

## **69 Yorkville Avenue – Official Plan and Zoning By-law Amendment Application – Decision Report - Refusal**

Date: January 10, 2023

To: Toronto and East York Community Council

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

Ward: 11 - University-Rosedale

**Planning Application Number: 21 234044 STE 11 OZ**

### **SUMMARY**

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On November 4, 2021, an Official Plan and Zoning By-law Amendment application was submitted to permit a 29-storey mixed use building containing 143 dwelling units.

This report reviews and recommends refusal of the application to amend the Official Plan and Zoning By-law as the site is not an appropriate location for a tall building. The site is located in the low-rise village of Yorkville and Mixed Use Area 4 of the Downtown Plan.

The proposal does not conform with the Official Plan, Downtown Plan, or Site and Area Specific Policy 211 and should be refused.

### **RECOMMENDATIONS**

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The City Planning Division recommends that:

1. City Council refuse the application for the Zoning By-law Amendment at 69 Yorkville Avenue for the reasons set out in this report.
2. City Council authorize the City Solicitor, together with appropriate staff, to appear before the Ontario Land Tribunal in support of City Council's decision to refuse the application, in the event the application is appealed to the Ontario Land Tribunal.
3. City Council authorize the City Solicitor and other appropriate staff to take any necessary steps to implement City Council's decision.
4. City Council direct the City Solicitor to request that the Ontario Land Tribunal withhold its order in the event that the project is approved in some form, until the following have been secured:

- a) the final form of the Official Plan Amendment and Zoning By-law Amendment are to the satisfaction of the Chief Planner and Executive Director, City Planning, and the City Solicitor;
- b) the owner has revised the Site Servicing and Stormwater Management Report to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services; and
- c) all comments from Engineering and Construction Services contained in their December 31, 2021 memorandum are addressed to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.

## 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.

## THE SITE

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**Description:** The site is an irregular L-shape and has an approximate area of 759 square metres, with a frontage of 27.83 metres on Yorkville Avenue, 6.59 metres on Bellair Street, and 23.77 metres on Genoa Street.

**Existing Use:** a 4-storey commercial building.

## THE APPLICATION

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**Description:** A 29-storey (97.5 metres including mechanical penthouse) mixed use building.

**Density:** 20.59 times the area of the lot.

**Dwelling Units:** The proposed 143 dwelling units, includes 42 one-bedroom (29.4%), 82 two-bedroom (57.3%), and 19 three-bedroom (13.3%) units.

### Additional Information

See Attachments 2, 3 and 6 of this report for a three-dimensional representation of the project in context, a site plan of the proposal, and the Application Data Sheet, respectively. Detailed project information including all plans and reports submitted as part of the application can be found on the City's Application Information Centre at: <http://app.toronto.ca/AIC/index.do?folderRsn=Cs7n5HTiQPWEg9eDZyhINA%3D%3D>.

**Reason for the Application:** The Official Plan Amendment application is required to amend the Downtown Plan and Site and Area Specific Policy 211 to permit a tall

building in an area where low-rise buildings up to a maximum of 4-storeys are permitted.

The Zoning By-law Amendment application proposes to amend Zoning By-laws 569-2013 and 438-86 to vary performance standards including: gross floor area and floor space index; building height; and building setbacks.

**Site Plan Control:** The development is subject to Site Plan Control. A Site Plan Control application has not been submitted.

## **POLICY CONSIDERATIONS**

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**Provincial Land-Use Policies:** All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Policy Statement, and shall conform to provincial plans.

**Official Plan:** Mixed Use Area. See Attachment 4 of this report for the Official Plan Land Use Map.

**Downtown Plan:** Mixed Use Area 4, which will be of a low-rise scale, generally four storeys or less in height.

**Site and Area Specific Policy 211:** Applies to the site and identifies it as part of the "Village of Yorkville" and a "low-rise area". The policies state that development will reinforce the existing low-scale buildings.

**Zoning:** The site is zoned Commercial Residential with a height limit of 18 metres in both the City of Toronto Zoning By-law 569-2013 (CR 3.0 (c2.5; r3.0) SS1 (x2271)).

See Attachment 5 of this report for the existing Zoning By-law Map.

### **Design Guidelines**

The following design guidelines have been used in the evaluation of this application:

- Tall Building Design Guidelines;
- Bloor-Yorkville/North Midtown Urban Design Guidelines;
- Growing Up Guidelines Planning for Children in New Vertical Communities;
- Pet Friendly Design Guidelines;
- Best Practices for Bird-Friendly Glass;
- Best Practices for Effective Lighting; and
- Toronto Accessibility Design Guidelines.

