scale of the on-site and adjacent heritage buildings; and
- addition of cornice lines and awnings that reflect the height of adjacent heritage resources.

The issues identified by HPS staff have been addressed in the revised submission.

### **Sun, Shadow**

The Official Plan requires that development in *Mixed Use Areas* locate and mass new buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes, and maintain sunlight for pedestrians on adjacent streets, parks and open spaces.

Further, SASP 211 states that development in *Mixed Use Areas* adjacent or near to 'Low Rise Areas', such as the Ramsden Park *Neighbourhood*, will be designed with sufficient setbacks and transitions in scale, through means such as angular planes and step-downs in height, to adequately limit shadow, wind and privacy impacts upon nearby residences and the public realm.

The mid-rise guidelines provide direction for addressing shadow impact on neighbouring properties and streets. Performance standard no. 5B in the mid-rise guidelines as previously described also serves to limit shadow impact on adjacent *Neighbourhoods*. The deviation from the guidelines for a sufficient setback and angular plane from a *Neighbourhood* suggests the proposed building does not adequately limit shadow impact on the *Neighbourhood*.

The applicant has provided a shadow study, illustrating the shadow impacts during the fall and spring equinoxes, and the summer solstice. Planning staff has reviewed the shadow study and are of the opinion that the shadow impacts on Ramsden Park and the low-rise residential area to east are not acceptable.

The study shows that the proposal will cast shadows on Ramsden Park from 2:18 pm to 3:18pm during March 21<sup>st</sup> and from 1:18 pm to 3:18 pm on September 21<sup>st</sup>. There will be no shadow cast on Ramsden Park on June 21<sup>st</sup>. The proposed building should be located and designed to best mitigate all new net shadowing of Ramsden Park throughout the entire day for all seasons of the year.

The study also shows that the proposal will cast shadows on the *Neighbourhood* to the east from 2:18 pm to 6:18pm during March 21<sup>st</sup>, from 1:18 pm to 6:18 pm on September 21<sup>st</sup>, and from 2:18 pm to 6:18pm during June 21<sup>st</sup>.

The proposed building has not been designed to sufficiently minimize shadow impacts on the nearby shadow sensitive areas. Reducing the height of the building, improving transition to the east, and strategically sculpting the building mass can help to reduce the overall shadow impact for the surrounding sensitive land uses.

## **Wind**

The applicant submitted a Pedestrian Level Wind Study prepared by RWDI Inc., dated November 23, 2016, assessing the wind conditions associated with the original submission. The study finds that the wind conditions at all areas on and around the proposed development are predicted to meet the pedestrian wind safety criterion and notes that the construction of the development has minimal impact to the existing wind conditions.

The consultant acknowledges that the wind condition predictions presented in the study may change should the proposal be altered. The massing of the proposed building has undergone revisions since the original submission. As such, a revised Pedestrian Level Wind Study is required.

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

### **Traffic Impact**

In support of the development proposal, the applicant's transportation consultant, BA Group, prepared a report titled Urban Transportation Considerations, dated November 24, 2016 and revised on March 27, 2018. In this study the consultant estimates that the proposed redevelopment will generate approximately 6 two-way trips both during the AM and PM Peak Hours, respectively. Based on the report, the existing uses at the site generate a net total of 4 and 19 two-way trips during the AM and PM Peak Hours, respectively. Accordingly, after adjustment for the existing trips generated by the site, there will be a net increase of approximately 2 new two-way trips during the weekday AM Peak Hour and no new trips during the PM Peak Hour. Given this level of trip generation, the consultant concludes that the projected site traffic will have minimal



impacts on area intersections, and therefore, can be acceptably accommodated on the adjacent road network.

Based on a review of the documentation provided by the consultant, and taking into account the nature of the application for this project, Transportation Services staff concur with the above-noted conclusion.

### **Driveway Access and Site Circulation**

Access to the underground parking garage will be provided by a driveway off of the rear public lane and located at the southeast corner of the site. Pick up / drop off (PUDO) activity is proposed to be provided on-street along Pears Avenue.

Transportation Services are of the opinion that the proposed access driveway arrangement is generally acceptable. However, the applicant is advised that additional comments pertaining to the proposed access arrangement, design of the access driveways, site layout, site circulation and PUDO activity will be provided through the site plan review process.

BA Group also provided vehicle manoeuvring diagrams illustrating the inbound and outbound turning movements for a passenger vehicle accessing and egressing the below grade parking garage. This is acceptable.

### **Vehicle Parking**

Application of PA1 standards in Zoning By-law 569-2013 would require a minimum of 25 vehicle parking spaces consisting of 19 residential, two residential visitors and four retail parking spaces.

The applicant is proposing of 43 parking spaces consisting of 41 residential and two visitor parking spaces within a 3-level parking garage accessed via public lane. No parking is proposed for the retail component of the project.

The proposed residential parking supply exceeds the minimum number of spaces required under By-laws 438-86 and 569-2013. Further, the proposed residential parking supply exceeds the maximum number of residential parking spaces of 28 spaces permitted under Zoning By-law 569-2013 by 13 spaces.

