

## **33-49 Avenue Road and 136-148 Yorkville Avenue – Zoning Amendment Application – Final Report**

Date: June 4, 2021

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**

### **SUMMARY**

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On June 12, 2018 the Ontario Lands Tribunal (OLT, formerly the LPAT) approved a 29-storey mixed-use building which included the conservation and rehabilitation of the heritage buildings at 33 Avenue Road.

On March 16, 2020, a new Zoning By-law Amendment application was submitted with an expanded site to include 136 Yorkville Avenue, and proposed the demolition of all heritage buildings on the site and alterations to the height, setbacks, and massing of the previous LPAT approved proposal.

On November 25, 2020, City Council approved the request to demolish the designated heritage property at 33 Avenue Road, subject to conditions. Prior to the issuance of a demolition permit the related site specific Zoning By-law Amendment giving rise to the proposed demolition must be enacted by City Council and come into full force and effect.

This report reviews and recommends approval of the application to amend the Zoning By-law to permit a 29-storey (125.1 metres, including 7.6 metres mechanical penthouse) mixed-use building.

### **RECOMMENDATIONS**

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The City Planning Division recommends that:

1. City Council amend City of Toronto Zoning By-law 569-2013 for the lands at 33-49 Avenue Road and 136-148 Yorkville Avenue substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. [5](#) to the June 4, 2021 report from the Director, Community Planning, Toronto and East York District.
2. City Council authorizes the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.

3. Before introducing the necessary Bills to City Council for enactment, the owner be required to enter into an Agreement pursuant to Section 37 of the Planning Act, and any other necessary agreement(s), satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor, with such Agreement to be registered on title to the lands at 33-49 Avenue Road and 136-148 Yorkville Avenue in a manner satisfactory to the City Solicitor to secure the following community benefits at the owner's expense, including:

a) a financial contribution in the amount of \$1,747,550.00 payable to the City prior to issuance of the first above-grade building permit, with such amount indexed upwardly in accordance with Statistics Canada Non-Residential Building Construction Price Index for the Toronto Census Metropolitan Area, reported by Statistics Canada in the Building Construction Price Indexes Table: 18-10-0135-01, or its successor, calculated from the date of the execution of the Section 37 Agreement, or any other necessary agreement, to the date of payment. The funds shall be directed at the discretion of the Chief Planner and Executive Director, City Planning Division in consultation with the Ward Councillor for the following:

i. \$897,550.00 directed towards new and/or capital improvements to affordable housing;

ii. \$850,000.00 directed towards streetscape or local area park improvements, and/or capital improvements for new or existing community facilities.

b) in the event the cash contribution referred to in Recommendation 5 a. above has not been used for the intended purpose within three (3) years of the implementing Zoning By-law Amendment coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the ward Councillor, provided that the purposes are identified in Toronto's Official Plan and will benefit the local community;

c) The following matters of convenience are also recommended to be secured in the Section 37 Agreement:

i. A privately-owned publicly-accessible open space (POPS) of not less than 143 square metres fronting onto Yorkville Avenue;

ii. A 3.5 metre wide publicly-accessible pedestrian walkway on the west side of the POPS connecting to Avenue Road;

iii. A 5.5 metre wide publicly-accessible pedestrian walkway on the east side of the POPS connecting north to the Yorkville Village shopping centre;

iv. The owner shall pay for and construct any improvements to the municipal infrastructure in connection with the site servicing assessment,

should it be determined that upgrades are required to the infrastructure to support this development.

v. Prior to the issuance of a demolition permit for the designated heritage property at 33 Avenue Road:

a. the owner shall provide a comprehensive Interpretation Plan that addresses the significant themes and values contained in the City's designation By-law for the subject property, including but not limited to arranging for a heritage plaque on the subject property within the public view through the Heritage Toronto Plaques and Markers Program that commemorates the lost heritage resource and the commemoration of the 1968 York Square development by Diamond and Myers, to the satisfaction of the Senior Manager, Heritage Planning and thereafter shall implement such Plan to the satisfaction of the Senior Manager, Heritage Planning;

b. the related site specific Zoning By-law Amendment giving rise to the proposed demolition have been enacted by the City Council and have come into full force and effect in a form and with content acceptable to the City Council, as determined by the Chief Planner and Executive Director, City Planning, in consultation with the Senior Manager, Heritage Planning;

c. provide a Letter of Credit, including provision for upwards indexing, in a form and amount and from a bank satisfactory to the Senior Manager, Heritage Planning to secure all work included in the approved Interpretation Plan required in Part 1.a.i. above; and

d. provide full documentation of the designated heritage property including comprehensive photo-documentation and measured drawings keyed to an existing site plan and elevations, to the satisfaction of the Senior Manager, Heritage Planning; and

e. prior to the release of the Letter of Credit required in Part c. above, the owner shall provide a letter of substantial completion prepared and signed by a qualified heritage consultant confirming that the required interpretive work has been completed in accordance with the approved Interpretation Plan to the satisfaction of the Senior Manager, Heritage Planning.

4. Before introducing the necessary Bills to City Council for enactment, require the owner to:

a) Submit the following materials to the City for review and acceptance to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services:

- i. Functional Servicing and Stormwater Management Report;
- ii. Hydrological Report;

- iii. Servicing Report Groundwater Summary Form; and
- iv. Hydrological Review Summary Form.

b) Submit a Tree Planting Plan, including in particular the provision of street trees within the City right-of-way, and a Public Utilities Plan, to the satisfaction of the Supervisor of Urban Forestry, Tree Protection & Plan Review.

## **FINANCIAL IMPACT**

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

## **DECISION HISTORY**

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On February 19 and 20, 2014, City Council included the property at 33 Avenue Road (York Square) on the City of Toronto Heritage Register and directed the Acting Director, Urban Design, City Planning, 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.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.TE29.6>

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.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.TE33.21>

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 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.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.TE3.12>

On November 25, 2020, City Council approved a request to demolish the designated heritage property at 33 Avenue Road, subject to conditions. Prior to the issuance of a demolition permit the related site specific Zoning By-law Amendment giving rise to the proposed demolition must be enacted by City Council and come into full force and effect. <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.TE20.11>

## **SITE AND SURROUNDING AREA**

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The subject site is located on the east side of Avenue Road north of Yorkville Avenue. The rectangular shaped site is approximately 2,935 square metres in area, and has a frontage of 45 metres on Avenue Road and 62 metres on Yorkville Avenue. Currently, the majority of the site is on the Heritage Register and is occupied by a group of 7 semi-detached and row houses on Avenue Road and a 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 three-storey commercial building and a pedestrian entrance from Yorkville Avenue to Yorkville Village shopping centre.

Land uses surrounding the site include:

**East:** of the site is the 9-storey Hazelton Hotel and Residences (118 Yorkville Avenue).

**South:** of Yorkville Avenue, is 21 Avenue Road, a 32-storey mixed-use building with retail uses at grade and residential uses above. South of 21 Avenue Road is a 40-storey mixed-use tower.

**North:** at 55-87 Avenue Road is Yorkville Village, a mixed-use complex with an internal shopping mall on the lower levels and ground floor. Atop the shopping mall are two residential complexes. At the south end is 55A Avenue Road - 18A Hazelton Avenue and at the north end is 77 Avenue Road.

