

21 Avenue Rd– OPA & Rezoning – Preliminary Report

Date:	January 19, 2009
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 27 – Toronto Centre-Rosedale
Reference Number:	07 289063 STE 27 OZ

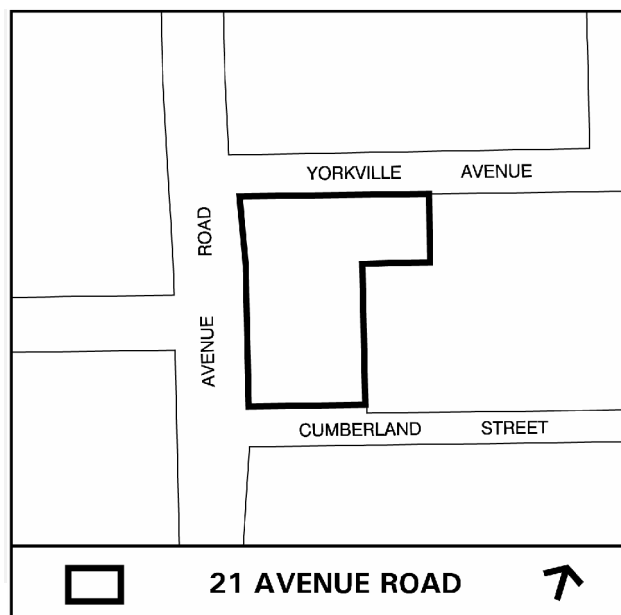
SUMMARY

This application proposes to demolish the existing Four Seasons Hotel and construct in its place a two-tower residential condominium positioned on a 3-storey retail podium. On the southern portion of the site the proposal includes a 48-storey, 170m (178.5m to top of mechanical) residential tower inclusive of the 3-storey podium and on the northern portion a 44-storey, 157m (166m to top of mechanical) residential tower.

This report concludes that the proposed development in its current form is not supportable. It considerably exceeds the height and scale of buildings contemplated in the Official Plan, Zoning By-law or Urban Design Guidelines for this part of the Bloor - Yorkville area. The proposal does not adequately limit shadows on the adjacent lower scale neighbourhoods and Areas of Special Identity. The proposal fails to demonstrate consistency with the Provincial Policy Statement objective of conserving significant cultural heritage resources and landscapes.

However staff recommend that the applicant be invited to submit a revised proposal at a significantly lower height that meets urban design parameters set out in this report.

This report also sets out additional study and analysis that will need to be completed



before determining the scope of an appropriate development on the subject site.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Toronto and East York Community Council advise the applicant that the application in its current form is not supportable for the reasons outlined in this report.
2. Toronto and East York Community Council request the applicant to revise their proposal in accordance with the urban design parameters discussed in this report and outlined in Attachment No. 7.
3. Upon receipt of confirmation from the applicant that they intend to consider alternative design proposals in accordance with the urban design parameters, staff be directed to schedule a Public Open House together with the Ward Councillor.

Financial Impact

The recommendations in this report have no financial impact.

ISSUE BACKGROUND

Proposal and Project History

On December 21, 2007 Avenue –Yorkville Developments Ltd (a subsidiary of Menkes Developments Ltd.) applied for Official Plan and Zoning By-law Amendments for 21 Avenue Road to replace the existing Four Seasons Hotel with a two-tower residential condominium positioned on a 3-storey retail podium. On the southern portion of the site the proposal included a 58-storey (212.7m to top of roof, 221.5m to top of mechanical) residential tower and on the northern portion a 48-storey (177.7m to roof, 186.5m to mechanical) residential tower. On the northwest portion of the L-shaped site, a publicly-accessible parkette is proposed. The development would be accessed by an internal, north-south driveway located along the eastern portion of the site, with parking access, servicing and loading accessed from an internal courtyard. The proposal provided for 392 residential units and yielded a density of 19.17 times the site area.

In response to concerns raised by Planning staff in pre- and post application discussions, the applicant submitted a letter to the City dated March 3rd, 2008 requesting that the review of the application be placed on ‘hold’ pending the submission of revised plans.

On July 11, 2008 the applicant submitted a revised set of plans maintaining the same site plan layout as the previous proposal, but with modifications to the height of the two residential towers. The southern tower is now proposed to be 48 storeys high (170m to roof, 178.5m to top of mechanical) and the northern tower 44 storeys high (157m to roof,

166m to top of mechanical). The proposal provides for 335 residential units and yields a density of 16.85 times the site area.

A Community Consultation meeting was held by City Planning staff on September 22, 2008 at the Church of the Redeemer, which over 250 persons attended.

No revisions have been submitted to the City since the consultation meeting and so the proposal submitted on July 11th, 2008 (see above) is still before the City. Attachment No. 6 to this report contains further project data.

Site and Surrounding Area

Located on the east side of Avenue Road, one block north of Bloor Street West, the site is bounded by Yorkville Avenue to the north and Cumberland Avenue to the south. It is an inverted 'L' shaped site (see attachment No. 1) with an area of 3,886.3 square metres and frontages of 76 metres along Avenue road, 69 metres along Yorkville Avenue and 42 metres along Cumberland Street.

The site is presently occupied by the Four Seasons Yorkville Hotel, a 380 suite luxury hotel with associated hotel amenities and retail space. The hotel which was constructed in 1970 consists of a 31 storey (92m in measured height) glass and concrete tower at the northwest corner of the site, and a three storey podium element at the south end of the site and also along Yorkville Avenue. Vehicular access is through a north-south driveway between Cumberland Street and Yorkville Avenue and additional driveway access off Avenue Road.

Uses and structures near the site include:

North: the seven-storey Hazelton Lanes mixed use complex with an internal shopping mall on the lower levels and residential condominium in the upper levels. House-form buildings accommodating retail uses can be found on the immediately opposite the hotel on the north side of Yorkville Avenue. To the northeast is the new 9-storey, Hazelton Hotel and Residences at the corner of Yorkville Avenue and Hazelton Avenue.

East: a mixed-use complex known as Renaissance Court located at 164 Cumberland Street. Renaissance Court is a 7-storey building enclosing a north-south pedestrian walkway with a mid-block courtyard at grade.

South: on the south side of Cumberland street is a 26 storey mixed-use building located at 150 Bloor Street West known as the "Renaissance Plaza". The building in an L-shape, wraps around the Church of the Redeemer located at the corner of Bloor Street West and Avenue Road.

West: the "Prince Arthur" located at 38 Avenue Road is a residential condominium building with a 24-storey tower element to the south end of the site stepping down to a 10-storey slab element at the north end.

As noted in the Bloor – Yorkville/North Midtown Urban Design Guidelines, Avenue Road is one of the City’s most important streets as it links numerous prestigious and notable governmental and cultural institutions. Buildings on the east side of Avenue Road, south of Webster Avenue are a mix of high and mid-rise structures comprising a variety of commercial and residential uses. North of Webster Avenue, the buildings are predominantly low-rise and commercial in use.

Buildings on the west side of Avenue Road, south of Elgin Avenue are predominantly mid to high-rise and accommodate retail uses at grade and hotel or residential units above. North of Elgin Avenue the buildings are low-rise and mixed use.

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. The PPS also provides that significant built heritage resources and significant cultural heritage landscapes be conserved. 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 by the Planning Act, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The site is at the north end of the *Downtown* and is designated as a *Mixed Use Area*. In Chapter 2, the 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.

