



South Armour Heights Residents' Association

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Committee of Adjustment  
Toronto, City Planning Division  
North York Civic Centre  
5100 Yonge Street  
North York, Ontario  
M2N 5V7

Aug 5, 2015

Attn: Saadia Jamil ([sjamil@toronto.ca](mailto:sjamil@toronto.ca))

Members of the Committee of Adjustment

File Number: A0596/15NY; Property Address: 1912 & 1914 Avenue Road on Aug 6, 2015

The South Armour Heights Residents' Association ("SAHRA") is an incorporated non-profit association founded in 1995 that represents 850 households in the area from the 401 down to Brooke/Yonge Blvd over to Avenue Road.

SAHRA is writing to advise the Committee that it strongly opposes the above noted application for 15 significant variances that are contrary to the requirements for a 5-storey building as defined by the Avenue Road Study 2009 and Zoning By-laws 569-2013 and 7625.

An alarming request is to allow no **Step-backs** at all on the side street (Brooke Avenue) whereas the By-laws require a minimum 2m step-back at the top of the second storey abutting Brooke.

The other very alarming request is that the **Height**, including the mechanical penthouse, be allowed to far exceed the zoning by-law maximum – asking for 23.6m height vs 18.5m for a major 5.1m increase in height. This is not a minor variance – it is a major increase of some 27%. The mechanical height (4.2 vs 2 max) is twice the allowed height. This 5-storey building proposal of 19.4m (excluding mechanical) is actually close to the maximum height allowed for a 7-storey building (22.5m) for properties in excess of 37m depth.

SAHRA Directors met with the Planner and Architect for the developer with the City Planner on August 5. They stated that special requirements due to the 'commercial' floors called for the additional floor heights as well as the 4.2m mechanical/roofstop structure. The Avenue Road Study and the By-laws state a max height of 16.5m and that the first floor (retail) must be 4.5m so the design of the remaining floors has to work within the 12 allowed meters. **If additional heights are required due to the commercial use on four floors, the number of floors should be reduced to 4 to allow for this.**

This property is designated in the new Toronto Official Plan as an *Avenue*. The City's Official Plan calls for a significant portion of future growth along the Avenues. SAHRA participated in the **Avenue Road Study** (2007-2009). Agreement was reached on new built form provisions which were implemented through the zoning by-law regulations and urban design guidelines. By-law 7625 was officially amended by Council to adopt Exception Regulations for Building Height, Gross Floor Area, Setbacks and Building Step-Backs, Build-to-Line-Minimum Height, Level of First Storey at Avenue Road and Use of First Storey.

The residents of this area believed that the Avenue Road Study guiding principles and these By-law changes would be enforced as the existing one to three storey buildings were redeveloped or renovated to the now-allowed 5-storeys.

This building, as proposed, does not comply with a significant number of these very specific rules. This cannot be approved as it would make irrelevant years of time and money contributed by the participation of city planners, area residents and the Local Advisory Committee on developing the master plan for

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developing the Avenue. If the by-laws are not applied to this instance of a 5-storey renovation/development, all future developments on Avenue Road will ask for equivalent variances.

This 5-storey building is to be built on a two-store-width corner property which reduces the possible square footages on the 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> floors due to the requirement for step-backs not only at the front (at the third) and at the rear (on the 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> floors to maintain the 45 degree angular plane) but also on the south side (at the 3<sup>rd</sup>).

SAHRA has the following comments on the variance requests which are of great concern:

## 8. Step-backs

*Chapter 900.11.10(1543), By-law No. 569-2013 and Section 64.26.(12)(f), By-law No. 7625*

Any building greater than 3 storeys in height must have a minimum 2m step-back in the main external building wall facing a lot line abutting a street (in this case Brooke Avenue and Avenue Road), at the top of the second storey.

We understand that a step-back is provided along the Avenue Road frontage, at the third floor. The developer has stated that the requirement for a 45 degree angular plane is maintained abutting Avenue Road (as it is a four-lane wide road).

SAHRA did discuss possible revisions with the developer's Planner and Architect for a Step-back on the 3<sup>rd</sup> floor on the side abutting Brooke. However they stated that only a 'partial' step-back for about half of the depth could be provided due to the building entranceway/ stairwell on the side and due to stairway access to the rooftop. No step-back or even a 'partial' solution does not adhere to the By-law and does not provide relief from the impact of 5 storeys straight up for even half of the building depth. This becomes an even more significant issue with the proposed increase in height to 23.6m (inclusive).

This development should adhere to the 3<sup>rd</sup> storey Step-back requirement on the side street defined by the Avenue Road Study and the associated By-law changes. Otherwise it will set a precedent for all other 5 storey sites in the future abutting side streets, negating the vision of the Avenue Road Study.

