

# **TORONTO** STAFF REPORT

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March 9, 2005

To: Toronto and East York Community Council

From: Director, Community Planning, South District

Subject: Preliminary Report  
Official Plan Amendment & Rezoning Application 04 187471 STE 27 OZ  
Applicant: Ian Cooper  
Architect: Hariari Pontarini Architects  
76 & 100 Davenport Road  
Ward 27 - Toronto Centre-Rosedale

Purpose:

To provide preliminary information on the above-noted application and to seek Community Council's directions on further processing of the application and on the community consultation process.

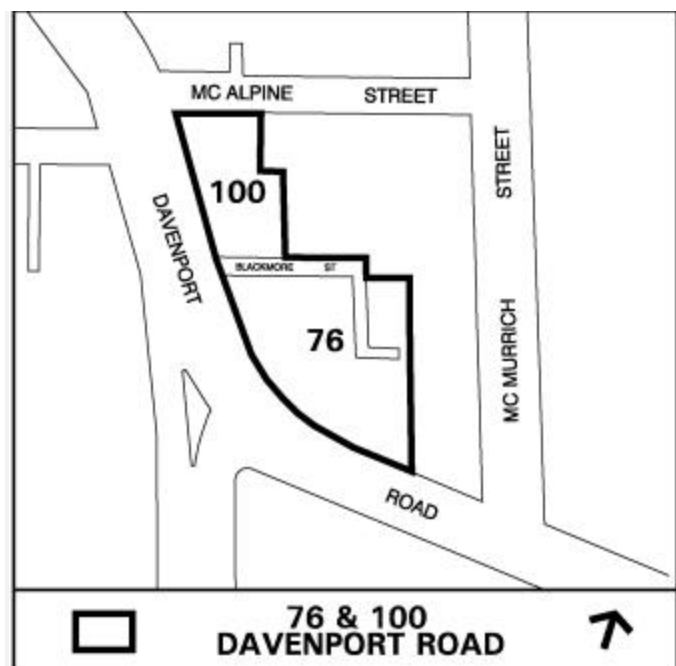
Financial Implications and Impact Statement :

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

Recommendations:

It is recommended that:

- (1) staff be directed to schedule a community consultation meeting together with the Ward Councillor;
- (2) notice for the community consultation meeting be given to landowners and residents within 120 metres of the site; and
- (3) notice for the Public Meeting under the Planning Act be given according to the regulations under the Planning Act.



Background :

An application to amend the former City of Toronto's Official Plan and Zoning By-law was submitted August 20, 2001. The application was for a 35 storey tower with a two storey podium at 76 Davenport Road, and a 7 storey mid-rise building, stepping down to 3 storeys at McAlpine Street at 100 Davenport Road. The projects combined density was 8.4 times the area of the lot.

Two public meetings were held and it was determined a Working Group be established with the applicant, City staff and various stakeholders. The Working Group met 5 times and at the final meeting planning staff concluded the following: that an alternative development should be considered that has a significantly lower height and diameter and which preserves views from Domus. A maximum tower height of 15 to 18 storeys, with a reduced diameter was considered to address concerns of transition, compatibility and shadow.

On July 18, 2002 the applicant referred/appealed this Official Plan and Rezoning Application to the Ontario Municipal Board (OMB).

The application was refused in the Final Planning report dated August 23, 2002 due to the following concerns:

- i) over intensification of the site in terms of density and height;
- ii) inadequate transition in building height;
- iii) project overwhelms its Yorkville surroundings;
- iv) project causes adverse shadow impact on public open space and surrounding neighbourhood; and
- v) project sets a precedent for denser and taller buildings along Davenport Road

In March 2003 the Ontario Municipal Board (OMB) held a hearing to consider a revised 28 storey tower with a 4 storey podium at 76 Davenport and a 3 storey podium at 100 Davenport with an overall 7.6 times density. In a July 31, 2003 decision the Ontario Municipal Board (OMB) refused the application. (Attachment 11)

Between March and August of 2004 a number of meetings were held with the applicant to discuss and propose changes to proposals the owner was considering. City Planning staff requested the applicant to have regard for a design guideline prepared by staff based on evidence presented to the OMB in 2003.