The City's Design Guidelines can be found here:

<https://www.toronto.ca/citygovernment/planning-development/official-planguidelines/design-guidelines/>

## **Toronto Green Standard**

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 1 of the Toronto Green Standard. The TGS can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/toronto-green-standard/>

## **COMMUNITY CONSULTATION**

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A Virtual Community Consultation Meeting was hosted by City staff on March 2, 2022. Approximately 47 people participated, as well as the Ward Councillor. Following a presentation by City staff and the Applicant, the following comments and issues were raised:

- proposal disregards the planning policies for the area;
- the proposed height, density and massing are inappropriate for the site;
- compatibility and fit with the surrounding area;
- insufficient setbacks and step backs;
- wind impacts;
- not enough green space;
- shadow impacts;
- traffic generated as a result of the proposed development; and
- a need for affordable housing in the area.

The issues raised through community consultation have been considered through the review of the application.

## **COMMENTS**

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### **Provincial Framework**

Staff's review of this application has had regard for the relevant matters of provincial interest set out in the Planning Act. Staff has reviewed the current proposal for consistency with the Provincial Policy Statement, and conformity with the Growth Plan. Staff find the proposal to be consistent with the PPS and conforms with the Growth Plan.

### **Official Plan Amendment**

The proposed Official Plan Amendment is not appropriate and should be refused. The Official Plan Amendment application proposes to amend the Downtown Plan and Site and Area Specific Policy 211 to permit a tall building.

The Downtown Plan designates the site as Mixed Use Area 4, which limits height to a low-scale, generally four storeys or less in height. Site and Area Specific Policy 211 includes the site within the Village of Yorkville, which requires that development will

respect and reinforce the existing character of low-scale buildings. The Bloor-Yorkville/North Midtown Urban Design Guidelines further describe the Village of Yorkville precinct as the heart of the Bloor-Yorkville/North Midtown area. The buildings in the precinct, combined with the Village of Yorkville Park, create a low-rise mixed-use district of finely scaled buildings, which allow access to adequate light and sky views.

## **Height**

The site is not an appropriate location for a tall building. The proposed 29-storey building is too tall and does not achieve the policies of the Official Plan, Downtown Plan, Site and Area Specific Policy 211, or the Bloor-Yorkville/North Midtown Urban Design Guidelines.

## **Massing**

The proposed 29-storey building, which rises straight up on Yorkville Avenue without any setbacks, is not contextually appropriate. The building massing, including setbacks, step backs, and separation distances, is not acceptable and does not achieve the policies of the Official Plan, Downtown Plan, Site and Area Specific Policy 211, Bloor-Yorkville/North Midtown Urban Design Guidelines or the Tall Building Design Guidelines.

## **Wind**

The wind impacts resulting from the proposal are unacceptable and do not meet the policies of the Official Plan and the intent of the Tall Buildings Guidelines.

A Pedestrian Level Wind Study prepared by Cermak Peterka Petersen Wind Engineering Consultants, dated October 29, 2021, shows a number of areas in the adjacent public realm where comfort levels will be decreased as a result of the proposed development.

## **Servicing**

A Functional Servicing and Stormwater Management Report and associated plans have been submitted for the site and are reviewed by Engineering and Construction Services.

In the event that the matter is appealed to the OLT, staff recommend the OLT withhold the issuance of any Orders that may approve the application until such time as the owner has addressed all comments from Engineering and Construction Services contained in their December 31, 2021 memorandum to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.

## **Conclusion**

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), Official Plan, Downtown Plan, Site and Area Specific Policy 211, and the Tall Building Design Guidelines. Staff are of the opinion that the proposal does not conform to the relevant policy directions of the Official Plan, Downtown Plan, and Site and Area Specific Policy 211. Staff recommend that Council refuse the application.

## **CONTACT**

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E-mail: David.Driedger@toronto.ca

