

**33-45 Avenue Road & 140-148 Yorkville Avenue  
Zoning Amendment Application - Preliminary Report**

<b>Date:</b>	March 19, 2012
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 27 – Toronto Centre-Rosedale
<b>Reference Number:</b>	12 113502 STE 27 OZ

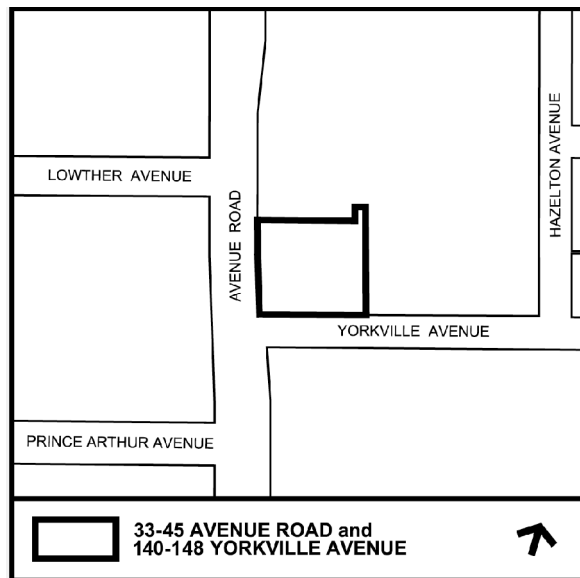
**SUMMARY**

The applicant proposes a 38-storey mixed-use building at 33-45 Avenue Road and 140-148 Yorkville Avenue.

This report provides preliminary information on the above-noted application and seeks Community Council's directions on further processing of the application and on the community consultation process.

This application has been circulated to City departments and external agencies, where appropriate, for comment.

The next step is to hold a community consultation meeting where the community can review the application, provide comments, and ask questions of City staff and the applicants.



## RECOMMENDATIONS

---

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

1. Staff be directed to schedule a community consultation meeting for the lands at 33-45 Avenue Road and 140-148 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 site.
3. Notice for the public meeting under the Planning Act be given according to the regulations under the Planning Act.

### **Financial Impact**

The recommendations in this report have no financial impact.

## DECISION HISTORY

On March 8, 2011, City Council directed the City Planning Division “to report back to the Toronto and East York Community Council on the process for the City to adopt an Official Plan Amendment, including the Official Plan Review and implementing zoning by-law amendments or other policy or regulatory changes to protect views of the Ontario Legislative Assembly (OLA) building from any vantage point along College Street at the intersection of University Avenue.” This review is currently underway. The site subject to this application sits within the view shed of the OLA.

A link to Staff’s most recent report and direction on this matter can be found using the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2011.TE9.34>

### **Pre-Application Consultation**

A pre-application consultation meeting was held on August 19, 2011 with the applicant to discuss complete application submission requirements. The applicants provided staff with a presentation of the design and massing of the proposal.

## ISSUE BACKGROUND

### **Proposal**

The proposal includes a new 38-storey (131 metre, including mechanical penthouse) mixed-use tower at the northeast corner of Avenue Road and Yorkville Avenue. The proposed tower is articulated with varied stepbacks and heights. Generally, the proposed tower is set back atop a four-storey podium on the north, south and west facades. Along the east façade the proposed tower steps from 10 to 16 storeys and then up to 38 storeys. See Attachment No. 1 for an illustration of the buildings varied heights and stepbacks.

Along the Avenue Road frontage the proposed podium is set back, at minimum 2.1 metres from the property line. The Avenue Road façade of the four-storey podium (approximately 18 metres tall) is proposed to be massed with steps at the second, third and fourth floors to respond to the stepping in the neighbouring podium to the north. The podium along the Yorkville Avenue frontage would be parallel to the street with no setback, other than at the ground floor.

The proposed development is set back at the ground floor from both Avenue Road and Yorkville Avenue. The ground floor is set back 1.55 metres along Avenue Road and 3.77 metres along Yorkville Avenue. Including the sidewalks the setback from the curb would be approximately 5.6 metres on Avenue Road and Yorkville Avenue. Also proposed is a 4.1 metre wide mid-block pedestrian connection from Yorkville Avenue to Hazelton Lanes. The residential lobby is proposed to be internal to the site located abutting the mid-block pedestrian connection.

A total of 2273 square metres of retail uses are proposed within the first two floors of the development. The retail space is proposed to front Avenue Road, Yorkville Avenue and the mid-block pedestrian link.

The tower is composed of three vertical shafts, a west shaft, north-east shaft and south-east shaft, joined by a service core. Above the podium the west shaft continues the step back similar to the massing pattern in the podium up to the 15<sup>th</sup> storey and then rises straight up to the 38<sup>th</sup> storey. The siting of the west shaft is skewed in its setback from the Avenue Road property line. At its southern point it is set back 6.2 metres while the northern corner is set back 14.2 metres. Balconies are proposed to project 2 metres along the entire west façade of the tower.

