

33-45 Avenue Road and 136-148 Yorkville Avenue – Zoning Amendment Application – Preliminary Report

Date: August 20, 2020

To: Toronto and East York Community Council

From: Director, Community Planning, Toronto and East York District

Ward: 11 - University-Rosedale

Planning Application Number: 20 126634 STE 11 OZ

Notice of Complete Application Issued: July 21, 2020

Designated Heritage Buildings(s) on Site: Yes

Current Uses on Site: The majority of the site is on the Heritage Register and is occupied by a group of 7 semi-detached and row houses dating from 1900 on Avenue Road and a 1960s two-storey infill building which frames an interior courtyard open to the air called 'York Square'. The east side of the site is occupied by a 3-storey commercial building and a pedestrian entrance from Yorkville Avenue to Yorkville Village shopping centre.

SUMMARY

Following a Local Planning Appeal Tribunal (LPAT) decision on June 12, 2018, permitting a 29-storey mixed-use building, which included the conservation and alteration of the existing Victorian house-form buildings at 33 Avenue Road and the creation of a new publicly-accessible courtyard fronting Yorkville Avenue, a new Zoning By-law Application was submitted on March 16, 2020.

The new Zoning By-law Amendment application (File No. 20 126634 STE 11 OZ), which is the subject of this report, adds 136 Yorkville Avenue to the subject site and modifies the height, setbacks, and massing of the previous proposal approved at the LPAT.

This report provides information and identifies a preliminary set of issues regarding the application located at 33-45 Avenue Road and 136-148 Yorkville Avenue. The application proposes to demolish all the existing buildings on the site, including the heritage buildings previously secured to be conserved and altered, and a new 29-storey mixed-use building containing 4,454 square metres of commercial space and 100 residential units. The application must preserve the heritage buildings that were preserved as part of the previous approval.

Staff are currently reviewing the application. It has been circulated to all appropriate agencies and City divisions for comment. Staff will proceed to schedule a community consultation meeting for the application with the Ward Councillor.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff schedule a community consultation meeting for the application located at 33-45 Avenue Road and 136-148 Yorkville Avenue together with the Ward Councillor.
2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the application site, and to additional residents, institutions and owners to be determined in consultation with the Ward Councillor, with any additional mailing costs to be borne by the applicant.

FINANCIAL IMPACT

The City Planning Division confirms that there are no financial implications resulting from the recommendations included in the report in the current budget year or in future years.

DECISION HISTORY

On January 27, 2012 a Zoning By-law Amendment application (File No. 12 113502 STE 27 OZ) was submitted for the site including 33-45 Avenue Road and 140-148 Yorkville Avenue. The application was appealed to the LPAT on October 20, 2015 due to Council's failure to make a decision.

On February 19 and 20, 2014, City Council included the property at 33 Avenue Road (York Square) on the City of Toronto Inventory of Heritage Properties and directed the Acting Director, Urban Design, to submit a report on the reasons for designation under Part IV, Section 29 of the Ontario Heritage Act to the Toronto and East York Community Council through the Toronto Preservation Board.

On July 8, 9, 10, and 11, 2014, City Council stated its intention to designate (By-law 52-5015) the property at 33 Avenue Road (York Square) under Part IV, Section 29 of the Ontario Heritage Act in accordance with the Statement of Significance: 33 Avenue Road (Reasons for Designation) attached as Attachment 3 to the report (January 6, 2014) from the Acting Director, Urban Design, City Planning Division. City Council also, in relation to Zoning By-law Amendment application File No. 12 113502 STE 27 OZ, directed the Chief Planner and Executive Director, City Planning to establish a Working Group Process in consultation with the Ward Councillor to reach a consensus on a preferred development option which respects the heritage attributes and values of the site in accordance with the Statement of Significance contained in the report (January 6, 2014) from the Acting Director, Urban Design and report back on the findings and outcomes to the Toronto and East York Community Council in the first half of 2015.