**West:** of Avenue Road, is 38 Avenue Road, a 26-storey residential building known as the Prince Arthur, which steps down to 10 storeys at the north end at Lowther Avenue. North of Lowther Avenue is a 6-storey mixed-use building (4 Lowther Avenue).

## **THE APPLICATION**

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### **Application History**

On January 27, 2012 a Zoning By-law Amendment application for a 38-storey mixed-use building (File No. 12 113502 STE 27 OZ) was submitted for the site at 33-45 Avenue Road and 140-148 Yorkville Avenue. The application was appealed to the LPAT on October 20, 2015 prior to Council making a decision.

On June 12, 2018, the LPAT approved, in principle, the proposal (File No. 12 113502 STE 27 OZ) for a permit a 29-storey (120.8 metres, including 3.8 metre mechanical

penthouse) mixed-use building. The proposal included the rehabilitation of the existing Victorian house-form buildings at 33 Avenue Road and creation of a new publicly accessible courtyard fronting Yorkville Avenue. The LPAT withheld its Final Order pending satisfaction of pre-conditions, including the finalization of the implementing zoning by-law. The conditions have not been fulfilled.

On March 16, 2020, a new Zoning By-law Amendment application (File No. 20 126634 STE 11 OZ) was submitted with an expanded site to include 136 Yorkville Avenue, including demolition of all heritage buildings on the site, and alterations to the height, setbacks, and massing of the previous LPAT approved proposal.

On November 25, 2020, City Council approved the applicants request to demolish the buildings on the designated heritage property at 33 Avenue Road.

## **Proposal**

The proposal is for a 29-storey (125.1 metres, including 7.6 metre mechanical penthouse) mixed-use building containing 3,868 square metres of commercial space including retail and community space and 78 residential units. The proposed density 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 including a water feature and landscaping, with a 3.5-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, east, and north and down to 2-storeys to the west. The base building is setback 0.0 metres from the east and north property lines, 3.2 to 3.6 metres from the west property line, and 0.9 to 12.5 metres from the south property line (see Attachment 6 - Site Plan).

The proposed tower is skewed and the base building is parallel to the street. The tower is setback from its property lines a minimum of 7.0 metres (north), 11.3 metres (west), 10.9 metres (east), and 9.0 metres (south). The tower has a floor plate of 932 square metres. Balconies are proposed to project 3.0-4.0 metres from the corners of the tower.

The sidewalk on Avenue Road will be widened to 5.5 metres for the southern portion of the site and 6.0 metres for the northern portion of the site. The sidewalk width 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 pedestrian connection linking the POPS to the Yorkville Village shopping centre and from the driveway off of Avenue Road. The loading area and below-grade garage ramp are accessed from Avenue Road at the north end of the site.

A total of 187 vehicle parking spaces and 102 bicycle parking space are proposed in a 4-level parking garage accessed from Avenue Road.

See Attachment 1 of this report, for the Location Map.

## **Reasons for Application**

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

## **Site Plan Control**

The application is subject to Site Plan Control. A Site Plan Control application was submitted on April 28, 2012 and is currently under review.

## **Agency Circulation**

The application together with the applicable reports noted above, have been circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate Zoning By-law standards.

## **POLICY CONSIDERATIONS**

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

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 (2020)**

The Provincial Policy Statement (2020) (the "PPS") provides policy direction province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment.

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.

### **Provincial Plans**

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.

### **A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)**

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) came into effect on August 28, 2020. The Growth Plan (2020), establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the Planning Act.

Policies not expressly linked to a MCR can be applied as part of the review process for development applications, in advance of the next MCR.

The Growth Plan (2020), builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan (2020), take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

### **Planning for Major Transit Station Areas**

The Growth Plan (2020) 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 (2020) 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 plan for the prescribed densities.

### **Official Plan**

The site is located on lands shown as *Downtown and Central Waterfront* on Map 2 - Urban Structure of the Official Plan. The City's Official Plan designates the subject site as *Mixed Use Areas*, as shown on Map 17 - Land Use Plan.

The *Mixed Use Areas* designation in the Official Plan provides for a broad range of commercial, residential and institutional uses, in single or mixed-use buildings, as well as parks and open spaces and utilities.

### **The Downtown Plan**

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

### **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. This OPA is under appeal at the OLT (Formerly the LPAT). All remaining appeals, however have been geographically scoped, and



include the subject property. Moreover, in March 2021, the OLT (formerly the LPAT) heard and verbally allowed a motion for modification and partial approval of OPA 352. The policies of OPA 352, as modified, are applicable in the review of this application. 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.

### **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.

## **Zoning**

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.

## **Tall Building Design Guidelines**

City Council has adopted city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of tall building development applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure they fit within their context and minimize their local impacts.

This site is located within an area that is also subject to the Downtown Tall Buildings: Vision and Supplementary Design Guidelines.

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

The Bloor-Yorkville/North Midtown Urban Design Guidelines were approved by City Council in July 2004 and are intended to give guidance to improve the physical quality of the area and ensure that its special character is respected in terms of new development.

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

## **Growing Up Urban Design Guidelines**

On July 28, 2020, City Council adopted the updated Growing Up: Planning for Children in New Vertical Communities Urban Design Guidelines ("Growing Up Guidelines"). The update was based on the continued review and assessment from the draft guidelines adopted by Council in July 2017. The objective of the Growing Up Guidelines is that developments deliver tangible outcomes to increase liveability for larger households, including families with children at the neighbourhood, building and unit scale.

## **COMMUNITY CONSULTATION**

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A virtual community meeting was held on October 26, 2020 and attended by approximately 45 members of the public. At the meeting City staff and the applicant's

team gave presentations on the site and surrounding area, the planning framework, and the original proposal. Comments raised at the meeting included:

- The local residents associations provided strong support for the revised proposal, including the demolition of the heritage buildings and the improved public realm;
- The revised proposal is an improvement over the original LPAT approved design;
- Some residents raised concerns about the demolition of the heritage buildings;
- Wind impacts on the public realm;
- Increased traffic;
- Gas metres should not be located in the public realm;
- Noise and traffic concerns related to construction.

Local stakeholders have met with and written to Planning staff endorsing the proposal including the tower design, and are seeking to secure the revised proposal in a timely manner.

In response to the issues raised through community and City staff feedback, the above issues have been considered through the review of the application and responses are addressed in the comments section below

### **Statutory Public Meeting Comments**

In making their decision with regard to this application, Council members have been given had an opportunity to view the oral submissions made at the statutory public meeting held by the Toronto and East York Community Council *for this application*, as *these* submissions are broadcast live over the internet and recorded for review.

## **COMMENTS**

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The subject application alters the proposal which was approved in principle by the LPAT. Following the LPAT decision, a new application was made, given the new site size, the modified shape and design of the tower, the proposed demolition of the heritage buildings; and a reconfigured open space and pedestrian linkages. During the review of this Zoning By-law Amendment application City Council approved the demolition of the heritage buildings on the site, subject to conditions. As explained below, City Planning staff are recommending approval of an amendment to the Zoning By-law for the site to permit the proposed development.