The northeast shaft is setback approximately 8.1 metres from the north property line and 13 metres from the east property line. Balconies are proposed to project 2 metres along the along its eastern façade. The southeast shaft sits atop a 10 and 16 storey component. The southeast shaft is setback approximately 12.6 metres from the east property line and 8.6 meters from the south property line. Balconies are proposed to project 2 metres along the south façade of the southeast shaft.

The tower floor plate above the 18<sup>th</sup> floor is 732 square metres, plus 2 metre projections along the west south and east facades. The floor plate increases in size below the 18<sup>th</sup> floor as a result of the widening of the west shaft and the 16 and 10-storey massing which extends out along Yorkville Avenue from the southeast shaft.

In total, 342 residential units are proposed in this application. The proposed residential unit breakdown is as follows:

<b>Unit Type</b>	<b>Number of Units</b>
1-bedroom	214
2-bedroom	128
<b>Total</b>	<b>342</b>

The applicant is proposing 1013 square meters of indoor amenity space and 845 square metres of outdoor amenity space. The amenity areas are proposed to be located partially on the third floor and all of the fifth floor.

The application includes a residential gross floor area of 28396 square metres and 2273 square metres of non-residential gross floor area, which translates to a Floor Space Index of 14.2 times the lot area (including the required amenity space). The applicant also proposes a 705 square metre green roof.

A total of 247 parking spaces are proposed (206 residential spaces, 21 visitor, and 23 commercial spaces) to be provided in a five-level below-grade parking garage, accessible from Avenue Road. All vehicles will access the site via one access point at Avenue Road at the north portion of the site. Three loading spaces are proposed, including one Type G space and two Type C spaces.

A total of 267 bicycle parking spaces are proposed, including 206 residential, 52 residential visitor, 3 retail occupant and 6 retail visitor spaces. The proposal does not clearly identify the location of these spaces other than bicycle parking areas shown on levels parking levels P2-P5.

For a summary of the proposal see Attachment No. 7, Application Data Sheet, for more information regarding this proposal.

### **Site and Surrounding Area**

The site is located on the northeast corner of Avenue Road and Yorkville Avenue. The site is located in the Bloor Yorkville Business Improvement Area. The site is approximately 22,378 square metres with frontages of 45 metres along Avenue Road and 49 metres along Yorkville Avenue.

The site is presently occupied by group of 2 ½-storey commercial buildings at 142-148 Yorkville and 33-45 Avenue Road, which frame an interior courtyard called "York Square," as well as a commercial building at 140 Yorkville Avenue. There is a pedestrian link from Avenue Road and Yorkville Avenue to York Square and to Hazelton Lanes, which abuts property to north. The pedestrian passageway is secured through an easement.

Uses and structures near the site include:

North: Hazelton Lanes mixed-use complex with an internal shopping mall on the lower levels and a 6-storey mixed-use development with retail on the ground floor and residential uses in the upper levels.

East: 2 ½-storey commercial building and the 9-storey, Hazelton Hotel and Residences at Yorkville Avenue and Hazelton Avenue.

South: Yorkville Avenue, and beyond which is the Four Seasons Hotel at 21 Avenue Road, which is the subject of a Rezoning Application to convert the existing 31-storey hotel building into a mixed-use building, and to construct a mixed-use building of 39 storeys at the corner of Avenue Road and Cumberland Street, as well as a new 10-storey mixed-use building on Yorkville Avenue (File No. 11 332281 STE 27 OZ).

West: Avenue Road, and beyond which is the Prince Arthur, located at 38 Avenue Road. It is a residential condominium building with a 24-storey tower element to the south end of the site stepping down to a 10-storey base building at the north end.

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

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

### **Official Plan**

The City of Toronto Official Plan designates the subject site *Mixed Use Areas* and locates the site within *the Downtown and Central Waterfront*, as shown on Map 2, of the Official Plan's Urban Structure map. As part of the Official Plan's growth strategy, the *Downtown* is identified, along with *Centres* and *Avenues*, as an area of intensification.

The Official Plan outlines a growth strategy for the City that highlights the importance of the *Downtown* as one of a number of locations where growth in employment and residential uses are encouraged.

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

Development in *Mixed Use Areas* is subject to a number of development criteria. In *Mixed Use Areas*, developments will: locate and mass new buildings to provide a transition between areas of different development intensity and scale; provide appropriate setbacks and/or stepping down of heights, particularly towards lower scale *Neighbourhoods*; locate and mass new buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods* particularly during the spring and fall equinoxes; provide good site access and circulation and an adequate supply of parking for residents and visitors; provide an attractive, comfortable and safe pedestrian environment; locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences; and provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development.