On November 23, 2004 an application (Alternative A) was submitted but not circulated as staff was advised that a second alternative was being considered in case the City did not sell the L-shaped public lane to the applicant. On December 7, 2004, an application was submitted for Alternative B. The applicant was advised that further information was required to permit the circulation of the alternatives. On January 14, 2005 additional information was provided to City Planning staff and the application was circulated to affected departments and agencies.

On February 28, 2005 City Planning staff made a presentation respecting Alternatives A and B at the request of the ABC residents association. A number of built form issues were identified by the residents for inclusions in Issues to be Resolved section of this report.

#### Comments:

##### Proposal

The applicant has applied for Official Plan and Zoning By-law amendments to permit the construction of one of two alternative building proposals containing 250 dwellings units for Alternative A and 268 dwelling units for Alternative B both with retail uses at grade. (Attachment 3 & 4). The proposed building at 76 Davenport Road is 19 storeys (68 metre) plus mechanical penthouse for Alternative A and 23 storeys (74 metre) plus mechanical penthouse for Alternative B, both with a five storey podium along the Davenport Road frontage. (Attachment 5 & 6) No. 100 Davenport Road is designed as a 5-storey (18 metre), plus mechanical penthouse mid-rise building from Blackmore Street to McAlpine Street along Davenport Road for both Alternative A and B.

The two parcels (76 and 100 Davenport Road) are separated by Blackmore Street which terminates into an L-shaped lane at the rear of 76 Davenport Road. (Attachment 3 and 4)

Alternative A proposes a residential pick-up/drop-off area, serving the 76 Davenport Road building, that is located adjacent to the access ramp for the underground parking garage.

Access to the 76 Davenport parking facility, under Alternative A proposal is provided via a two-way ramp extending southwest off of the north-south private driveway, while under the Alternative B proposal, access is proposed via a two-way ramp extending south off of Blackmore Street. Under both development options, access to 100 Davenport Road parking facility is provided via a two-way ramp, extending north of Blackmore Street.

The Alternative A proposal has a combined gross floor area of 22,538m<sup>2</sup> and a density of 5.4 times the area of the development site (4,177m<sup>2</sup>). The Alternative B proposal has a combined gross floor area of 25,962m<sup>2</sup> and a density of 7.08 times the area of the development site (3,667 m<sup>2</sup>). The detailed development statistics are included in the separate Application Data Sheets included as Attachments 1 and 2.

##### Site Description

The Alternative A site consists of two lots municipally known as 76 and 100 Davenport Road, Block "C" (a 347m<sup>2</sup> parcel, originally part of the adjacent Domus development site but which has been severed and combined with this development site) and the L-shaped public lane (162m<sup>2</sup>). The parcel known as 76 Davenport Road is 2377m<sup>2</sup> in area and is currently occupied by a one-storey commercial fitness centre and an associated surface parking area. No. 100 Davenport is 1,291 m<sup>2</sup> in area and is currently occupied by a one-storey building containing a car dealership and surface parking.

The Alternative B site consists of 76 and 100 Davenport Road, but excludes the public laneway and Block “ C “ which would form a separate parcel for a previously approved townhouse development, with direct access off Blackmore Street.

The development site is located at the intersection of Davenport Road, McAlpine Street and Bay Street, to the south. The site is irregular in shape, in part, due to the sweep of Davenport Road as it turns north. As a result, this 4177m<sup>2</sup> site for Alternative A and 3667m<sup>2</sup> site for Alternative B occupies a highly visible location.