Chapter 3 of the Plan complements and supports the City’s growth strategy by integrating social, economic and environmental perspectives in decision-making to create an attractive City, with a strong economy and liveable communities. The Public Realm policies of section 3.1.1 are intended to ensure that private development maintain, frame and, where possible, create public views to important natural and human-made features from other public places.

The Built Form policies of the Plan recognize the importance of good urban design as an essential ingredient of successful city building. The general built form policies of Section 3.1.2 and 3.1.3 related to Tall Buildings are to be reviewed in the context of this application.

The Heritage policies under section 3.1.5 provide for the conservation of significant heritage resources.

As previously state the subject property is located within a designated *Mixed Use Area*. *Mixed Use Areas* will achieve a multitude of planning objectives by combining a broad array of residential uses, offices, retail and services, institutions, entertainment, recreation and cultural activities, and parks and open spaces.

Development Criteria for *Mixed Use Areas* set out in Policy 4.5.2 include the following:

- a) create a balance of high quality commercial, residential, institutional and open space uses that reduces automobile dependency and meets the needs of the local community;
- b) provide for new jobs and homes for Toronto's growing population on underutilized lands in the *Downtown*, the *Central Waterfront*, *Centres*, *Avenues* and other lands designated *Mixed Use Areas*, creating and sustaining well-paid, stable, safe and fulfilling employment opportunities for all Torontonians;
- c) locate and mass new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of this Plan, through means such as providing appropriate setbacks and/or a stepping down of heights, particularly towards lower scale *Neighbourhoods*;
- d) locate and mass new buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes;
- e) locate and mass new buildings to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
- f) provide an attractive, comfortable and safe pedestrian environment;
- g) have access to schools, parks, community centres, libraries, and childcare;
- h) take advantage of nearby transit services;
- i) provide good site access and circulation and an adequate supply of parking for residents and visitors;
- j) locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences; and
- k) provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development.

The Toronto Official Plan is available on the City's Website at:
www.toronto.ca/planning/official_plan/introduction.htm

Area Specific Policy 211 – Bloor Yorkville / North Midtown Area

Policy 211 applies to the entire Bloor-Yorkville/North Midtown Area, bounded by Avenue Road, Bloor Street, Sherbourne Street, Rosedale Valley Road, Yonge Street and CPR rail line to the north and sets out area specific policies that vary from the general provisions of the OP. The policies speak to the overall built form context, the character of specific areas, the public realm and urban design.

Policy 211 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 towards the boundaries of the area from the more intensive use and development forms to the south and within the Height Peak at Yonge and Bloor Streets.

The key components of this Area Specific policy as it relates to development on the subject site are: height transition; development in mixed-use areas; protection of and development within Areas of Special Identity; and the use of area-based urban design guidelines.

With respect to height transition the tallest buildings in the Bloor-Yorkville/North Midtown Area will be located in the 'Height Peak' area in the vicinity of the intersection of Bloor/Yonge Streets. Building heights will step down from the Bloor/Yonge intersection within the *Mixed Use Area* in descending 'ridges' of height along Yonge Street, Bloor Street and along portions of Avenue Road, Bay and Church.

These height ridges provide a transition in scale from the 'Height Peak' at Yonge/Bloor and will be developed at a lesser height and physical scale than the Bloor/Yonge Height Peak, and in a form compatible with adjacent areas.

The lowest heights in the Bloor-Yorkville/Midtown Area are in the *Neighbourhoods* and portions of Areas of Special Identity shown as 'low rise areas' on Map 2. Development in *Mixed Use Areas* adjacent or near to these 'Low Rise Areas' will be designed to adequately limit shadow, wind and privacy impacts upon these lower-scale areas through distance separation and transitions in scale.

In order to assist in meeting the objectives of this Plan and area specific policies, the Bloor-Yorkville/North Midtown Urban Design Guidelines will be used to provide direction for reviewing development applications in this area. These guidelines will be read in conjunction with the urban design policies in the Official Plan.

University of Toronto Secondary Plan

While the subject property is not located within the boundary of the University of Toronto Secondary Plan Area, there are Secondary Plan objectives that can be directly affected by the scale of development on properties lying outside the boundary.

Of particular note are the policies that seek to preserve, protect and enhance the unique built form, heritage and landscape character of the Area (see Policy 3.2 View, Vistas and Gateways). The buildings landscapes and special landmarks of the University of Toronto Area are distinctive in use, configuration and siting. Particular elements that are readily viewed from a distance contribute to the unique vistas and character of the University of Toronto Area.

One such protected view identified in the Secondary Plan is that of the Ontario Legislative Assembly (OLA) Building shown as seen from University Avenue and Queens Park Crescent on Map 20-4 of the plan. While the development site is beyond the northerly limit of the secondary plan area, the UofT plan policies are relevant to the extent that the vista of the OLA building is impacted by development at or beyond its northern edge.

Zoning

The site is split zoned under By-law 438-86 (refer to Attachment No.4) reflecting different anticipated development densities between the Avenue Road frontage and the Yorkville Avenue frontage. The portion of the property fronting onto Avenue Road occupying the majority of the site is zoned CR T6.0 C4.5 R6.0 with a maximum height limit of 46 metres. This zoning category allows for a broad range of residential and commercial uses, with a maximum total density of 6.0 times, a maximum non-residential density of 4.5 times and a maximum residential density of 6.0 times.

The north east portion of the site fronting onto Yorkville Avenue (proposed to be a publicly accessible open space) is zoned CR T3.0 C2.5 R3.0 with a maximum height limit of 18 metres.

The site is subject to site-specific By-law 188-69, enacted to permit the existing Four Seasons Hotel. Among other performance standards, it permits a maximum gross floor area of 33, 932 square metre (8.7 times the lot area).

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 these recently adopted Design Guidelines include:

- Enhancement of Areas of Special Identity and historic buildings;

- Protection of the low-rise, pedestrian –oriented mixed use area from the adverse impact of high-rise development;
- 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 property is located within the Avenue Road Corridor which covers the east and west side of Avenue Road beginning at Bloor Street, to north of the CPR Tracks. Due to the proximity to low-scale residential neighbourhoods on either side of Avenue Road above Elgin Avenue, special consideration is to be given to the impact of commercial uses, the form of development and parking and servicing arrangements. Specifically, in *Mixed Use Areas* development will:

- locate and mass new buildings to provide a transition between areas of different development intensity and scale, particularly providing setbacks from, and stepping down in heights toward, lower scale neighbourhoods;
- locate and mass new buildings to minimize shadow impacts on adjacent Neighbourhoods during the spring and fall equinoxes;
- locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences; and
- provide good site access and circulation and an adequate supply of parking for residents and visitors.

Section 4.3.1 outlines the objective of achieving a pattern of building heights throughout the Bloor – Yorkville area that directs building with greater heights and development intensities to provide a transition to areas with lower-scale buildings. Section 4.3.4 outlines built form design criteria for high-rise buildings, including ‘point towers’ as the preferred form of high-rise buildings.

Site Plan Control

The development is subject to site plan control. A site plan approval application has not been received to date.

Reasons for Application

An amendment to the Official Plan would have to be approved to permit the development as the proposed heights of the towers at this location are anomalous to the overall city structure, and do not meet the built form and public realm policies set out in the Official Plan.

An amendment to the Zoning By-law would be necessary because the proposed development exceeds permitted maximum density and height limits. The proposed density of 16.85 times the areas of the lot exceeds the site specific maximum permitted density of 8.7 times the area.

