

TORONTO STAFF REPORT

September 25, 2006

To: City Council

From: Chief Planner and Executive Director, City Planning Division

Subject: Request for Directions Report
Toronto & East York Community Council, Report 8, Clause 26
OPA/Rezoning Application 05 193926 STE 22 OZ
Site Plan Approval Application 06 103544 STE 22 SA
Applicant: Adam J. Brown Of Sherman Brown Dryer Karol
Architect: Kirkor Architects and Planners
609 Avenue Road
Ward 22 - St. Paul's

Purpose:

This report reviews and recommends refusal of applications to amend the Official Plan and the Zoning By-law and for Site Plan Approval for a 17-storey residential condominium building at 609 Avenue Road.

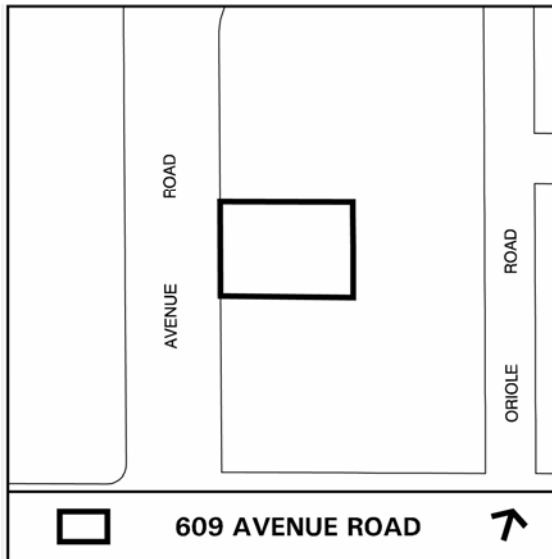
Financial Implications and Impact Statement:

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

Recommendations:

It is recommended that City Council:

- (1) direct the City Solicitor to advise the Ontario Municipal Board (the OMB) that the City of Toronto requests the OMB to refuse the applications to amend the Official Plan and Zoning By-law (05 193926 STE 22 SA) and the associated site plan application respecting the construction of a 17-storey residential condominium building in their current form.



- (2) instruct the City Solicitor to request the OMB to impose conditions under Section 37 of the Planning Act, in accordance with the policies of the Official Plan, to secure appropriate community benefits in the event the OMB approves a form of development as proposed by the applicant; and
- (3) authorize the City Solicitor, the Chief Planner and Executive Director, City Planning Division and any other appropriate staff to appear at the OMB hearing in support of the City's position as set out in recommendations (1) and (2) of this report.

Background:

Application History

On October 14, 2005 City Planning received an application to amend the Official Plan and Zoning By-law of the former City of Toronto to permit a 17-storey residential condominium building at 609 Avenue Road. On January 18, 2006 City Planning received a related Site Plan Application.

Planning staff held a consultation meeting in the community on February 6, 2006 and prepared a Preliminary Report on the application dated March 10, 2006. Staff have been in further discussions with the applicant and have not been able to reach an agreement on the appropriate form of development for the site. On July 27, 2006 the applicant filed an appeal of the Official Plan Amendment and Rezoning application, and a referral of the Site Plan application to the Ontario Municipal Board, citing Council's failure to make a decision on the applications within their respective time frames as prescribed by the Planning Act. No hearing date has been set.

Proposal

These are applications for amendments to the Official Plan and Zoning By-law and for Site Plan Approval to permit the redevelopment of the lands at 609 Avenue Road with a 17-storey, 58-unit residential condominium building. A total of 94 parking spaces are proposed to be accommodated in 2 storeys of underground parking, with 87 spaces being provided for tenant parking and 7 spaces for visitor parking. Details regarding the proposal are included in Attachment 1 – the Application Data Sheet.

- Formatted
- Formatted
- Formatted
- Formatted
- Formatted
- Formatted
- Formatted

Site and Surrounding Area

The site is located on the east side of Avenue Road, between Lonsdale Road and Heath Street West. The lot has a frontage of 38.6 metres with an area of 2045.3 m². An existing six-storey rental (equity co-operative) apartment building located on the site is proposed to be demolished to facilitate the redevelopment.