The Official Plan provides policies to realize excellence in the public realm. Policy 3.1.1.8 provides that scenic routes with public views of important natural or human-made features should be preserved and, where possible, improved by maintaining views and vistas as new development occurs. Policy 3.1.1.9 provides that public works and private development will maintain, frame and, where possible, create public views to important natural and man-made features from other public places. Section 3.1.3.2 provides that Tall Buildings, will address key urban design considerations including: meeting the built form principles of the Official Plan, relating to the existing and/or planned context, taking into account the relationship to topography and other tall buildings, and meeting other objectives of the Plan.

The Toronto Official Plan is available on the City's Website at:  
[www.toronto.ca/planning/official\\_plan/introduction.htm](http://www.toronto.ca/planning/official_plan/introduction.htm)

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

Area Specific Policy 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 subject site is primarily located within the Height Ridge as illustrated on Map 2 of 2 in Policy 211. The eastern edge of the development site falls within the *Areas of Special Identity* within *Mixed Use Areas* called the Village of Yorkville (Map 1 of 2, Policy 211).

### **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.

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

The Bloor –Yorkville/North Midtown Urban Design Guidelines were approved by 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 main planning objectives of the Design Guidelines include:

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

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 and partially in the Village of Yorkville Precinct.

The Bloor-Yorkville/North Midtown Urban Design Guidelines are available on the City’s website at:

<http://www.toronto.ca/planning/urbdesign/blooryorkville.htm>

## **Design Criteria for the Review of Tall Building Proposals**

Toronto City Council approved the use of the document “Design Criteria for Review of Tall Building Proposals” in June, 2006. In April, 2010, Council extended the authorization of its use. A tall building is generally defined as a building that is taller than the road right-of-way adjacent to the site.

The Design Criteria provide policy recommendations for tall buildings on issues of transition, building placement and orientation, entrances, heritage conservation, massing of base buildings, tower floor plates, separation distances, pedestrian realm considerations and sustainable design. This document will be used to assess the proposed tower.

The City’s “Design Criteria for Review of Tall Building Proposals” can be found on the City’s website at: <http://www.toronto.ca/planning/urbdesign/index.htm>

## **Site Plan Control**

The proposal is subject to Site Plan Control. An application for Site Plan Control has not been made to date.

## **Tree Preservation**

The applicant is proposing to remove three trees, which are located within the development boundary. Two trees are located along Avenue Road and one is located within the courtyard. The three trees within the public realm along Yorkville Avenue are proposed to be pruned and retained. The applicant submitted an Arborist report, prepared by The MBTW Group. The report has been circulated to Urban Forestry for their review and comment.

## **Reasons for the Application**

The proposal includes a 38-storey (131 metres tall, including the mechanical penthouse) mixed-use tower at the corner of Avenue Road and Yorkville Avenue. The overall density proposed is 14.2 times the area of the lot, whereas the existing maximum permitted density is 3 times the area of the lot. The overall permitted height also exceeds the 30 and 18 metre height limit on the site. A Zoning By-law amendment is therefore required. Through the review of the application, staff may identify additional areas of non-compliance with the Zoning By-laws.

## **COMMENTS**

### **Application Submission**

The following reports/studies were submitted with the application:

- Architectural Drawings and Renderings
- Design Briefing Package
- Urban Design Rationale Report
- Arborist Report and Tree Preservation Report
- Functional Servicing Report
- Urban Transportation Considerations
- Preliminary Pedestrian Wind Commentary
- Shadow Study
- Green Standard Checklist

A Notification of Incomplete Application issued on March 12, 2012, identifies the outstanding material required for a complete application submission as follows: Draft Zoning By-law, Winter Shadow Study, Wind Study and Landscape Plan.

## **Issues to be Resolved**

### **Impact on the View of the Ontario Legislative Assembly (OLA) Building**

Staff will assess the potential impact of the proposed development on the views of the OLA building in consideration with the on-going study of possible Official Plan amendments, zoning by-law amendments, or other regulatory changes to protect views of the OLA building.



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

In addition to the issue relating to the impact on the view of the OLA building, staff will assess the proposed 38-storey building in terms of height, scale, tower setback, massing, siting and density and overall fit within the Avenue Road corridor. Staff will also review the eastern edge of the development in terms of its height and massing, fit within the Village of Yorkville and neighbouring buildings, and any other considerations as set out in the Official Plan and Urban Design Guidelines.

The applicant submitted a shadow study, which Planning staff will review to assess the shadow impacts on nearby lower scale *Neighbourhoods*. Staff may require additional reports and studies to evaluate the current or revised proposals throughout the review process.

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

The development proposes vehicular access to the site from Avenue Road. To satisfy the parking demand generated by the development, 247 underground vehicular parking spaces are proposed. An Urban Transportation Considerations report prepared by BA Group Transportation Consultants was submitted in support of the current proposal. The application and applicable studies have been circulated to Transportation Services staff for their review. Staff will assess the appropriateness of the proposed access arrangements, vehicular and bicycle parking supply and traffic impact.