The proposal is for a two tower development with the tallest tower having a maximum height of 178.5m (including mechanical penthouse), whereas the Zoning By-law limits building height to a maximum of 46m and the Site Specific Zoning permits the existing hotel at 92m.

Community Consultation

A community consultation meeting was held at the Church of the Redeemer on September 22, 2008. The meeting was attended by over 250 residents and business persons. The questions and statements of participants were heavily weighted in opposition to the proposed development. There was considerable comment and questions during the meeting focussed on the following issues:

- Overall building height and proposed development density;
- Impact on the view of the Ontario Legislature Building;
- Increased shadow and loss of view and privacy;
- Construction impacts;
- Impacts on shared access and servicing with adjacent property at 164 Cumberland Avenue; and
- Increased traffic congestion;

City Planning has received approximately 70 items of written communication from persons in the local community. A considerable majority of these letters reiterate the concerns listed above, and oppose the current application

Agency Circulation

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

COMMENTS

Impact of the view of Ontario Legislative Assembly (OLA) Building

The Ontario Legislative Assembly (OLA) Building is positioned at the northern end of University Avenue forming a unique ceremonial avenue and collection of institutional buildings. The subject site is critically positioned on a north-south axis with the OLA building (see attachment No. 2) The University of Toronto Secondary Plan identifies the Legislative Assembly building as a 'Major View Terminus' and identifies view sheds outside of the Secondary Plan area looking south along Avenue Road and northbound along University Avenue.

It is these northbound views of the OLA building that are of primary interest to the assessment of this proposal. A tower with an overall height of 178.5m (including mechanical) on the subject property represents a negative intrusion into the Legislative Assembly's silhouette when viewed from University Avenue and would present a visual distraction from the building's character defining elements.

To visualize and assess how the proposed towers impact the view of the Legislative building, Planning Staff conducted an internal view analysis using the City's computer modelling resources. Views of the OLA were taken from various points along University Avenue, from Queen Street to College Street and from points across the University Avenue Right of Way (ROW) from the east side walk, northbound traffic lanes, central median and west side walk.

A sample of the views generated by this modelling exercise are provided in Attachment No.6. The following observations on the images should be borne in mind:

- In the long view of the Legislative building (for example at Queen Street) the viewer will note that there are other existing buildings that compete with and interrupt the balance of the silhouette. It should be noted that the existing Four Seasons Hotel is visible above the silhouette at this view point.
- Views of the Ontario Legislative Assembly from the centre median are obscured by other features positioned within the median such as statues and landscaping.
- As the viewer approaches Gerrard Street, a full vista of the Legislative Assembly showing all of the building components and silhouette comes into view. At Gerrard Street the proposed development would compete visually with the OLA by introducing a building mass that is taller than its centre block.
- At College Street the University Avenue buildings that frame Queen's Park are no longer in the northerly view. All existing high-rise buildings positioned within the viewshed to the north of Queen's Park (along Bloor Street and Avenue Road) are no longer visible from the north side of College Street. On the north side of College Street, as viewed from the east sidewalk and northbound traffic lanes, the proposed towers would be visible above the portion of the building that provides a connection between the centre block and the east wing.

Planning Staff are of the opinion that all views of the Legislature along the University Avenue corridor from Queen Street to College Street are important views. However, in reviewing this proposal and discussing the view impacts with the applicant, emphasis has been placed on the views experienced from the north side of College Street at all points across the University Avenue right of way from the west sidewalk to the east sidewalk. Staff are of the opinion that the proposed towers should ideally not be visible above the silhouette of the OLA when viewed from these locations on the north side of College Street. The proposal in its current form would require significant changes to its overall building height in order to meet this objective.

Provincial Position on Impact of Views of Ontario Legislative Assembly

In response to the circulation of this application, City Planning staff received a Ministry of Municipal Affairs and Housing (MMAH) staff report dated December 5th, 2008. Findings of the report are based on Provincial staff's review of the PPS, the Growth Plan for the Greater Golden Horseshoe, the City of Toronto Official Plan, comments from the Ministry of Culture, Ontario Heritage Trust and Legislative Assembly of Ontario. The Province has stated that the application is not supported in its current form. More specifically:

“The proposed development, especially its building height, requires further assessment and consideration to ensure that it does not negatively impact heritage resources within the area, and in particular the Legislative Assembly. The Ministry of Culture has concluded that the proposal will have negative impacts on the viewsheds of Queen's Park and both the Ontario Heritage Trust and the Legislative Assembly have raised similar concerns”

The application does not adequately demonstrate how the proposed intensification of the site is in accordance with other policies of the PPS relating to environmental protection, human development and cultural heritage resources. Of particular relevance is whether or not the proposed redevelopment of the site is in accordance with section 2.6.1 of the PPS relating to conservation of significant built heritage resources and significant cultural heritage landscapes.

Provincial staff have recommended that order to determine consistency with the Provincial Policy Statement (PPS) a further assessment of the cultural heritage impact of the proposed development, on both Queen's Park and the two conservation districts (East Annex and Yorkville/Hazelton) needs to be prepared. Further, it is recommended that a “comprehensive objective analysis and assessment of views from various locations to the Ontario Legislative Building and its cultural heritage landscapes should be completed prior to any new tower proposals being considered on the site or in the general vicinity of Queens Park”. A similar request was received by the Legislative Assembly of Ontario in its communication to the City dated May 5th, 2008.

There are a number of sites along the north end of Queens Park Crescent, Avenue Road and Bloor Street where redevelopment of a tall building could detract from the heritage vista of the Legislature Building when viewed from University Avenue. In pre-application discussions, City Staff raised this issue in the context of the proposed redevelopment of the McLaughlin Planetarium site at 100 Queens Park. Additionally, staff have been reviewing the issue of protecting important view corridors in the Downtown as part of the Living Downtown (Tall Buildings) study currently underway.

Planning staff support the request of the Province that an objective analysis of the viewshed be commissioned, and are taking immediate steps to initiate this study. In the interim, pending the completion of this study, no development application should be

processed or considered that, when viewed from the north side of College Street within the University Avenue Right-of-Way, would result in a building that was visible above the peak of the connector building immediately east of the centre block of the Legislature Building. On 21 Avenue Road, only applications below approximately 136 metres in height (including mechanical penthouse) would be considered. The building heights that are ultimately supportable on 21 Avenue Road will be informed by the viewshed analysis requested by the Province.

Height and City Structure

The impacts of any given development should be considered in the context of how it ‘fits’ contextually on a number of different levels. Development on any given site should integrate within its existing streetscape, be designed to fit contextually at the neighbourhood level and respect the City wide structure promoted by the Official Plan. The issue is more critical in an area of the City where the development intensities and building heights of the traditional *Downtown* scale interface with low-rise areas of the City.

With respect to height transition, the tallest buildings in the Bloor-Yorkville/North Midtown Area are to be located in the ‘Height Peak’ area in the vicinity of the intersection of Bloor/Yonge Streets. Building heights are to step down from the Bloor/Yonge intersection within the *Mixed Use Area* in descending ‘ridges’ of height along Yonge Street, Bloor Street and along portions of Avenue Road, Bay and Church.

These height ‘ridges’ provide a transition in scale from the ‘Height Peak’ at Yonge/Bloor and will be developed at a lesser height and physical scale than the Bloor/Yonge Height Peak, and in a form compatible with adjacent areas. Structuring and directing height in this manner is underpinned by the Zoning By-law permissible heights and densities for this part of the City.