The site is within a corridor of high-rise apartment buildings on Avenue Road north of St. Clair Avenue West. Other uses surround the site as follows:

North: one 17-storey and one 19-storey condominium tower, and Upper Canada College;
South: a three-storey rental apartment building;
East: low-rise stable residential dwellings; and
West: an eleven-storey rental apartment building.

New Toronto Official Plan

At its meeting of November 26, 2002, City Council adopted the new Official Plan for the City of Toronto. The Minister of Municipal Affairs approved the plan, in part, with modifications. The Minister's decision was appealed in its entirety. On July 6, 2006, most of the new Plan was brought into force, except for policies related to housing, Section 37 and flood plain special policy areas.

The new Official Plan for the City of Toronto designates this site an Apartment Neighbourhood. Built-up Apartment Neighbourhoods are stable areas of the city where major growth is not anticipated. New development in Apartment Neighbourhoods is subject to criteria respecting location, massing, transition to areas of different development intensity and minimizing shadow impacts, among others.

Among the specific development criteria that are applicable to this application, developments in Apartment Neighbourhoods will contribute to the quality of life by:

- (a) locating and massing new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of the Plan, through means such as providing setbacks from, and/or a stepping down of heights toward, lower-scale Neighbourhoods;
- (b) locating and massing new buildings so as to adequately limit shadow impacts on properties in adjacent lower-scale Neighbourhoods, particularly during the spring and fall equinoxes; and
- (e) locating and screening service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences.

(Sec. 4.2.2)

Built Form policies of the new Plan echo these development criteria as they pertain to impacts on neighbouring existing or planned buildings and further require that new developments provide for:

- (a) massing to frame adjacent streets and open spaces in a way that respects the existing and/or planned street proportion; and
- (c) adequate light and privacy

(Sec. 3.1.2.3)

The site also forms part of the Yonge-St. Clair Secondary Plan, which reinforces the Apartment Neighbourhood designation. New development in the Secondary Plan area will achieve a harmonious relationship to their built form context through building height, massing, setback, stepbacks, roofline and profile, architectural expression and vehicle access and loading. In addition to development criteria of the Official Plan, new development in Apartment Neighbourhoods in Yonge-St. Clair will provide setbacks at and below grade, from the front lot line to facilitate the planting of large shade trees in the setback areas.

Zoning

The current zoning for the site in City of Toronto By-law 438-86 is R4 Z2.0. This is a residential zoning designation that allows a number of uses, including an apartment building having a gross floor area of up to 2.0 times the lot area. The maximum permitted height is 16.0 metres.

Tree Preservation

There are five City-owned trees in the Avenue Road street allowance, four of which are proposed to be removed and replaced with one tree. The applicant proposes to remove seven private trees, some of which are off-site which meet the criteria for protection under the City's Private Tree By-law and as such would require Council approval. Two other privately owned trees proposed to be removed are exempt from the Tree By-law.

Rental Housing

There is an existing equity co-operative apartment building with a total of 24 dwelling units on the site. Planning Policy staff have reviewed the application and advise that, based on information provided by the applicant, all but two of the units in the co-operative had been occupied by shareholders or their immediate families. The two remaining rental units fall below Council's six-unit threshold for rental housing protection contained in the new Toronto Official Plan. Also, given the small number of rented units involved, it was considered that the demolition of this building would not be contrary to the rental preservation policies under the in-force Official Plan of former Toronto. Therefore staff have no concerns regarding the demolition of the rental housing units in this building.

Reasons for the Application

The proposal does not appropriately address the urban design policies and development criteria contained in the new Official Plan, in particular those calling for new development to be massed to fit harmoniously into its existing context. This is to be achieved, in part, by: massing new buildings to frame adjacent streets and open spaces in a way that respect the existing and/or planned street proportion; creating appropriate transitions in scale to neighbouring existing

and/or planned buildings; providing for adequate light and privacy; and adequately limiting shadow and wind conditions on neighbouring streets, properties and open spaces. The proposal in its current form does not achieve these objectives.