While the typical dimensions of the proposed parking spaces and drive aisles comply with the requirements stipulated in Zoning Bylaw 569-2013, eight of the proposed parking spaces (seven residential and one visitor) are obstructed spaces. The Urban Transportation Considerations, prepared by BA Group, dated November 24, 2016 and revised on March 27, 2018, includes vehicle manoeuvring diagrams illustrating access/exit to these spaces.

The applicant should consider reducing the number of resident parking spaces, increasing the number of non-residential parking spaces, and increasing parking space widths where obstructions exist.

In accordance with the Toronto Green Standard (TGS), when providing more than the minimum parking requirement under the Zoning By-law for residential uses, any additional spaces must provide physical provision for future electric vehicle charging. The parking plans will need to be revised to clearly identify the spaces that have provision for future electric vehicle charging and the total number of such spaces will need to be identified in the site statistics. The TGS checklist provided with the application notes that the TGS requirement will be complied with at detail design stage.

### **Bicycle Parking**

Zoning By-law 569-2013 requires a minimum of 1.0 bicycle parking spaces for each dwelling unit, allocated as 0.9 long-term bicycle parking space per dwelling unit and 0.1 short-term bicycle parking space per dwelling unit. A total of 22 bicycle parking spaces are proposed with 20 long-term spaces for residents of the building and 2 short-term spaces for visitors. The total of 22 bicycle parking spaces meets the requirements of the Zoning By-law.

### **Loading**

Under Zoning By-law 569-2013, a loading space is not required for the proposed development as there are under 31 residential units proposed and less than 500 square metres of retail space. A dedicated loading space has not been proposed. Refuse and recycling stored in standard totes will be placed curbside on Pears Avenue for collection by City of Toronto trucks. On-site maintenance staff will be responsible for transporting these totes to and from the garbage room located at-grade. Solid Waste staff find this acceptable.

### **Roadways**

Abutting the site to the east is a public lane extending southerly from Pears Avenue. A 1.67-metre lane widening is required along the easterly portions of 109 Pears Avenue and 183 Avenue Road to satisfy the lane right-of-way widening requirements. The lane has an approximate width of 3.66 metres (5.33 metres at the rear of 185 Avenue Road). The submitted drawings illustrate the required lane widening. No widening is required along the Avenue Road and Pears Avenue frontages of the site.

### **Servicing**

The applicant submitted the following reports in support of the application: Functional Servicing Report, prepared by WSP Canada Group Limited, dated March 8, 2018; Stormwater Management Report, prepared by WSP Canada Group Limited, dated March 9, 2018; and Preliminary Hydrogeological Investigation, prepared by Exp Services Inc., dated March 27, 2018. The above noted reports have been reviewed and require further revisions to satisfy Engineering and Construction Services and Toronto Water.

### **Tree Protection**

The applicant submitted an Arborist Report, prepared by Central Tree Care Ltd., dated September 30, 2016 in support of their application.

The report indicates that there is one tree meeting the criteria for protection under the City of Toronto Municipal Code, Chapter 813 Articles III (Private Tree by-law). The tree is a multi-stemmed Silver Maple in fair health. The development proposes the removal of this tree. Urban Forestry will require an approved permit to have these trees removed and replaced with new "large growing native shade" trees at a three-to-one ratio. The proposal does not include any on-site replacement trees.

### **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 0.80 to 1.56 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 acquisition priority area, as per Chapter 415, Article III of the Toronto Municipal Code.

The application proposes the construction of one new building with 447 square metres of at-grade retail and 6,951 square metres of residential floor area making up 22 residential units.

At the alternative rate of 0.4 hectares per 300 units specified in Chapter 415, Article III, of the Toronto Municipal Code, the parkland dedication requirement is 294 square metres or 26 % of the net site area. However, for sites that are less than 1 hectare in size, a cap of 10% of the development site 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 107 square metres or 9.52% of the net site area.

The revised proposal includes an 80 square metre on-site parkland dedication provided in the form of a 3-metre wide conveyance along the Pears Avenue frontage. The land is adjacent to a relatively wide City-owned boulevard which could be combined to provide a gateway open space leading into Ramsden Park and enhance the open space network. This would involve a jurisdictional transfer with Transportation Services. Parks, Forestry and Recreation staff is satisfied with this approach.

The applicant is required to satisfy the remaining 27 square metres of parkland dedication through cash-in-lieu. The value of the cash-in-lieu of parkland dedication will be appraised through Real Estate Services. Payment will be required prior to the issuance of the first above grade building permit.

### **Indoor/Outdoor Amenity Space**

The applicant is required to provide a minimum rate of 2.0 square metres per dwelling unit of both indoor and outdoor amenity space as per Zoning By-law 438-86 and Zoning By-law 569-2013.

The proposed building contains 34 square metres of indoor amenity space which represents a rate of 1.5 square metres per dwelling unit. The indoor amenity space is

located in the northeast corner of Parking Level 1, which is at-grade with Pears Avenue, and is only accessible via an exterior door. While Planning staff appreciate that the proposal has been revised to include a common indoor amenity area, the space should meet the minimum area requirement and have an accessible interior connection to the building.

The proposal does not include any common outdoor amenity space, however, each unit has access to its own exclusive use of one or more balconies. The applicant should explore the possibility of providing a common outdoor amenity space.