### **Streetscaping**

The proposed development provides for mid-block pedestrian connections, retail uses and vehicular access adjacent to the public realm. Staff will assess the proposed ground floor footprint and streetscape design as part of this application and eventual Site Plan Control application.

### **Section 37**

Section 37 of the *Planning Act* allows the City to enter into an agreement with an applicant to grant a height and/or density increase for a particular project that is greater than what the zoning by-law would otherwise permit in return for community benefits. Details of a Section 37 Agreement between the applicant and the City will be worked out, in consultation with the Ward Councillor, if the project is ultimately considered to be good planning and recommended for approval.

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

### **Toronto Green Standard**

The Toronto Green Standard (TGS) is a tool to implement the broader environmental policies of the Official Plan. Several of the natural environment policies of the Official Plan encourage green development. These policies are geared to reduce the negative impacts of development on the natural environment through practices such as improved stormwater management, water and energy efficiency, and waste reduction and recycling.

These policies also promote development that enhances the natural environment and support green industry.

The TGS Checklist has been submitted by the applicant and is currently under review by City staff for compliance with the Tier 1 performance measures.

## **CONTACT**

Oren Tamir, Planner  
Tel. No. (416) 392-7349  
Fax No. (416) 392-1330  
E-mail: otamir@toronto.ca

## **SIGNATURE**

---

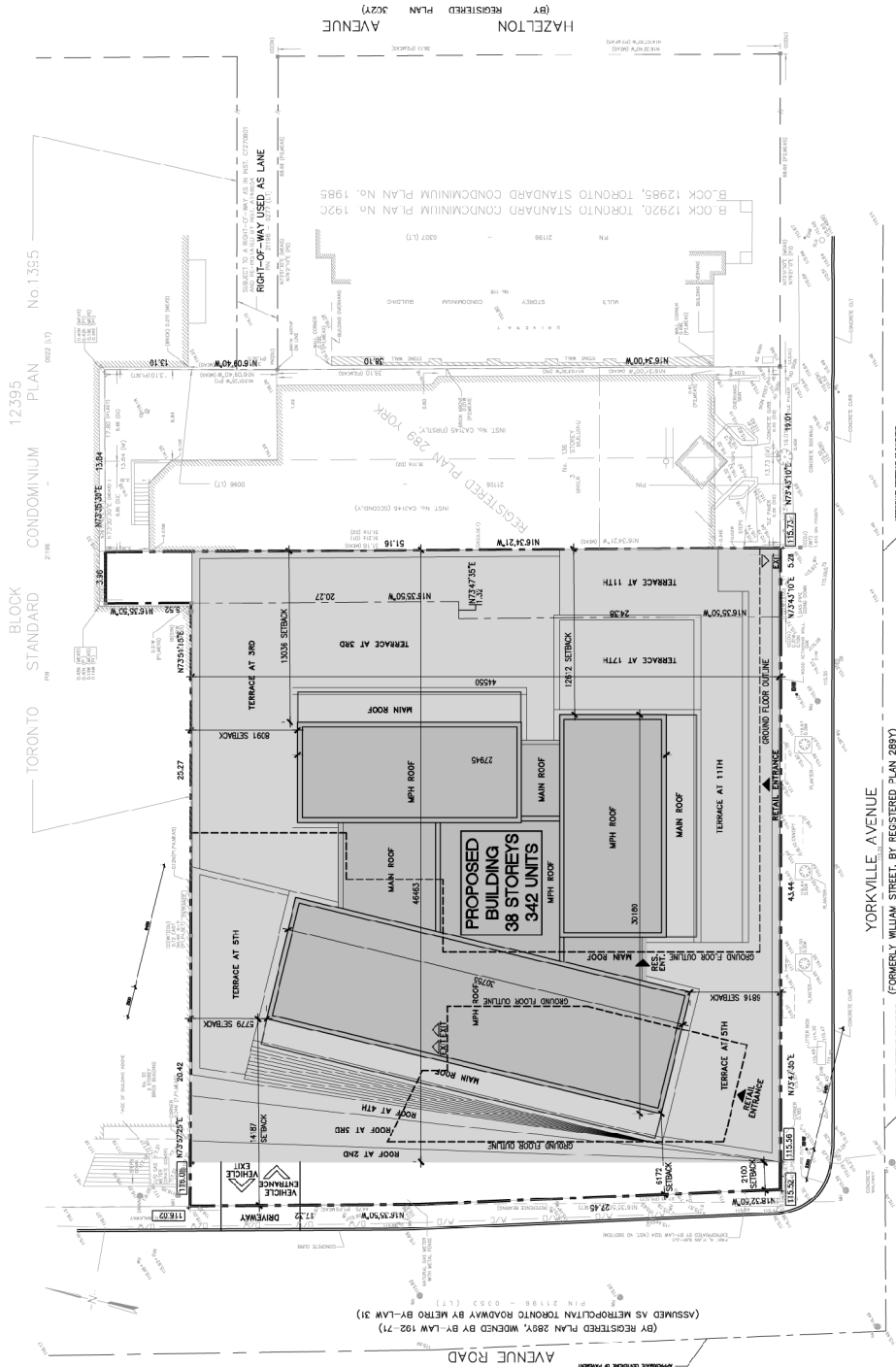
Gregg Lintern, Director, MCIP, RPP  
Community Planning, Toronto and East York District