## 5. Height

*Chapter 900.11.10(1543)(A), By-law No. 569-2013 and Section 64.26.(12)(c)(i), By-law No. 7625*

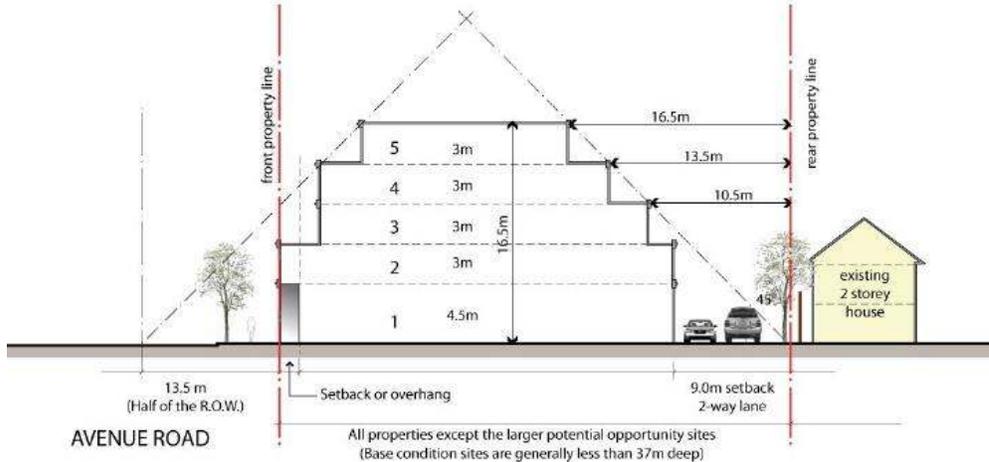
*The maximum height as per regulation 40.10.40.10.(2) is 5 storeys or 16.5m, whichever is lesser in height applies, a mechanical penthouse or other rooftop structures is not included in the permitted maximum height and the mechanical penthouse or other rooftop structure must not exceed this height limit by more than 2m.*

The proposed building is 19.4 to the top (**vs 16.5 so 2.9m higher**) and 23.6m to the top of the mechanical penthouse, which is 4.2m above the roof (**vs 18.5 so 5.1m higher**).

**This is not a minor variance – it is a significant increase of some 27%. The mechanical height (4.2 vs 2 max) is twice the allowed height.**

The developer has provided for a tall ground floor (4.5m/14.76 feet which is as per the Avenue Road Study guidelines) but then has gone for greater floor to ceiling heights for the office floors of 3.6m on the 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> floors (11.6 feet) and 3.9 on the 5<sup>th</sup> floor (12.8 feet) as opposed to the Avenue Road Study guidelines of 3m (9.84 feet) for each floor. The heights for these floors should be adjusted to 3m to fit within the 16.5m by-law definition.

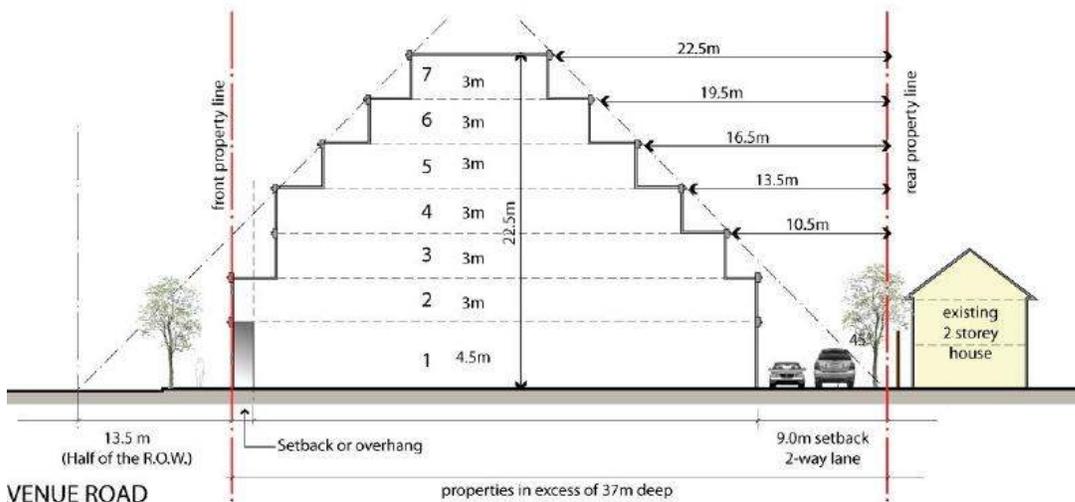
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The Planner and Architect for the developer have stated that these increased heights are required as floors 2-5 are all for commercial use which in today's world requires a 2' ceiling area for wiring, etc. for the future. The Avenue Road Study and the By-laws state a max height of 16.5m and that the first floor (retail) must be 4.5m so the design of the remaining floors has to work within the 12 allowed meters. If additional height per floor is required due to the commercial use, the number of floors should be reduced to 4 to allow for this.

