

**609 Avenue Road - Official Plan, Zoning, Site Plan
Control Applications - Request for Direction Report**

Date:	May 22, 2007
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	St. Paul's – Ward 22
Reference Number:	File Nos. 05-193926 STE 22 OZ and 06-103544 STE 22 SA

SUMMARY

This application proposes the redevelopment of the site at 609 Avenue Road to construct a 16-storey residential condominium building containing up to 54 units.

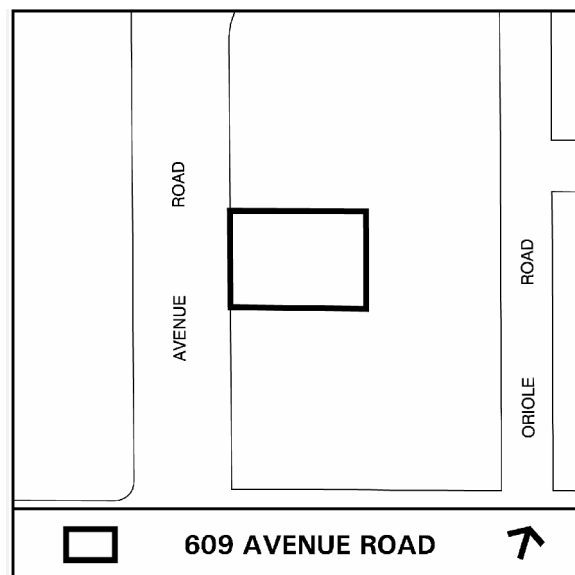
The purpose of this report is to recommend a settlement position to Council and authorize the City Solicitor to present that position at an Ontario Municipal Board Hearing scheduled to begin in July 23, 2007.

Following ongoing discussions with the applicant with respect to building height, setbacks and site plan details, the applicant submitted a revised proposal on March 7, 2007. Staff are prepared to support the revised proposal subject to the conditions contained in this report.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct the City Solicitor to appear at the Ontario Municipal Board (the OMB) to support the revised applications to



amend the Official Plan and Zoning By-law and the associated Site Plan Application respecting the construction of a 16-storey residential condominium at 609 Avenue Road, subject to the following conditions contained in Attachment 2 to this report and substantially in accordance with the draft zoning by-law contained in Attachment 5 to this report;

2. City Council authorize the entering into and execution of an agreement pursuant to Section 37 of the Planning Act to secure appropriate community benefits as identified in this report; and
3. City Council authorize the City Solicitor, the Chief Planner and Executive Director, City Planning Division, and any other appropriate staff to appear at the Ontario Municipal Board in support of the City's position as set out in Recommendations 1 and 2 of this report.

Financial Impact

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

DECISION 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.

On July 27, 2006, the applicant filed an appeal of the Official Plan Amendment and Rezoning application, as well as 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. A hearing date has now been set to begin on July 23, 2007.

At its meeting of September 21, 2006, Toronto and East York Community Council adopted staff's recommendation to request the Chief Planner to report to the September meeting of City Council on a position with respect to the appeal. This recommendation was made in part due to uncertainty surrounding the scheduling of the OMB hearing relative to the break in Council meeting dates.

At its meeting of September 25, 26 and 27, 2006, in the absence of a scheduled hearing date or a revised application, City Council adopted staff's recommendation to direct the City Solicitor to oppose the applications in their current form.

On March 7, 2007, City Planning staff received and circulated a revised proposal which reduces the height and density, and increases the setbacks of the proposed tower, among other revisions.

COMMENTS

Site Description

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 (collectively referred to as “the Lonsdale”) 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.

Revised Proposal

On March 7, 2007, the applicant submitted a revised application which reflected the following changes:

	Original Proposal	Revised Proposal
Height (to top residential storey)	55.55 m	52.5 m
Height (including mechanical)	60.55 m	57.5 m
Number of storeys	17	16
Number of units	58	54
Tower Setbacks		
north	5 m	5.5 m
south	4.8 m	6.5 m
front	10.5 m	11.0 m
rear	12.2 m	11.8 m
rear (at ground level)	6.1 m	8.8 m
Number of parking spaces	94	139
Total gross floor area	13,020 m ²	11,789 m ²
Overall density (times the lot area)	6.37 x	5.76 x

Provincial Policy Statement

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 proposal is consistent with the PPS.

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 and November 10, 2006 the Ontario Municipal Board issued Orders No. 1928 and 3190 bringing the new Official Plan into full force and effect (with the exception of certain site-specific appeals). The order also repealed the policies of the former City of Toronto Official Plan and Metro Plan that were previously in effect. As a result, an Official Plan amendment to the former City of Toronto Official Plan for additional density is no longer required.

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.

Development 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;
- (c) locating and massing new buildings to frame the edge of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
- (d) including sufficient off-street motor vehicle and bicycle parking for residents and visitors;
- (e) locating and screening service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences;
- (f) providing indoor and outdoor recreation space for building residents in every significant multi-unit residential development;
- (g) providing ground floor uses that enhance the safety, amenity and animation of adjacent streets and open spaces; and
- (h) providing buildings that conform to the principles of universal design, and wherever possible contain units that are accessible or adaptable for persons with physical disabilities.

(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. Among those policies particularly relevant to this application further require that new developments provide for:

- (a) generally locating buildings parallel to the street or along the edge of a park or open space with a consistent front yard setback;
- (b) locating main entrances so that they are clearly visible and directly accessible from the sidewalk;
- (d) preserving existing mature trees wherever possible and incorporating them into landscape designs;

(Sec. 3.1.2.1)

- (b) consolidating and minimizing the width of driveways and curb cuts across the public sidewalk;
- (c) integrating service and utility functions within buildings where possible;
- (d) providing underground parking where appropriate;
- (e) limiting surface parking between the front face of a building and the public street or sidewalk;

(Sec. 3.1.2.2)

- (a) massing to frame adjacent streets and open spaces in a way that respects the existing and/or planned street proportion;
- (b) creating appropriate transitions in scale to neighbouring existing and/or planned buildings for the purpose of achieving the objectives of this Plan;
- (c) providing for adequate light and privacy;
- (d) adequately limiting any resulting shadowing of, and uncomfortable wind conditions on, neighbouring streets, properties and open spaces, having regard for the varied nature of such areas;

(Sec. 3.1.2.3)

New development will be massed to define the edges of streets, parks and open spaces at good proportion. Taller buildings will be located to ensure adequate access to sky view for the proposed and future use of these areas (Sec. 3.1.2.4). Every new multi-unit development will provide indoor and outdoor amenity spaces for residents of the new development, including access to such outdoor spaces as balconies and terraces (Sec. 3.1.2.6).

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.

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. Therefore staff have no concerns regarding the demolition of the rental housing units in this building.

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 four large growing shade trees in the City boulevard.

The applicant proposes to remove four private trees which meet the criteria for protection and will require a permit under the provisions of the City's private tree by-law. Further details regarding the preservation of trees on-site are discussed in the Comments section of this report.

Toronto Green Development Standard

The Green Development Standard has 35 minimum requirements and 28 enhanced targets, totalling 63 possible green development targets. The proposed development is intended to achieve 19 minimum requirements and 5 enhanced targets, for a total of 24 targets. Based on the applicant's submission of the Toronto Green Development Standard Checklist, the proposed development is intended to achieve a level of energy efficiency of 25% improvement over the Model National Energy Code for Buildings, and to provide for the storage and collection of recyclables on-site.

Reasons for the Application

The original application was received when the Official Plan of the former City of Toronto was still in force. Now that the new Official Plan is in effect, upon review of the revised application staff have determined that an amendment to the new Official Plan is not required. The revised proposal better addresses the urban design policies and development criteria contained in the new Official Plan as listed above, in particular those calling for new development to be located and organized to fit harmoniously into its existing context. By making changes to multiple elements of the building design, the revised proposal better responds to 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 5.76 times the lot area exceeds the maximum total 2.0 times permitted by the Zoning By-law, and at 16 storeys and 57.5 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 11.0 metres from the front lot line where 11.2 metres is required; 8.8 metres to the one-storey amenity space and 11.8 metres to the tower from the rear lot line, where 12.0 metres is required; 0.7 metres to the enclosed parking ramp and 5.5 metres to the tower from the north lot line, where 7.5 metres is required; and 6.5 metres to the building face from the south lot line where 7.5 metres is required. Other areas of non-compliance occur with respect to the provision of visitor parking, landscaped open space, driveway width and the proposed building depth.