(p:\2012\Cluster B\pln\te6691868018.doc) - es

## **ATTACHMENTS**

Attachment 1: Site Plan  
Attachment 2: South Elevation  
Attachment 3: West Elevation  
Attachment 4: North Elevation  
Attachment 5: East Elevation  
Attachment 6: Zoning Map - By-law 438-86  
Attachment 7: Application Data Sheet

# Attachment 1: Site Plan



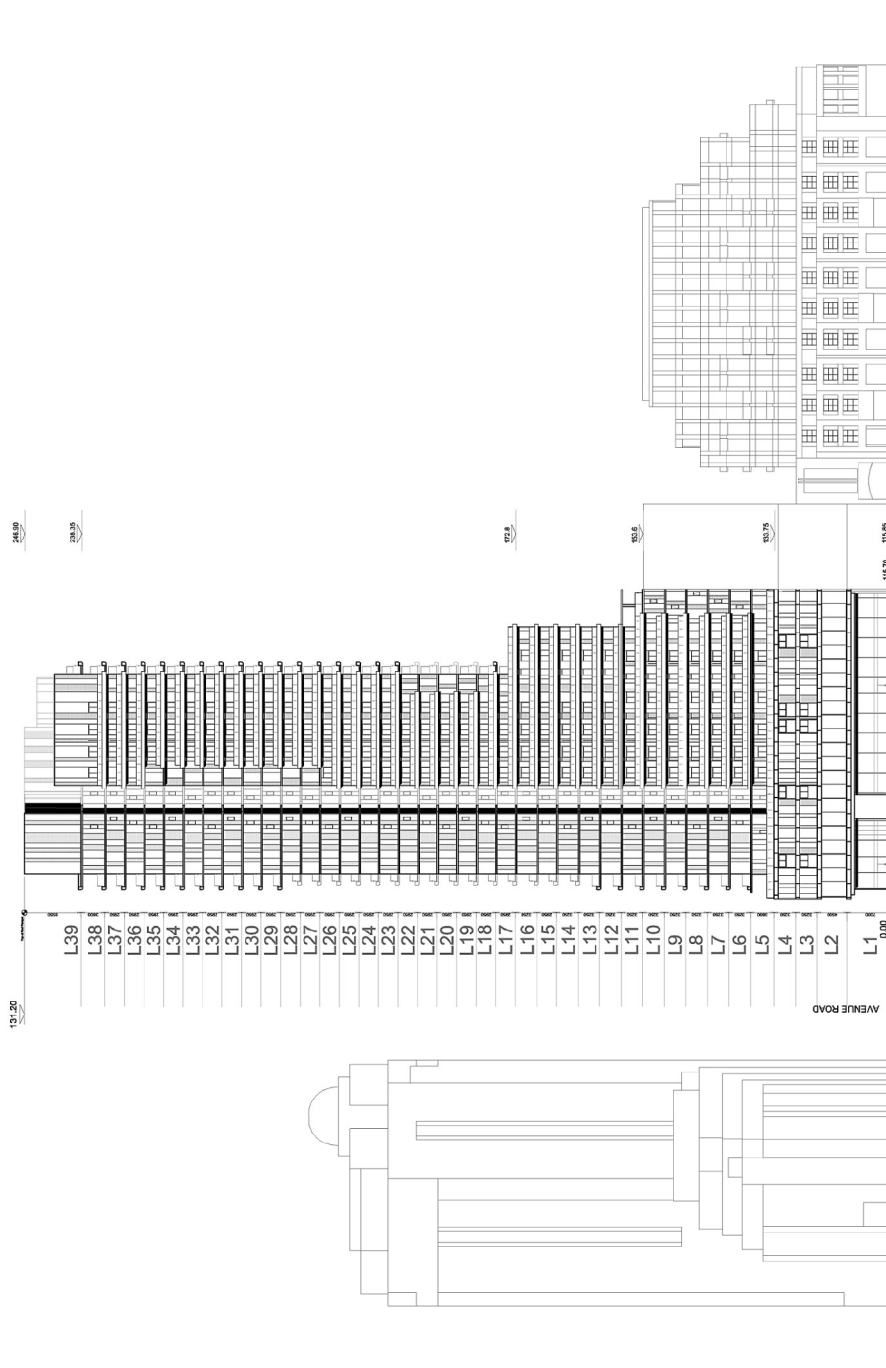
33-45 Avenue Road and 140-148 Yorkville Avenue