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

The proposal has been reviewed and evaluated against the PPS (2020) and the Growth Plan (2020). Staff have determined that the proposal is consistent with the PPS (2020) and conforms with the Growth Plan (2020).

### **Heritage**

The property at 33-41 Avenue Road is a designated heritage property with cultural heritage value under the three categories of design, associative, and contextual value prescribed by the Province of Ontario.

On November 25, 2020, City Council approved the applicants request to demolish the designated heritage property, subject to conditions. The owner must provide a comprehensive interpretation plan that addresses the significant themes and values contained in the City's designation By-law for the subject property.

Prior to the issuance of a demolition permit, the site specific Zoning By-law Amendment giving rise to the proposed demolition shall be enacted by City Council and come into full force and effect.

### **Unit Mix**

The Growing Up Guidelines indicate that a building should provide a minimum of 25% large units of which 10% should be 3-bedroom units, and 15% should be 2-bedroom units. The proposed development exceeds these requirements with the provision of 78 residential dwelling units, of which 66 are two-bedroom units (84.6%) and 12 are three-bedroom units (15.4%). Planning staff are satisfied the proposed unit mix meets the intent of the Growing Up Guidelines.

### **Height and Massing**

The height and massing of the proposed building are similar to the LPAT-approved building and meet the policies of the Official Plan. The proposed 29-storey building alters the LPAT-approved design, including changes to the height, setbacks, and massing.

### **Sun, Shadow, and Wind**

The shadow impacts of the proposed building are substantially similar to those from the LPAT-approved massing. The shadow impact resulting from the proposal is acceptable.

The Pedestrian Level Wind Study was submitted in support of the application. The report concluded that the wind conditions around the proposed development, including at entrances and on walkways, amenity spaces, surrounding sidewalks, and the POPS would be suitable for the intended usage year-round.

### **Traffic Impact**

A total of 187 vehicle parking spaces and 102 bicycle parking spaces are proposed in a 4-level parking garage accessed from Avenue Road.

The applicant submitted a Transportation Impact Study and an addendum, dated March 2020 and April 23, 2021, prepared by BA Group. Given the level of estimated trip generation, the consultant concludes that the proposal can be appropriately accommodated on the area road network. Based on a review of the documentation provided by the consultant, and taking into account the nature of the applications for this project, Transportation Services accept the above-noted conclusion.

## **Public Realm**

A new 143 square metre POPS is being proposed fronting onto Yorkville Avenue. Staff consider the proposed POPS to be a positive element of the proposal. Staff recommend that the POPS be secured in the Section 37 Agreement and its final design be secured through the Site Plan Control review process.

The new POPS will be connected to Avenue Road by a 3.5 metre wide walkway that is located at the northwest corner of the POPS. On the east side of the POPS a 6.0-metre walkway will lead north to the Yorkville Village shopping centre.

The sidewalk on Avenue Road will be widened to 5.5 metres for the southern portion of the site and 6.0 metres for the northern portion of the site. The sidewalk width on Yorkville Avenue will be a minimum of 5.5 metres. The proposed sidewalks are wide enough to accommodate pedestrian activity and street trees.

Planning staff are satisfied with the proposed interface with the pedestrian realm, including the POPS, pedestrian walkways, and widened sidewalks. Final landscaping details and streetscape treatments will be coordinated with other development applications and secured through Site Plan Control.

## **Servicing**

The applicant has submitted a Functional Servicing Report, prepared by Odan Detech Consulting Engineers, dated February 28, 2020 and revised on April 22, 2021, and a Hydrogeological Investigation, prepared by Grounded Engineering, dated February 27, 2020 and revised March 1, 2021, all in support of the proposal. Engineering and Construction Services and Toronto Water are reviewing the revised materials. Prior to the enactment of Bills, revised materials are required to address comments stated in the memorandum from Engineering and Construction Services dated January 28, 2021.

The provision of any improvements to the municipal infrastructure in connection with the site servicing assessment, should it be determined that upgrades are required to the infrastructure to support this development, will be at the cost of the applicant. Detailed functional servicing and stormwater management plans, and agreements, as necessary, will be entered into as part of the Site Plan Control application.

## **Parkland**

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded.

In accordance with Chapter 415, Article III of the Toronto Municipal Code, the applicant is required to satisfy the parkland dedication requirement through the payment of cash-in-lieu of parkland. The non-residential component of this proposal is subject to a 2% parkland dedication while the residential component is subject to a cap of 10% parkland dedication.

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

## 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. The community benefits package described below has incorporated the financial contribution identified in the LPAT decision, namely the \$500,000 indexed from the date of the decision.

The following community benefits are recommended to be secured in the Section 37 Agreement:

- \$897,550 for new and/or capital improvements to Affordable Housing;
- \$850,000 for streetscape or local area park improvements, and/or capital improvements for new or existing community facilities.

The following matters of convenience are also recommended to be secured in the Section 37 Agreement:

- A privately-owned publicly-accessible open space (POPS) of not less than 143 square metres fronting onto Yorkville Avenue;
- A 3.5 metre wide publicly-accessible pedestrian walkway on the west side of the POPS connecting to Avenue Road
- A 5.5 metre wide publicly-accessible pedestrian walkway on the east side of the POPS connecting north to the Yorkville Village shopping centre.
- Prior to the issuance of a demolition permit for the designated heritage property at 33 Avenue Road:
  - the owner shall provide a comprehensive Interpretation Plan that addresses the significant themes and values contained in the City's designation By-law for the subject property, including but not limited to arranging for a heritage plaque on the subject property within the public view through the Heritage Toronto Plaques and Markers Program that commemorates the lost heritage resource and the commemoration of the 1968 York Square development by Diamond and Myers, to the satisfaction of the Senior Manager, Heritage Planning and thereafter shall implement such Plan to the satisfaction of the Senior Manager, Heritage Planning;
  - the related site specific Zoning By-law Amendment giving rise to the proposed demolition have been enacted by the City Council and have come into full force and effect in a form and with content acceptable to the City Council, as determined by the Chief Planner and Executive Director, City Planning, in consultation with the Senior Manager, Heritage Planning;
  - provide a Letter of Credit, including provision for upwards indexing, in a form and amount and from a bank satisfactory to the Senior Manager, Heritage Planning to secure all work included in the approved Interpretation Plan required in Part 1.a.i. above; and

- provide full documentation of the designated heritage property including comprehensive photo-documentation and measured drawings keyed to an existing site plan and elevations, to the satisfaction of the Senior Manager, Heritage Planning; and
- prior to the release of the Letter of Credit required above, the owner shall provide a letter of substantial completion prepared and signed by a qualified heritage consultant confirming that the required interpretive work has been completed in accordance with the approved Interpretation Plan to the satisfaction of the Senior Manager, Heritage Planning.

## **Conclusion**

On June 12, 2018 the Ontario Lands Tribunal (OLT, formerly the LPAT) approved a 29-storey mixed-use building which included the conservation and rehabilitation of the heritage buildings at 33 Avenue Road.