### **Family-Sized Units**

New residential developments are encouraged to provide 10% of the total unit count in the form of 3-bedroom or larger units. The applicant is currently proposing 12 units or 55% of the total 22 new residential unit count as 3-bedroom or larger units.

### **Toronto Green Standard**

Council has adopted a four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 2 of the Toronto Green Standard. Tiers 3 and 4 are voluntary, higher levels of performance with financial incentives. Tier 2 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

The applicant is required to meet Tier 2 of the TGS.

### **Section 37**

The Official Plan contains policies pertaining to the provision of community benefits in exchange for increases in height and/or density pursuant to section 37 of the *Planning Act*. City Planning staff recommend that the City Solicitor be directed to request the LPAT, in the event it determines to allow the appeals in whole or in part, to withhold any Order that may approve the development until such time as the City and the applicant have presented draft by-laws to the LPAT in a form acceptable to the Chief Planner and Executive Director, City Planning and the City Solicitor. This includes providing for the appropriate section 37 benefits to be determined and incorporated into any Zoning By-law amendment and a satisfactory Section 37 Agreement has been entered into as between the City and the owner, and registered on title, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor.

### **Conclusion**

The proposal has been reviewed against the policies of the *Planning Act*, the PPS (2014), the Growth Plan (2017), the Toronto Official Plan, SASP 211 and City-approved Guidelines. Staff is of the opinion that the proposal is not consistent with the PPS (2014) and does not conform with the Growth Plan (2017). Further, the proposal is not in keeping with the intent of the Toronto Official Plan and SASP 211, and does not address the planning framework articulated in applicable urban design guidelines.

While the applicant has addressed previous concerns such as parkland dedication and heritage conservation, Planning staff is not in support of the proposal in its current form. The proposed built form represents overdevelopment of the site and there are outstanding issues with respect to building height, massing, transition, and impacts to the adjacent *Neighbourhood*. Additionally, some circulated agencies require revisions to supporting reports and plans to finalize their review of the proposal, particularly related to servicing impacts.

Staff recommend that City Council direct the City Solicitor, and appropriate City staff, to attend and oppose the application in its current form should the application be appealed to the LPAT on the basis of Council's failure to make a decision on the application within the statutory timeframe of the *Planning Act*. It is also recommended that City Council direct City staff to continue to negotiate with the applicant to attempt to resolve the outstanding issues detailed in this report.

## **CONTACT**

Kevin Friedrich, Planner  
Tel. No.: (416) 338-5740  
E-mail: Kevin.Friedrich@toronto.ca

## **SIGNATURE**

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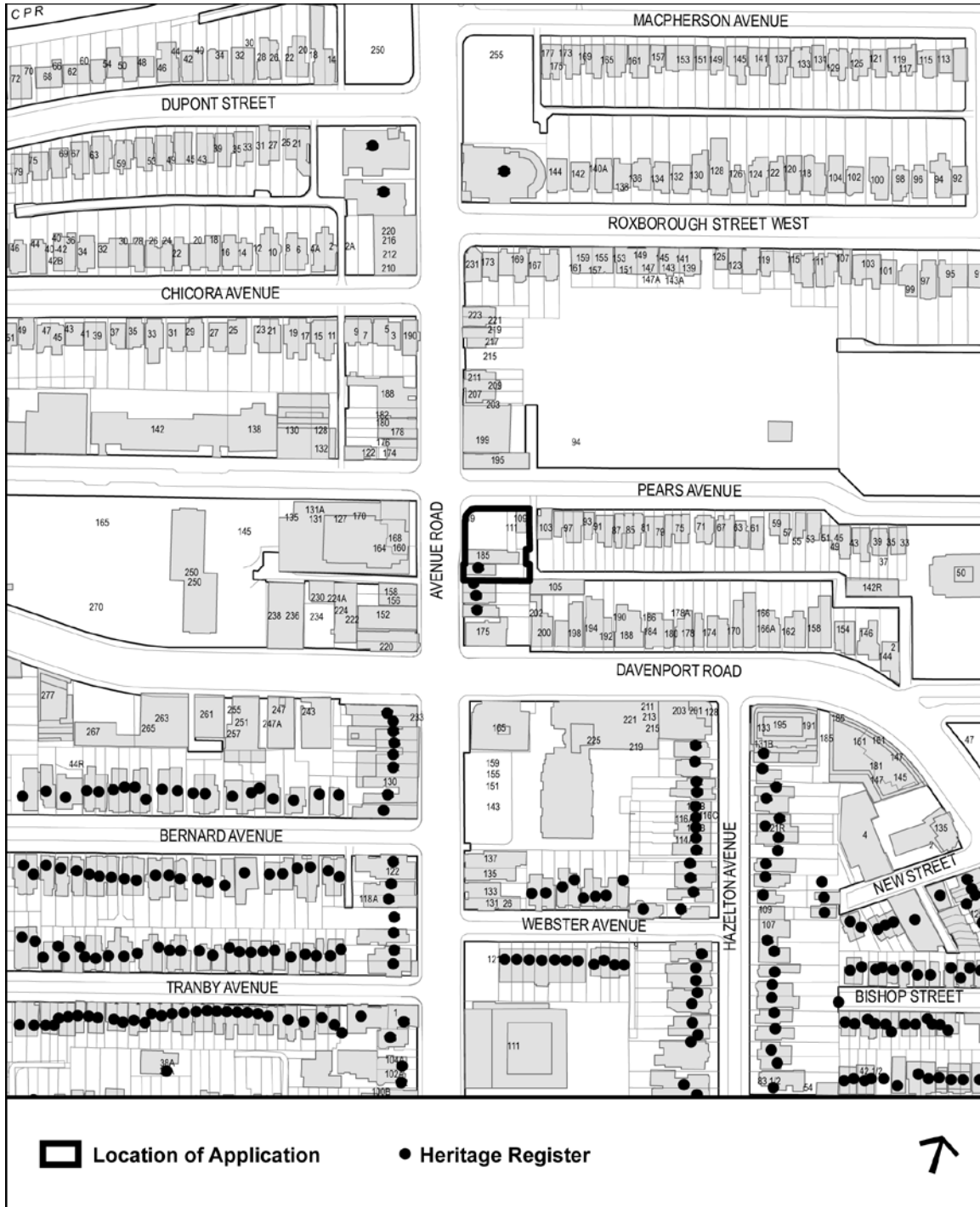
Lynda H. Macdonald  
Acting Director, Community Planning  
Toronto and East York District