On November 8 and 9, 2016, City Council authorized the City Solicitor and appropriate staff to continue discussions with the applicant in an attempt to resolve the issues outlined in the report (September 26, 2016) from the Director, Community Planning, Toronto and East York District, and in the event that the outstanding issues are not adequately resolved, City Council directed the City Solicitor, together with City Planning staff and other City staff, to attend the Ontario Municipal Board hearing to oppose the Zoning By-law Amendment (File No. 12 113502 STE 27 OZ) and Site Plan Control (File No. 16 126210 STE 27 SA) applications as proposed.

On June 12, 2018, the Local Planning Appeal Tribunal (LPAT) approved a Zoning By-law Amendment application (File No. 12 113502 STE 27 OZ) to permit a 29-storey (120.8 metres, including 3.8 metre mechanical penthouse) mixed-use building. The LPAT approved proposal, with its conservation strategy, included the rehabilitation of the existing Victorian house-form buildings at 33-41 Avenue Road and creation of a new publicly accessible courtyard fronting Yorkville Avenue, while removing the remainder of the existing buildings and replacing them with the new 29-storey building. The LPAT has withheld its Final Order pending satisfaction of pre-conditions, including the finalization of the implementing zoning by-law.

On February 26, 2019, City Council approved the Alterations to the Designated Heritage Property and Authority to Enter into a Heritage Easement Agreement on the subject site, consistent with the LPAT Decision described above.

ISSUE BACKGROUND

Current Application

On March 16, 2020 the applicant submitted a new Zoning By-law Amendment application (File No. 20 126634 STE 11 OZ) for a proposal on an expanded site that includes 136 Yorkville Avenue, the demolition of all heritage buildings, and altered the height, setbacks, and massing of the previous LPAT approved development.

Application Description

The proposal calls for the demolition of all existing buildings on the site, including the 'York Square' complex, and the construction of a new 29-storey (125.1 metres, including 7.6 metre mechanical penthouse) mixed-use building with a 7-storey base building containing 4,454 square metres of commercial space and 100 residential units (88 two-bedroom units and 12 three-bedroom units). The density of the proposed development is 9.99 times the area of the lot.

A new 143 square metre privately owned publicly-accessible open space (POPS) is proposed along Yorkville Avenue, with a 3.4-metre wide pedestrian connection west to Avenue Road and a 6.0-metre wide pedestrian connection north to the Yorkville Village shopping centre.

The 7-storey base building terraces down to 3 storeys to the south, west, and north and down to 4-storeys to the east. The base building is setback 0.0 metres from the east

and north property lines, 1.5 to 5.4 metres from the west property line, and 1.4 to 12.9 metres from the south property line (see Attachment 3 - Site Plan).

The proposed tower is rotated and not parallel to the street. The tower is setback from its property lines a minimum of 7.05 metres (north), 11.37 metres (west), 10.86 metres (east), and 9.0 metres (south). The tower has a floorplate of 940 square metres. Balconies are proposed to project 3.3-4.0 metres from the corners of the tower.

From curb to building face, the sidewalk on Avenue Road will be widened to 3.4 metres for the southern portion of the site and 7.3 metres for the northern portion of the site. The sidewalk width, from curb to building face, on Yorkville Avenue will be a minimum of 5.5 metres.

The residential lobby is located near the centre of the site and is accessed from the driveway off of Avenue Road and the pedestrian connection linking the POPS to the Yorkville Village shopping centre. The loading area and below-grade garage ramp are accessed from Avenue Road at the north end of the site.

A total of 220 vehicle parking spaces and 126 bicycle parking space are proposed in a 4-level parking garage.

Detailed project information is found on the City's Application Information Centre at: <https://www.toronto.ca/city-government/planning-development/application-information-centre/>

See Attachment 1 of this report, for a three dimensional representation of the project in context.

Provincial Policy Statement and Provincial Plans

Land use planning in the Province of Ontario is a policy led system. Any decision of Council related to this application is required to be consistent with the Provincial Policy Statement (2020) (PPS), and to conform with applicable Provincial Plans which, in the case of the City of Toronto, include: A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) and, where applicable, the Greenbelt Plan (2017). The PPS and all Provincial Plans may be found on the Ministry of Municipal Affairs and Housing website.