On March 16, 2020, a new Zoning By-law Amendment application was submitted with an expanded site to include 136 Yorkville Avenue, and proposed the demolition of all heritage buildings on the site.

On November 25, 2020, City Council approved the request to demolish the designated heritage property at 33 Avenue Road, subject to conditions. Prior to the issuance of a demolition permit the related site specific Zoning By-law Amendment giving rise to the proposed demolition must be enacted by City Council and come into full force and effect.

The application is consistent with the PPS and conforms with the Growth Plan and Official Plan. City Planning recommends that Council approve the draft Zoning By-law Amendment subject to conditions.

## **CONTACT**

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## **SIGNATURE**

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

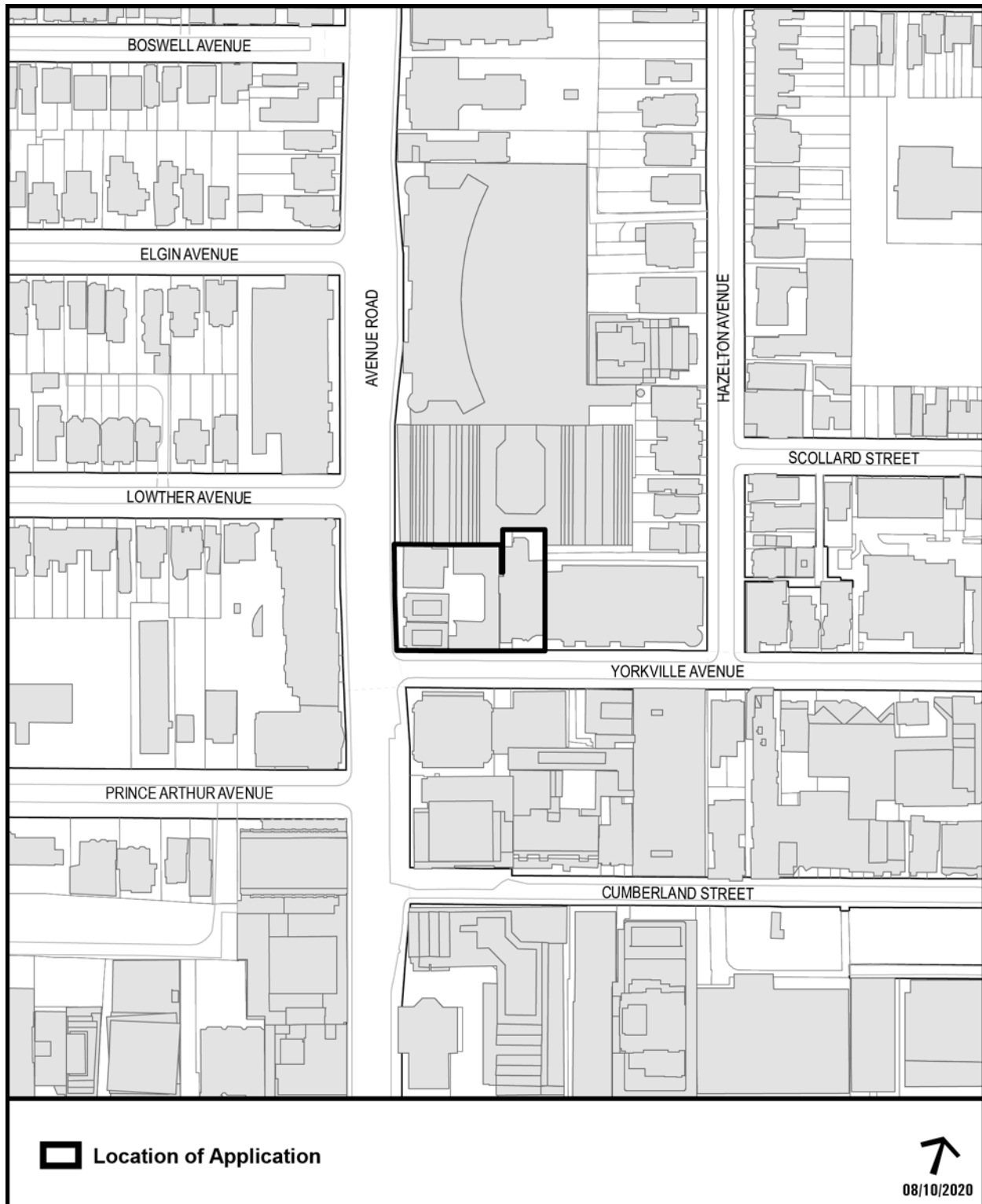
## **ATTACHMENTS**

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Attachment 1: Location Map  
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Attachment 4: Existing Zoning By-law Map  
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## Attachment 1: Location Map



## Attachment 2: Application Data Sheet

Municipal Address: 33-49 Avenue Rd. and 136-148 Yorkville Ave Date Received: March 16, 2020

Application Number: 20 126634 STE 11 OZ

Application Type: Rezoning

Project Description: a 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		2,099	2,099
Residential GFA (sq m):			25,254	25,254
Non-Residential GFA (sq m):			3,868	3,868
Total GFA (sq m):			29,122	29,122
Height - Storeys:	2		29	29
Height - Metres:	12		125	125

Lot Coverage Ratio (%): 71.52 Floor Space Index: 9.92

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	25,254	
Retail GFA:	3,868	

Office GFA:

Industrial GFA:

Institutional/Other GFA:

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			78	78
Other:				
Total Units:			78	78

#### Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:				66	12
Total Units:				66	12

#### Parking and Loading

Parking Spaces:	187	Bicycle Parking Spaces:	79	Loading Docks:	2
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#### CONTACT:

David Driedger, Senior Planner

416-392-7613

David.Driedger@toronto.ca

### Attachment 3: Official Plan Land Use Map



33-45 Avenue Road & 136-148 Yorkville Avenue

Official Plan Land Use Map #18

File # 20 126634 STE 11 02



↑  
Not to Scale  
08/10/2020

[illegible]

## Attachment 5: Draft Zoning By-law Amendment

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

### CITY OF TORONTO BY-LAW NO. XXXX-2021

To amend Zoning By-law No. 569-2013 with respect to the lands known municipally known in the year 2021 as 33-45 Avenue Road and 136-148 Yorkville Avenue.

Whereas authority is given to the Council of a municipality by Section 34 of the Planning Act, R.S.O. 1990, c. P. 13, as amended, to pass Zoning By-laws; and  
Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and density of development; and

Whereas pursuant to Section 37 of the Planning Act, a by-law under Section 34 of the Planning Act, may authorize increases in the height and density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law; and

Whereas subsection 37(3) of the Planning Act provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters; and

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 569-2013 as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

The Council of the City of Toronto enacts:

The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.

The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.

Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10, respecting the lands outlined by heavy black lines, municipally known in the year 2021 as 33-45 Avenue Road and 136-148

Yorkville Avenue, as outlined in heavy black line to CR 3.0 (c2.5; r3.0) SS1 (XXX), as shown on Diagram 2 attached to this By-law.

Zoning By-law 569-2013, as amended, is further amended by adding the lands municipally known in the year 2021 as 33-45 Avenue Road and 136-148 Yorkville Avenue to the Policy Area Overlay Map in Section 995.10.1 and applying the following Policy Area Overlay label to these lands: PA1, as shown on Diagram 3 attached to this By-law.