(P:\2018\Cluster B\pln\TEYCC\16124351027.doc) - hm

## **ATTACHMENTS**

- Attachment 1: Location Map
- Attachment 2: Application Data Sheet
- Attachment 3: Ground Floor Plan
- Attachment 4: West Elevation
- Attachment 5: East Elevation
- Attachment 6: North Elevation
- Attachment 7: South Elevation
- Attachment 8: Official Plan Land Use Map
- Attachment 9: Existing Zoning By-law Map

# Attachment 1: Location Map



## Attachment 2: Application Data Sheet

**Municipal Address:** 183-189 Avenue Road & 109-111 Pears Avenue  
**Date Received:** December 2, 2016

**Application Number:** 16 259549 STE 27 OZ

**Application Type:** Rezoning

**Project Description:** A 12-storey (45.56-metres including mechanical) mixed-use building with 447 m<sup>2</sup> of at-grade retail and 6,951 m<sup>2</sup> of residential floor resulting in a total density of 6.3 times the area of the lot. The proposal includes 22 dwelling units, and 43 parking spaces within a 3 level underground parking garage. The applicant is proposing a 3 metre wide strip of land along the north edge of the property for a parkland dedication.

<b>Applicant</b>	<b>Architect</b>	<b>Owner</b>
Bousfields Inc.	BBB Architects	Davenport Pears Realty Inc.

### EXISTING PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	SASP 211
Zoning:	CR (c2.0; r2.0) SS2 (x2042)	Heritage Designation:	Y
Height Limit (m):	14	Site Plan Control Area:	Y

### PROJECT INFORMATION

Site Area (sq m): 1,171                      Frontage (m): 36                      Depth (m): 33

<b>Building Data</b>	<b>Existing</b>	<b>Retained</b>	<b>Proposed</b>	<b>Total</b>
Ground Floor Area (sq m):			979	<b>979</b>
Residential GFA (sq m):			6,951	<b>6,951</b>
Non-Residential GFA (sq m):			447	<b>447</b>
<b>Total GFA (sq m):</b>			<b>7,398</b>	<b>7,398</b>
Height - Storeys:			11	<b>11</b>
Height - Metres:			42	<b>42</b>

Lot Coverage Ratio (%): 83.6                      Floor Space Index: 6.32

<b>Floor Area Breakdown</b>	<b>Above Grade</b> (sq m)	<b>Below Grade</b> (sq m)
Residential GFA:	6,951	
Retail GFA:	447	
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

<b>Residential Units by Tenure</b>	<b>Existing</b>	<b>Retained</b>	<b>Proposed</b>	<b>Total</b>
Rental:				
Freehold:				
Condominium:			22	22
Other:				
<b>Total Units:</b>			<b>22</b>	<b>22</b>

**Total Residential Units by Size**

	<b>Rooms</b>	<b>Bachelor</b>	<b>1 Bedroom</b>	<b>2 Bedroom</b>	<b>3+ Bedroom</b>
Retained:					
Proposed:			1	9	12
<b>Total Units:</b>			<b>1</b>	<b>9</b>	<b>12</b>