The proposed development does not comply with the Zoning By-law, in particular as it relates to height and density. The proposed density of 6.4 times the lot area exceeds the maximum total 2.0 times permitted by the Zoning By-law, and at 17 storeys and 60.55 metres in height (including mechanical penthouse) the proposal exceeds the maximum 16 metre height limit permitted by the Zoning By-law. With respect to setbacks, the proposal provides 10.5 metres from the front lot line where 12.0 metres is required; 6.0 metres from the rear lot line where 7.5 metres is required; 0.7 metres from the north lot line where 7.5 metres is required; and 3.9-4.5 metres from the south lot line where 7.5 metres is required. Other areas of non-compliance occur with respect to the provision of parking, visitor bicycle parking, landscaped open space, driveway width and the proposed building depth.

Community Consultation

A community consultation meeting was held at Upper Canada College on February 6, 2006. Approximately 35 people were in attendance. Planning staff have also received 36 written submissions from residents in the immediate area. A summary of concerns raised is as follows:

- the proposed height and density are too great and not in keeping with the character of the area;
- the proposal would have negative impacts with respect to shadowing, sky views, privacy and open space on the adjacent properties to the north and east;
- the proposed reduced setbacks are not acceptable;
- the proposal would increase traffic congestion onto Avenue Road; and
- the proposal would create a precedent for increased development along Avenue Road.

Agency Circulation

The application was circulated to all appropriate agencies and City Departments. Responses received have been used to assist in evaluating the application.

Comments:

The majority of the following commentary was provided in the preliminary staff report on the application dated March 10, 2006. Though the applicant has engaged in negotiations with staff, the concerns expressed below have not been adequately addressed to date and we have been unable to reach an agreement on the appropriate form of development for the site.

Existing Context

Avenue Road between St. Clair Avenue West and Lonsdale Road (to be referred to here as the “apartment corridor”) is characterized by a series of apartment buildings with the clock tower at Upper Canada College as its northern view terminus. Buildings along this corridor are consistently set back to enhance these view lines and provide the opportunity to plant large shade trees in the City boulevard. The maintenance of this front setback line is therefore critical to the integrity of the corridor.

Though the apartment corridor is zoned R4 Z2.0, building densities here range from 1.9 to 6.4, with most buildings at a density of 3.5 to 4.5 times the lot area. Given this context it may be appropriate to consider density greater than 2.0 times the lot area, but only if it can be demonstrated that the intent of the Official Plan is maintained and the proposal is otherwise appropriate.

Heights of buildings in the apartment corridor range from 10.5 metres to 56 metres, or 3 to 19 storeys; most are in the range of 10-12 storeys. The notable exception to this height regime is 619-625 Avenue Road comprised of two “Lonsdale” condominium towers (one 17 storeys and one 19 storeys) at the southeast corner of Avenue Road and Lonsdale Avenue. On this large site (approximately 10,339 m²), the two towers have been configured to turn the corner, offering substantial landscaped open space and significant setbacks. In addition, the townhouses facing Oriole Road provide a transition to the low-rise neighbourhood to the southeast, resulting in a development that is appropriate for the particular site.

Density/Height/Massing

The proposed density of 6.37 times the lot area results in a building of excessive mass and bulk which represents an overdevelopment of the site. Unlike the Lonsdale towers, the proposal is located on a small site that does not offer as much opportunity for significant landscaped open space. The current design results in reduced side and rear yard setbacks, lessening the separation distances that are intended to mitigate the proposed height and building mass and reducing opportunities for light penetration and sky views between buildings.

The preliminary staff report dated March 10, 2006 expressed a concern that the proposed building related to the height of the corner buildings at 619-625 Avenue Road. The site is in a mid-block location, among a generally consistent pattern of heights throughout the apartment corridor, with many of the same general characteristics of other mid-block parcels fronting Avenue Road. The resulting built form and density should be more in keeping with these sites and should enhance the best characteristics of the area.

Sun/Shadows

According to shadow studies submitted by the applicant, the proposed building would introduce additional shadows in the adjacent, lower-scale Neighbourhoods area. These impacts appear to

be most pronounced in (but are not limited to) the rear yards of the low-rise homes on Oriole Road between 3:00 and 6:00 pm in the summer months. Additional properties on the east side of Oriole Road are also affected in the early evenings of the summer months.