## **SIGNATURE**

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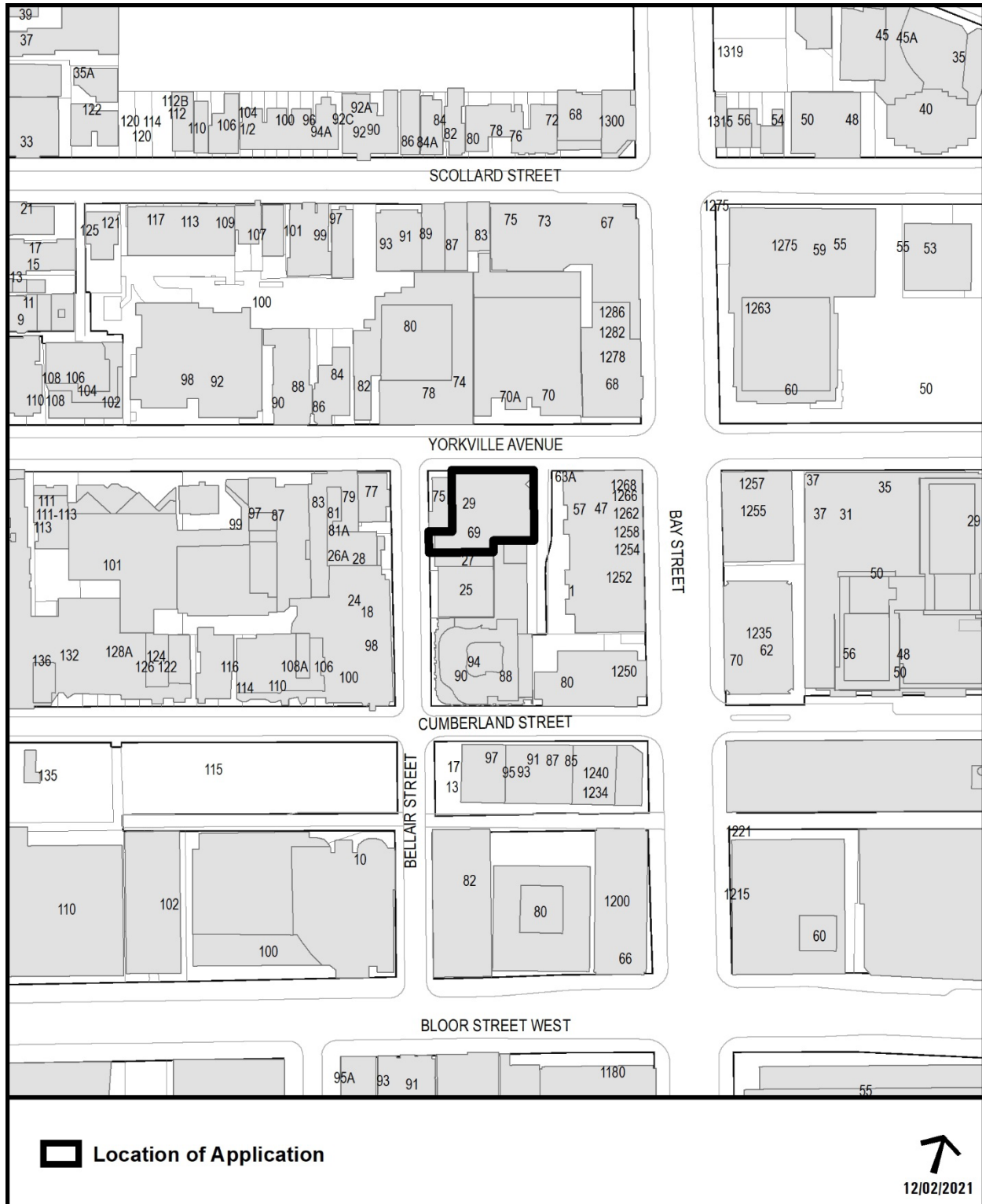
Alex Teixeira MCIP, RPP  
Acting Director, Community Planning  
Toronto and East York District