**Parking and Loading**

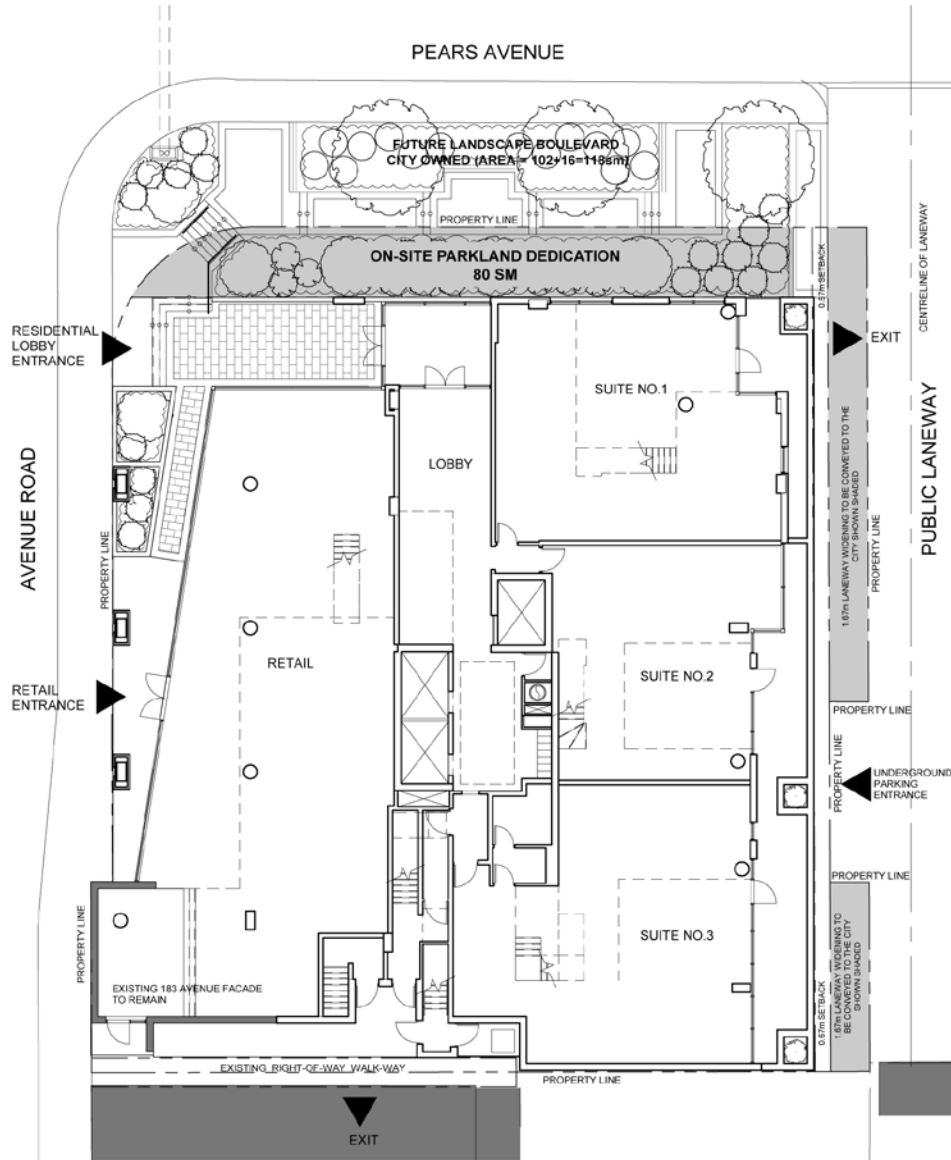
Parking Spaces: 43      Bicycle Parking Spaces: 22      Loading Docks:

**CONTACT:**

Kevin Friedrich, Planner  
(416) 338-5740  
Kevin.Friedrich@toronto.ca



### Attachment 3: Site Plan



### Ground Floor Plan

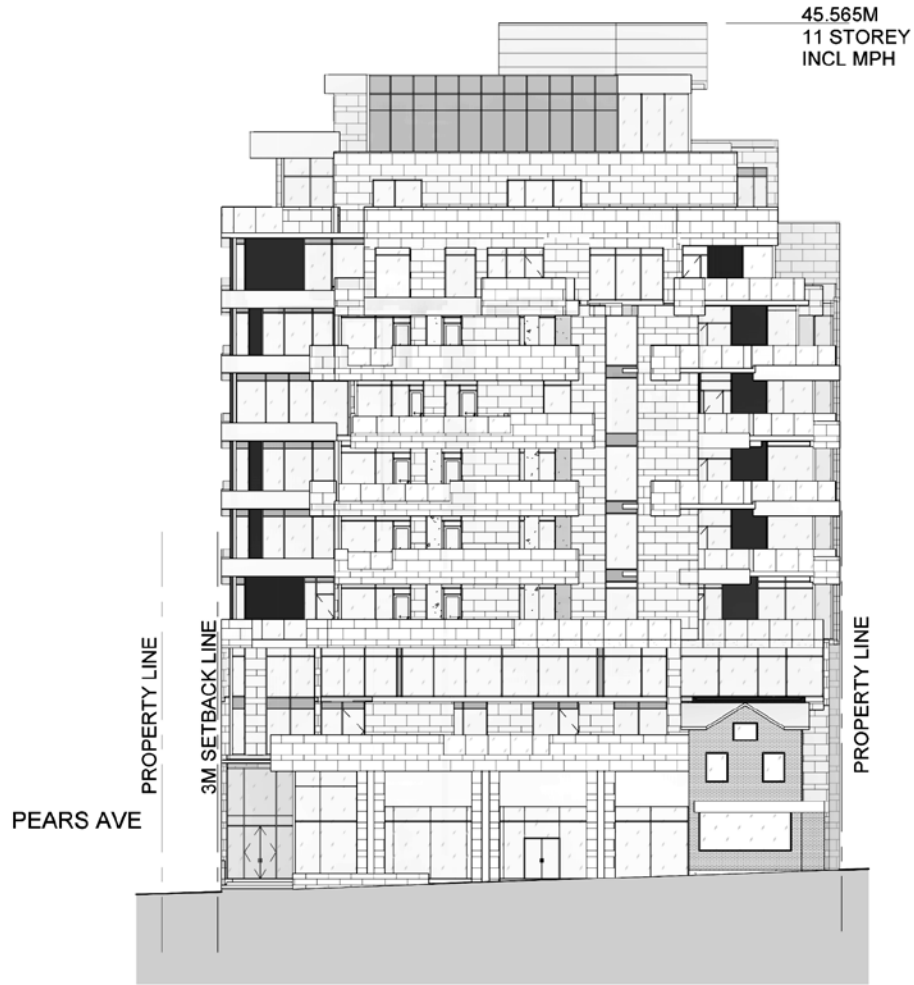
183-189 Avenue Road & 109-111 Pears Avenue