Community Consultation

A community consultation meeting on the original proposal 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.

An additional community consultation meeting to view the revised proposal and inform the public of the proposed settlement position was held at First Unitarian Congregation on May 8, 2007. Approximately 40 members of the public were in attendance, none of whom spoke in favour of the revised scheme as it was not seen to represent significant enough change from the original to address the concerns expressed above.

Agency Circulation

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

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 would be appropriate to consider density greater than 2.0 times the lot area, 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.

Siting

The proposed tower has been altered sufficiently to fit within the consistent pattern of setbacks present in the apartment corridor. It maintains a consistent rear yard setback in line with the existing buildings on the east side of Avenue Road. The main front wall of the building is also set back consistently from Avenue Road, and it is staff’s position that this will be further reinforced through the elimination of balcony projections into the front yard setback. The draft by-law attached to this report reflects this position.

The applicant has increased the north and south side setbacks to 5.5 metres and 6.5 metres, respectively, bringing it into closer compliance with the 7.5 metre standard so as to be considered acceptable. The lesser side yard setback of 5.5 metres still enables the proposed building to maintain a minimum separation distance of 18 metres to the Lonsdale tower to the north.

Because of these increased setbacks, the typical tower floorplate has been reduced from 800 m² to 780 m², which is closer in line with the City’s emerging guidelines for tall buildings to have a tower floorplate of 750 m². It should be noted that the floorplate of floors 13-16 are increasingly smaller than the typical floor.

Density/Height/Massing

The reduction in proposed density from 6.37 to 5.76 times the lot area results in a built form that more appropriately addresses the area context. The design has been revised to increase side yard setbacks to the tower, thus increasing the separation distances that are intended to mitigate the proposed building mass. The setbacks now allow an increased opportunity for light penetration and sky views between buildings.

As described above, the Lonsdale buildings immediately to the north of the site at 619-625 Avenue Road are currently the tallest buildings within the apartment corridor north of St. Clair Avenue. Staff are of the opinion that a building at number 609 should not exceed the height of

the 17-storey Lonsdale tower which faces Avenue Road. The height of the proposed building has now been lowered from 54.5 to 52.5 metres at the top of the 16th storey, and the grade level of this site is slightly lower than that of the Lonsdale, ensuring that the height of the Lonsdale tower is not exceeded.

Together with the changes in the tower siting described above, the reduced height and density of the revised proposal is more successful at responding to its context. 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 built form and setbacks of the revised proposal are more in keeping with these sites and better reflect the characteristics of the apartment corridor. The overall result of this collection of revisions is a building that is a better fit within this series of buildings.

The rear of the proposed building introduces terracing stepbacks beginning above the 12th storey. The 13th and 14th storeys are set back 3 metres from the rear, and the 15th and 16th storey are set back an additional 3 metres, which are sufficient to provide a clear visual break in the building mass. These measures contribute toward an improved relationship to the low-rise Neighbourhood to the east. In addition, the mechanical penthouse is set back 3 metres from all sides to reduce its visual impact.

Balconies have been relocated to the four corners of the tower, reducing the visual mass of the building and providing a more streamlined elevation than originally proposed.

Building Materials

Through negotiations with the applicant staff have exercised control over the proposed building materials to ensure that the appearance of the building would appropriately respond to its neighbourhood context. These are to be secured in the Section 37 and development agreements associated with this application. To this end, staff are requiring the use of limestone at least throughout the first storey of the building, and for the first and second storeys of the Avenue Road façade. The use of glass in the balconies will further lighten the building mass. The remaining building elements are to be composed of textured architectural precast and glass.

Light, Sky View and Privacy

Some of the residents of the surrounding neighbourhood have expressed concerns about the impact of the proposed development on their existing light, views and privacy. Staff have reviewed these matters and are satisfied that the proposed development maintains reasonable access to light, sky view and privacy for existing buildings in the area.

According to shadow studies submitted by the applicant, the proposed building would introduce additional shadows onto adjacent properties, at both the Lonsdale and within the lower-scale Neighbourhoods area. During the March 21 vernal equinox and the September 21 autumnal equinox, these shadows have a relatively short duration over any one area and similar conditions would likely be experienced with any new building over ten storeys.

Shadows from the proposal begin to be cast onto the rear amenity area of the Lonsdale complex after noon on March 21, pass over the site and are clear well before 3:00 pm (one hour later in September). On June 21 shadows are limited to the southern edge of the Lonsdale property and are substantially off the site by 3:00 pm.

There will be shadow impacts on the rear yards of some adjacent low-rise properties on Oriole Road, starting in the afternoons. The rear yards of the Lonsdale townhouses begin to experience shadows before 3:00pm on March 21, but these have moved off by 4:00 pm (one hour later in September). There are two properties adjacent to the site that will experience increased shadow impacts on some or all of their rear yards after 3:00 pm on March 21 and September 21. On June 21, these properties experience incremental shadow beyond that provided by existing trees as the shadow moves over the rear yards between 3:00 and 4:00 pm. Between 5:00 and 6:00 pm on June 21 the shadow would have a similar impact to those cast by the existing apartment buildings within the corridor. Additional properties on the east side of Oriole Road also appear to be additionally affected for 1-2 hours in the early evenings of the summer months as the shadow passes over them. There will be additional shadow impacts as a result of the proposal but these have been adequately limited to a reasonable degree.

Staff have heard concerns that the views of and across the site from surrounding buildings, especially from the Lonsdale building to the north, will change. This is undoubtedly the case as the proposed building will come close to the height of the 17-storey Lonsdale tower. Any redevelopment of the site above the 16-metre height limit will reduce south views for occupants of south-facing units in the Lonsdale, but as these units occupy corners of the building, each of these units will maintain east or west views from principal rooms. At ground level, views of landscaped planting beds and amenity areas will replace the hard paving of existing driveway and parking areas on the site.

With increased tower setbacks, the narrowing of the building profile allows an opportunity for greater sky view between buildings in the apartment corridor. The revised building setbacks maintain the City's urban design standards for a minimum 11 metre window wall separation in order to maintain reasonable levels of privacy.

Tree Preservation/Landscaping

As noted above, a number of private and City-owned trees are proposed to be removed to facilitate this development. Forestry staff are satisfied that the removal and replacement of four City trees in the public boulevard is acceptable subject to the conditions contained in Appendix 2 to this report.

Several 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 had been concerned that this green buffer would be diminished with the original development.

Due to revisions negotiated with the applicant the number of private trees proposed to be removed has been reduced from seven to four. The underground parking structure has been reconfigured to allow for the preservation of three trees along the rear property line that will

continue provide the screening function between the Apartment Neighbourhood and the low-rise Neighbourhood to the east. Staff have been working with the applicant toward a landscape plan that will allow for the provision of additional large-growing shade trees, as well as coniferous hedge planting and solid fencing, at the rear of the site, generally as shown in Attachment 6 to this report.

Three of the four private trees proposed to be removed are located along the south property line, and would be replaced with a 5.5 metre planting bed incorporating flowering trees and landscaped outdoor amenity area. The fourth tree is located at the Avenue Road frontage, where large-growing shade trees will be planted in the public boulevard with landscaped elements on the private property behind.

Traffic and Parking

The applicant has submitted a transportation impact study with this application which demonstrates that the estimated traffic generated by this proposal is an increase of 7 vehicles for each of the a.m. and p.m. peak hours. City Transportation Services staff have reviewed the report and concur with its findings that the traffic impact is minor.

Access to the site is proposed via a two-way driveway at the south end of the site and a one-way, exit-only driveway at the north end of the site, which is acceptable.

The provision of 139 parking spaces, not including proposed tandem spaces, exceeds the City's requirements for 64 spaces, including 57 spaces for residents and seven visitor spaces, based on the surveyed parking demand exhibited by condominium projects in the City. The proposal also meets by-law standards for the provision of resident and visitor bicycle parking spaces within the property.

Section 37

Section 37 of the Planning Act allows the City to grant increased density and/or height in exchange for community benefits. As part of the proposed settlement the applicant would contribute \$300,000.00 under Section 37 of the Planning Act, toward improvements to City-owned parks, facilities and open spaces in the neighbourhood.