Site Plan  
 Applicant's Submitted Drawing

Not to Scale  
 02/27/2012

File # 12 113502 0Z

**Attachment 2: South Elevation**



South Elevation

**Elevations**

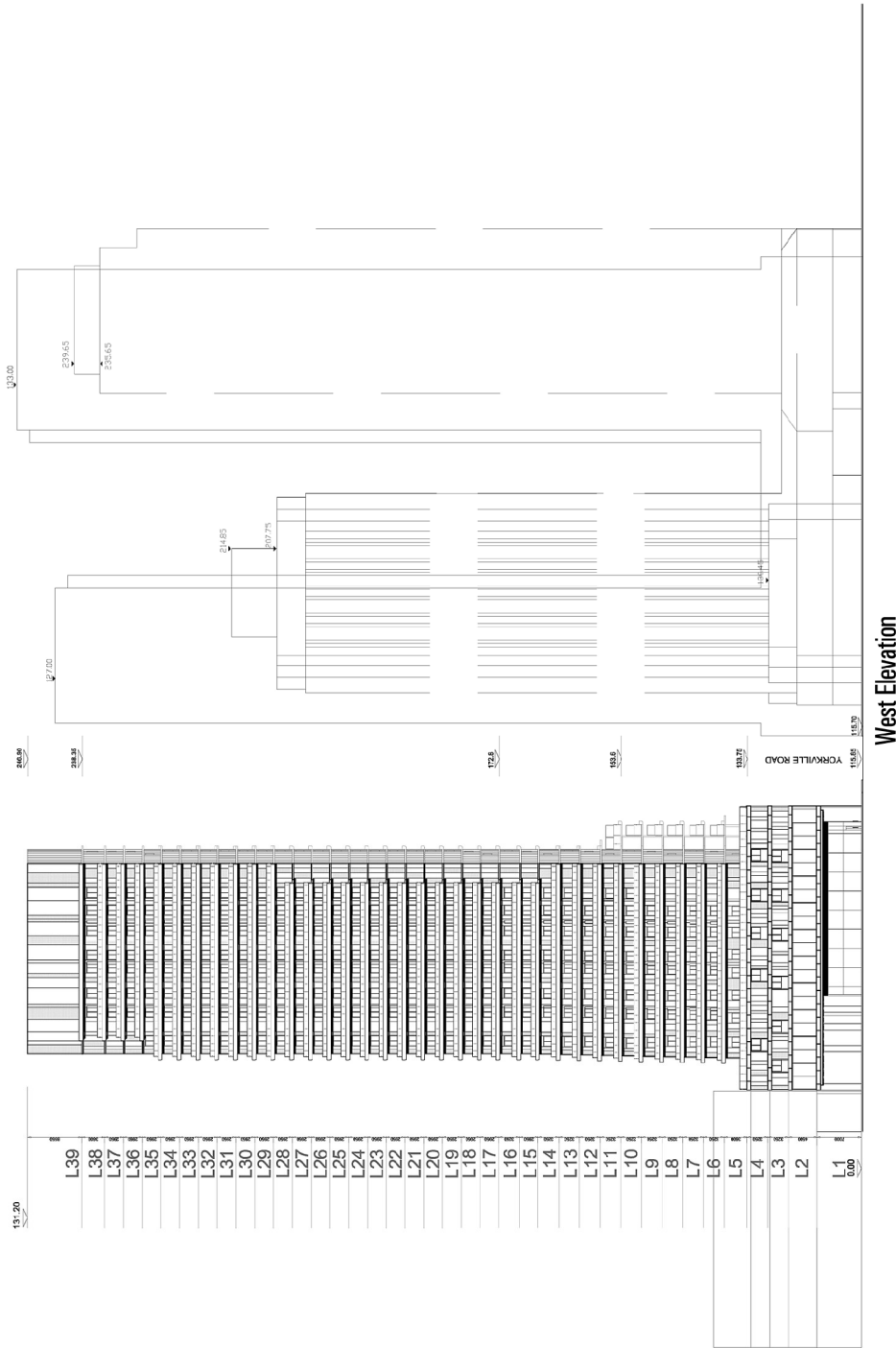
Applicant's Submitted Drawing

Not to Scale  
02/27/2012

**33-45 Avenue Road and 140-148 Yorkville Avenue**

File # 12 113502 0Z

# Attachment 3: West Elevation

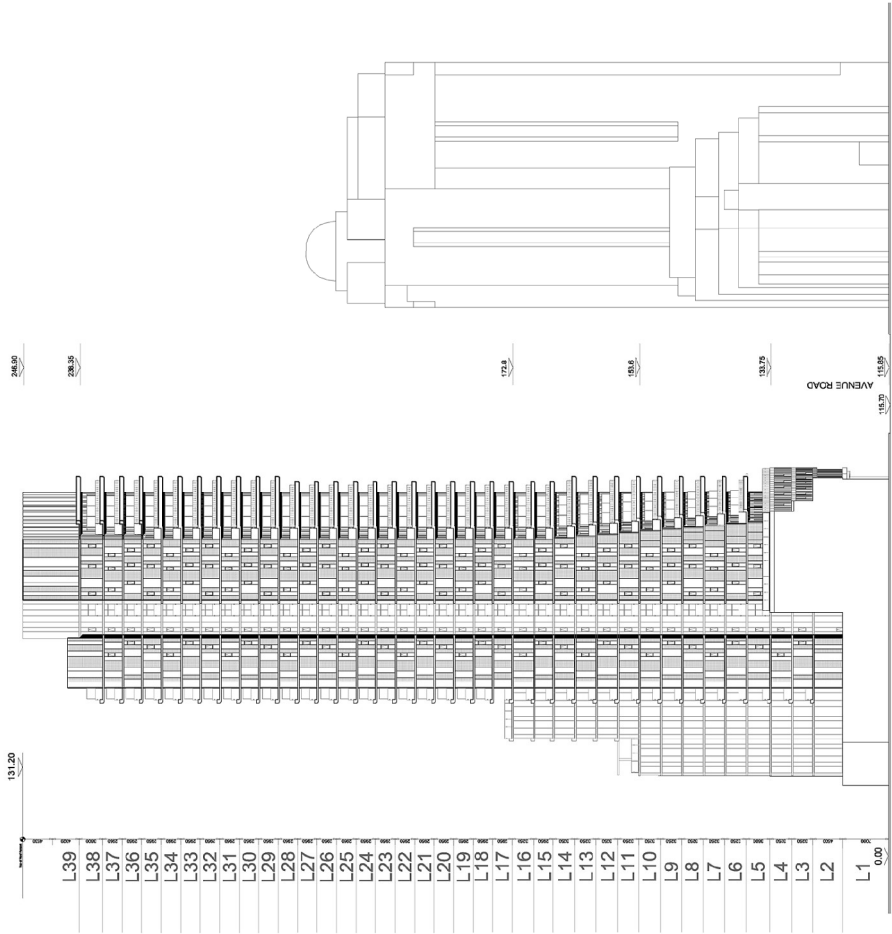


**Elevations**  
 Applicant's Submitted Drawing  
 Not to Scale  
 02/27/2012

**33-45 Avenue Road and 140-148 Yorkville Avenue**

File # 12 113502 0Z

Attachment 4: North Elevation



North Elevation

33-45 Avenue Road and 140-148 Yorkville Avenue

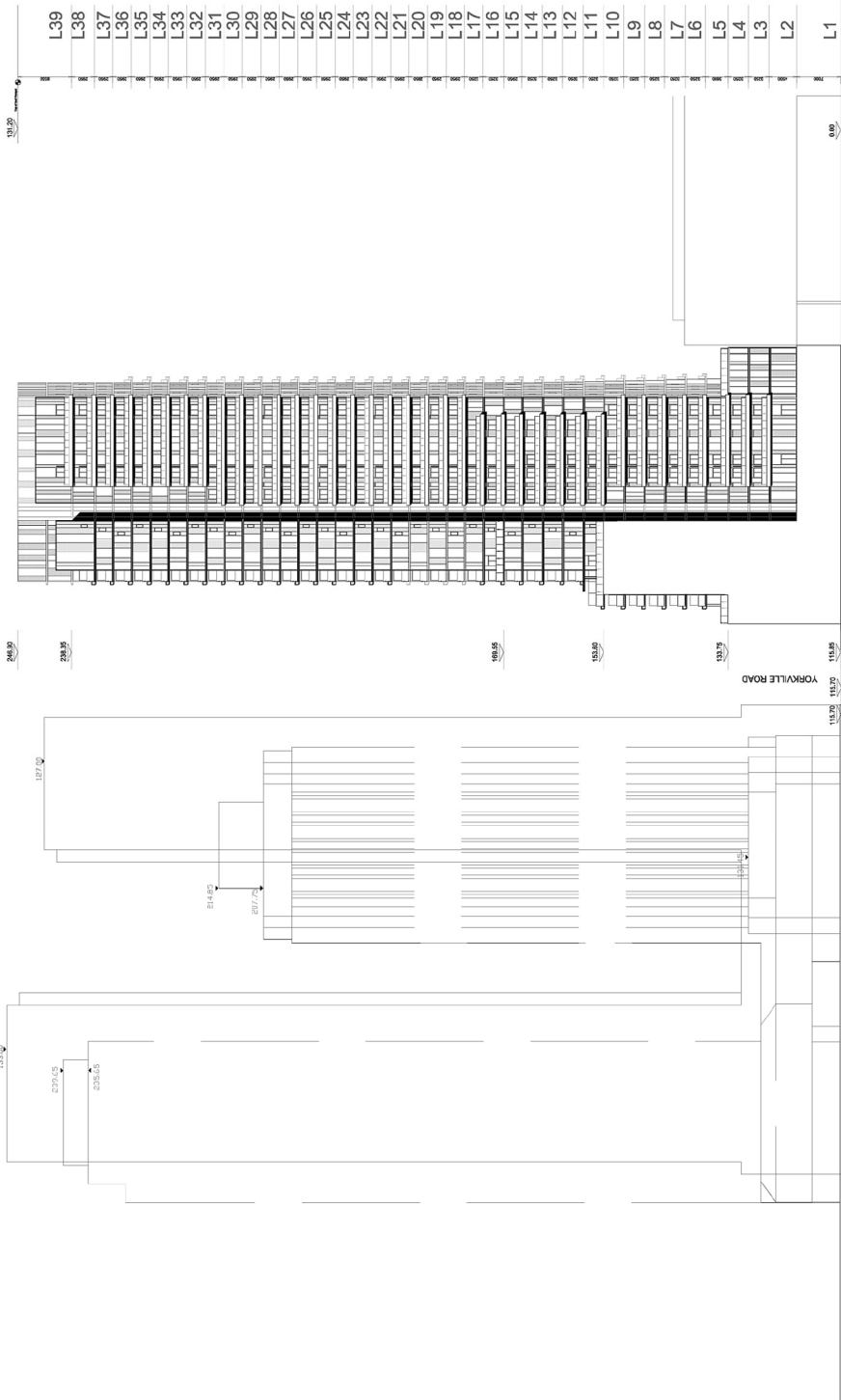
Elevations

Applicant's Submitted Drawing

Not to Scale  
02/27/2012

File # 12 113502 0Z

**Attachment 5: East Elevation**



East Elevation

**Elevations**

Applicant's Submitted Drawing

Not to Scale  
02/27/2012

**33-45 Avenue Road and 140-148 Yorkville Avenue**

File # 12 113502 0Z