Applicant's Submitted Drawing

Not to Scale 

File # 16 259549 STE 27 0Z

## Attachment 4: West Elevation



**West Elevation**

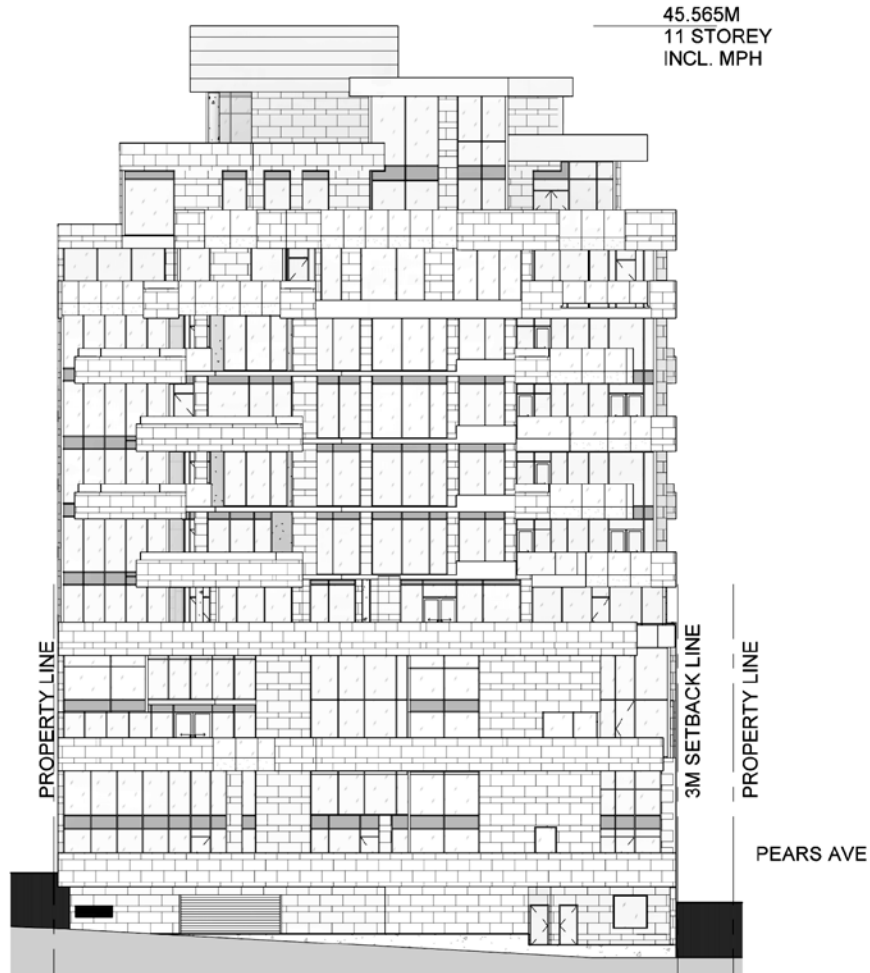
**183-189 Avenue Road & 109-111 Pears Avenue**