The Growth Plan (2019) contains policies pertaining to population and employment densities that should be planned for in major transit station areas (MTSAs) along priority transit corridors or subway lines. MTSAs are generally defined as the area within an approximately 500 to 800 metre radius of a transit station, representing about a 10-minute walk. The Growth Plan requires that, at the time of the next municipal comprehensive review (MCR), the City update its Official Plan to delineate MTSA boundaries and demonstrate how the MTSAs achieve appropriate densities.

Toronto Official Plan Policies and Planning Studies

The City of Toronto Official Plan is a comprehensive policy document that guides development in the City, providing direction for managing the size, location, and built form compatibility of different land uses and the provision of municipal services and facilities. Authority for the Official Plan derives from The Planning Act of Ontario. The PPS recognizes the Official Plan as the most important document for its implementation. Toronto Official Plan policies related to building complete communities, including heritage preservation and environmental stewardship may be applicable to any application. Toronto Official Plan policies may be found here:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

The current application is located on lands shown as *Downtown and Central Waterfront* on Map 2 of the Official Plan and Mixed Use Areas on Map 17.

The Downtown Plan

City Council adopted OPA 406 at its meeting on May 22-24, 2018. OPA 406 included amendments to the Downtown section of the Official Plan and Map 6 of the Official Plan and brought forward a new Secondary Plan for the entire Downtown area.

On August 9, 2018 the City's application under Section 26 of the *Planning Act* was sent to the Minister of Municipal Affairs and Housing for approval. The Ministry issued its decision regarding OPA 406 on June 5, 2019. Since this application was submitted on June 3, 2020, OPA 406, the new Downtown Secondary Plan, applies to this application.

The site is designated Mixed Use Areas 2 - Intermediate. Development in Mixed Use Areas 2 will include building typologies that respond to their site context, including mid-rise and some tall buildings.

Site and Area Specific Policy (SASP) 211 – Bloor Yorkville / North Midtown Area

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

The tallest buildings in the Bloor-Yorkville/North Midtown Area will be located in the Height Peak in the vicinity of the intersection of Yonge and Bloor Streets. Buildings will step down from the Yonge and Bloor Street intersection in descending ridges of height along Yonge Street, Bloor Street and along portions of Avenue Road, Bay and Church Streets called Height Ridges. The subject site is located within the Avenue Road Height Ridge.

The lowest heights in the Bloor-Yorkville/North Midtown Area are in the Neighbourhoods and Areas of Special Identity. The west side of the subject site is located within the

Height Ridge as illustrated on Map 2 in Policy 211. The east side of the development site falls within the Areas of Special Identity within Mixed Use Areas called the Village of Yorkville (Map 1, Policy 211).

Site and Area Specific Policy 225 – Lands North and South of Bloor Street Between Park Road and Avenue Road

Area Specific Policy 225 of the Official Plan encourages pedestrian walkways, at or below grade and new parks in locations illustrated on the map within the Policy. A north-south pedestrian walkway is identified on the map connecting Yorkville Avenue to the Yorkville Village shopping centre through the subject site.

Site and Area Specific Policy 398 – Lands North of the Ontario Legislative Assembly Building

Area Specific Policy 398 of the Official Plan protects the silhouette of the Ontario Legislative Assembly (OLA) Building. The policy states that no structure shall be seen above any part of the silhouette of the OLA Building when viewed from College Street and University Avenue, or that can be seen above its Centre Block from Queen Street at University Avenue.

Official Plan Amendment 352 - Updating Tall Building Setbacks Downtown

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

Zoning By-laws

The subject site spans over two zoning designations under Zoning By-law 438-86, as amended. The majority of the site is zoned CR T3.0 C2.0 R3.0 with a height limit of 30 metres and density limit of 3 times the area of the lot. The eastern edge of the site, fronting onto Yorkville Avenue, is zoned CR T3.0 C2.5 R3.0 with a height limit of 18 metres and a density limit of 3 times the area of the lot. This CR zoning category allows for a broad range of residential and commercial uses.

Zoning By-law 569-2013 does not apply to the majority of the site, however it does apply to 136 Yorkville Avenue which makes up the eastern edge of the site. The property is designated CR 3.0 (c2.5; r3.0) SS1 (x2271) with a height limit of 18 metres and a density limit of 3 times the area of the lot.