Uses and structures surrounding the site include, to the:

North: a 4-storey office building (110 Davenport Road) and a 6 storey, seniors’ residence (Belmont House, 55 Belmont Street). Immediately north of the site is the applicant’s 10 storey (28 metre) residential condominium fronting McAlpine Street and its associated 3 storey townhouses fronting on McMurrich Street;

South: immediately across Davenport Road is a 10 storey residential building (1331 Bay Street), the Stone Church (45 Davenport Road) and a 15 storey residential condominium (40 Scollard Street);

East: immediately south and east of the site is a 2 storey office building (32 Davenport Road) and immediately east of the site are low rise (2 to 3 storey houses on McMurrich Street (12-22 McMurrich). To the east of McMurrich Street, on Davenport Road and Yonge Street, there are a number of residential and mixed use buildings that range in height from 12 to 20 storeys

West: low to mid rise buildings, Jesse Ketchum Public School, Daycare and Ketchum Park, and to the north-west are low rise residential houses on Berryman Street and Bishop Street

#### Official Plan

The Official Plan of the former City of Toronto designates the 76 and 100 Davenport Road and Blackmore Street as “Low Density Mixed Commercial Residential Area”. This designation allows for a mix of residential and commercial uses up to a maximum density of 3.0 times the area of the lot. Block “C” is designated “Medium Density Residence Area”. This designation allows for a mix of residential and commercial uses up to a maximum density of 2.0 times the area of the block.

Davenport Road, at this location, is identified on Map 5 of the Official Plan as a “Street Subject to a 3-Hour Sunlight standard”. Section 3.27 of the Official Plan states: “For those streets subject to a sunlight standards shown on Map 5, Council shall use its power to regulate height, siting and massing of new development to seek to achieve sunlight standards of three or five hours of sunlight (around solar noon) on one sidewalk during the period of March 21<sup>st</sup> to September 21<sup>st</sup>”.

The Owner has made an application to the City to close the L-shaped public lane off Blackmore Street. Section 3.3 of the Official Plan states that it is the policy of Council to ensure that public lanes are not closed to public use except where, in the opinion of Council, the closure will not have adverse impacts on; public access and local servicing arrangements; the amount, quality and location of land available to the public at grade or related to grade; and on the scale, massing and siting of buildings such that the City's stated policies for height, building envelope and light, view and privacy cannot be met.

The site is also subject to the policies of Part II (Section 19.34) of the Official Plan, the North Midtown Area Plan. The intent of these policies is, in part, to maintain and reinforce the particular forms and functions that are characteristic of each of the component areas of North Midtown. The policies also support increasing the residential population. It is further policy of Council to ensure acceptable sun and wind conditions, particularly for pedestrian areas and in this regard, sun and wind studies are to be provided for development projects for high buildings in the North Midtown Area.

#### New Toronto 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 and Housing approved the new plan, in part, with modifications. The Minister's decision has been appealed in its entirety and the Official Plan is now before the Ontario Municipal Board. No hearing date has been set. However, pre-hearings on the new Plan are continuing with the next pre-hearing scheduled for March 29-31, 2005. The new Official Plan designates this area on the north edge of the "Downtown" and is designated as a "Mixed Use Area". This is one of four land use designations identified as providing opportunities for increased jobs and/or population. While this designation encourages intensification, the new Plan recognizes that not all Mixed Use Areas will experience the same scale or intensity of development. The proposed policies for Mixed Use Areas require new developments to provide a transition between areas of different development intensity and scale.

The new Plan also proposes built form policies to ensure that developments fit within the context of their neighbourhoods and the city. New buildings will be massed to fit harmoniously into their surroundings and will respect and improve the local scale and character. They will minimize the impact on neighbouring buildings and open space by, amongst other means, creating a transition in scale to neighbouring buildings and minimizing shadows and wind conditions on neighbouring properties and open space.

#### Zoning

The Zoning By-law zones the parcels at 76 and 100 Davenport Road, CR T2.0 C2.0 R2.0 and Block "C", R3 Z2.0. The CR zone permits a mix of commercial and residential uses to a total density of 2.0 times the area of the lot. The R3 zone permits residential uses to a total density of 2.0 times the area of the lot. The maximum permitted height for both zones is 18.0 metres.

