

TORONTO STAFF REPORT

August 28, 2002

To: Midtown Community Council

From: Director, Community Planning, South District

Subject: Refusal Report
Applications for Amendments to the Official Plan and Zoning By-law, and for Site Plan Approval
151-165 St. Clair Avenue West
468 Avenue Road Holdings Inc.
Application No. 202002, CMB 20020002
St. Paul's, Ward 22

Purpose:

This report recommends refusal of the applications to amend the Official Plan and the Zoning By-law and for Site Plan approval for a 28-storey, 148-unit apartment building at 151-165 St. Clair Avenue West.

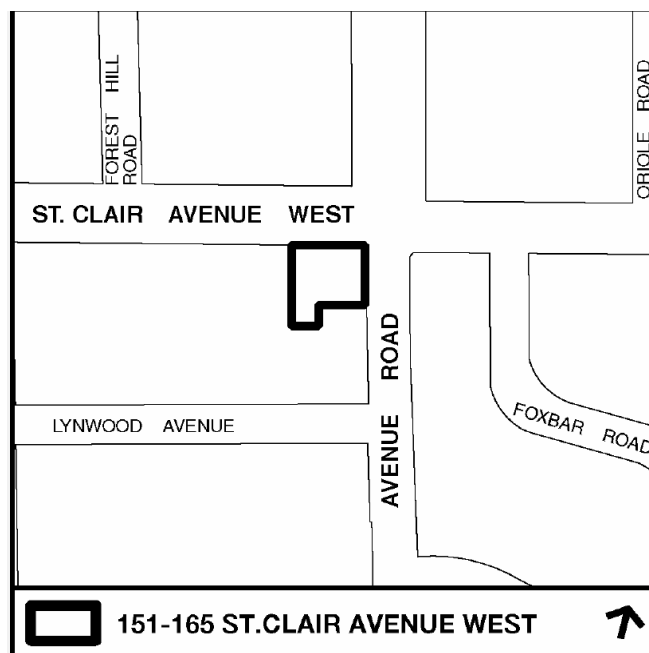
Financial Implications and Impact Statement:

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

Recommendations:

It is recommended that City Council:

- (1) Refuse Official Plan and Zoning By-law Amendments and Site Plan Approval Application No. 202002.
- (2) Request the City Solicitor, the Commissioner of Urban Development Services, and any other appropriate staff to oppose the Ontario Municipal Board appeal and referral made by the applicant on Application No. 202002.



- (3) Authorize and direct the appropriate City Officials to take the necessary actions to give effect thereto.

Background:

Proposal

On January 11, 2002, 468 Avenue Road Holdings Inc. applied for Official Plan and Zoning By-law Amendments and Site Plan Approval for 151-153 St. Clair Avenue West to permit the construction of a 33-storey residential condominium building containing 176 units. The original proposal would have had a density of 23.3 times the area of the lot. The building would have had a height of 124 metres (measured to the highest point of the structure), 117 metres (measured to the top of the mechanical penthouse) and 112 metres (measured to the top of the highest residential floor). A total of 124 parking spaces were proposed on six levels of underground parking.

The application was revised on May 23, 2002 to include the adjacent property at 165 St. Clair Avenue West and to reduce the overall density and height of the building. The revised development proposes a density of 15.7 times the area of the lot and a total of 148 units. The proposed 28-storey tower would have a height of 110 metres (measured to the highest point of the structure), 103 metres (measured to the top of the mechanical penthouse) and 99 metres (measured to the top of the highest residential floor). A total of 108 parking spaces including 9 visitor spaces are proposed in four levels of underground parking.

The applicant's revised proposal is illustrated by Attachment 1.

The applications were appealed to the Ontario Municipal Board on July 29, 2002, on the basis of Council's refusal or neglect to make a decision within 90 days of the submission of the application to amend the Official Plan and Zoning By-law.

Site and Surrounding Area

The site is located on the southwest corner of St. Clair Avenue West and Avenue Road. The site consists of three properties and has an approximate area of 1,607m². The building at 151 St. Clair Avenue West has been demolished, and the buildings at 153 and 165 St. Clair Avenue West are currently in use for commercial purposes. Uses in the vicinity can be described as follows:

North: Located across from the site are 2 parks: Glen Gould Park and Avenue Road Square. Development north of St. Clair Avenue West, on both sides of Avenue Road, consists of high rise apartment buildings of 10 to 19 storeys in height. The neighbourhoods north of St. Clair Avenue West are predominantly developed with detached house form buildings.

South: There is a 7-storey (23.1 metre) residential condominium building located south of the site. Avenue Road, south of St. Clair Avenue West, consists of low-to-

medium rise apartment buildings of 2 to 7 storeys. The neighbourhood to the south of St. Clair Avenue West is predominantly developed with detached house form buildings.

East: The area to the east of the site is part of the Yonge-St. Clair Part II planning area, and is comprised of a mix of apartment and office buildings ranging in height from 4 to 22 storeys (10 to 81 metres). There is a 14-storey office building located on the southeast corner of St. Clair Avenue West and Avenue Road.