## **ATTACHMENTS**

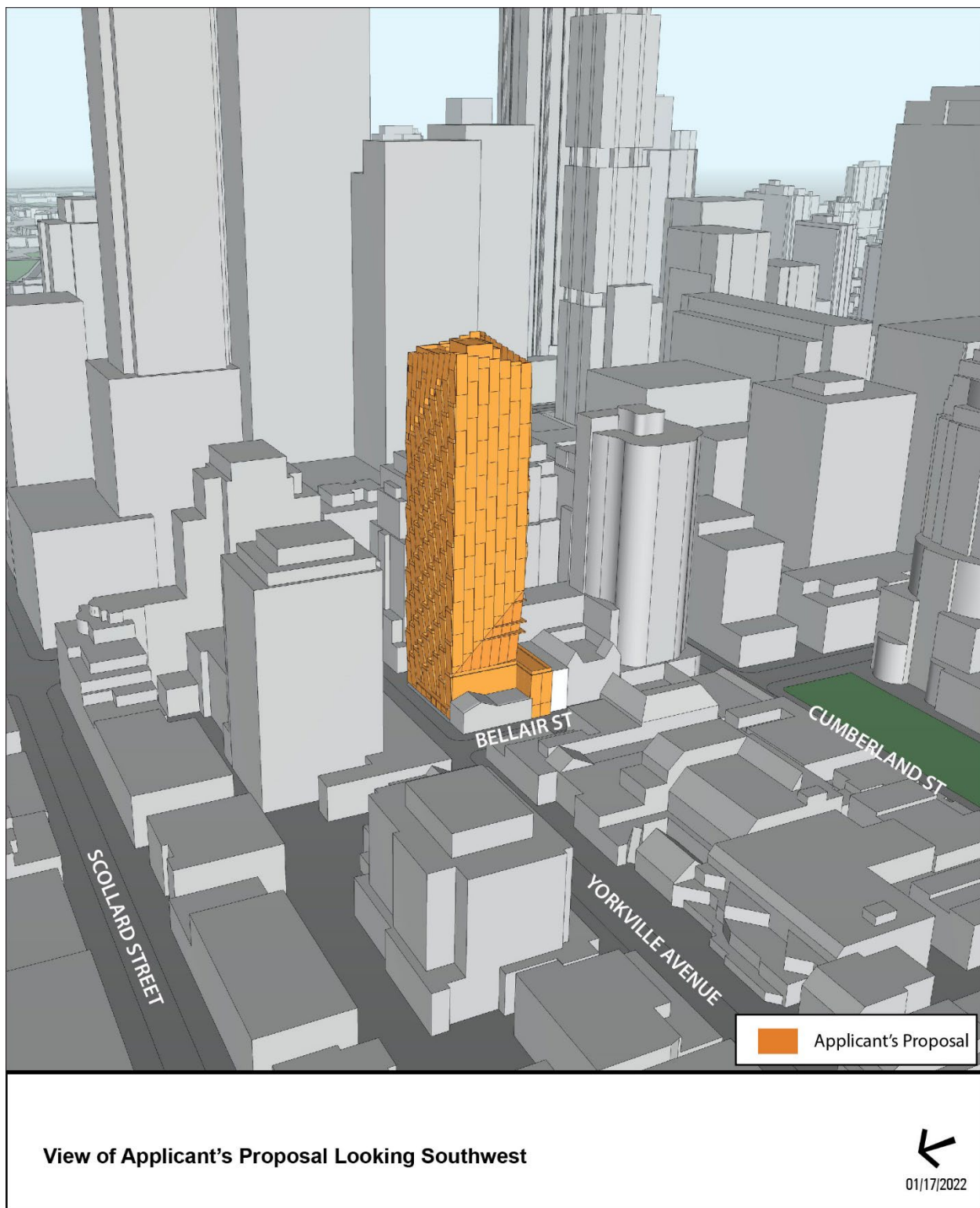
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Attachment 1: Location Map  
Attachment 2: 3D Model of Proposal in Context  
Attachment 3: Site Plan  
Attachment 4: Official Plan Map  
Attachment 5: Zoning By-law Map  
Attachment 6: Application Data Sheet