Applicant's Submitted Drawing

Not to Scale  
05/31/2018

File # 16 259549 STE 27 OZ

## Attachment 5: East Elevation



**East Elevation**

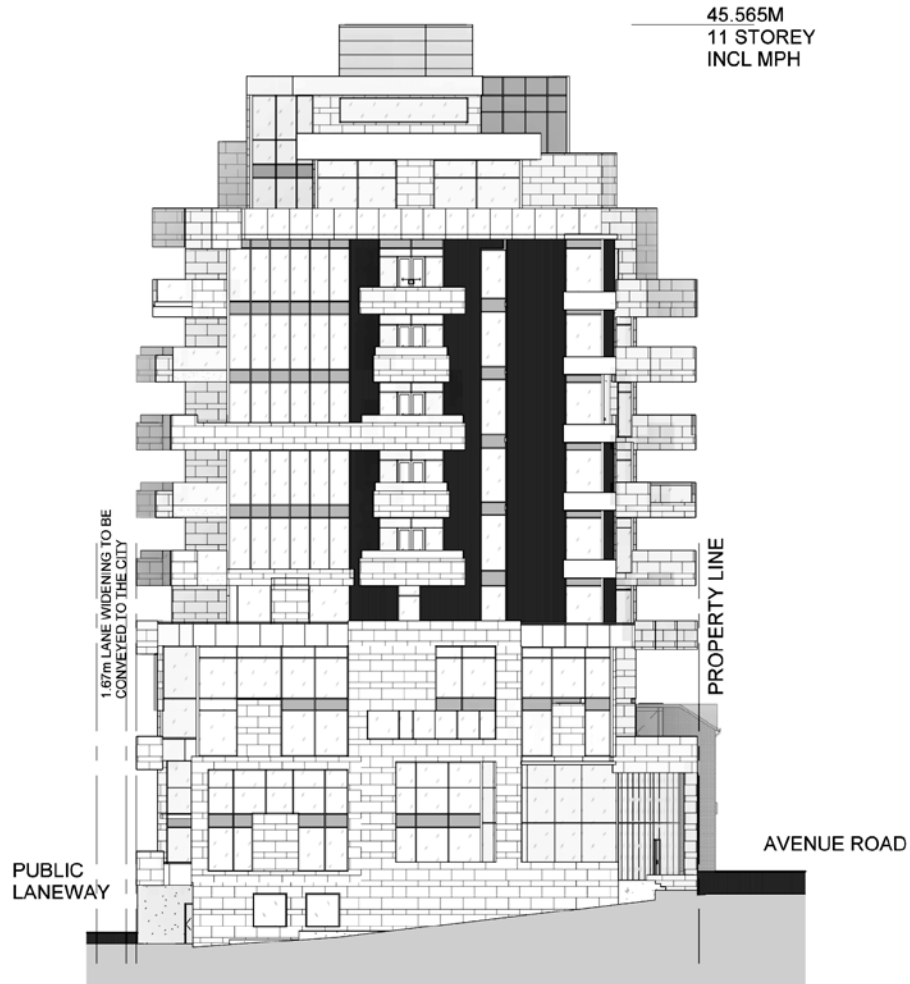
**183-189 Avenue Road & 109-111 Pears Avenue**

Applicant's Submitted Drawing

Not to Scale  
05/31/2018

File # 16 259549 STE 27 0Z

## Attachment 6: North Elevation



### North Elevation

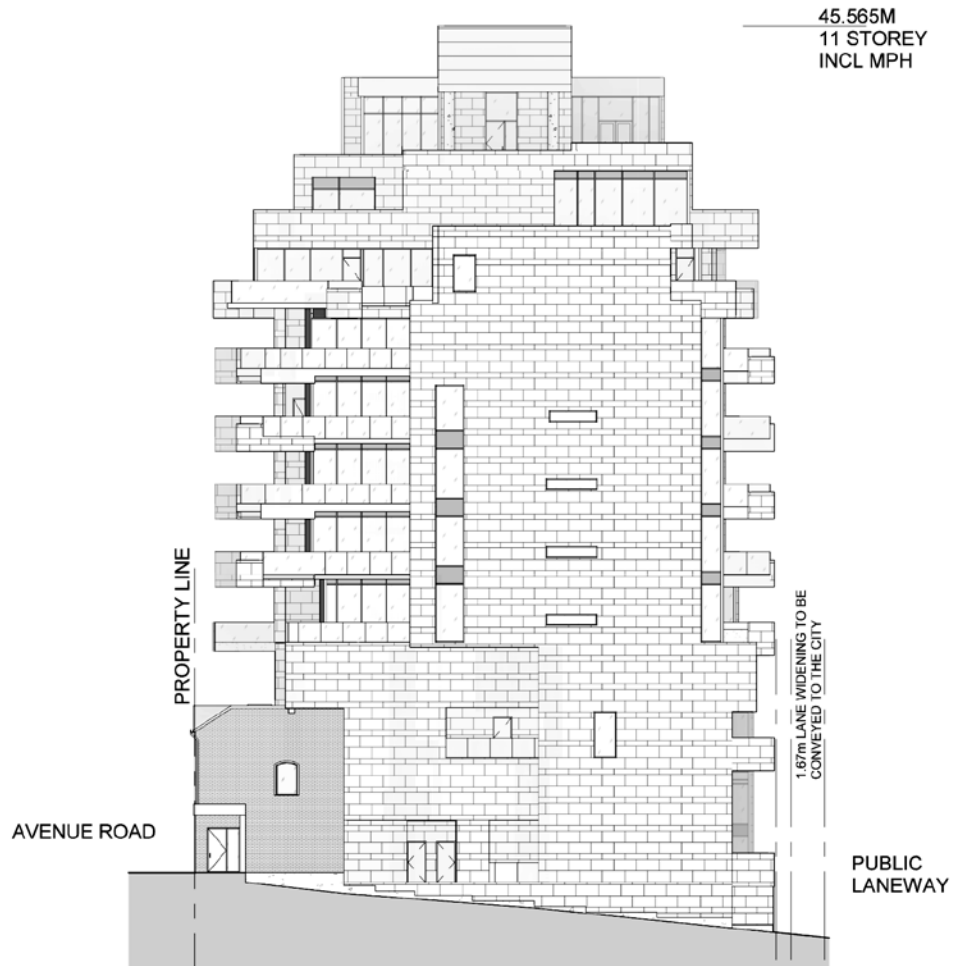
183-189 Avenue Road & 109-111 Pears Avenue