Tree Preservation

As noted above, a number of private and City-owned trees are proposed to be removed to facilitate this development. A number of trees proposed for removal grow along the rear lot line and provide a significant screening and transition function between the high- and low-density residential areas. Staff are concerned that this green buffer will be diminished with the proposed development. In order to maintain the intent of the Official Plan to provide for large growing shade trees on Avenue Road, the provision of new tree plantings in the City boulevard would be required at the site plan approval stage. These tree preservation and tree planting measures may require alteration to the extent of the proposed below-grade garage.

Section 37

Section 37 of the Planning Act allows the City to grant increased density and/or height in exchange for community benefits. Section 16.21 of the City of Toronto Official Plan is still in force and contains policies authorizing such change provided the density and/or height increases that are proposed are consistent with the objectives of all other applicable planning policies and controls.

Discussions between staff and the applicant to date have focused primarily on built form issues and as the built form has not been resolved, discussions regarding Section 37 have not progressed beyond the indication that staff intend to use this policy permission should any development with significant height and density be recommended for approval by City Council or the Ontario Municipal Board on this site.

However, as the matter has been appealed, it is now necessary to give direction to the City Solicitor on this point. Staff are recommending that the City Solicitor be instructed to request the OMB to impose certain conditions under Section 37 of the Planning act in the event that the OMB approves a form of development as proposed by the applicant. For an application of this type at this location appropriate community benefits could include, but not be limited to, local park improvements and public art.

Conclusions:

The site at 609 Avenue Road is in an established apartment neighbourhood with prevailing building heights in the 10-12 storey range. Where building heights within the Avenue Road apartment corridor have exceeded this pattern, significant setbacks and landscaped open space have been provided to mitigate the impact, maintaining light penetration and sky views. The current proposal for the site does not achieve these development criteria and results in an

overdevelopment of the site. Further negotiations with the applicant have not produced an acceptable form of development. Staff recommend refusal of the application and seek Council's direction to appear in opposition to the current proposal at the Ontario Municipal Board.

Contact:

Melanie Melnyk, Planner
South District, Midtown Section
Ph: (416) 338-5747
Fax: (416) 392-1330
Email: mmelnyk@toronto.ca

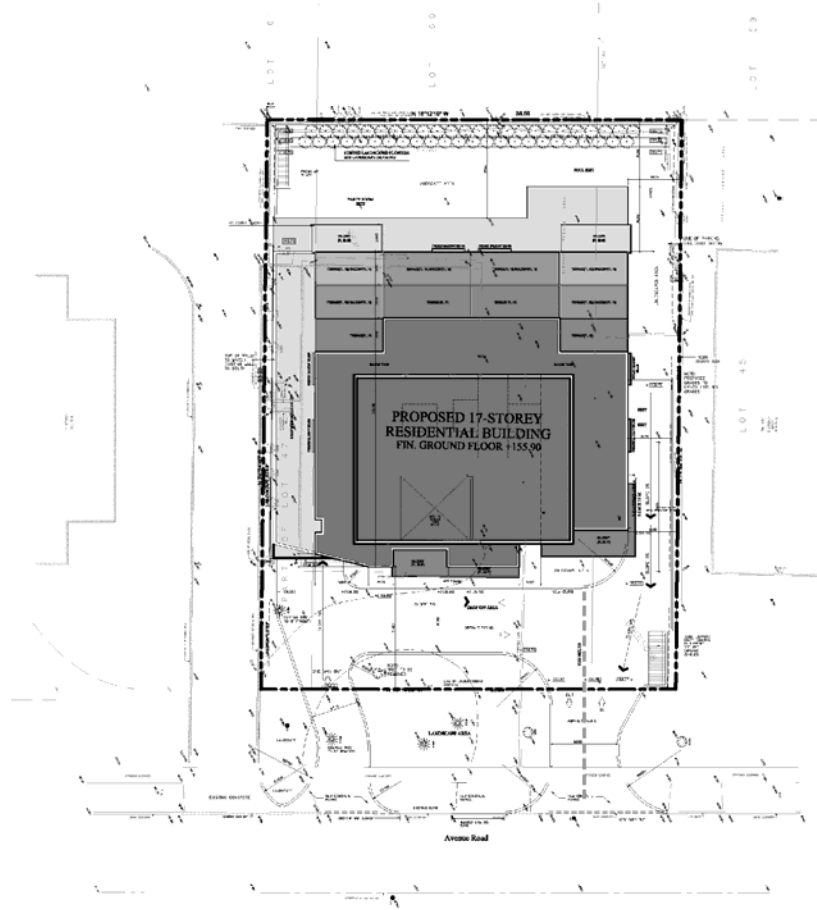
Ted Tyndorf
Chief Planner and Executive Director
City Planning Division