The maximum allowed for the mechanical penthouse/other rooftop structure is 2m. The drawings appear to illustrate what looks to be like a 'two-level structure'. The planner and architect for the developer stated that due to the mechanicals that are required for the totally commercial site, the mechanical penthouse and rooftop structure cannot be less than 3.6 to 4.2m according to their consultants. If additional height is required due to the nature of commercial mechanicals, the number of floors should be reduced to 4 to allow for this.

This 5-storey building proposal of 19.4m (excluding mechanical) is actually close to the maximum height allowed for a **7-storey building (22.5m)** for properties in excess of 37m depth (with the same defined floor heights).





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If the higher ceiling heights are critical to the design and the mechanical height cannot be adjusted to the allowed maximum, the developer should modify the design to provide for 4 floors.

This development should adhere to the maximum heights defined by the Avenue Road Study and the associated By-law changes. Otherwise it will set a precedent for all other 5 storey sites in the future, negating the definitions of the Avenue Road Study.

## 7. Building Setback

Chapter 900.11.10(1543)(H), By-law No. 569-2013 and Section 64.26.(12)(e)(i), By-law No. 7625

*If no laneway exists on the rear portion of the lot, no part of any building or structure may be located within a setback of 7.5m from the rear lot line. The proposed building setback is 4.5m from the rear lot line.*

The original plans provided 5 spaces but these have now been eliminated as the depth of the building has been increased, likely to recover (and gain) from the 2.8m step-back at the third floor (which was not provided for in the original plans). We feel the depth of the building should be reduced by 3.0m both to provide the required Building Setback of 7.5m and to reduce gross floor area (Variance #10).

## 10. Gross Floor Area

Section 64.26.(12)(d), By-law No. 7625

*Maximum gross floor area shall not exceed 300% lot area, of which no more than 200% of the lot area shall be used for commercial purposes.*

The proposed gross floor area is 368% of the lot area which is entirely for commercial purposes – 68% greater than the total allowed and 168% greater than what would be allowed for commercial.

The depth of the building has been increased (to 29.98m from the original plan of 20.61m), likely to recover (and gain) from the 2.8m step-back at the third floor (which was not provided for in the original plans). We feel the depth of the building should be reduced by 3.0m both to provide the required Building Setback of 7.5m (Variance request #7) and to reduce gross floor area.

The Gross Floor Area should also be adjusted accordingly for compliance with Variance #8 as a 2m step-back should be provided along the full depth of the building abutting Avenue Road.

Even if this development just adhered to the maximum allowed lot area of 300% that would give them the benefit of 100% as they are a totally commercial development, as defined by the Avenue Road Study and the associated By-law changes. If the maximum gross floor area is not maintained, it will set a precedent for all other 5 storey sites in the future, once again negating the definitions of the Avenue Road Study.

### Test 1: General Intent and Purpose of the Official Plan

### Test 2: General Intent and Purpose of the Zoning By-law

SAHRA considers the lack of a Step-back abutting Brooke Avenue, the excessive Height, the reduced Building Setback and Gross Floor Area variance requests to not be in keeping with the general intent and purpose of the Official Plan, the Avenue Road Study Guidelines and the associated Zoning and By-law changes.



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### **Test 3: Appropriateness and Desirability**

The Avenue Road Study and the associated By-law changes recognize that the existing storefronts are going to be modified/replaced over time to the allowed 5-storey buildings but these replacements are intended to adhere to the *vision* defined in the Avenue Road Study. This proposed development does not follow that *vision*.

### **Test 4: Minor in Nature**

SAHRA does not consider the lack of a Step-Back at the 3<sup>rd</sup> floor abutting Brooke Avenue, the Height, the reduced Building Setback and Gross Floor Area variance requests to be 'minor' in nature – **we consider them to be 'major'**.

We would ask the Committee to refuse these variances as this development does not meet the guidelines stipulated by the Avenue Road Study and the associated By-laws. It would set a precedent for all other 5 storey sites in the future, negating the *vision* of the Avenue Road Study.

We would appreciate receiving a copy of the Decision.

Yours truly

Sheila Dunlop, Secretary

Email: Councillor C. Carmichael Greb / Linda McCarthy /Jonathan Kent  
Dan Antonacci, Committee of Adjustment  
Ron Johnson, Heather Crawford, Bob Williams (SAHRA)  
G. Kettel, Cathie Macdonald (FoNTRA)  
Eileen Denny, William Roberts (CORRA)  
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