Applicant's Submitted Drawing

Not to Scale  
05/31/2018

File # 16 259549 STE 27 0Z

## Attachment 7: South Elevation



**South Elevation**

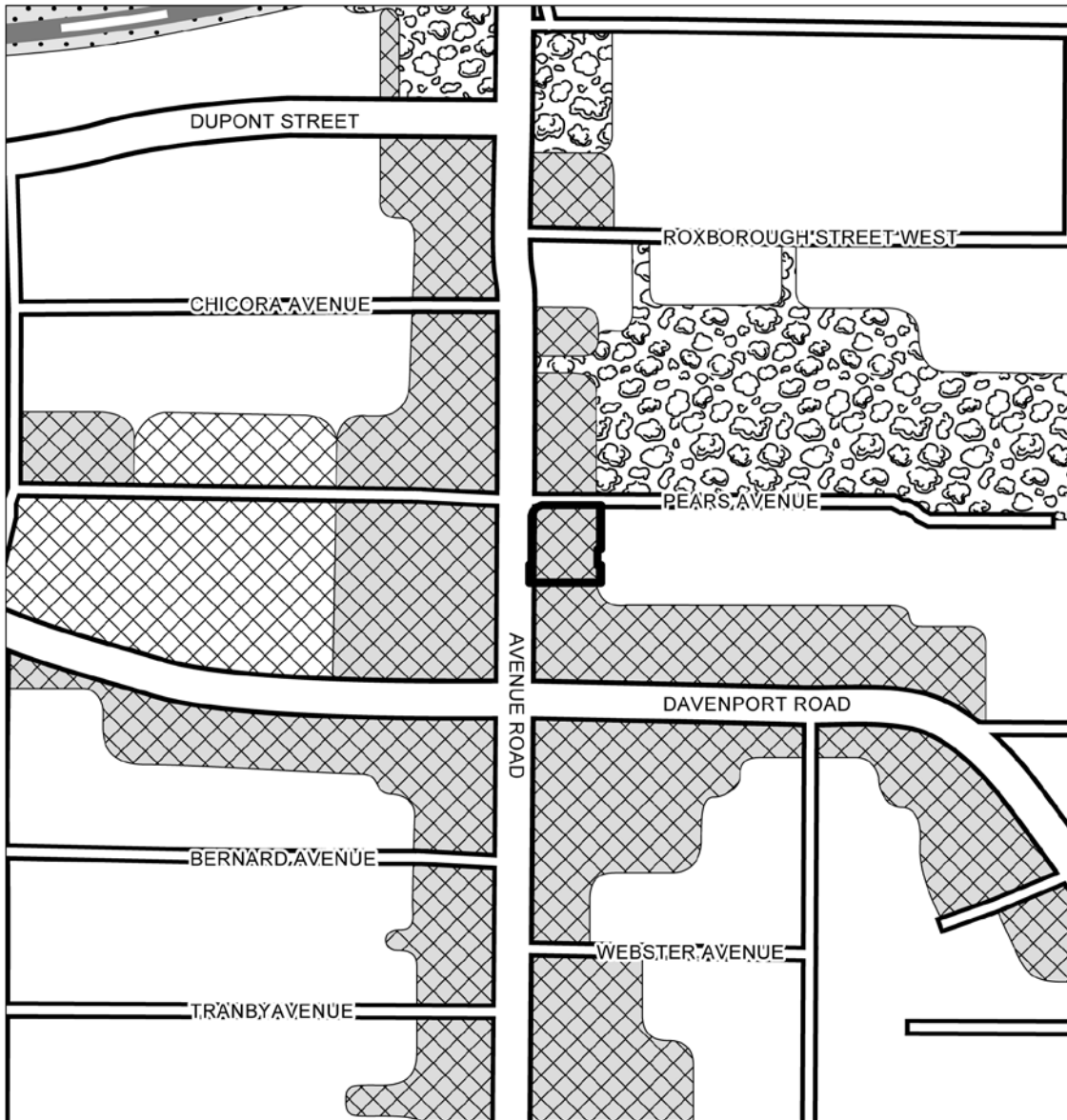
**183-189 Avenue Road & 109-111 Pears Avenue**

Applicant's Submitted Drawing

Not to Scale  
05/31/2018

File # 16 259549 STE 27 OZ

## Attachment 8: Official Plan Map



### Official Plan Land Use Map #18

183-189 Avenue Road & 109-111 Pears Avenue

File # 16 259549 STE 27 0Z

- |  |  |   |
|--|--|---|
|  Location of Application  |  Parks & Open Space Areas |  Utility Corridors |
|  Neighbourhoods           |  Parks                    |   |
|  Apartment Neighbourhoods |  |   |
|  Mixed Use Areas          |  |   |

  
 Not to Scale  
 05/31/2018