## Attachment 1: Location Map

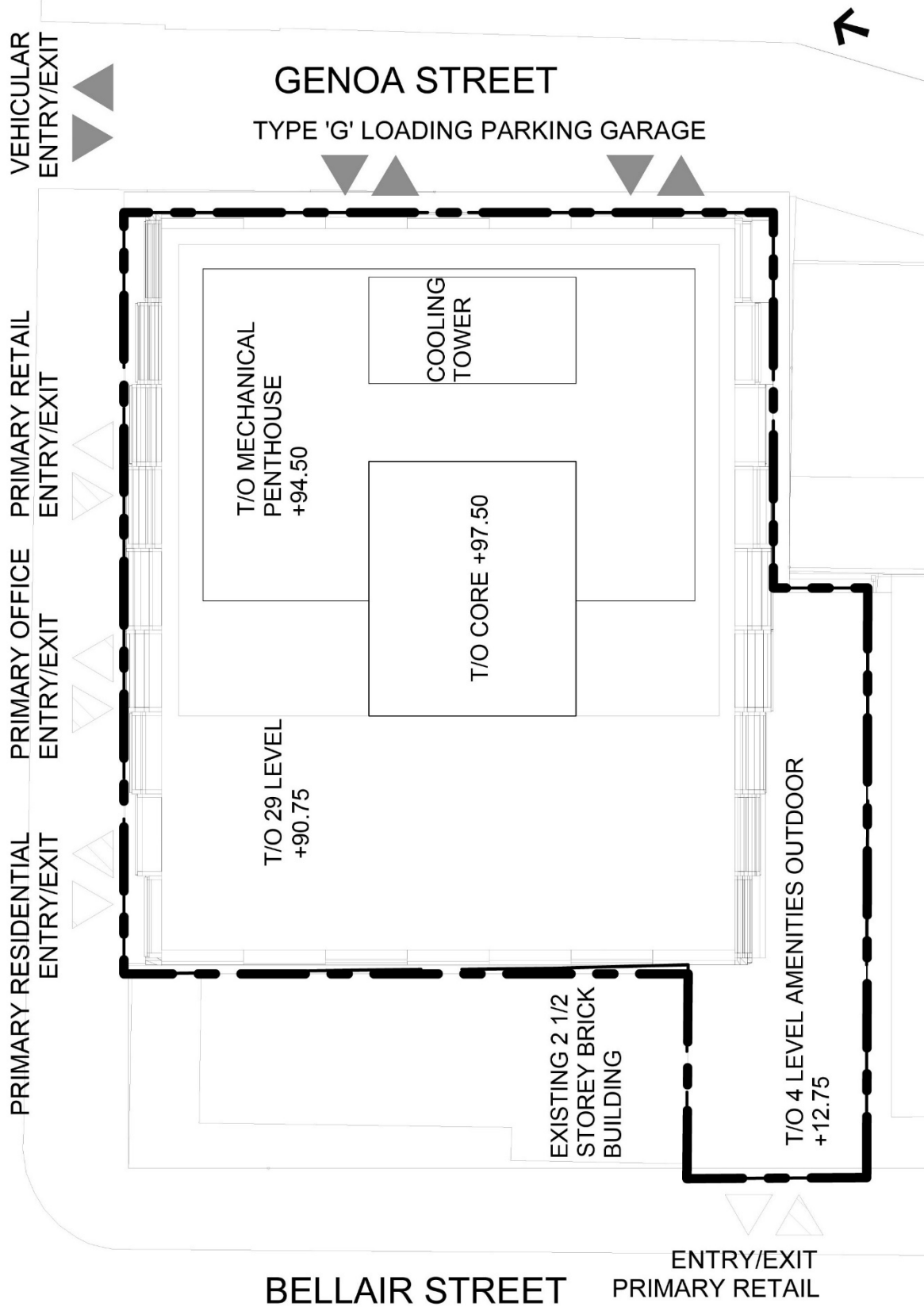


## Attachment 2: 3D Model of Proposal in Context





Attachment 3: Site Plan



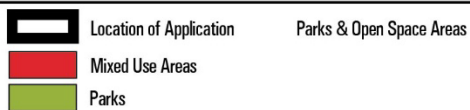
## Attachment 4: Official Plan Map



69 Yorkville Avenue

### Official Plan Land Use Map 17

File # 21 234044 STE 11 0Z



↑  
Not to Scale  
12/03/2021

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## Attachment 6: Application Data Sheet

Municipal Address: 69 Yorkville Avenue Date Received: November 4, 2021

Application Number: 21 234044 STE 11 OZ

Application Type: OPA & Rezoning

Project Description: a 29-storey mixed-use building

Applicant	Agent	Architect	Owner
WND Associates, 90 Eglinton Avenue East, Suite 970, Toronto, ON M4P 2Y3	WND Associates, 90 Eglinton Avenue East, Suite 970, Toronto, ON M4P 2Y3	JET Design Architect Inc., 220 Duncan Mill Road, Suite 316, Toronto, ON M3B 3J5	Cheong Family Holdings LTD, 69 Yorkville Avenue, Suite 205, Toronto, ON M5R 1B8

### EXISTING PLANNING CONTROLS

Official Plan Designation: Mixed Use Areas Site Specific Provision: SASP 211

Zoning: CR3.0 (c2.5; r3.0) SS1 (x2271) Heritage Designation:

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

### PROJECT INFORMATION

Site Area (sq m): 759 Frontage (m): 28 Depth (m): 24

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			506	506
Residential GFA (sq m):			14,189	14,189
Non-Residential GFA (sq m):	1,588		1,441	1,441
Total GFA (sq m):	1,588		15,630	15,630
Height - Storeys:	4		29	29
Height - Metres:			95	95

Lot Coverage Ratio (%): 66.67 Floor Space Index: 20.59

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	14,189	

Retail GFA: 148  
 Office GFA: 1,293  
 Industrial GFA:  
 Institutional/Other GFA:

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			143	143
Other:				
Total Units:			143	143

#### Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:			42	82	19
Total Units:			42	82	19

#### Parking and Loading

Parking Spaces:	95	Bicycle Parking Spaces:	155	Loading Docks:	1
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#### CONTACT:

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