## Attachment 7: Application Data Sheet

Application Type	Rezoning	Application Number:	12 113502 STE 27 OZ
Details	Rezoning, Standard	Application Date:	January 27, 2012
Municipal Address:	33-45 AVENUE RD AND 140-148 YORKVILLE AVE		
Location Description:	PLAN 289 PT LOTS 1 & 2 **GRID S2703		
Project Description:	The applicant proposes to construct a 38-storey (122.6 metres, plus 8.5-metre mechanical penthouse - total 131 metres) mixed-use building with 342 residential units and retail in the first two storeys. A total of 247 parking spaces (203 residential and 44 visitors/commercial) are proposed in a five level underground parking facility accessed via Avenue Road.		

<b>Applicant/Agent:</b>	<b>Architect: (1 of 2)</b>	<b>Architect: (2 of 2)</b>	<b>Owner:</b>
Armstrong Hunter & Associates 156 Duncan Mill Rd, Suite 6A Toronto, ON M3B 3N2	Zeidler Partnership Architects 315 Queen St. W. Toronto, ON M5V 2X2	E.I. Richmond Architects Ltd. 243 College Street, 2 <sup>nd</sup> Floor Toronto, ON M5T 1R5	Empire Communities (Yorkville) Ltd. 125 Villarboit Cres. Vaughan, ON L4K 4K2

### PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	OP 211
Zoning:	CR T3.0 C2.0 R3.0, CR T3.0 C2.5 R3.0	Historical Status:	No
Height Limit (m):	30, 18	Site Plan Control Area:	Yes

### PROJECT INFORMATION

Site Area (sq. m):	2237.8	Height:	Storeys:	38
Frontage (m):	44.7		Metres:	122.65
Depth (m):	48.72			
Total Ground Floor Area (sq. m):	2070.7			<b>Total</b>
Total Residential GFA (sq. m):	28396.7		Parking Spaces:	247
Total Non-Residential GFA (sq. m):	3286.7		Loading Docks	3
Total GFA (sq. m):	31683.4			
Lot Coverage Ratio (%):	92.5			
Floor Space Index:	14.2 (including amenity space)			

### DWELLING UNITS

### FLOOR AREA BREAKDOWN (upon project completion)

			Above Grade	Below Grade
Tenure Type:	Condo			
Rooms:	0	Residential GFA (sq. m):	28396.7	0
Bachelor:	0	Retail GFA (sq. m):	2273.7	0
1 Bedroom:	214	Office GFA (sq. m):	0	0
2 Bedroom:	128	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0	0
Total Units:	342			