Zoning By-law 569-2013, as amended, is further amended by adding the lands municipally known in the year 2021 as 33-45 Avenue Road and 136-148 Yorkville Avenue to the Height Overlay Map in Section 995.20.1 and applying the height label: HT 25.0 as shown on Diagram 4 attached to this By-law.

Zoning By-law 569-2013, as amended, is further amended by adding the lands municipally known in the year 2021 as 33-45 Avenue Road and 136-148 Yorkville Avenue to the Rooming House Overlay Map in Section 995.40.1 and applying the following Rooming House label to these lands: B3, as shown on Diagram 5 attached to this By-law.

Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number XXX so that it reads:

Exception CR XXX

The lands, or a portion thereof as noted below, are subject to the following Site-Specific Provisions, Prevailing By-laws and Prevailing Sections.

#### Site Specific Provisions:

On 33-45 Avenue Road and 136-148 Yorkville Avenue, if the requirements of Section 10 and Schedule A of By-law [Clerks to supply by-law ##] are complied with, a mixed use building, structure, addition or enlargement may be constructed if it complies with (B) to (DD) below:

The lot consists of those lands shown on Diagram 1 attached to By-law [Clerks to insert by-law ##]

Despite Clause 40.10.20.100, an eating establishments, take-out eating establishments, outdoor patio, recreation uses, hotel and retail services uses are permitted on the lot and are not subject to the specific use conditions;

In addition to the uses permitted in Clause 40.10.20.10 and 40.10.20.20, a car-share parking space is a permitted use on the lot;

Despite Regulation 40.10.40.40(1), the total residential and non-residential gross floor area of all buildings and structures on the lot must not exceed 29,500 square metres, provided:

the residential gross floor area must not exceed 25,600 square metres; and

the non-residential gross floor area must not exceed 4,000 square metres;

A maximum of 2,000 square metres of non-residential gross floor area permitted by (E)(ii) above may be used for a hotel;

Despite Regulation 40.5.40.10(1) and (2), the height of a building or structure is measured as the vertical distance between the Canadian Geodetic Datum elevation of 116.0 metres and the highest point of the building or structure;

Despite Regulation 40.10.40.10(1), no portion of a building or structure erected on the lands may exceed the height in metres specified by the numbers following “HT” on Diagram 6 of By-law [Clerks to supply by-law ##];

Despite Regulation 40.5.40.10(3) to (7) and (G) above, the following elements of a building or structure may project above the maximum building heights shown on Diagram 6 of By-law [Clerks to supply by-law ##]:

wind screens, elevator overruns, building maintenance units, awnings, fences, guard rails, railings and dividers, pergolas, trellises, balustrades, eaves, screens, stairs, stair enclosures, roof drainage, window sills, window washing equipment, chimneys, vents, terraces, lightning rods, light fixtures, architectural features, landscaping, and elements of a green roof, which may project up to a maximum of 5.0 metres above the height limits shown on Diagram 6;

parapets which may project up to a maximum of 0.9 metres above the height limit shown on Diagram 6, but may not exceed a Canadian Geodetic Datum elevation of 242.0 metres;

canopies having a maximum vertical height of 17.0 metres above the height within any area not having a height limit shown on Diagram 6;

Despite Regulation 40.10.40.10(5), the height of the first storey must be at least 4.34 metres;

Despite Regulations Clause 5.10.40.70, and Regulations 40.10.40.70(1) and 40.10.40.80(1), the required minimum building setbacks and above ground separation distance between main walls are shown on Diagrams 6 of By-law [Clerks to supply by-law ##];

Despite (J) above, the minimum building setbacks and separation distances between main walls of a building or structure at the ground floor, up to a Canadian Geodetic Datum elevation 122.0 metres, are shown on Diagram 7 of By-law [Clerks to supply by-law ##];

In addition to the encroachments permitted by Clause 40.10.40.60 and despite Clause (J) and (K) above, the following elements of a building or structure are permitted to encroach into the required minimum building setbacks shown on Diagram 6 and 7 of By-law [Clerks to supply by-law ##];

cornices, light fixtures, ornamental elements, parapets, art and landscape features, architectural features, patios, decks, pillars, trellises, eaves, window sills, planters, ventilation shafts, guardrails, balustrades, railings, stairs, stair enclosures, doors, wheelchair ramps, fences, screens, site servicing features, and underground garage ramps and associated structures, which may extend a maximum of 2.5 metres into the required building setbacks shown on Diagram 6 and 7;



awnings and canopies, which may extend a maximum of 11 metres into the required building setbacks shown on Diagram 6 and 7;

balconies, which may extend a maximum of 3.0 metres into the required building setbacks shown on Diagram 6;

Despite Regulation 40.5.40.60(1), an awning, canopy or similar structure may be located more than 5.0 metres above the elevation of the ground directly below it;

Article 600.10.10 with respect to building setbacks does not apply;

Regulation 40.10.40.1(1), with respect to the location of residential use portion in a mixed-use building, does not apply.

Regulation 40.10.40.50(2) with respect to amenity space for buildings with non-residential uses in SS1 Areas does not apply;

Despite Regulation 40.10.90.40(1), access to a loading space may be from a major street;

Despite Regulation 40.10.100.10(1), vehicle access may be from a major street;

Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, parking spaces must be provided and maintained on the lot in accordance with the following requirements:

a maximum rate of 2.3 parking spaces for each one-bedroom dwelling unit;

a maximum rate of 2.3 parking spaces for each two-bedroom dwelling unit;

a maximum rate of 2.3 parking spaces for each three-bedroom dwelling unit;

no parking spaces are required for non-residential uses;

4 dedicated parking spaces for the purposes of valet parking, courier and delivery services;

For each car-share parking space provided on the lands, the minimum number of parking spaces for residents required pursuant to Clause (Q) above may be reduced by four (4) parking spaces, up to a maximum reduction as calculated by the following formula:  $4 \times (\text{the total number of dwelling units on the lands divided by } 60)$ , rounded down to the nearest whole number;

Despite Regulation 200.15.1(1) and 200.15.10(1), a minimum of 7 accessible parking spaces must be provided and maintained on the lot in accordance with the following minimum dimensions:

length of 5.6 metres;

width of 3.4 metres;

vertical clearance of 2.1 metres;

Regulation 200.15.1(4), with respect to the location of accessible parking spaces, does not apply;

Despite Clause 220.5.10.1, one Type “G” loading space is required and must be provided and maintained on the lot;

Despite Regulation 230.5.10.1(1), bicycle parking spaces must be provided and maintained in accordance with the following minimum requirements:

0.9 long-term bicycle parking spaces for each dwelling unit for residents;

0.1 short-term bicycle parking spaces for each dwelling unit for residential visitors;

0.2 long-term bicycle parking spaces for each 100 square metres of non-residential interior floor area used for non-residential uses;

3 plus 0.3 bicycle parking spaces for each 100 square metres of non-residential interior floor area used for non-residential uses;

Regulation 230.5.1.10(9)(B)(iii), with respect to location of a long-term bicycle parking space does not apply;

Regulation 230.40.1.20(2) with respect to the location of a short-term bicycle parking space relative to a building entrance does not apply;

Despite Regulation 230.5.1.10(4) and 230.5.1.10(10), both long-term and short-term bicycle parking spaces may be located in a stacked bicycle parking space having the following minimum dimensions:

length of 1.6 metres;

width of 0.45 metres;

vertical clearance of 1.2 metres;

stacked parking space mechanisms and equipment may be contained within these dimensions noted in (i) through (iii) above;

Despite Regulations 230.5.1.10(4), 230.5.1.10(10) and 230.40.1.20(1), long-term and short-term bicycle parking spaces may be located in a dedicated secure bicycle storage lockers;

A temporary sales presentation centre, which shall mean an office, showroom or sales trailer used exclusively for the initial sale and/or leasing of dwelling units or non-residential units to be erected on the lot, may be permitted on the lot, and none of the other provisions of By-law [clerks to insert number] shall apply to such use.