Other matters are also recommended to be secured in the Section 37 agreement as a legal convenience to support the development. These include the provision of streetscaping in the City boulevard, and the use of high-quality building materials to the satisfaction of the Chief Planner, including limestone for the first storey and the first two storeys at the front façade, and balcony glass as described above.

As the matter has been appealed, it is 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 as outlined above under Section 37 of the Planning Act, in the event that the OMB approves the revised proposal.

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 maintain light penetration and sky views. The revised proposal for the site results in numerous changes that sufficiently meet these development criteria and, overall, is now supportable as appropriate within its established context.

Through negotiations with the applicant staff have been able to maintain control over improved site plan details such as tree preservation and planting, landscaping interface with adjacent properties, and building materials. In addition, Section 37 contributions have been secured toward community benefits in the neighbourhood. Staff recommend Council's endorsement of the revised application as set out in this report and seek Council's direction to appear in support of the settlement at the Ontario Municipal Board.

CONTACT

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SIGNATURE

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Community Planning, Toronto and East York District

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ATTACHMENTS

Attachment 1: Application Data Sheet
Attachment 2: Recommended Conditions of Approval
Attachment 3: Zoning
Attachment 4: Site Plan
Attachment 5: Elevations
Attachment 6: Landscape Plan
Attachment 7: Draft Zoning By-law

Attachment 1: Application Data Sheet

Application Type	Official Plan Amendment, Rezoning Site Plan	Application Number:	05 193926 STE 22 OZ
Details	OPA, Standard	Application Date:	06 October 14, 2005

Municipal Address: 609 AVENUE RD, TORONTO ON M4V 2K3
 Location Description: PL 890 LT46 PT LT45 PT LT47 **GRID S2207
 Project Description: Official Plan Amendment and Zoning By-Law Amendment to facilitate a redevelopment of the site with a 16 storey, 54 unit terraced residential condominium development.

Applicant:	Agent:	Architect:	Owner:
ADAM J. BROWN OF SHERMAN BROWN DRYER KAROL		KIRKOR ARCHITECTS LTD.	KPC 609 AVENUE ROAD INC.

PLANNING CONTROLS

Official Plan Designation:	Apartment Neighbourhood	Site Specific Provision:	Yonge-St. Clair Secondary Plan Area
Zoning:	R4 Z2.0	Historical Status:	n/a
Height Limit (m):	16	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	2045.33	Height:	Storeys:	16	
Frontage (m):	38.59		Metres:	52.5	
Depth (m):	53.03				
Total Ground Floor Area (sq. m):	845.08				Total
Total Residential GFA (sq. m):	11789.82		Parking Spaces:	139	
Total Non-Residential GFA (sq. m):	0		Loading Docks	1	
Total GFA (sq. m):	11789.82				
Lot Coverage Ratio (%):	41.1				
Floor Space Index:	5.76				

DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	0
1 Bedroom:	0
2 Bedroom:	37
3 + Bedroom:	17
Total Units:	54

FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	11789.82	0
Retail GFA (sq. m):	0	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

Attachment 2: Recommended Conditions of Approval

- A. It is recommended that City Council support the approval of Official Plan and Rezoning Application No. 05-193926 STE 22 OZ respecting the development of a 16-storey residential condominium building at 609 Avenue Road subject to the following conditions:
- (1) The owner shall submit revised plans and/or studies to the satisfaction of the Chief Planner and Executive Director, City Planning Division, the General Manager of Parks, Forestry and Recreation and the Executive Director of Technical Services, as may be required, to illustrate and/or note the following:
 - (a) the elimination of balcony projections from the main front wall of the building;
 - (b) elevations showing the use of building materials including limestone at the first and second storey and glass at the balconies, to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
 - (c) the deletion of one parking space from each of the underground parking levels P1, P2 and P3 to accommodate a minimum Tree Protection Zone of 3.0 metres, as measured from the base of Tree No. 297 identified on Tree Preservation Plan TP-1; and
 - (d) a revised site servicing review to determine the water supply demand resulting from this development and demonstrate how this site can be serviced and whether the existing municipal infrastructure is adequate;
 - (2) The owner shall submit an application, including any associated fees, requesting permission to injure or destroy Trees No. 294, 301, 302 and 303 identified on Tree Preservation Plan TP-1 to Urban Forestry Services;
 - (3) The owner shall protect at all times the 1 City owned tree identified as Tree No. 289 in accordance with the City of Toronto's Tree Protection Policy and Specifications for Construction Near Trees and to the satisfaction of the General Manager of Parks, Forestry and Recreation;
 - (4) The owner shall provide space within the development for the construction of any transformer vaults, Hydro and Bell maintenance holes and sewer maintenance holes required in connection with this development;
 - (5) The owner shall provide for any improvements to the municipal infrastructure should it be determined that upgrades to the infrastructure are required to support this development, according to the site servicing assessment accepted by the Executive Director of Technical Services; and

B. It is recommended that City Council support the approval of Site Plan Application No. 06-103544 STE 22 SA subject to the following conditions:

- (1) Prior to Site Plan Approval, the applicant shall submit revised plans, studies and/or documentation to the satisfaction of the Chief Planner and Executive Director, City Planning Division, the General Manager of Parks, Forestry and Recreation and the Executive Director of Technical Services, as may be required, to illustrate and/or note the following:
 - (a) substantial accordance with Official Plan and Rezoning Application No. 05-193926 STE 22 OZ, revised as detailed in Recommendation A.1 above;
 - (b) provision of a Type G loading space on the site, with a generally level surface and access designed so that trucks can enter and exit the site in a forward motion;
 - (c) convex mirrors at the base of the access ramp, at the top and bottom ramps and at all right-angled turns within the underground parking garage, such that motorists are provided with clear views of oncoming traffic;
 - (d) 'Do Not Enter' signs on private property, on both sides of the northerly egress driveway.
 - (e) the elimination of any existing curb cuts on Avenue Road, not to be further utilized and the respective public boulevards restored to City standards, at no cost to the City;
 - (f) provision of a waste diversion system using one of the following:
 - (i) central solid waste collection and waste diversion facility on the ground floor, subject to the approval of the Executive Director, Technical Services;
 - (ii) single chute with tri-sorter;
 - (iii) two separate chutes with the capability of adding a dual sorter if and when the organic waste program is implemented;
 - (iv) three separate chutes with one closed off until organic waste collection program is implemented;
 - (v) collection capabilities on each floor provided all applicable regulations governing storage of waste and recyclables and the design of such storage facilities are met; or
 - (vi) any other additional option that meets the criteria as set out in the Multiple Household Residential Recycling – Specific Requirements section of the City of Toronto Requirements for Garbage and Recycling Collection for New Developments and Redevelopments, as amended.

- (g) provision of a level reinforced concrete base pad (min. 5 m²) with a slope not exceeding 2% adjacent to the front of the Type G loading space for the storage of at least 1 compactor container on collection day;
- (h) clear indication on the plans of the provision of garbage bins and recycling bins to be provided in the residential garbage room;
- (i) clear illustration of the travel path of the waste collection vehicle inside the development to be complete with all dimensions shown including an inside and outside turning radii of 9.5m and 14m;
- (j) provision of double or overhead doors of a width necessary to accommodate the movement of container bins between the garbage and recycling storage rooms and the Type G loading space;
- (k)
 - (i) Fire access route shall have a load support sufficient to support the expected loads imposed by fire fighting equipment and shall be surfaced in order to be accessible under all climatic conditions;
 - (ii) Fire hydrants located no more than 45 m from a fire department Siamese connection;
- (l) Relocation of the existing catchbasin on Avenue Road in front of the proposed driveway;
- (m) the owner shall provide a site servicing plan and a storm water management report to the satisfaction of the Executive Director of Technical Services;
- (n) the owner shall provide a tree protection security deposit in the form of an irrevocable Letter of Credit or certified cheque payable to Treasurer, City of Toronto, in the amount of \$4,566.00 to cover the appraised tree value, removal and replacement costs of City owned trees. This deposit shall be drawn upon to cover all costs incurred by the City of Toronto if the City owned trees require maintenance or removal and replacement as a result of construction activities associated with this project;
- (o) the owner shall provide tree removal payment in the form of a certified cheque or money order payable to Treasurer, City of Toronto, in the amount of \$4,664.00 to cover the appraised tree value, and set fees of City owned trees to be removed as part of this project, identified as trees 290, 291, 292, and 293 on TP-1 Tree Preservation Plan, date stamped as received by City Planning on April 27, 2007. This tree removal payment must be submitted to the attention of the Supervisor of Urban Forestry - Tree Protection & Plan Review;
- (p) the owner shall submit a cost estimate for landscaping works to be undertaken on the site and within the City boulevard adjacent to the site in accordance

with the approved Landscape Plan to the satisfaction of the Chief Planner and Executive Director, City Planning Division;