p:\2006\uds\pln\26067403077 - tm

List of Attachments:

Attachment 1: Application Data Sheet
Attachment 2: Site Plan
Attachment 3: Elevations
Attachment 4: Elevations

Attachment 2: Site Plan



609 Avenue Road

File # 05_193926

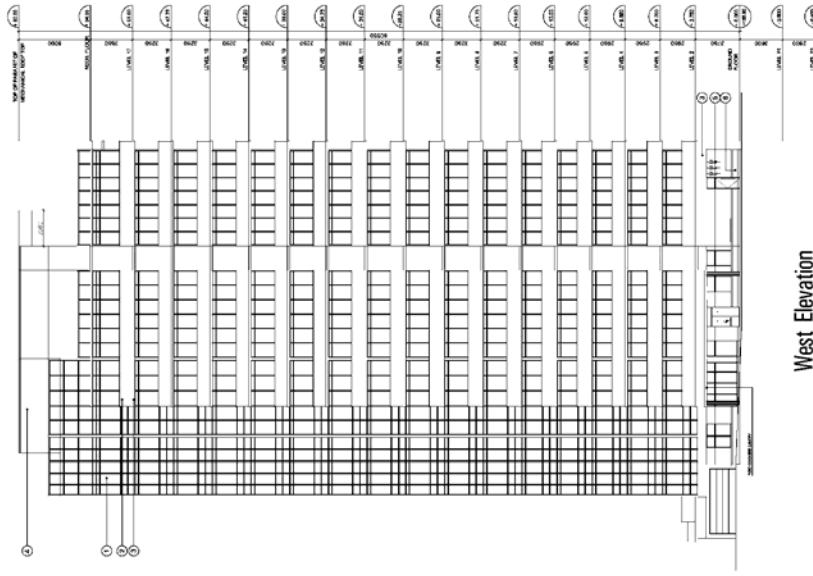
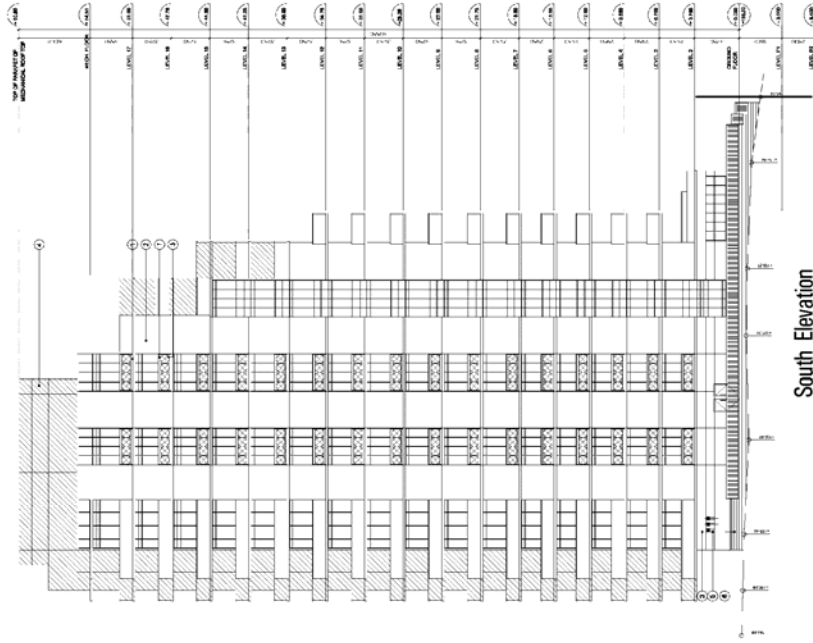
Site Plan