In reviewing the comparative height of existing and approved buildings located within the height peak and ridges, it is noted that the proposed southern tower at 170 metres would be the tallest building in the ‘height ridge’ except for the approved new Four Seasons Hotel development at Bay and Scollard Streets at 195m. Given the relative location of the subject site to the height peak centered around the intersection of Yonge and Bloor Streets, and the underlying intent that buildings reflect ‘descending’ ridges of height, the proposed development would result in a height anomalous to the overall existing and planned structure for this part of the Bloor – Yorkville/North Midtown area.

Other Built Form Issues

From an urban design perspective, in addition to the overall building height, staff have expressed concern about issues related to building separation, particularly with respect to separation distances between the two proposed towers and also the relationship between the proposed podium and towers with adjacent buildings.

An appropriate amount of space between towers allows for sufficient light and privacy for new and existing buildings as well as allowing appropriate sunlight, wind and skyview to the adjacent streets, parks, open spaces and properties. The proposed towers provide for a 17.7 metre separation distance. This does not meet the minimum building separation standards anticipated by the urban design guidelines for tall buildings which suggests a minimum separation of 25 metres.

Sun/Shadow Impact

A consistent and important theme of the Official Plan is the protection of low density residential *Neighbourhoods* that are adjacent to areas of higher development forms, such as those found in *Mixed Use Areas* in this particular case. The Official Plan requires that all new development in these areas be located and massed so to adequately limit shadow impacts on adjacent *Neighbourhoods* and *Areas of Special Identity* during the spring and fall equinoxes.

In this particular case the subject property is located within a *Mixed Use Area* that extends along Avenue Road, flanked by the lower scale neighbourhoods of the Eastern Annex and Yorkville Triangle, both of which contain Heritage Conservation Districts.

The applicant has submitted a study showing existing and proposed shadows generated by the proposal. When reviewing shadow studies it is important to look at a number of factors, such as duration, reach, shape as well as the nature of the features placed in shadow, such as open spaces and sidewalks.

At 9:18am during the Sept/March equinox the shadows from the proposed towers reach across a full city block and place a number of residential buildings on the west side of Bedford Road in full shadow. The shadows continue to fall on lands designated *Neighbourhoods* west of Avenue Road until 11:18am. It is important to note that by 10:18am shadows cast by other high-rise buildings along the Avenue Road and Bloor Street corridor, no longer impact the *Neighbourhoods* designated lands to the north side of Lowther Avenue.

In the afternoon in September/March, shadows are limited to the *Mixed Use* areas of Yorkville, and do not project into the Yorkville Triangle residential area to the north of Scollard Street. Site and Area Specific Policy 211 requires that the proposed development be designed to adequately limit shadow, wind and privacy impacts on the Village of Yorkville and the Scollard/Hazelton 'Areas of Special Identity' immediately to the east and northeast of the subject site. The shadow study indicates new shadowing of the Scollard/Hazelton Area of Special Identity between 2:18pm and 4:18pm and for a further hour in the Village of Yorkville Area of Special Identity.

On June 21st there is incremental shadow impact on the Village of Yorkville Park, located on the south side of Cumberland Avenue. Shadows project onto the Park between 4:18pm and 5:18pm and place a large portion of the park in continuous shadow for the remainder of the afternoon and early evening.

The two towers have been designed with floorplates of 750m² with a separation between those towers of only 17.6m. Towers with a maximum floorplate size of 750m² are the preferred form of high-rise development, due to the 'slender' massing of the tower. The more slender the building the more slender the shadow cast by such a building. However, when you have two towers positioned on the site with the separation distance proposed, the resulting shadow is more reflective of a shadow generated by a 'bulkier' building. This is due to the shadows co-joining with one another as they move across the neighbourhood.

Concerns were expressed at the Community Consultation Meeting (particularly from residents in the Annex neighbourhood) about the cumulative effect of shadowing on the lower scale neighbourhoods generated by potential future developments along the Bloor Street Corridor and along Avenue Road. Site specific shadowing impacts on adjacent properties have also been raised as part of the consultation process. Specifically, the residents of 164 Cumberland Avenue, have expressed concern (among other issues) about the increased shadowing of, and loss of views from, their private outdoor amenity space located immediately east of the existing hotel podium.

Given the concerns outlined above regarding the reach, duration and potential cumulative impact of shadowing on the lower scale Annex neighbourhood, staff are of the opinion that the current proposal in its current form does not meet the Official Plan policy of adequately limiting the impacts of shadows.

Traffic, Parking and Access

In support of the proposal, the applicant's transportation consultant, LEA Consulting Ltd prepared a Traffic Impact Study (TIS). Taking into account the existing hotel that currently operates on the site, the consultant estimates that the proposed re-development to residential use will generate a net reduction of approximately 25 and 7 two-way vehicular trips during the a.m. and p.m. peak hours, respectively. City Transportation Staff have reviewed the TIS and concur with the assumption that the traffic impacts of the proposal would be acceptable. Furthermore, the parking supply has been deemed to be acceptable.

As part of the review process, correspondence has been received from residents of the condominium at 164 Cumberland Avenue, immediately east of the subject site. Concerns have been expressed about the interface between this building and the proposed redevelopment of the hotel. The building at 164 Cumberland Avenue has a loading dock and underground parking that is accessed through shared access points with the Hotel. Further information from the applicant would be required to assess the potential servicing and vehicular access impacts on the neighbouring property.

Parameters for Alternative Development Proposal

Since the Community Consultation Meeting held in September 2008, City Planning staff have held a number of meetings with the applicant to try and address the planning concerns outlined above. Staff have continued to reiterate that the application in its current form is not supportable. The issues outlined above are of such significance that the current proposal would require substantial amendments before it could be considered for an approval.

While the applicant has chosen not to submit any further revisions prior to the preparation of this report, they have however indicated to Planning Staff that they would consider exploring alternative built form options on the site at a lower height.

Discussions have been held with the applicant about two alternative built form options both with significantly reduced height. The first option retains the two tower configuration, while the second replaces the northern tower with an east-west orientated shorter 'slab-like' building along the Yorkville Avenue frontage. Should the applicant chose to move forward with either of these two alternatives, staff have prepared urban design parameters (Attachment No. 7) to provide direction on maximum building heights, minimum building setbacks, preferred floor plate sizes and building separation. These design parameters represent a good starting point for a revised proposal.

Given that the applicant is considering two alternative built form options it has been suggested that, prior to the submission of any revised proposal, it would be helpful to canvass public opinion and comment on the alternatives through an 'open house' consultation event. If the applicant wishes to undertake this consultation, planning staff will, in consultation with the Ward Councillor, make arrangements for the open house and will notify all landowners and residents within 120m of the subject property.

While the proposed development is not acceptable in its current form, staff have not recommended a refusal at this time, as doing so would leave the applicant with no choice but to appeal the decision to the Ontario Municipal Board at a time when they have stated a willingness to bring forward alternative built form proposals for further review by the City.

Conclusion

The proposed development in its current form is inappropriate and out of context. It considerably exceeds building heights contemplated in the Official Plan, Zoning By-law or Urban Design Guidelines for the Bloor-Yorkville area. The development does not adequately limit shadows on the adjacent lower scale *Neighbourhoods* and Areas of Special Identity. It fails to demonstrate consistency with the Provincial Policy Statement objective of conserving significant cultural heritage resources and landscapes. .

However, staff recommend that the applicant be invited to revise their proposal at a significantly lower height that meets urban design parameters set out in this report.