- (q) the owner shall submit financial securities in the amount of 120% of the landscaping estimate to guarantee provision of landscaping on site and within the City boulevard adjacent to the site;
- (2) The proposed development, including all landscaping related thereto, shall be undertaken and maintained substantially in accordance with the approved plans and drawings;
- (3) The owner shall construct and maintain stormwater management measures/facilities and site grading as recommended in the accepted Stormwater Management Report.
- (4) The owner shall construct and maintain site servicing indicated on the accepted Site Servicing and Grading Plan.
- (5) The owner shall provide certification to the Executive Director of Technical Services by the Professional Engineer who designed and supervised the construction that the stormwater management facilities and site grading have been constructed in accordance with the accepted Stormwater Management Report and the accepted Grading Plans.
- (6) The owner shall provide certification to the Executive Director of Technical Services by the Professional Engineer who designed and supervised the construction, that the site servicing facilities have been constructed in accordance with the accepted drawings.
- (7) The owner shall provide and maintain a minimum of 64 parking spaces on the site to serve the project, consisting of 57 spaces for the residents and seven spaces for visitors;
- (8) The owner shall individually designate the residential visitor parking spaces by means of clearly visible signs and/or pavement markings;
- (9) The owner shall provide and maintain convex mirrors at the base of the access ramp, at the bottom and top of all internal ramps and at all right-angled turns within the underground parking garage, such that motorists are provided with clear views of oncoming traffic;
- (10) The owner shall provide and maintain one Type G loading space on the site, with a generally level surface and access designed so that trucks can enter and exit the site in a forward motion;
- (11) The owner shall construct the Type G loading space and all driveways and passageways providing access thereto to the requirements of the Ontario Building Code, including allowance for City of Toronto bulk lift and rear bin loading with impact factors where they are to be built as supported structures;
- (12) The owner shall provide and designate a fully trained maintenance person to assist garbage trucks and other large vehicles with the back-up manoeuvre to/from the Type G loading space;

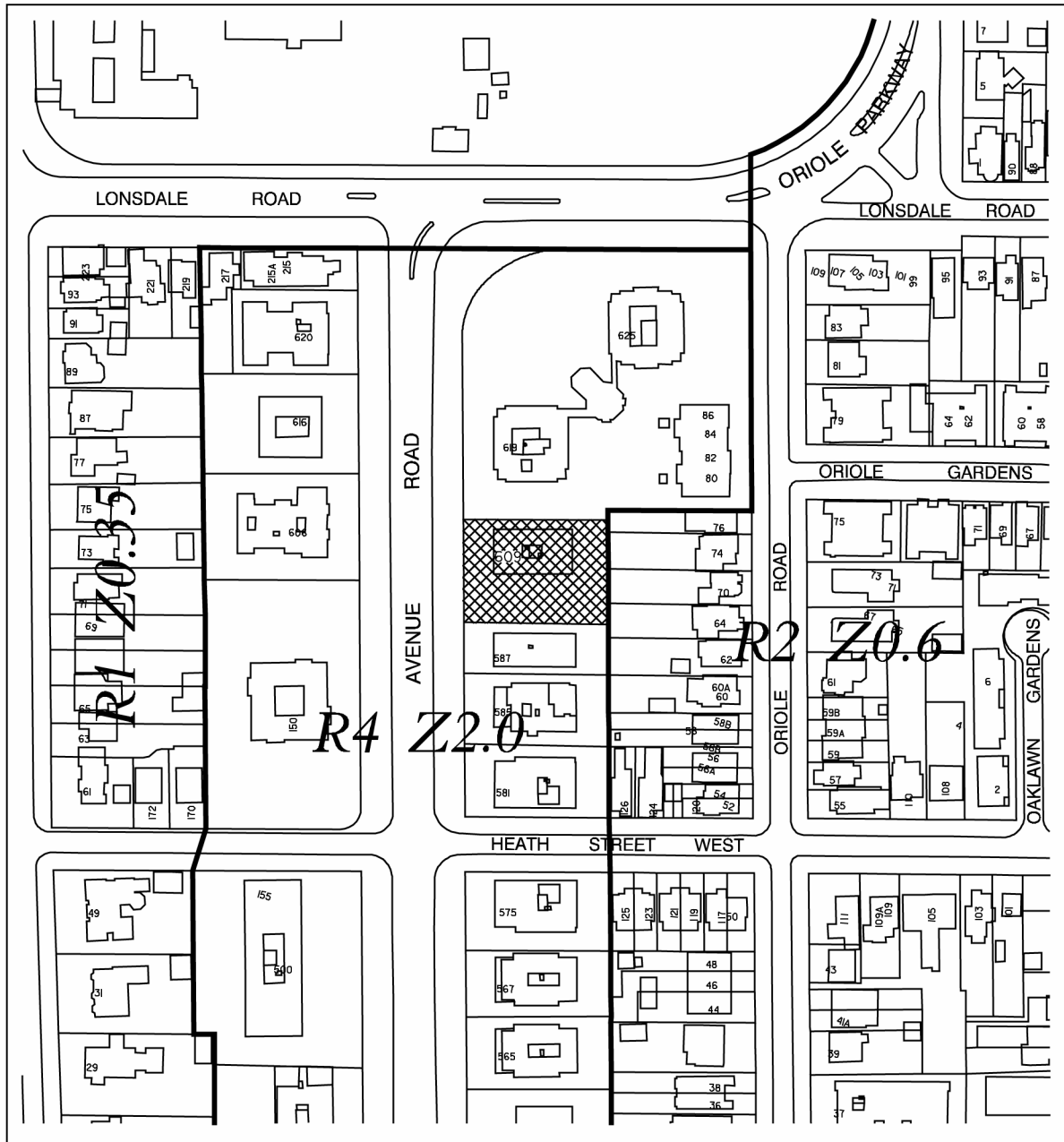
- (13) The owner shall provide and maintain the appropriate on-site signs and pavement markings, clearly designating the operations of the circular driveway;
- (14) The owner shall provide and maintain the appropriate 'Do Not Enter' signs on private property, on both sides of the northerly egress driveway;
- (15) The owner shall construct any decorative unit paver surface to be used within any portion of the Type G loading space and in any area used to access/egress the loading space to applicable City standards to withstand truck traffic, and indemnify the City against any damage that may be caused to the decorative unit pavers through the regular use of the area by City refuse collection vehicles;
- (16) The owner shall restore any existing curb cuts along Avenue Road that are no longer required, to City of Toronto standards, at no cost to the City;
- (17) The owner shall acknowledge and agree that in the event the on-site staff member is unavailable at the time of the City collection vehicles arrival at the site, the collection vehicle will leave the site and not return until the next scheduled collection day;
- (18) The owner shall notify Solid Waste Management upon completion of the development and complete the necessary application and waiver forms prior to the commencement of City waste collection for this development;
- (19) The owner shall pay the service charge associated with the provision of City containerized garbage collection;
- (20) The owner shall remove City owned trees only upon the agreement of the local Councillor and receipt of the required tree removal payment by the Supervisor of Urban Forestry Tree Protection & Plan Review and the building and/or demolition permits have been obtained and the permitted construction and/or demolition related activities associated with this project warrant the removal of the trees;
- (21) The owner shall conduct an investigation of underground utilities prior to new tree planting within the City road allowance. If planting is not possible due to a utility conflict, a utility locate information sheet from the respective utility company must be provided to the Supervisor of Urban Forestry - Tree Protection & Plan Review;
- (22) The owner shall plant 4 new trees within the City road allowance as shown on Plan No L-1A, Landscape Layout Plan, date stamped as received by City Planning on April 27, 2007, to the satisfaction of the General Manager of Parks, Forestry & Recreation and in accordance with the following details:

Street Trees in Turf: In accordance with Planting Detail No. 101 for Balled and Burlapped Trees in Turf Areas, dated June 2002;
- (23) The owner shall ensure a clearance of 1.2 metres from the edge of a tree's root ball to the edge of the underground utility(s). For clearance less than 1.2 metres but greater