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.

The report was tabled at the October 13, 2016 Toronto and East York Community Council and staff were directed to consider the report in preparation of the Secondary Plan for Bloor-Yorkville/North Midtown.

Design Guidelines

The following design guidelines will be used in the evaluation of this application:

- Bloor-Yorkville/North Midtown Urban Design Guidelines
- Downtown Tall Building Design Guidelines
- Growing Up: Planning for Children in New Vertical Communities 2017
- Pet-Friendly Design Guidelines

The City's Design Guidelines may be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/>

Site Plan Control

The application is subject to Site Plan Control. A new Site Plan Control application has not been submitted to date.

COMMENTS

Reasons for the Application

The proposal for a 29-storey (125.1 metres, including the mechanical penthouse) mixed-use building requires amendments to Zoning By-laws 438-86 and 569-2013 to vary performance standards, including: the increase in overall height, density and reduction in building setbacks.

The LPAT approved development for this site is awaiting a Final Order, which is being withheld pending satisfaction of pre-conditions, including finalization of the implementing zoning by-laws. The new proposal is different than the recent LPAT approved proposal for the site including but not limited to the proposed height, tower floorplate, setbacks, and the demolition of all the heritage buildings on site.

ISSUES TO BE RESOLVED

The application has been circulated to City divisions and public agencies for comment. At this stage in the review, the following preliminary issues have been identified:

Provincial Policies and Plans Consistency/Conformity

Staff are evaluating this application against the PPS (2020) and the applicable Provincial Plans to establish the application's consistency with the PPS (2020) and conformity with the Growth Plan (2019).

Official Plan Conformity

Staff will continue to evaluate this planning application to determine its conformity to the Official Plan, SASPs 211 - Bloor-Yorkville/North Midtown Area, *and 225 - Lands North and South of Bloor Street Between Park Road and Avenue Road, and 398 - Lands North of the Ontario Legislative Assembly Building.*

- The proposal in its current form does not conform to the Official Plan as explained below; and,
- Revisions are required to bring the application into conformity with the Official Plan.

Heritage Impact & Conservation

The designated heritage property at 33-41 Avenue Road has cultural heritage value under the three categories of design, associative and contextual value prescribed by the Province of Ontario. It has strong associative value based on its successful and innovative strategy for urban regeneration, which helped revitalize the Yorkville neighbourhood. It is historically associated with two internationally acclaimed architects and displays a high degree of craftsmanship in its architectural design.

The proposed demolition of the heritage property will remove any vestige of the site's cultural heritage value or integrity. Demolition is contrary to the intent of the Growth Plan, Planning Act, PPS, the Official Plan, and the Standards and Guidelines for the Conservation of Historic Places in Canada, all of which require conservation of significant built heritage resources.

The enlarged site provides a greater opportunity for the applicant to implement the approved conservation strategy which was the basis of the LPAT Decision for the previous proposal, and City Council approval. The application must preserve the heritage buildings that were preserved as part of the previous approval.

Built Form, Planned and Built Context

Staff will assess the suitability and appropriateness of the proposed height, massing, and other built form issues based on the recent LPAT approved development scheme, as well as Section 2 (d), (p), (q) and (r) of the Planning Act; the PPS; the Growth Plan; the City's Official Plan policies; SASP 211; SASP 225; SASP 398; OPA 352; the Downtown Plan's policies; and the City's Design Guidelines.

The following preliminary issues have been identified:

- Mass and siting of the proposed building as it relates to the SASP 211 and SASP 398;
- Suitability of proposed massing, including setbacks and step backs, in relation to the area's existing and planned built form and scale;
- Appropriate location, orientation, and floorplate of the tower;
- Appropriate tower setbacks and stepbacks;
- Parkland dedication under Section 42 of the Planning Act is being evaluated;
- Pedestrian connections to adjacent sites;
- Appropriate size and location of on-site open spaces;
- Pedestrian level wind conditions along abutting and nearby street, surrounding properties, and open spaces. A Pedestrian Wind Assessment was submitted and is currently under review by City staff; and,
- Shadow impacts.