For the purpose of Clause 7(T) of By-law [Clerks to supply by-law #]:

car-share means the practice whereby a number of people share the use of one or more vehicles that are owned and operated by a profit or non-profit organization, and

such car-share vehicles are made available to at least the occupants of the building for short term rental, including hourly rental; and

car-share parking space means a parking space exclusively reserved and signed for a car used only for car-share purposes;

Despite any future severance, partition or division of the lands as shown on Diagram 1, the provisions of this By-law will apply as if no severance, partition or division occurred. No provision in the former City of Toronto Zoning By-law 438-86 applies to the lands in Diagram 1 attached to By-law [Clerks to supply by-law #].

Prevailing By-laws and Prevailing Sections: (None Apply)

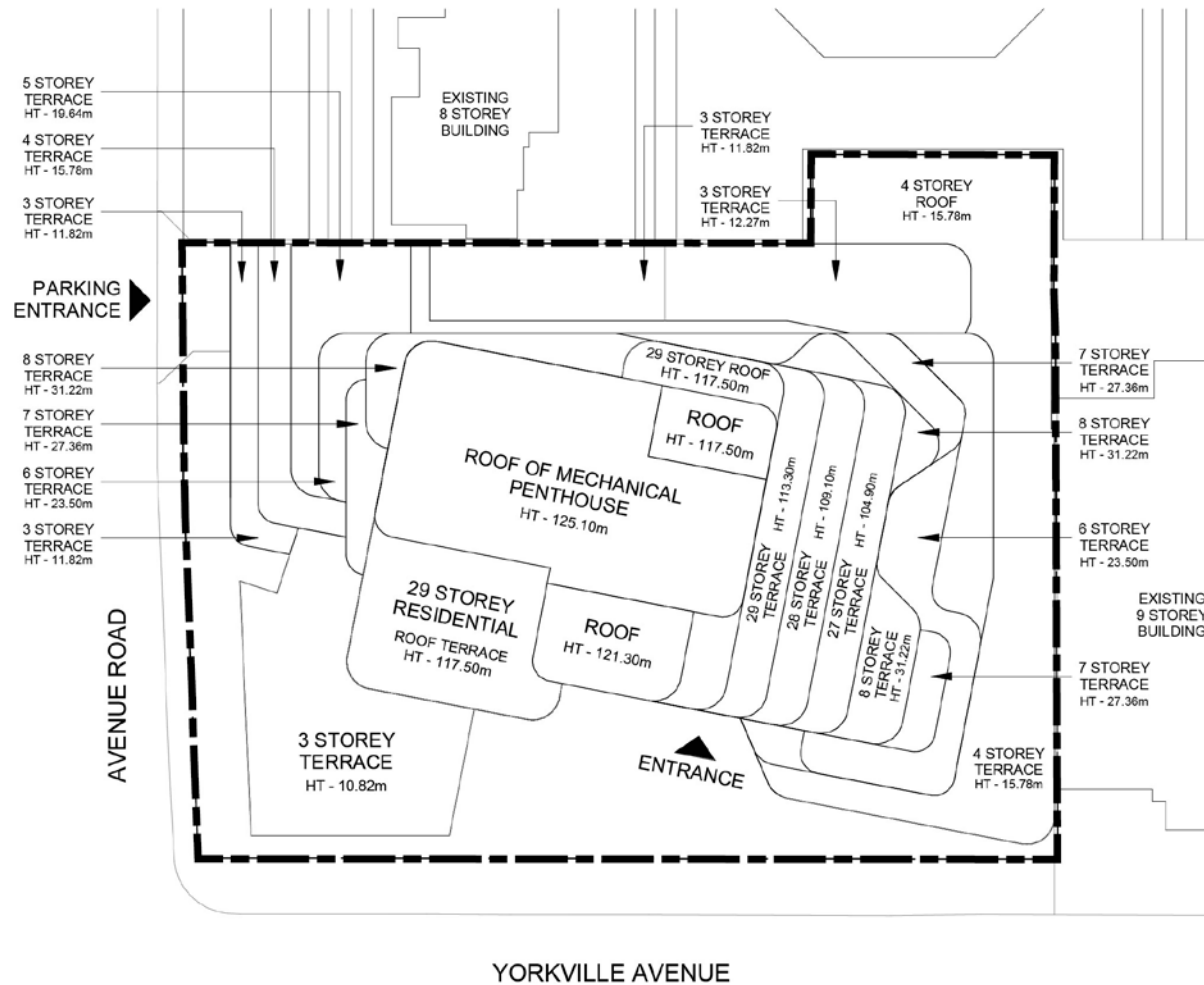
ENACTED AND PASSED this\_\_\_ \_day of\_\_\_\_\_ \_\_\_, 2021.

JOHN TORY,  
Mayor

ULLI S. WATKISS  
City Clerk

(Corporate Seal)