- than or equal to 0.6 metres, a root deflector must be installed in the tree pit between the tree's root ball and the utility(s);
- (24) The owner shall provide a two-year renewable guarantee for all new tree plantings within the City road allowance and shall notify the Supervisor of Urban Forestry - Tree Protection & Plan Review in writing, of the planting date prior to planting. This date is used to establish the anniversary date of the required two-year renewable guarantee;
 - (25) The owner shall maintain all new tree plantings within the City road allowance in good condition. Trees will be inspected during and prior to the end of the renewable guarantee period. If the trees are in good condition at the end of the renewable guarantee period, the City will assume maintenance and ownership of the trees;
 - (26) The owner shall be responsible for the maintenance or replacement of all new tree plantings within the City road allowance if during or at the end of the renewable guarantee period the trees are not in good condition, require maintenance or require replacement. The owner will be responsible for rectifying the problem as determined by and to the satisfaction of the General Manager of Parks, Forestry & Recreation;
 - (27) The owner shall maintain all newly replanted trees within the City road allowance in good condition and shall provide an additional two-year renewable guarantee;
 - (28) Prior to the issuance of a Landscape Permit (by Transportation Services, Right of Way Management), the owner shall provide a tree planting security deposit in the form of an irrevocable Letter of Credit or certified cheque payable to the Treasurer, City of Toronto, in the amount of \$ 2,332.00 (\$583 per tree subject to change) for new tree planting within the City Road allowance. The tree planting security deposit must be submitted to the attention of the Supervisor of Urban Forestry Tree Protection & Plan Review. The deposit will be drawn upon to cover all costs incurred by the City of Toronto in enforcing and ensuring that the trees are planted and kept in a healthy and vigorous state during the two-year guarantee period;
 - (29) The General Manager of Parks, Forestry & Recreation shall hold the tree planting security deposit for the duration of the renewable guarantee period; and
 - (30) This approval is valid for a period of three (3) years from the date of approval.
- C.** The owner is advised:
- (1) of the need to make separate applications to the General Manager of Transportation Services for permits to carry out any works involving the construction in, or occupancy of the Avenue Road public right-of way;
 - (2) that any existing curb cuts on Avenue Road, not to be further utilized, must be eliminated, and the respective public boulevards restored to City standards, at no cost to the City; and

- (3) that the storm water runoff originating from the site should be disposed of through infiltration into the ground and that storm connections to the sewer system will only be permitted subject to the review and approval by the Executive Director of Technical Services of an engineering report detailing that site or soil conditions are unsuitable, the soil is contaminated or that processes associated with the development on the site may contaminate the storm runoff.
- (4) that the issuance of any permit by the Chief Building Official will be conditional upon the proposal's full compliance with the Ontario Building Code;
- (5) that the development is subject to 5% cash-in-lieu of parkland dedication payment required under Chapter 165 of the former City of Toronto Municipal Code to implement Section 42 of the Planning Act R.S.O. 1990, c.P.13, payable upon application for building permit;
- (6) that the proposal is subject to Development Charges pursuant to by-law 547-2004;
and
- (7) that the proposal is subject to Educational Development Charges, pursuant to the Toronto Catholic District School Board By-law 2003-153.