Community Services and Facilities

Community Services and Facilities (CS&F) are an essential part of vibrant, strong and complete communities. CS&F are the lands, buildings and structures used for the provision of programs and services provided or subsidized by the City or other public agencies, boards and commissions. They include recreation, libraries, childcare, schools, public health, human services, cultural services and employment services, etc. The timely provision of community services and facilities is as important to the livability of the City's neighbourhoods as "hard" services like sewer, water, roads and transit. The City's Official Plan establishes and recognizes that the provision of and investment in community services and facilities supports healthy, safe, liveable, and accessible communities. Providing for a full range of community services and facilities in areas experiencing major or incremental growth, is a responsibility shared by the City, public agencies and the development community.

Staff will evaluate the impact of the proposed development and local development activity on community services and facilities, including assessment of existing capacity to support the proposed future population.

Section 37 Community Benefits

The Official Plan provides for the use of Section 37 of the Planning Act to pass by-laws for increases in height and/or density not otherwise permitted by the Zoning By-law in

return for the provision by the applicant of community benefits in the form of capital facilities. It is standard to secure community benefits in a Section 37 Agreement which is then registered on title.

Further discussion with the Ward Councillor, City staff, residents, and the applicant will be required to determine the extent and nature of the of the required Section 37 community benefits should the application be approved in some form.

Infrastructure/Servicing Capacity

The applicant has submitted the following studies and reports which are being reviewed by Engineering and Construction Services staff: a Functional Servicing & Stormwater Management Report; Hydrogeological Report; and Transportation Impact Study. Staff will continue to review the application to determine if there is sufficient infrastructure capacity (roads, transit, water, sewage, hydro, community services and facilities, etc.) to accommodate the proposed development.

Toronto Green Standard

Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement. Through the review process, the applicant will be encouraged to achieve Tier 2 or higher.

- The applicant has submitted the required Toronto Green Standards Checklist for High Rise Residential Development.
- The checklist is being reviewed for conformity with Tier 1 requirements and full compliance will be required prior to approval of the requested applications.

Other Matters

Additional issues may be identified through the review of the application, agency comments and the community consultation process.

CONTACT

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SIGNATURE

Lynda H. Macdonald, MCIP, RPP, OALA, FCSLA
Director Community Planning
Toronto and East York District