West: St. Clair Avenue West, between Avenue Road and Spadina Road accommodates a mix of house form and low-to-medium rise apartment buildings (2 to 7 storeys).

Official Plan

The site is currently designated “High Density Residence Area” by the Part I Official Plan of the former City of Toronto. This designation permits residential buildings having a gross floor area of up to 2.0 times the area of the lot. Council encourages that new developments have regard for:

- (a) retaining the existing pattern of streets, lanes, blocks, public and private open spaces and topographical features;
- (b) achieving a balance between the relationship of a building to the street and other public spaces as well as the relationship between buildings with respect to light, view and privacy;
- (c) providing grade-related private and public uses that animate the street edge;
- (d) achieving desirable conditions of pedestrian comfort at the street level with respect to wind and sun penetration;
- (e) achieving a desirable and safe pattern of pedestrian and vehicular circulation;
- (f) ensuring the adequacy of municipal services, parks, and community services and facilities; and
- (g) ensuring that the impact on the built form and residential amenity of adjacent Low Density Residence Areas has been considered.

The site is located outside of the Yonge-St.Clair Part II Plan planning area and the Metropolitan Centre at Yonge-St. Clair.

Zoning By-law 438-86

The site is zoned R4.0 Z2.0 with a height limit of 14 metres. This zoning permits most residential building types to a maximum gross floor area of 2.0 times the area of the lot.

Site Plan Control

The site and the proposed development are subject to site plan control. An application for Site Plan Approval has been filed and has also been appealed to the Ontario Municipal Board.

Reasons for Application

An amendment to the Official Plan is required as the proposed density of 15.7 times the area of the lot exceeds the permitted Official Plan maximum of 2.0 times in the High Density Residence Area.

An amendment to the Zoning By-law would be necessary because the proposed density of 15.7 times the area of the lot would exceed the permitted maximum of 2.0 times, and the proposed building height of 110 metres would exceed the permitted height limit of 14.0 metres for the R4.0 Z2.0 district. The development would not meet the minimum standards as set out by the Zoning By-law for setbacks, landscaped open space, and amenity space. Additional areas of non-compliance with the Zoning By-law may be identified.

Comments:

The proposal represents an overly aggressive and inappropriate approach to intensification for this site. The issues have been set out below, and when considered in their entirety, provide the basis for recommending refusal of this application.

Built Form

The city structure based on the concept of a Central Area, centres and corridors provides a logical organizing principle for development, allowing the City to plan for growth in a manner which makes efficient use of existing public infrastructure and provides a degree of stability in the land use planning process. The consequence of permitting developments with little or no regard for this principle is uncontrolled growth.

It has been the policy of the City to ensure that building heights should generally peak at the intersection of Yonge and St. Clair and transition downwards towards the low density residential areas. Any proposed redevelopment of the site should complement the surrounding built form and provide a transition in height from the Yonge-St. Clair Centre to the low rise neighbourhoods west of Avenue Road.

Density

The Zoning By-law limits the residential floor area in the area zoned R4.0 Z2.0 to 2.0 times the lot area (or 2,268 square metres), whereas the proposed residential floor area of the building exceeds the maximum permitted density by almost eight times (15.73 times the lot area or 25,285 square metres). The proposed density results in a building that does not address the surrounding context and built form objectives of the City.

Height and Massing

The Zoning By-law establishes a 14-metre height limit for this site and surrounding properties to the west. The proposed 28-storey tower would have a height of 110 metres, which significantly exceeds the permitted height limit and the heights of the surrounding buildings. The proposed

building would be the highest building in the area including the Yonge-St.Clair High Density Mixed Commercial Residential Area at the St. Clair and Yonge intersection.

The height and mass of the proposal are not consistent with the overall city structure. The highest buildings in the area are located east of Avenue Road, which is the boundary between the 46-metre height zone and the 14-metre height zone. The proposal has no regard for the character of the immediate area along Avenue Road to the south and along St. Clair Avenue to the west where building heights range from 3 to 7 storeys. Even when compared with the apartment buildings on both sides of Avenue Road north of St. Clair, where heights generally are in the range of 10 to 14 storeys, the proposal remains out of character with the area. The height and mass of the proposed building fail to provide a transition from the height and mass of buildings located at the intersection of Yonge Street and St. Clair Avenue to the low density residential built form west of Avenue Road.

The proposal is also inconsistent with the emerging policies of the new Official Plan which encourages a transition between areas of different development intensity and scale, and stipulates, through an area exception, that development in the Apartment Neighbourhoods area along St. Clair Avenue between west of Spadina Road and Avenue Road, will generally be in the range of 4 to 6 storeys in height.

The shadow impacts of the proposed development on the surrounding stable low density residential areas, municipal boulevards, Glen Gould Park and Avenue Road Square are significant. The current City of Toronto Official Plan specifies that the existing conditions with regard to sunlight and wind conditions are to be maintained or improved. The height and mass of the proposed building are excessive from a shadow impact perspective and would reduce the sunlight in both of the parks.