Attachment 3: Zoning



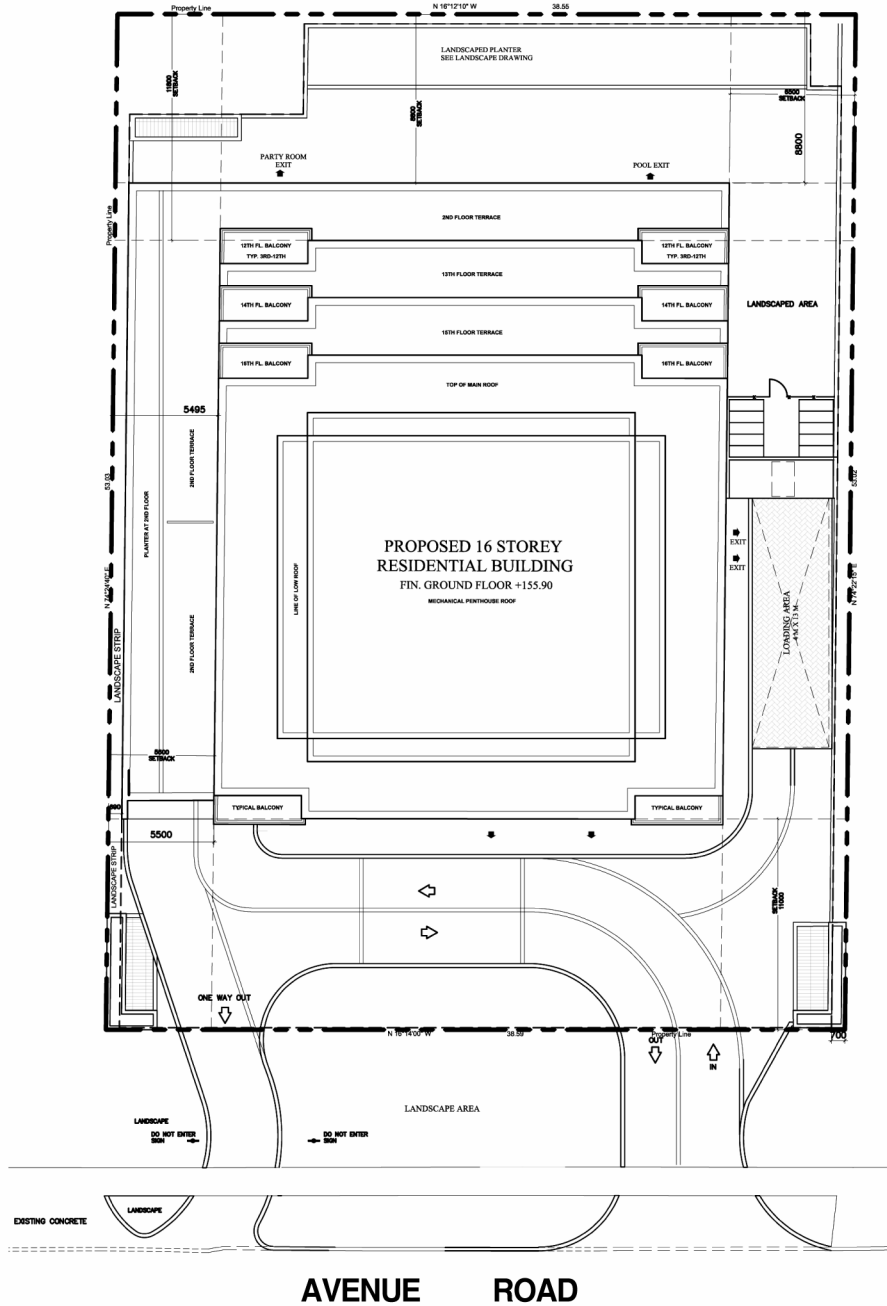
609 Avenue Road
File # 05_193926

- R1 Residential District
- R2 Residential District
- R4 Residential District



Not to Scale
Zoning By-law 438-86 as amended
Extracted 10/14/05 - TA

Attachment 4: Site Plan



Site Plan

Applicant's Submitted Drawing

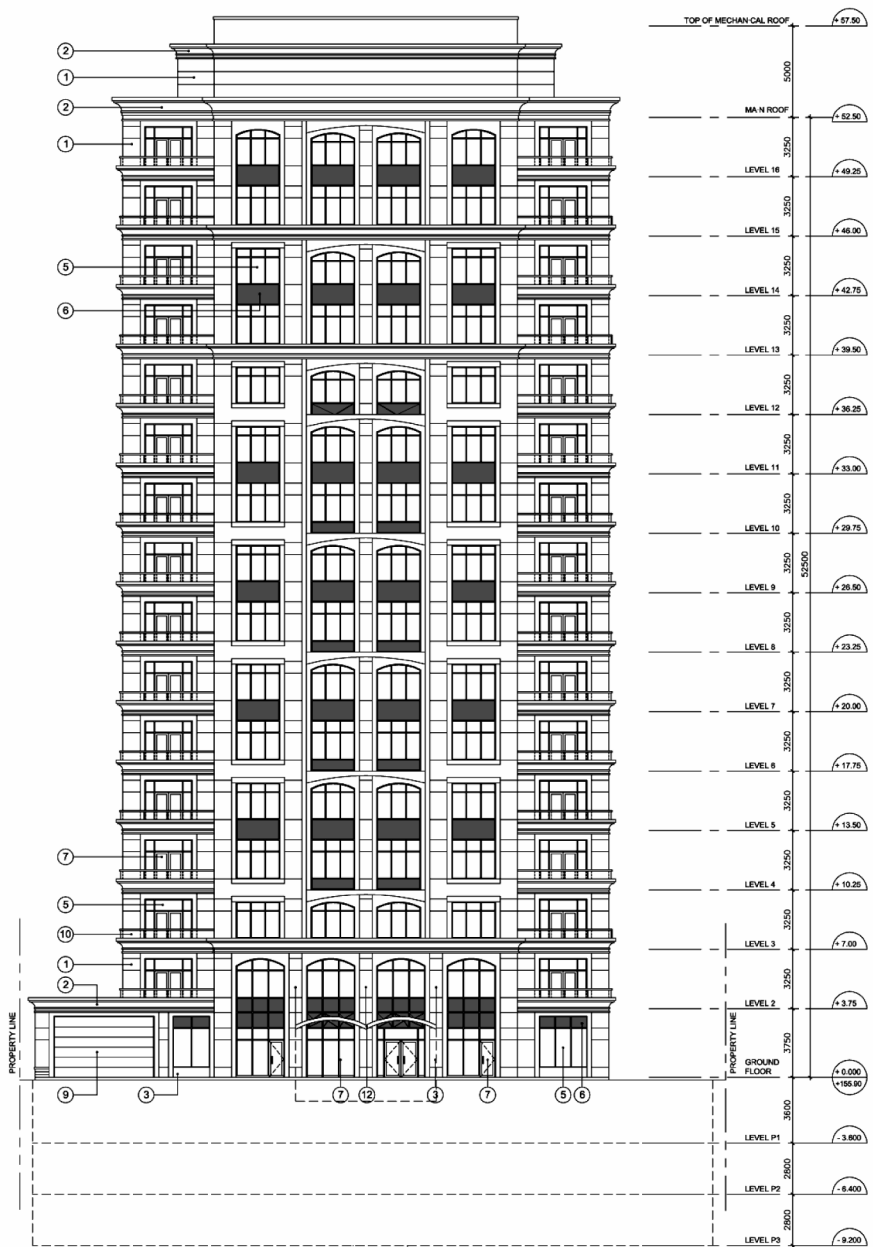
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609 Avenue Road