ATTACHMENTS

City of Toronto Drawings

Attachment 1: 3D Model of Proposal in Context

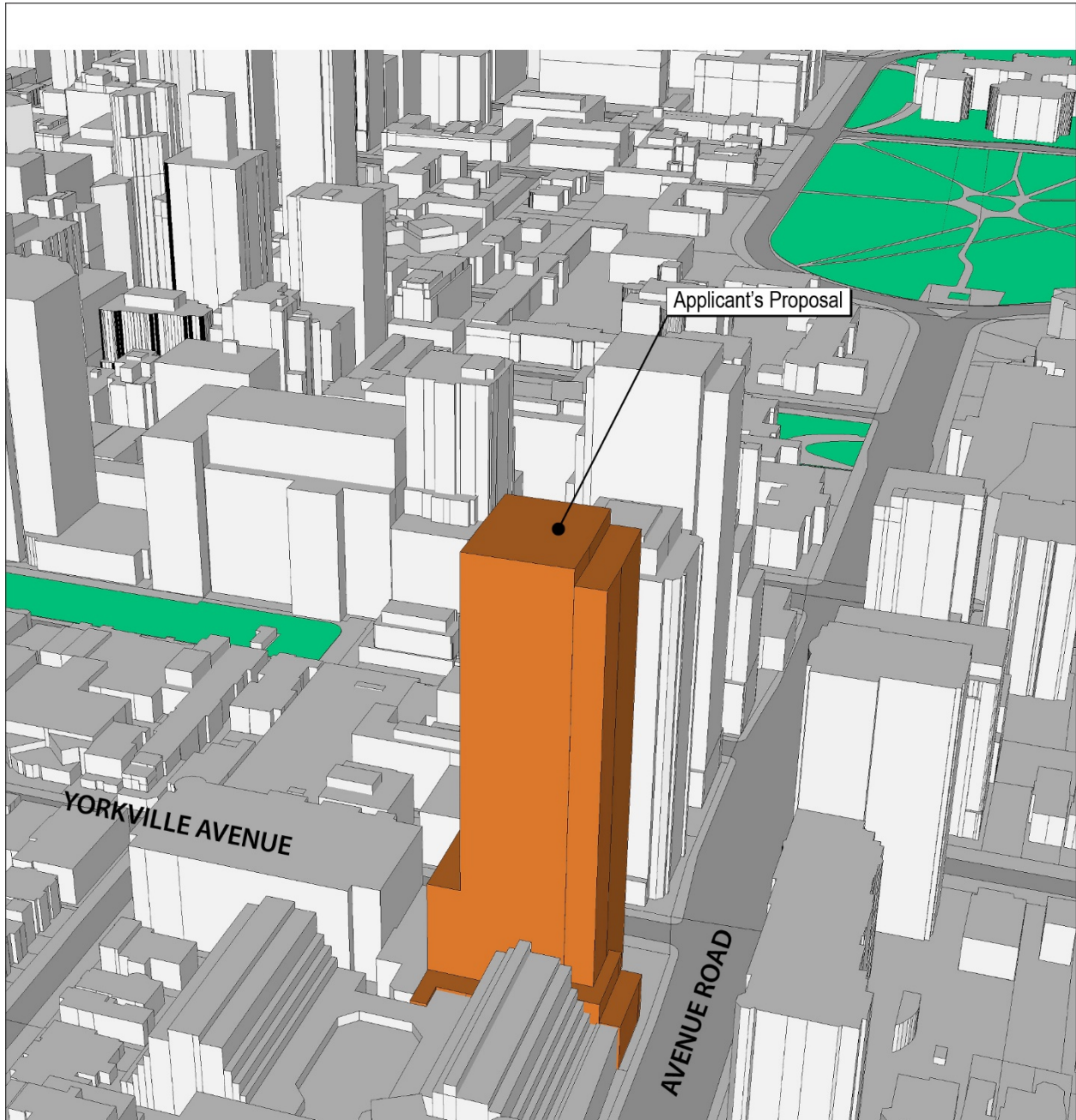
Attachment 2: Location Map

Attachment 3: Site Plan