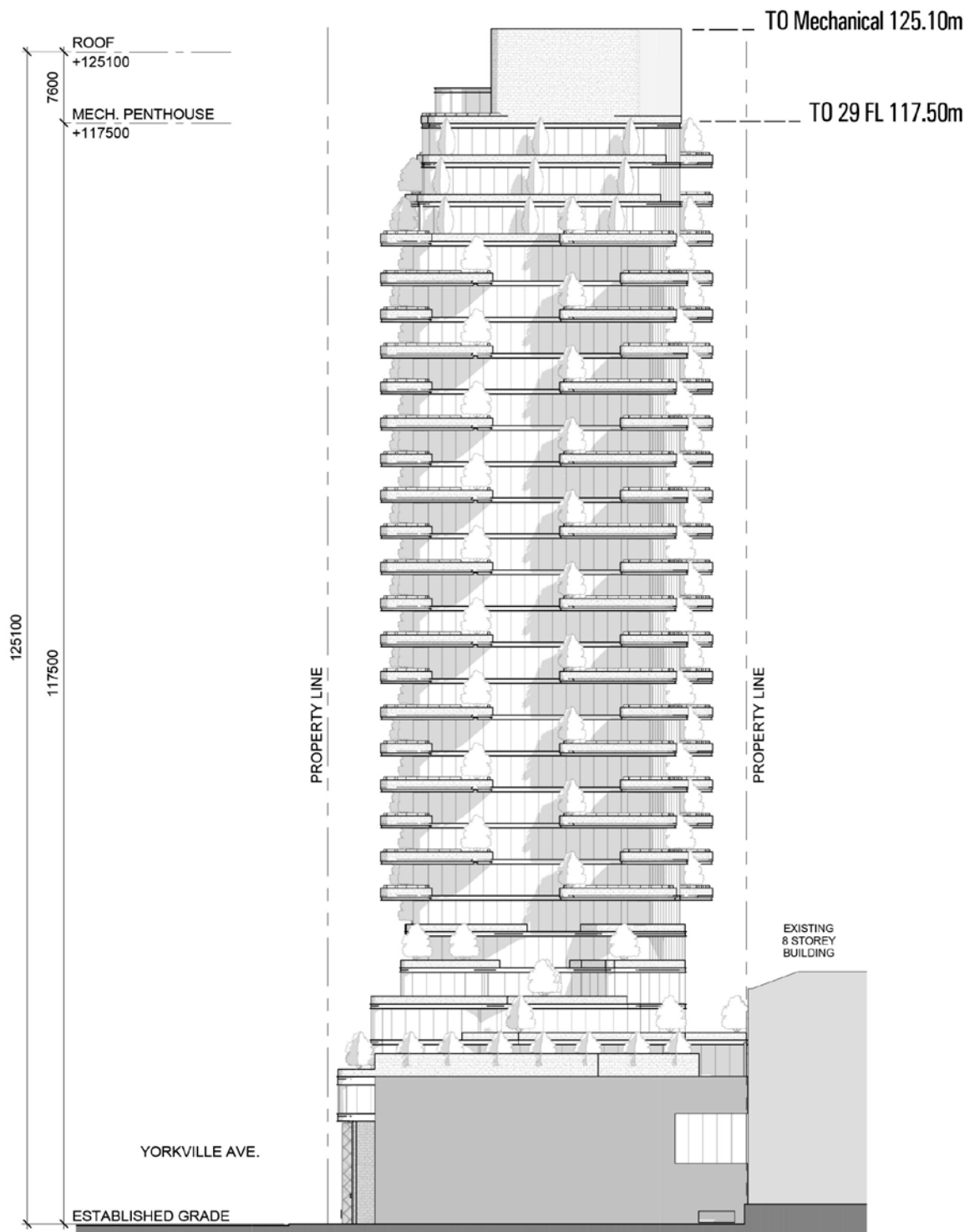
## Attachment 6: Site Plan



Site Plan

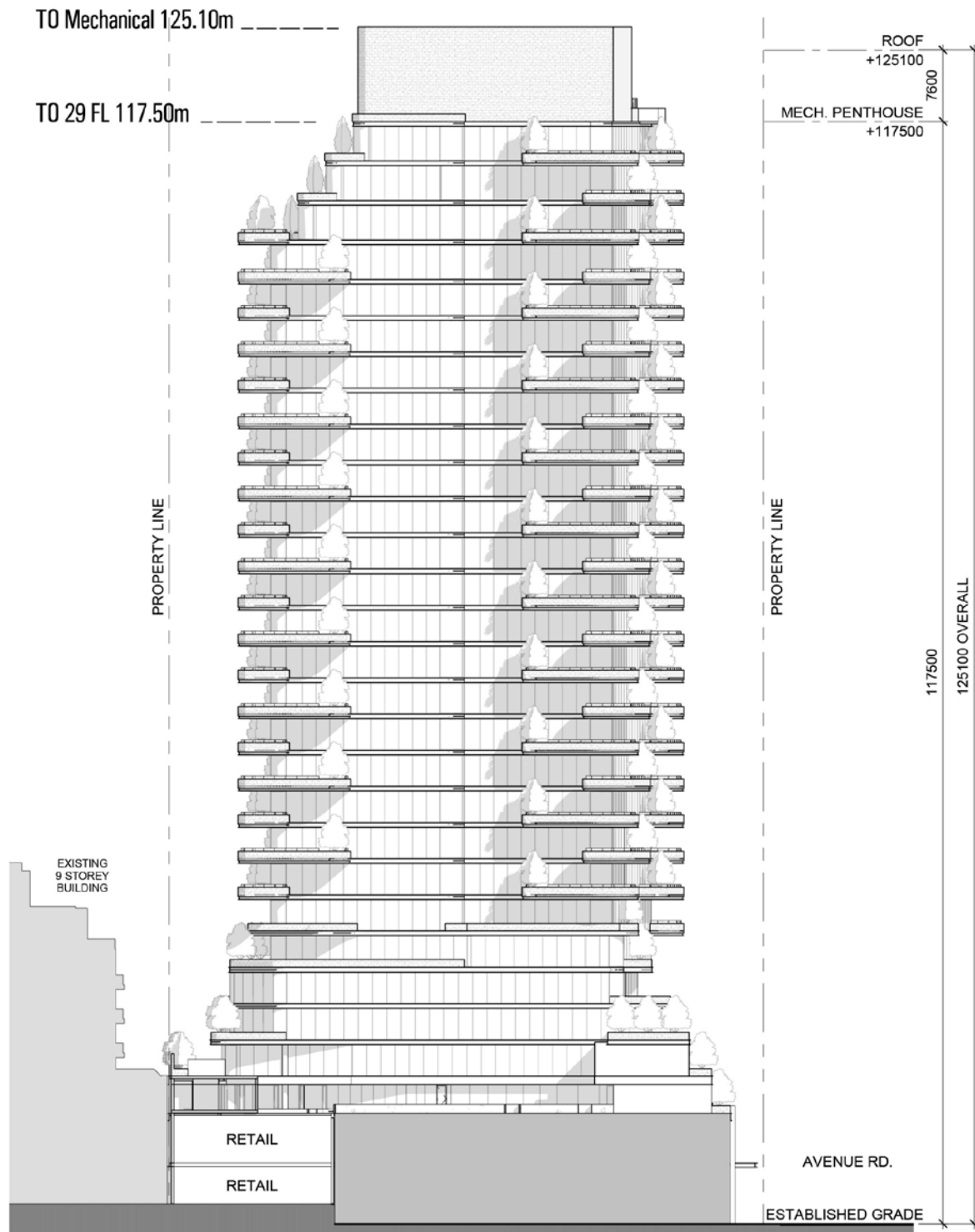


## Attachment 7: East Elevation



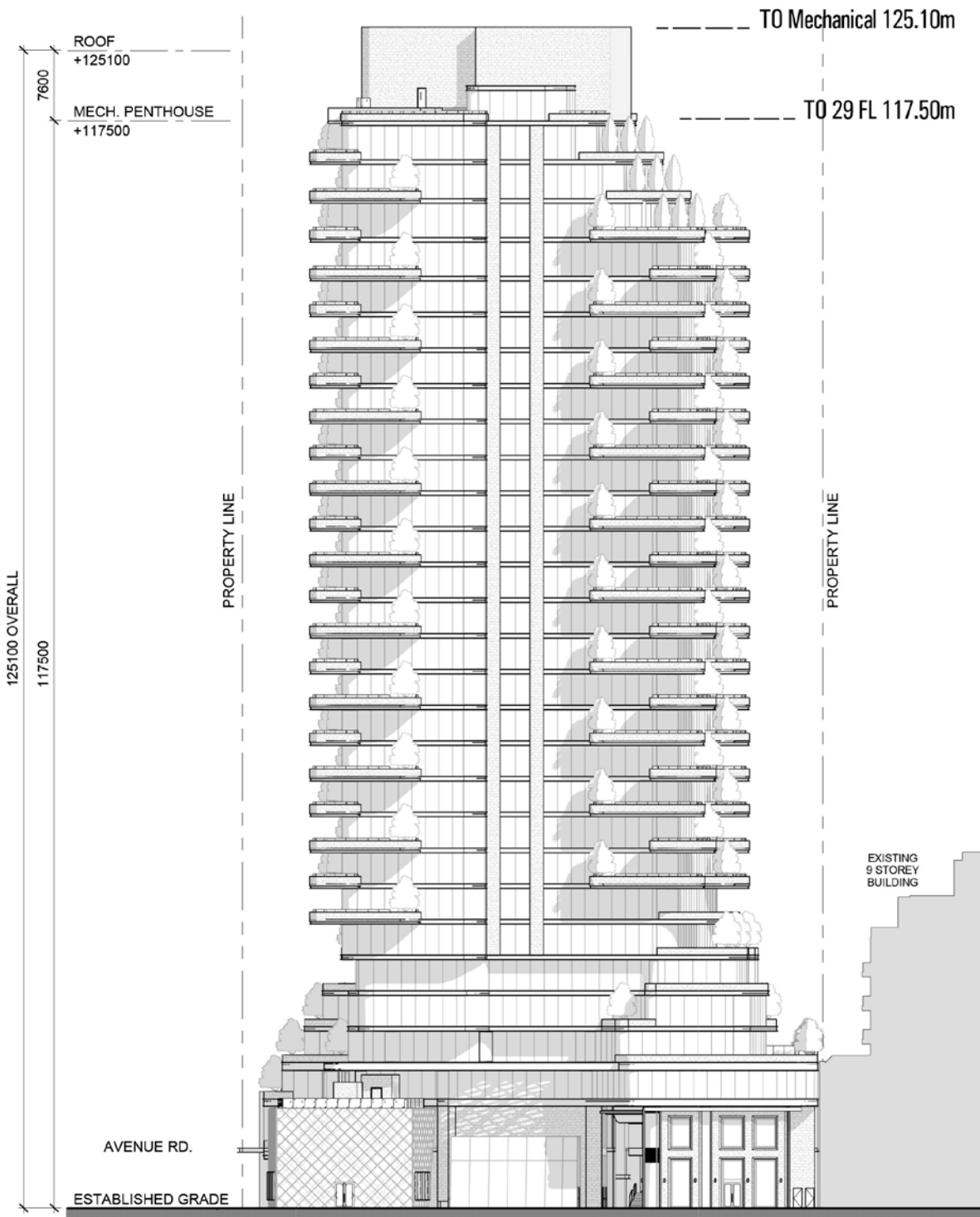