File # 05_193926

Attachment 5: Elevations



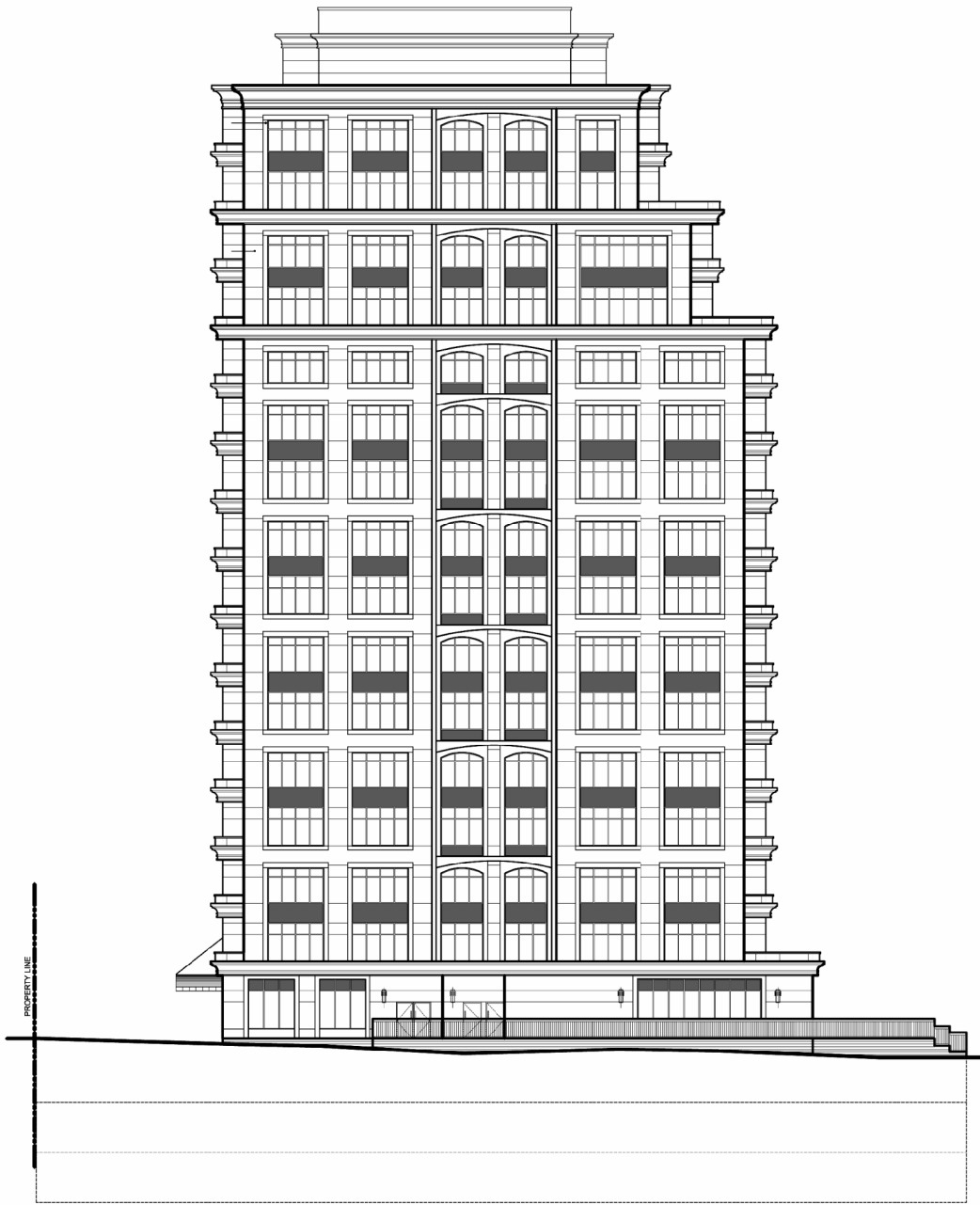
West Elevation

Applicant's Submitted Drawing

Not to Scale
05/18/07

609 Avenue Road

File # 05_193926



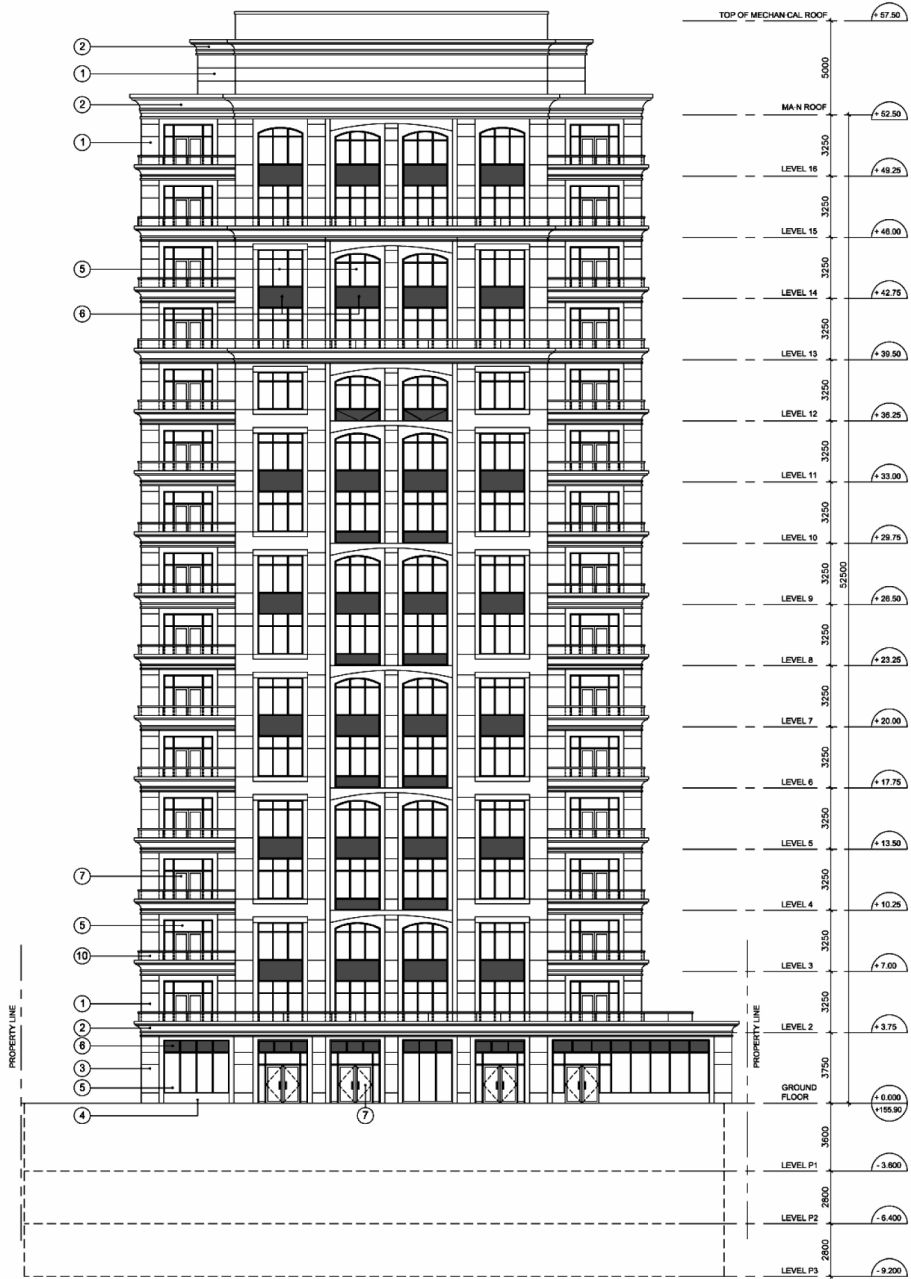
South Elevation

609 Avenue Road

Applicant's Submitted Drawing

Not to Scale
05/18/07

File # 05_193926



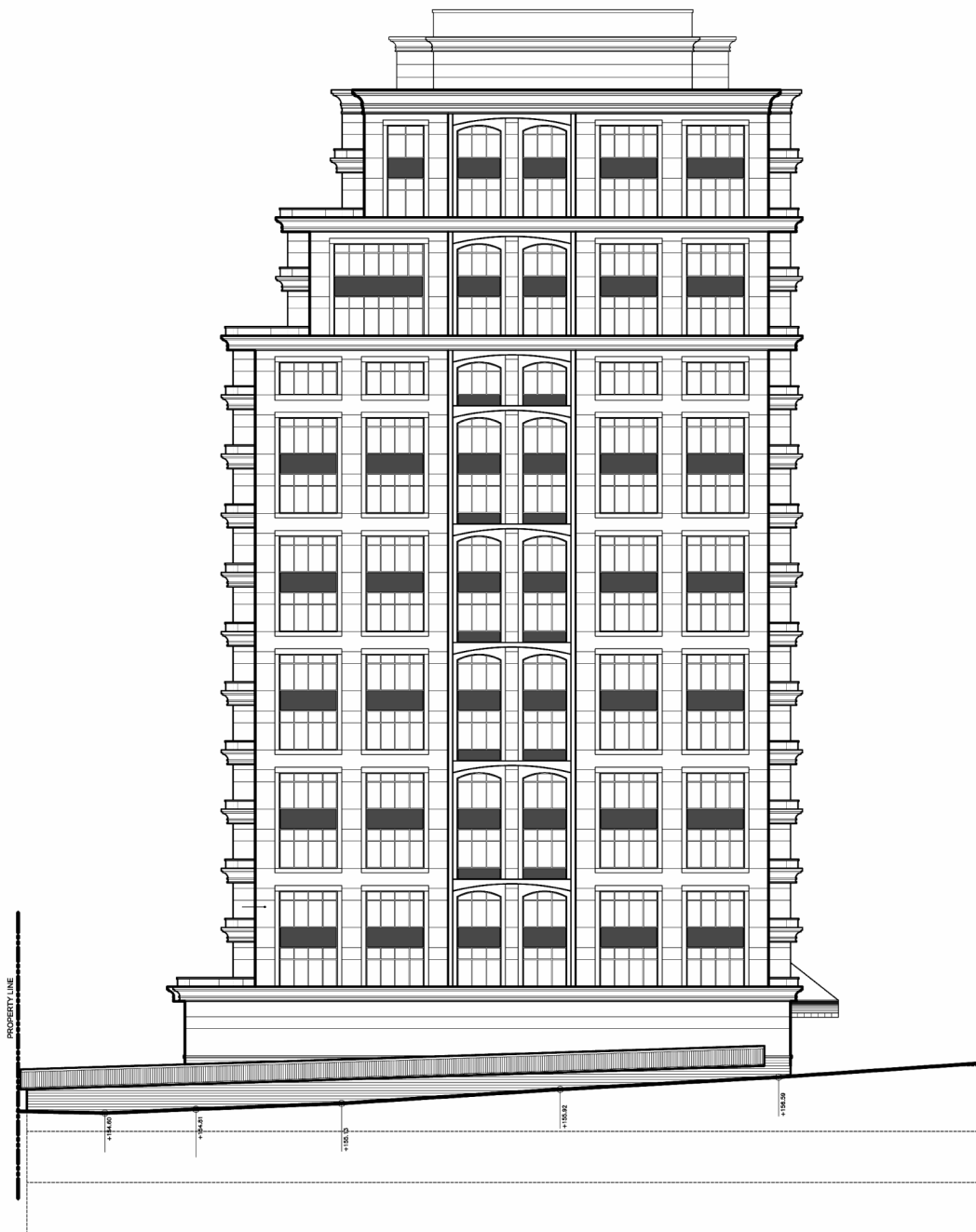
East Elevation

Applicant's Submitted Drawing

Not to Scale
05/18/07

609 Avenue Road

File # 05_193926



North Elevation

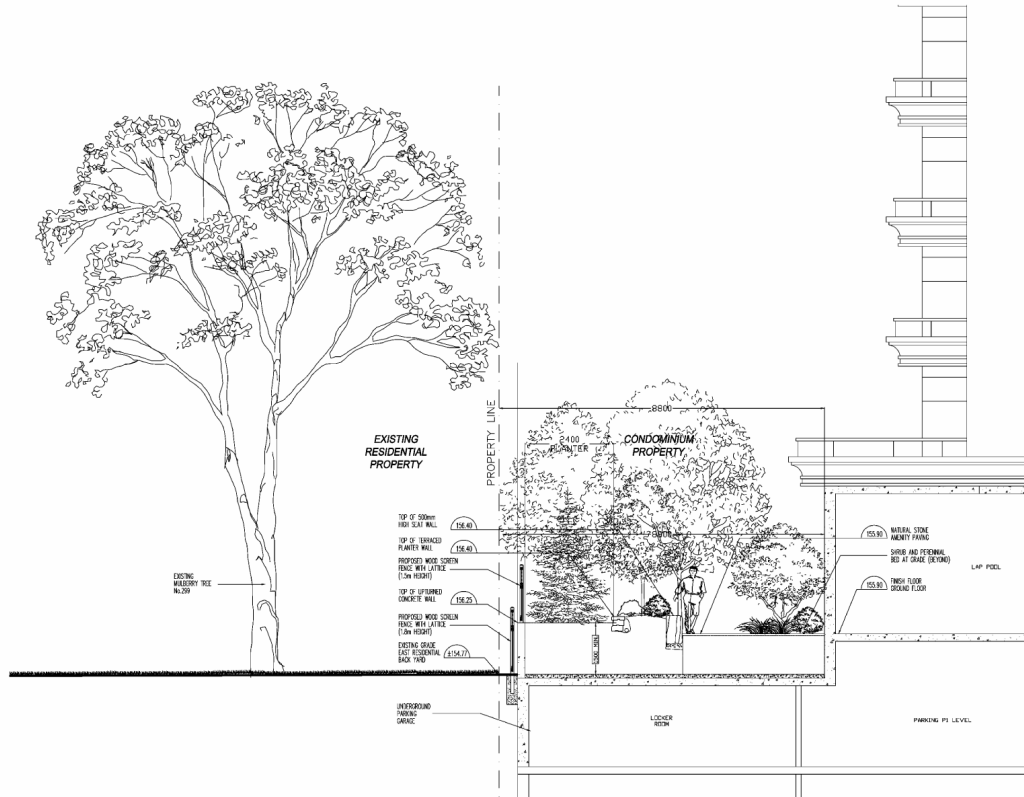
609 Avenue Road

Applicant's Submitted Drawing

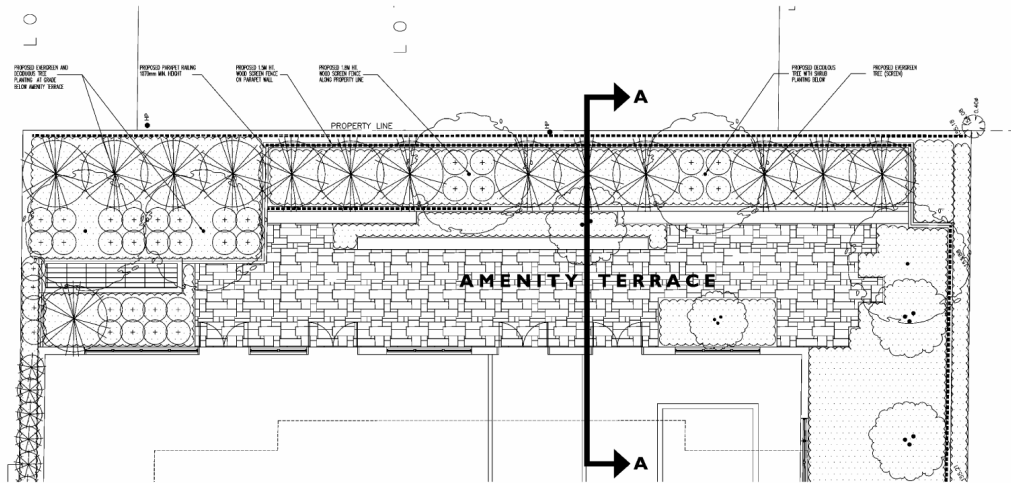
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File # 05_193926

Attachment 6: Landscape Plan



LANDSCAPE SECTION A-A (VIEW SOUTH) 1:50



LANDSCAPE PLAN 1:75

Landscape Plan and Section

Applicant's Submitted Drawing

Not to Scale 

05/23/07

609 Avenue Road

File # 05_193926

Attachment 7: Draft Zoning By-law

CITY OF TORONTO BY-LAW NO. -2007

To amend the General Zoning By-law No. 438-86 of the former City of Toronto respecting lands known municipally in the year 2007 as 609 Avenue Road

WHEREAS the Ontario Municipal Board pursuant to its Order No. _____ dated _____, deems it advisable to amend the former City of Toronto Zoning By-law No. 438-86, as amended, of the former City of Toronto, with respect to lands known municipally in the year 2007 as 609 Avenue Road;

NOW THEREFORE pursuant to Order No. _____ of the Ontario Municipal Board issued on _____, 2007 in Board File No. PL _____, By-law 438-86, as amended, of the former City of Toronto, is amended as follows:

1. None of the provisions of Section 2(1) – Parking Space and Grade, Section 4(4)(b) and Section 4(4)(c)(ii), Section 4(2), Section 6(3) Part I(1), 6(3) Part II(2)(ii), Section 6(3) Part II 3(f)(ii), Section 6(3) Part II (5)(I), Section 6(3) Part III(1)(b) and Sections 12(2)7(ii) and 12(2)262(g) of Zoning By-law No. 438-86, being “A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto”, as amended, shall apply to prevent the erection and use of an *apartment building* containing residential uses and uses *accessory* thereto on the *lot*, provided that:
 - (a) the *lot* comprises at least the lands outlined by heavy lines on the attached Map 1;
 - (b) the *residential gross floor area* of the *apartment building* shall not exceed 11,790 square metres;
 - (c) the *apartment building* shall contain a maximum of 54 *dwelling units*;
 - (d) no portion of the *apartment building* or structures above *grade* are located otherwise than wholly within the area delineated by heavy lines on the attached Plan 2, with the exception of the following:
 - (i) cornices, sills, pilasters, light fixtures, ornamental elements, eaves, guardrails and balustrades which may project 0.4 metres outside of the heavy lines on the attached Map 2;
 - (ii) bicycle racks, retaining walls, fencing, decks, railings, planters, decorative screens, freestanding architectural elements and landscape

and public art features which may extend beyond the heavy lines on the attached Map 2 of this By-law;

- (iii) no person shall erect or use a building or structure on the *lot* having a greater *height* in metres than the *height* limits specified by the numbers following the symbol H on the attached Map 2;
 - (iv) notwithstanding Section 1(c)(iii) of this By-law:
 - (1) the maximum *height* for parapets, terrace and balcony guards, planters, railings, decorative screens, window washing equipment and ornamental architectural features shall be the sum of 1.1 metres and the applicable height limit shown on Plan 2; and
 - (2) the maximum *height* for a stair tower, elevator shaft, chimney stack or other heating, cooling or ventilating equipment on the roof of the building or a fence, wall or structure enclosing such elements shall be the sum of 5.0 metres and the applicable *height* limit shown on Plan 2, within the area shown on Plan 2 as “Mechanical Penthouse”.