Attachment 4: Official Plan Map

Attachment 5: Application Data Sheet

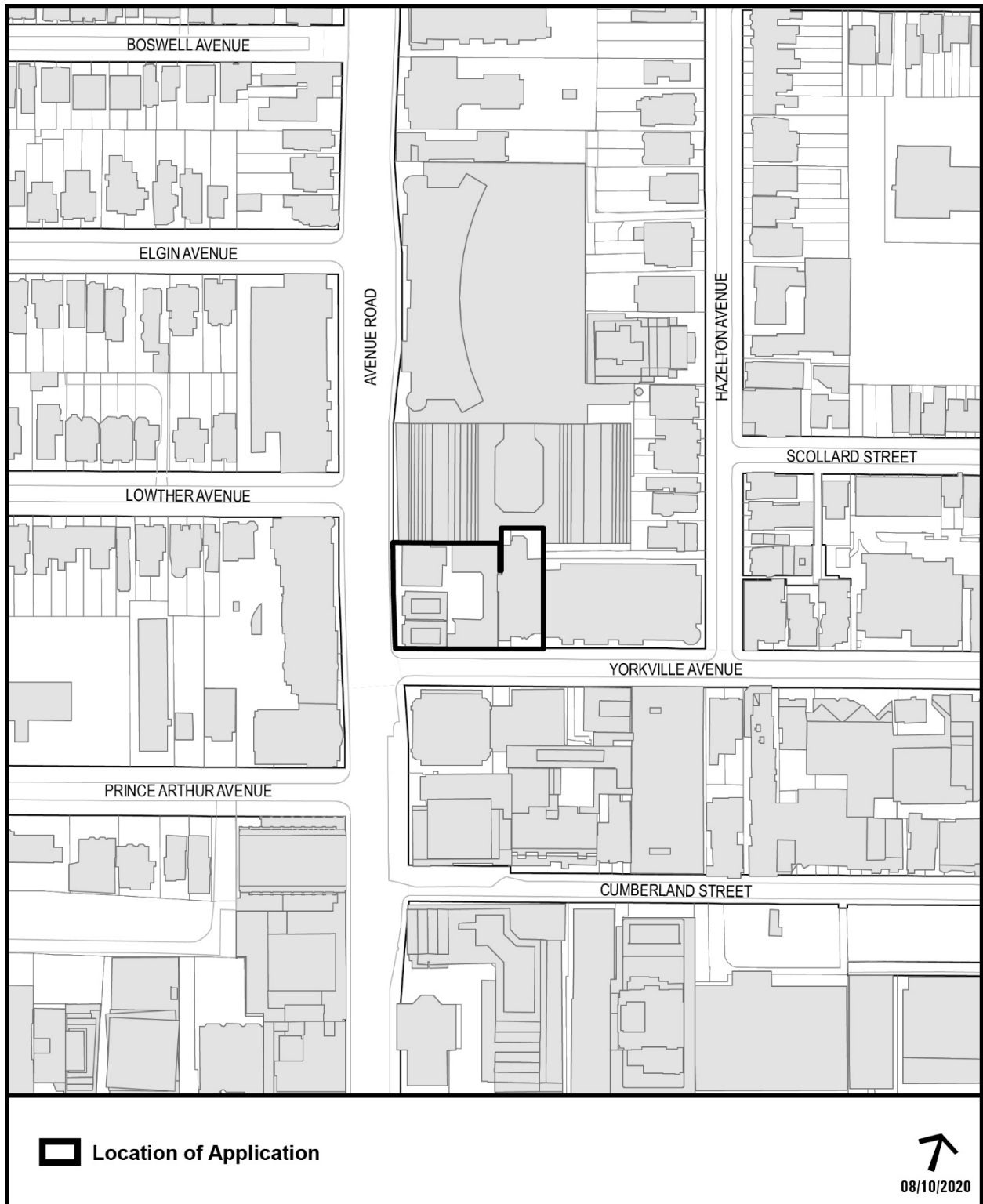
Attachment 1: 3D Model of Proposal in Context