East Elevation

## Attachment 8: North Elevation



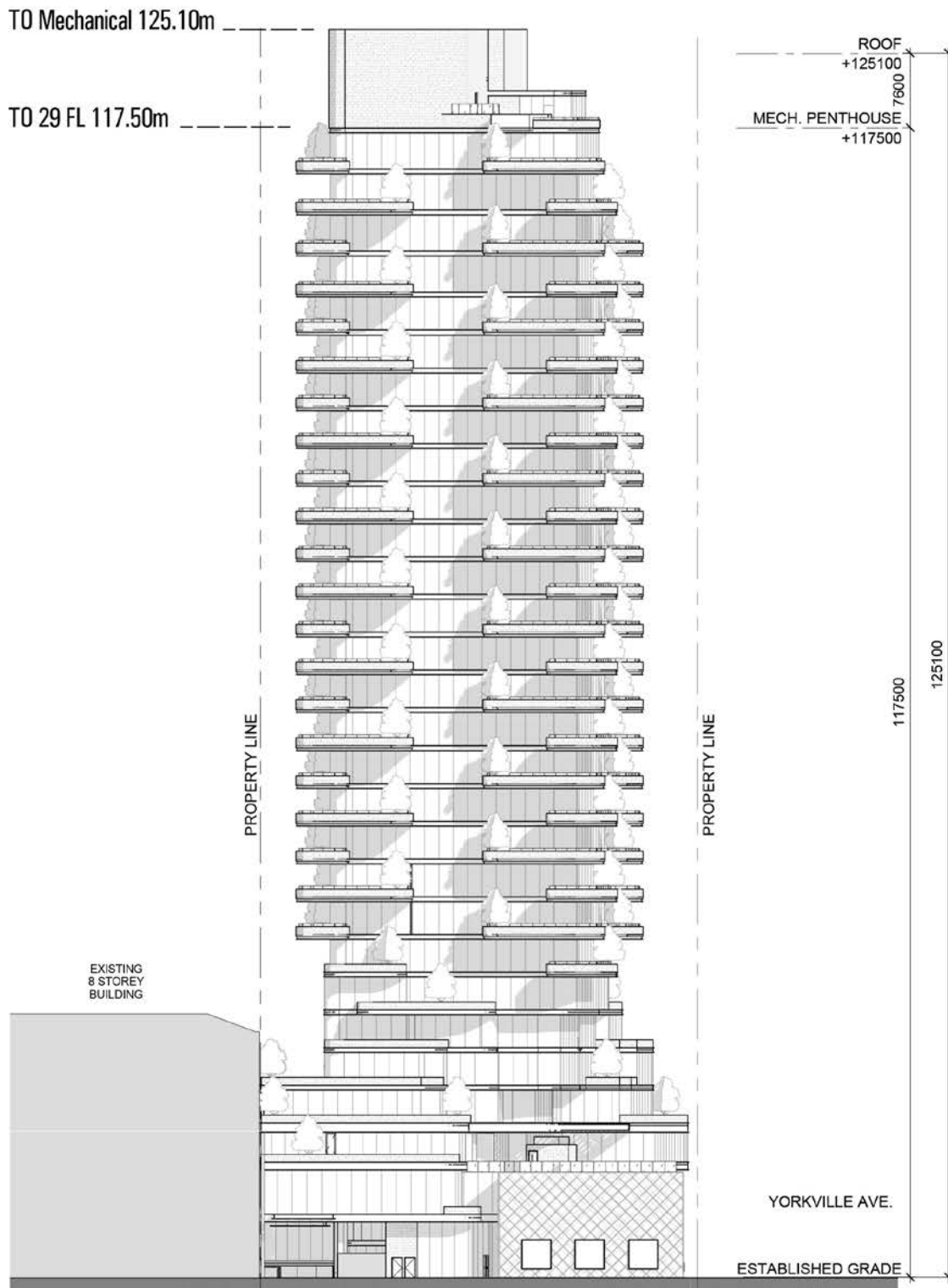
North Elevation

## Attachment 9: South Elevation



South Elevation

## Attachment 10: West Elevation



**West Elevation**