This report also sets out additional study and analysis that will need to be completed before determining the scope of an appropriate development on the subject site.

CONTACT

Louis Tinker, Planner
Tel. No. (416) 392-0420
Fax No. (416) 392 1330
E-mail: ltinker@toronto.ca

SIGNATURE

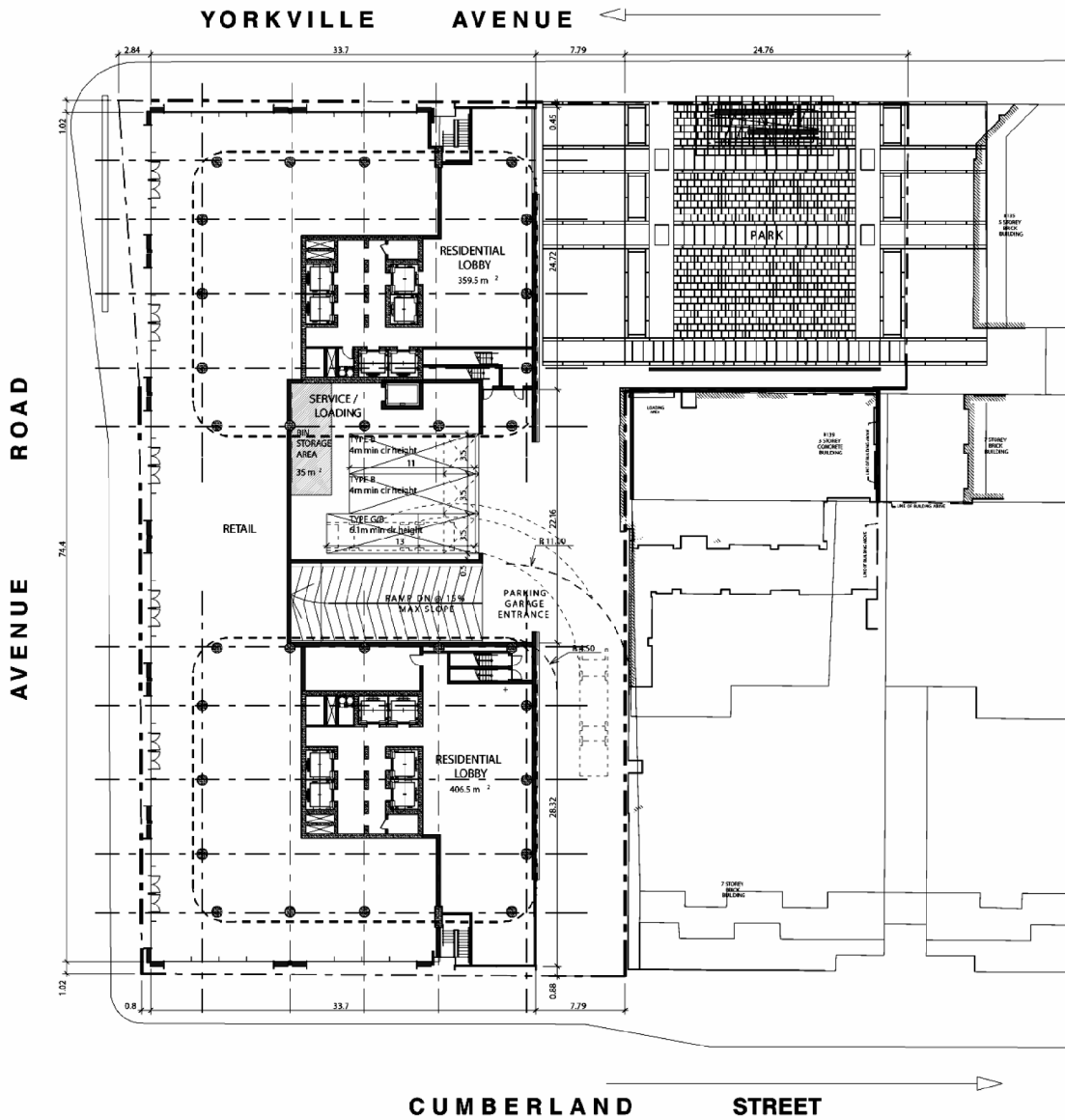
Raymond David, Director
Community Planning, Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Context Plan
Attachment 3: Elevations
Attachment 4: Zoning
Attachment 5: Application Data Sheet
Attachment 6: Views of Ontario Legislative Assembly
Attachment 7: Alternative Design Parameters