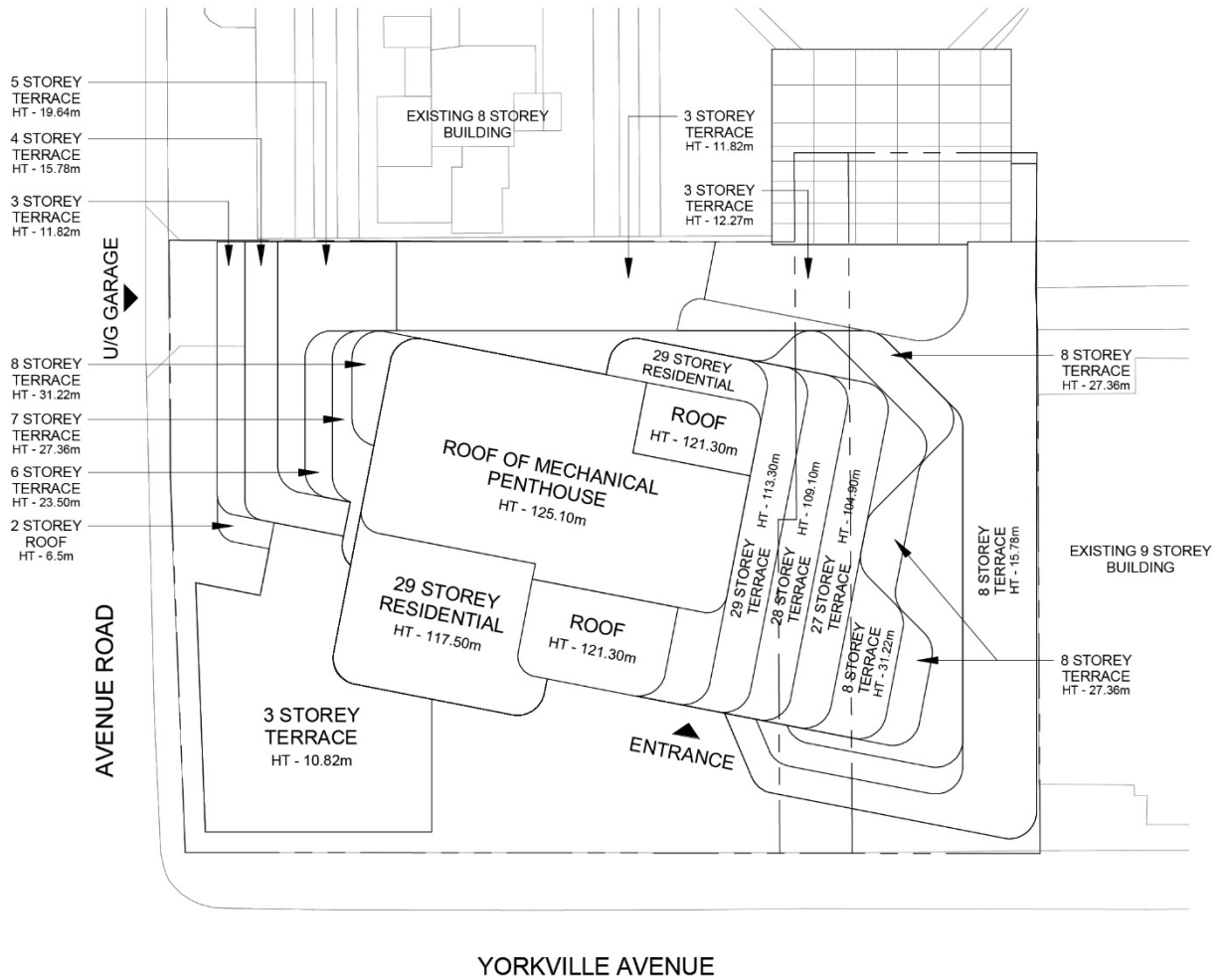
View of Applicant's Proposal Looking Southeast

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08/21/2020

Attachment 2: Location Map



Attachment 3: Site Plan



Site Plan



Attachment 4: Official Plan Map



33-45 Avenue Road & 136-148 Yorkville Avenue

Official Plan Land Use Map #18

File # 20 126634 STE 11 0Z

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


Not to Scale
08/10/2020

Attachment 5: Application Data Sheet

Municipal Address: 33-45 Avenue Road and 136-148 Yorkville Avenue Date Received: March 16, 2020

Application Number: 20 126634 STE 11 OZ

Application Type: Rezoning

Project Description: 29-storey residential mixed-use building

Applicant	Agent	Architect	Owner
Bousfields Inc. 3 Church Street, Suite 200, Toronto ON, M5E 1M2	Bousfields Inc. 3 Church Street, Suite 200, Toronto ON, M5E 1M2	BBB Architects, 14 Duncan Street, 4th Floor, Toronto ON M5H 3G8	140 Yorkville Corporation, 4525 Kingston Road, Suite 2201, Toronto ON, M1E 2P1

EXISTING PLANNING CONTROLS

Official Plan Designation: Mixed Use Areas Site Specific Provision: SASP No. 211, 225 & 398

Zoning: CR T3.0 C2.0 R3.0 Heritage Designation: Y

Height Limit (m): 18 Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq m): 2,935 Frontage (m): 62 Depth (m): 45

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	2,175		2,191	2,191
Residential GFA (sq m):			24,879	24,879
Non-Residential GFA (sq m):			4,454	4,454
Total GFA (sq m):			29,333	29,333
Height - Storeys:	2		29	29
Height - Metres:	12		125.1	125.1

Lot Coverage Ratio (%): 74.65 Floor Space Index: 9.99

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	24,879	
Retail GFA:	4,454	

Office GFA:
 Industrial GFA:
 Institutional/Other GFA:

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			100	100
Other:				
Total Units:			100	100

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:				88	12
Total Units:				88	12

Parking and Loading

Parking Spaces:	220	Bicycle Parking Spaces:	126	Loading Docks:	2
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