 - (e) the *apartment building* will be set back from the *front lot line*, *rear lot line* and the *side lot lines* as shown on Map 2;
 - (f) *parking spaces* shall be provided and maintained on the *lot* at the following minimum ratios:

<i>bachelor dwelling units</i> (if any)	0.3 <i>parking spaces</i> per unit
1-bedroom <i>dwelling units</i>	0.7 <i>parking spaces</i> per unit
2-bedroom <i>dwelling units</i>	1.0 <i>parking spaces</i> per unit
3+-bedroom <i>dwelling units</i>	1.2 <i>parking spaces</i> per unit
Visitors	0.12 <i>parking spaces</i> per unit
 - (g) driveways shall have a minimum width of 3.5 metres for one-way operation and a minimum width of 5.5 metres for two-way operation.
2. None of the provisions of By-law No. 438-86 shall apply to prevent a *sales office* on the lot as of the date of the passing of this By-law.
 3. For clarity, Appendix “1” attached to this By-law is incorporated into this By-law and is deemed to be a part of this By-law.
 4. Definitions:

- (a) For the purposes of this By-law and subject to Section 4(b) below, the terms set forth in italics shall have the same meaning as such terms have for the purposes of By-law No. 438-86, as amended: and
- (b) the following definitions shall apply:
- (i) *grade* shall mean an elevation of 155.9 m above sea level based on Geodetic Survey of Canada 1929 mean sea level vertical datum (pre-1978 Southern Ontario adjustment);
 - (ii) *parking spaces* shall have a minimum width of 2.6 metres and a minimum length of 5.9 metres;
 - (iii) *sales office* means a building, structure, facility or trailer on the *lot* used for the purpose of the sale of *dwelling units* to be erected on the *lot*.

PURSUANT TO ORDER NO. _____ OF THE ONTARIO MUNICIPAL BOARD,
ISSUED ON _____, UNDER BOARD CASE FILE NO. PL _____.

APPENDIX “1”

SECTION 37 PROVISIONS

The facilities, services and matters set out herein are the facilities, services and matters required to be provided by the owner of the site to the City of Toronto in accordance with an agreement or agreements, pursuant to Section 37(3) of the *Planning Act*, in a form satisfactory to the City with conditions providing for indexed escalation of all financial contributions, no credit for development charges, indemnity, insurance, GST, termination and unwinding, and registration and priority of agreement:

- (a) payment of \$300,000.00 to the City to be applied towards the cost of improvements to local City-owned parks, facilities and open spaces, as determined by the Chief Planner in consultation with the Ward Councillor, to be paid prior to the issuance of the first building permit, indexed to the non-residential Construction Price Index for Toronto, for the period from the coming into force of this By-law to the dated of payment;
- (b) improvement to the street right-of-way abutting the site, including streetscaping and tree installation, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, the General Manager, Parks, Forestry and Recreation Division, and the Executive Director, Technical Services Division;
- (c) the owner shall agree to construct the building substantially in accordance with the approved plans, using high-quality building materials including limestone, glass and textured, coloured architectural precast panels to the satisfaction of the Chief Planner and Executive Director, City Planning Division.

Notwithstanding the foregoing, the owner and the City may modify or amend the said agreement(s), from time to time and upon the consent of the City and the owner, without further amendment to those provisions of this zoning by-law which identify the facilities, services and matters to be secured.