Applicant's Submitted Drawing

Not to Scale
10/15/05



Attachment 3: Elevation 1



609 Avenue Road

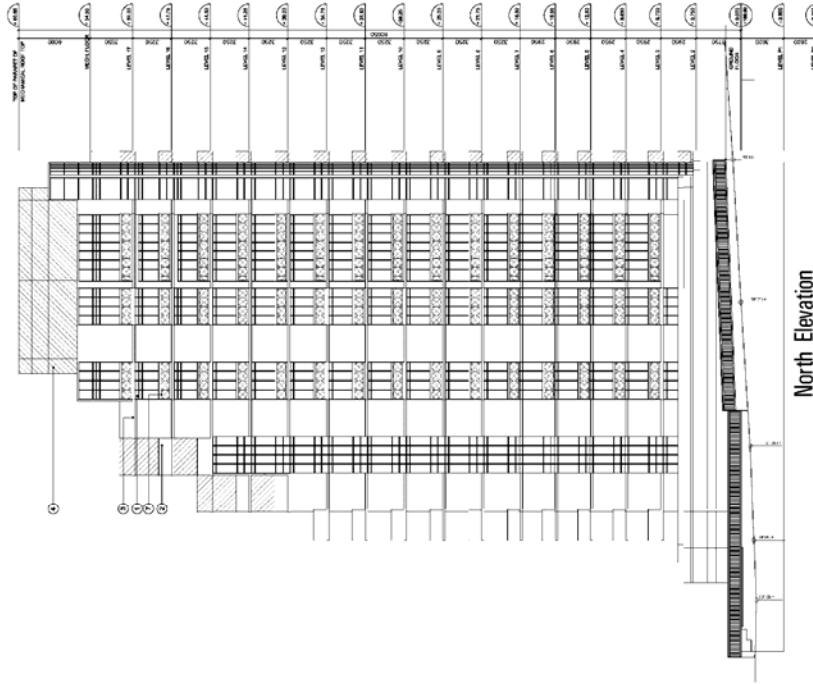
File # 05_193926

Elevations

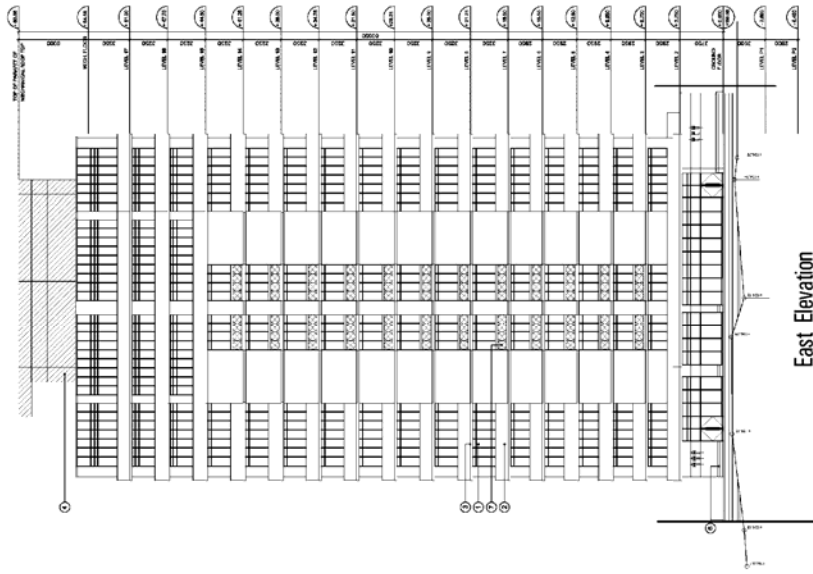
Applicant's Submitted Drawing

Not to Scale
10/15/05

Attachment 4: Elevation 2



North Elevation



East Elevation

609 Avenue Road

Elevations

Applicant's Submitted Drawing

Not to Scale
10/15/05

File # 05_193926