Attachment 1: Site Plan



Ground Floor Plan

Applicant's Submitted Drawing

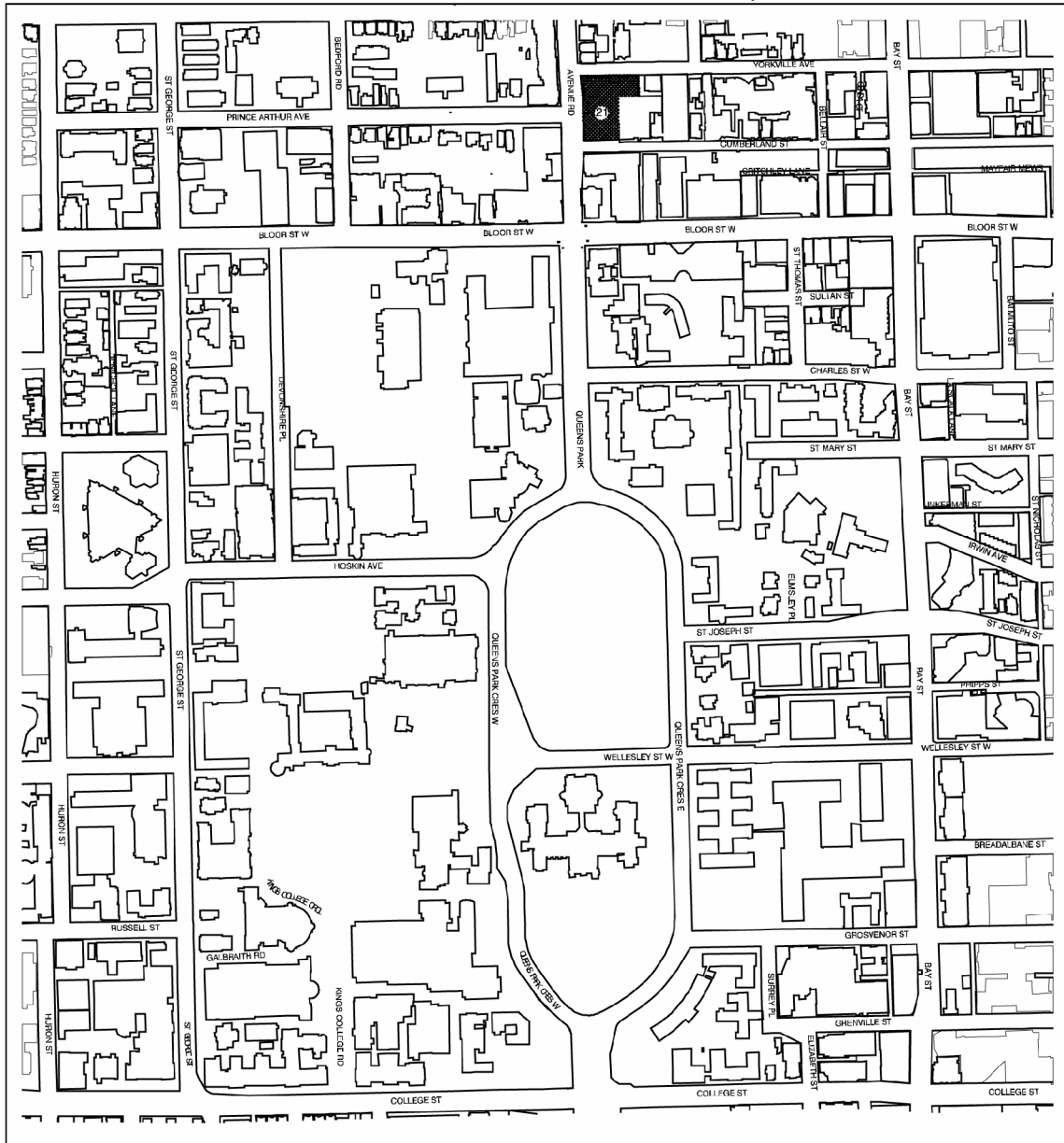
Not to Scale
07/25/08



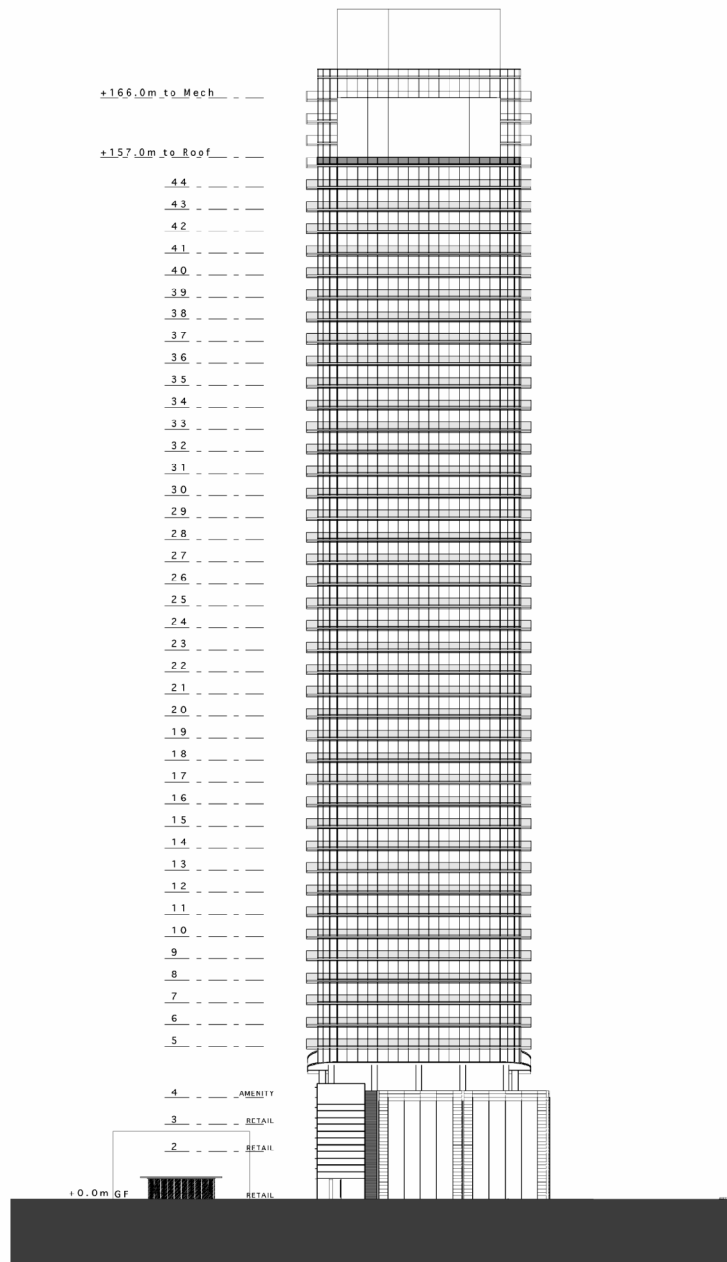
21 Avenue Road

File # 07_289063

Attachment 2: Context Plan



Attachment 3: Elevations



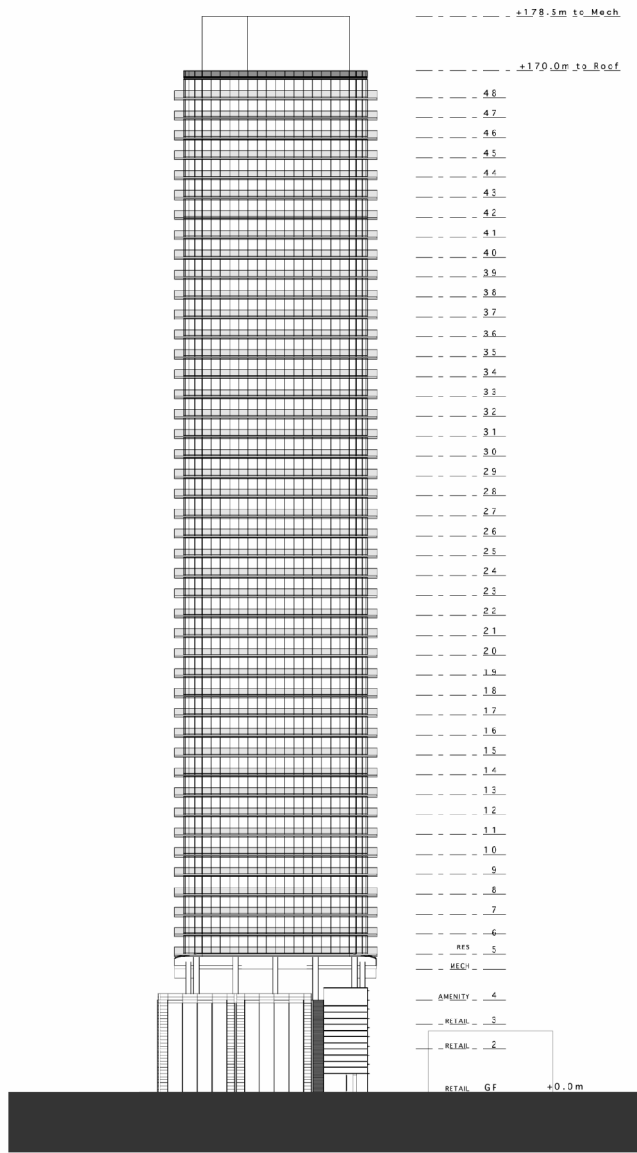
North Elevation

Applicant's Submitted Drawing

Not to Scale
07/25/03

21 Avenue Road

File # 07_289063



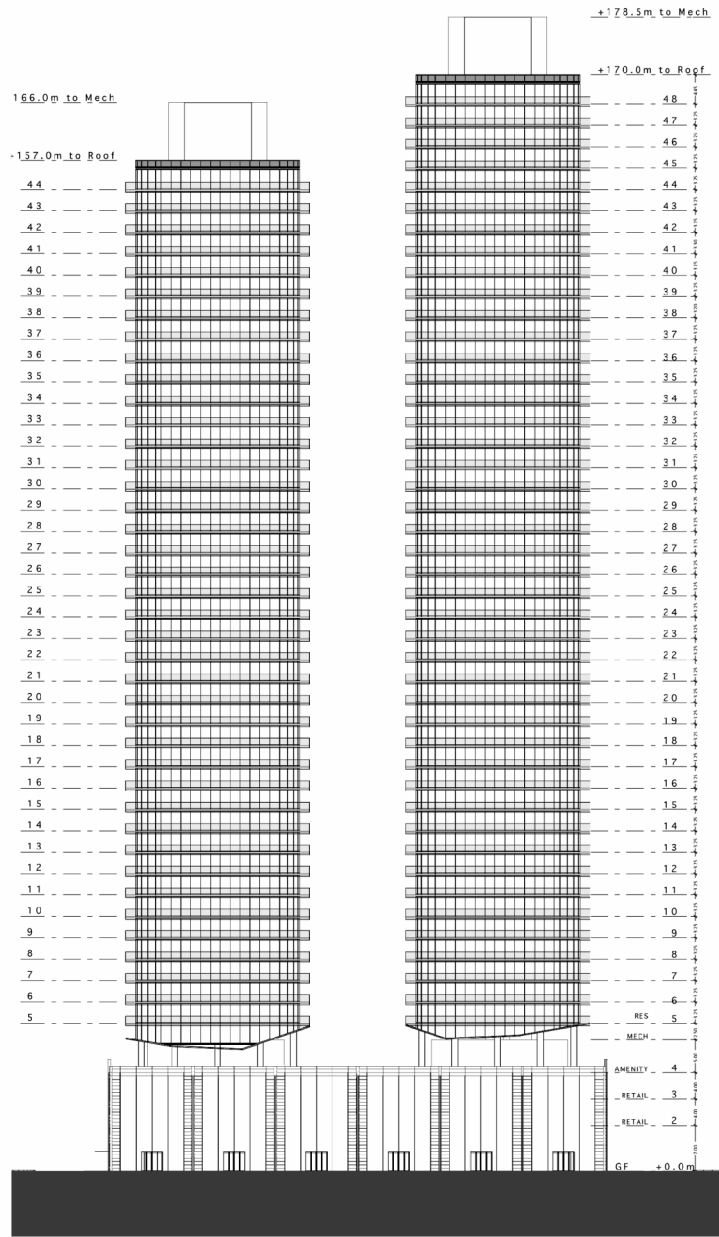
South Elevation

Applicant's Submitted Drawing

Not to Scale
07/25/03

21 Avenue Road

File # 07_289063



West Elevation

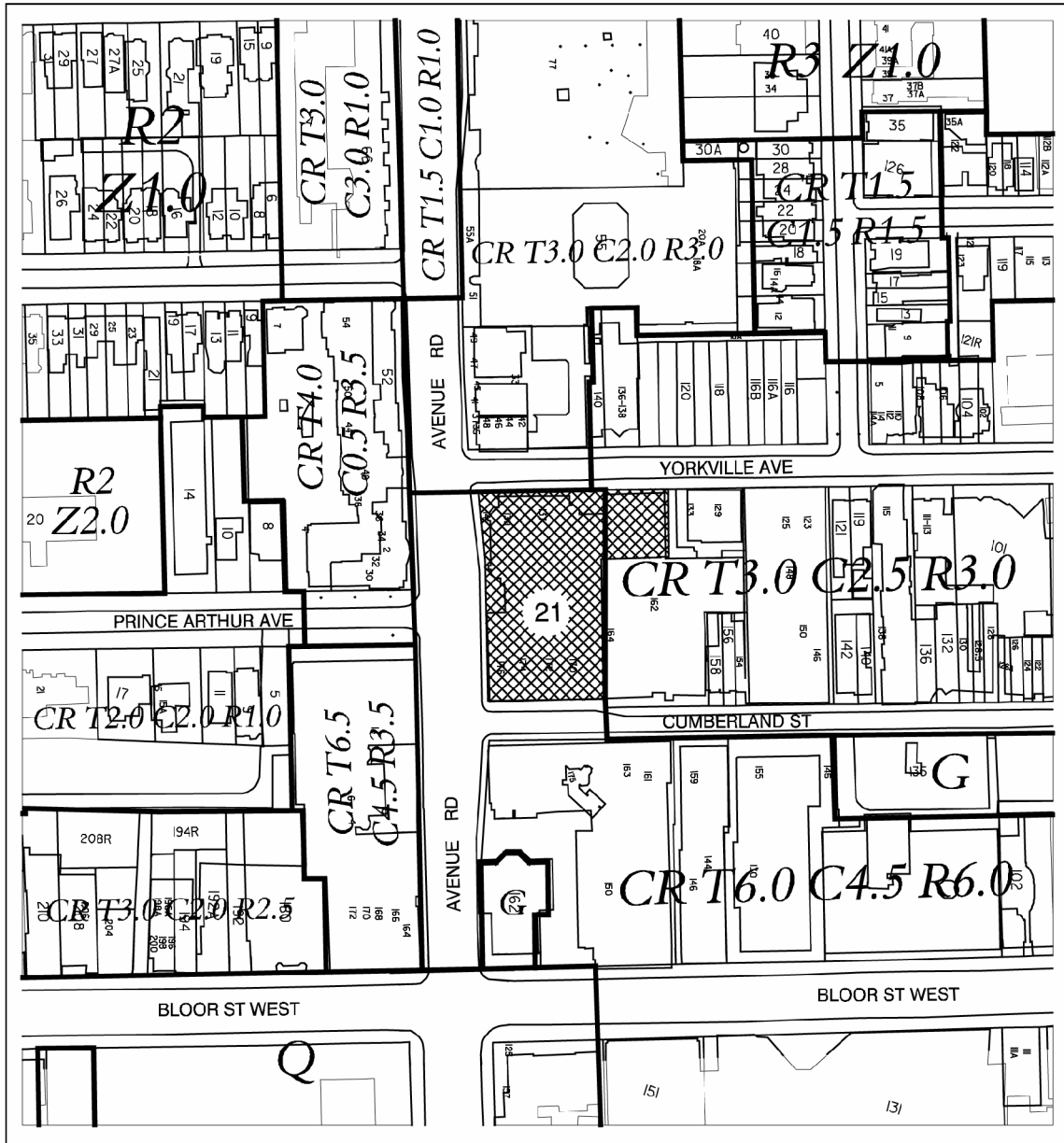
Applicant's Submitted Drawing

Not to Scale
07/25/03

21 Avenue Road

File # 07_289063

Attachment 4: Zoning



21 Avenue Road
File # 07_289063

- G Parks District
- R2 Residential District
- R3 Residential District
- CR Mixed-Use District
- Q Mixed-Use District



Not to Scale
Zoning By-law 438-86 as amended
Extracted 07/25/08- DR

Attachment 5: Application Data Sheet

APPLICATION DATA SHEET

Application Type	Official Plan Amendment & Rezoning	Application Number:	07 289063 STE 27 OZ
Details	OPA & Rezoning, Standard	Application Date:	December 21, 2007

Municipal Address: 21 AVENUE RD

Location Description: PL 289 PT LT1 PL 298 PT LTS 1 & 18 **GRID S2703

Project Description: Application to Amend the Official Plan and Zoning By-law to permit the construction of a mixed-use building with two residential towers set on a three-storey podium with retail uses at grade fronting Avenue Road. The northern tower of 44-storeys will consist of 159 units and the southern tower of 48-storeys will accommodate 176 units.