Siting

The proposed building does not provide adequate setbacks as required by the Zoning By-law. The By-law requires that developments within the R4.0 Z2.0 zone have the following setbacks: a minimum of 6.0 metres from the front lot line, a minimum of 6.0 metres to a flanking street and a minimum of 7.5 metres from the side and rear lot lines. The proposal would provide a minimum setback of 0.5 metres from the front lot line, 0.8 metres from the rear lot line, 0 metres from the flanking street and a setback of 0 metres from the side lot line on the west side.

Light, View and Privacy

An adequate condition of privacy, natural light and views depends on such things as the type of building, the dwelling units' location in a building, built form context, setbacks and landscaping. The siting of the proposed building, its massing and lack of minimum setbacks may negatively impact the residential amenity currently enjoyed by the residents of the surrounding area, including the neighbouring apartment building to the south.

The proposal may hinder and detract from the views and vista from Avenue Road to the Upper Canada College tower, a landmark designated a significant view in the Official Plan.

Landscaping and Residential Amenity

The proposal is deficient in its landscaping and provision of residential amenity space. The Zoning By-law requires an apartment building to provide a minimum landscaped open space of 50% the lot area (804 square metres). The By-law also requires that 2 metres per unit of indoor and 2 metres per unit of outdoor amenity space be provided, where the outdoor amenity space is adjacent to or directly accessible from the indoor residential amenity space. The proposal fails to provide any landscaped open space or outdoor amenity space.

Section 37

Section 37 of the Planning Act allows the City to grant increased density and/or height in exchange for community benefits. The Official Plan contains provisions authorizing such an exchange, provided the density and/or height increase are consistent with the objectives of the Official Plan regarding building form and physical environment. The discussions to date between City staff and the applicant have focused mainly on the built form issues, and because those have not been resolved, discussions regarding Section 37 have not progressed beyond the initial indication by staff that the City intended to use the tool, were any development with increased density and/or height recommended for this site.

For an application of this type at this location appropriate community benefits could include, but not be limited to, one or more of the following: improvements to Glenn Gould Park and/or Avenue Road Square; and public art.

Conclusions:

The density, siting, height, and massing of the proposed development significantly exceed the current Official Plan and Zoning By-law limits. The proposal is situated at the intersection of two arterial roads, is easily accessible by public transit, and may be a suitable location for intensification. However, the site's close proximity to low-rise residential neighbourhoods and the surrounding built form context warrant a modest approach to intensification.

The density, siting, height, and massing of the proposed development are inconsistent with the in force Official Plan policies, as well as the emerging policies of the new Official Plan and, therefore, the proposal for the site is not appropriate or supportable. I am recommending that City Council refuse the application in its current form.

Contact:

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Beate Bowron
Director, Community Planning, South District

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List of Attachments:

Application Data Sheet
Attachment 1: Site Plan
Attachment 2: North-South Elevations
Attachment 3: East-West Elevations
Attachment 4: Zoning
Attachment 5: Heights
Attachment 6: Official Plan

APPLICATION DATA SHEET

Combination

Site Plan Approval:	Yes	File Number:	202002
Rezoning:	Yes	Application Number:	TD CMB 2002 0002
O.P.A.:	Yes	Application Date:	01/11/2002
		Revised Date:	05/23/2002

Municipal Address: 151 St. Clair Ave W
165 St. Clair Ave W
153 St. Clair Ave W

Nearest Intersection:

Project Description: Proposed 28 storey residential building - (468 Avenue Road)

Owner:

468 AVENUE ROAD HOLDINGS
INC.
250 Davisville Avenue
(416) 486-1961

PLANNING CONTROLS (For verification refer to Chief Building Official)

Official Plan Designation:	HDRA	Site Specific Provision:	No
Zoning District:	R4.0 Z2.0	Historical Status:	No
Height Limit (m):	14m	Site Plan Control Area:	No

PROJECT INFORMATION

Site Area:	1607.6	Height: Storeys:	28
Frontage:	48.6	Meters:	103.15
Depth:	31.04		

		Indoor Type	Outdoor
Ground Floor GFA:	565	Parking Spaces: 108	0
Residential GFA:	25285	Loading Docks: 1 G	0
Non-Residential GFA:			
Total GFA:	25285		

DWELLING

Tenure Type:	Condominium
Rooms:	0
Bachelor:	0
1 Bedroom:	48
2 Bedroom:	100
3+ Bedroom:	0
Total Units:	148
Total Proposed Density:	15.73

FLOOR AREA BREAKDOWN

	Above Grade
Residential GFA:	25285
Retail GFA:	0
Office GFA:	0
Industrial GFA:	0
Industrial/Other GFA:	0

COMMENTS

Current Status:	Open	<u>Latest Event</u>	<u>Actual Date</u>
		Suppl. Submission	06/03/2002
		Revision	05/23/2002
		Suppl. Submission	05/23/2002
		Suppl. Submission	02/07/2002
		Received	01/11/2002
Data Valid:	June 5, 2002	Planner: Joe Nanos	Phone: (416) 338-5747
Area:	District - C	Planning Office:	Toronto - North (TD)