Applicant:	Agent:	Architect:	Owner:
SHERMAN BROWN DRYER KAROL		PETER CLEWES ARCHITECTS ALLIANCE	KINGDOM HOTELS (TORONTO)

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	188-69
Zoning:	CR T6.0 C4.5 R6.0 & CR T3.0 C2.5 R3.0	Historical Status:	
Height Limit (m):	46, 18	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	3886	Height:	Storeys:	48 & 44
Frontage (m):	76.46		Metres:	170 & 157
Depth (m):	0			
Total Ground Floor Area (sq. m):	2405			Total
Total Residential GFA (sq. m):	61400		Parking Spaces:	397
Total Non-Residential GFA (sq. m):	3880		Loading Docks	3
Total GFA (sq. m):	65280			
Lot Coverage Ratio (%):	62			
Floor Space Index:	16.8			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Tenure Type:	Condo		
Rooms:	0	Residential GFA (sq. m):	61400
Bachelor:	0	Retail GFA (sq. m):	3880
1 Bedroom:	83	Office GFA (sq. m):	0
2 Bedroom:	252	Industrial GFA (sq. m):	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0
Total Units:	335		

CONTACT:	PLANNER NAME:	Louis Tinker, Planner
	TELEPHONE:	(416) 392-0420

Attachment 6: Views of Ontario Legislative Assembly – City Modelling

View of proposed 170m south tower in relation to the Ontario Legislative Assembly Building taken from northbound lanes on north side of College Street.

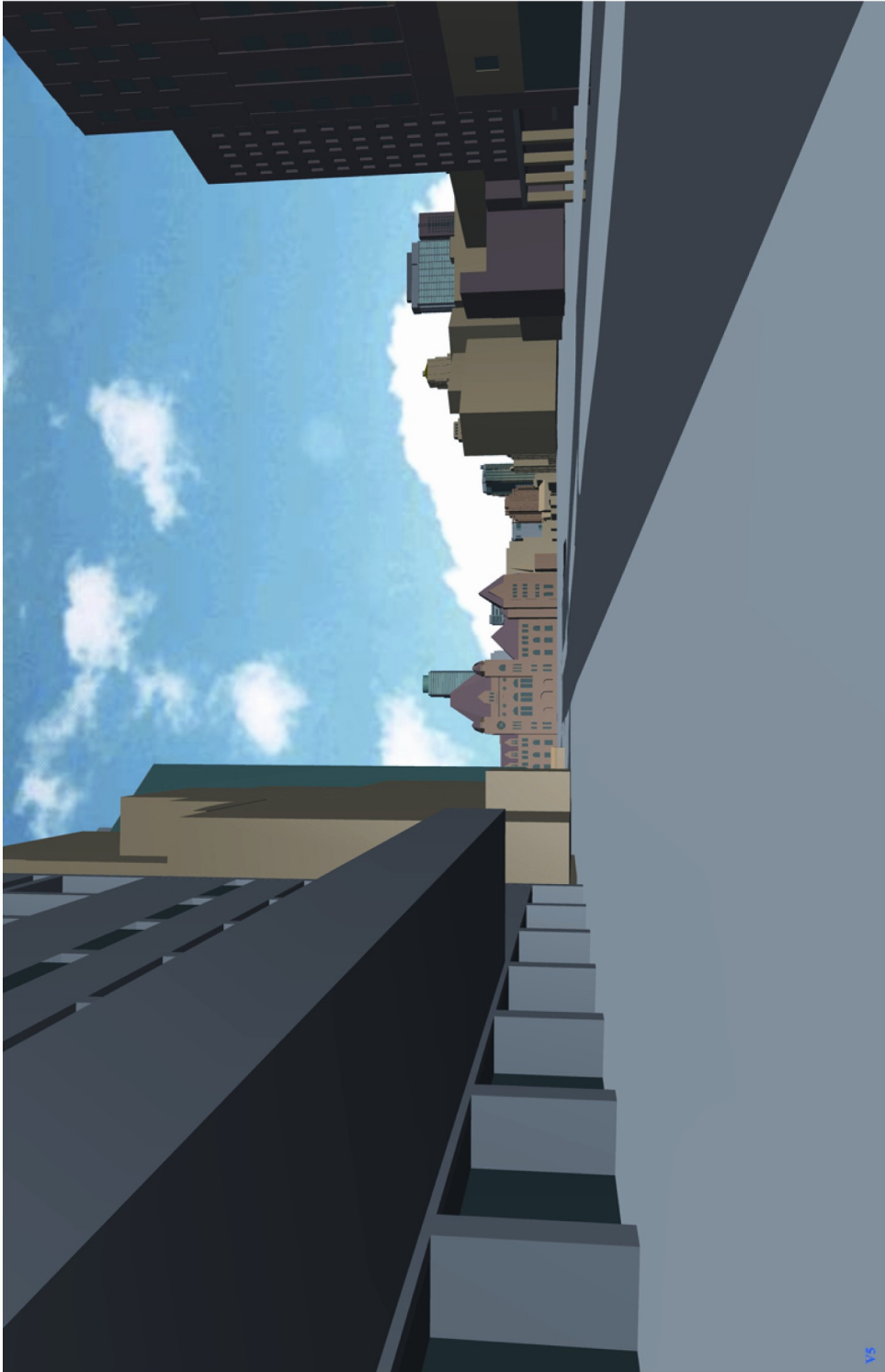


Ontario Legislature Building viewed from northbound lanes on north side of College St 21 Avenue Road

Not to Scale
01/19/09

File # 07_289063

View of the proposed 170m south tower in relation to the Ontario Legislative Assembly Building taken from west side walk at Gerrard Street.



21 Avenue Road

Ontario Legislature Building viewed from west sidewalk at Gerrard St

Not to Scale
01/19/09

File # 07_289063

View of the proposed 170m south tower in relation to the Ontario Legislative Assembly Building taken from northbound lanes at Gerrard Street.



21 Avenue Road

Ontario Legislature Building viewed from northbound lanes at Gerrard St

Not to Scale
01/19/09

File # 07_289063

Attachment 7: Alternative Design Parameters

The following parameters represent a starting point for a revised proposal. Final building heights and massing will be based on further review of revised materials.

	<i>Concept: Two Tower design positioned over podium with parkette on Yorkville Avenue</i>	<i>Concept: One Tower with Northern Slab building and partial parkette on Yorkville Avenue.</i>
South Tower Height	For both concepts in any application to be processed the south tower to have a maximum height of approximately 136 metres including mechanical penthouse. Final height informed by viewshed study.	
North Tower Height or North Slab Height	North tower to indicate a transition in height down from the height of the southern tower.	Maximum north slab height of 80m.
Podium Height	<p>Max height of 1:1 based on row width provided regard is had for sun/shadow, wind conditions on pedestrian realm and adjacent residential buildings.</p> <p>Modeling indicates a preferred podium height of 15m on Avenue Rd, Yorkville Ave and Cumberland Ave frontages.</p> <p>Area of podium adjacent to 164 Cumberland Ave (East) to have a height comparable with garden (2 storeys) and landscaped.</p>	
South Tower Setbacks	<p>Minimum 3m setback of tower to the south and west edge of podium.</p> <p>Minimum of 7m separation from south tower to 164 Cumberland Ave to East.</p>	
North Tower or North Slab Setbacks	Minimum 3m setback of tower to north and west edge of podium.	<p>Minimum 3m setback of slab to north and west edge of podium.</p> <p>Podium setback 12m from east property line to provide for parkette contiguous with n/s pedestrian walkway.</p>
Tower Floorplate Size	For both concepts maximum point tower floor plate size of approximately 750m ² .	
Building Separation	Would consider a minimum separation of 20m glass to glass or 20m balcony to balcony if included.	