### Site Plan Control

The site and the proposed development are subject to site plan control. However, the applicant has not yet applied for such approval. The applicant advised that an application for site plan approval will be submitted after the acceptability of the proposed lane closure is determined by the City.

### Design Guidelines

The site is subject to the provisions of the City of Toronto Streetscape Manual. The site is also subject to the Urban Design Guidelines for Bloor-Yorkville/North Midtown which incorporate and supersede older design guidelines for North Midtown and other nearby areas. Further, these Guidelines reflect and are supported by the Bloor-Yorkville BIA Urban Design Guidelines drafted by Brook McILroy Incorporated and amended by Office for Urbanism.

### Tree Preservation

The applicant has filed an Arborist Report with this application indicating that there are no trees on the site.

### Lane Closure

The original application is still on file with the City, however, on January 24, 2005 the applicant indicated in a letter to Works and Emergency Services that their current interest was only in acquiring the L-shaped public lane, not Blackmore Street. The applicant indicated that they had not given up on acquiring Blackmore Street at a future time.

### Reasons for the Application

An amendment to the Official Plan would have to be approved to permit the development as the proposed density for both Alternative A and B exceed the permitted Official Plan maximums. The Alternative A development is 5.4 times the area of the lot which includes the public lane and Block "C". Alternative B is 7.08 times the area of the lot which excludes the public lane and Block "C".

Alternative A proposes a gross floor area of 22,538 m<sup>2</sup>, while the Official Plan allows only 12,181m<sup>2</sup>.

Alternative B proposes a gross floor area of 25,962 m<sup>2</sup>, while the Official Plan allows only 11,001 m<sup>2</sup>.

An amendment to the Zoning By-law would be necessary because the proposed development for Alternatives A and B exceed permitted maximum density and height limits. The proposed densities of 5.4 and 7.08 times the lot area exceeds the permitted maximum density of 2.0 times the area of the lot by 3.4 and 5.0 times coverage for Alternatives A and B respectively.

The proposed development at 76 Davenport Road is for a 19 storey (68 metre) tower plus mechanical penthouse for Alternative A and a 23 storey (74 metre) tower plus mechanical penthouse for Alternative B, whereas the Zoning By-law limits the height to a maximum of 18.0 metres. Therefore, the proposed Alternative A and B buildings are 51 and 56 metres higher than the Zoning By-law limit respectively.

Other areas of non-compliance will be identified as a result of the zoning review currently being undertaken as part of the circulation.

#### Issues to be Resolved

While Alternative A represents an improvement in terms of tower height, tower location, and Davenport Road setback from the 28 storey proposal, which was defeated at the OMB in 2003, there are still concerns raised by the application that need to be reviewed and addressed. Alternative B is closer in height and density to the OMB proposal and is not acceptable in its current form.

The following issues will require further discussions, detailed review and satisfactory resolution, prior to final reporting.

##### a). Density, Height and Massing

At 5.4 times density and a height of 68 metres the Alternative A proposal is well beyond what is permitted by current planning controls. Alternative B is denser and higher still at 7.08 times coverage at 74 metres. The acceptability of permitting this much additional density and height for either alternative must be further assessed relative to the City's planning and built form objectives.

Alternative A is 15 metres higher than Planning staffs preferred maximum height of 18 storeys (54 metres) as presented to the Ontario Municipal Board in 2003. Likewise, the proposed diameter of the tower is 870 m<sup>2</sup> whereas Planning staff previously testified that a diameter of approximately 650 m<sup>2</sup> would be appropriate. However, depending on the orientation and design of the tower a larger average diameter of up to 750m<sup>2</sup> might be acceptable.

The height and rear setback of the 5 storey (18 metre) podium buildings are problematic, especially on the 100 Davenport Road parcel, as it would impact the view of the clock tower on McAlpine Street, just north of the site. It also would allow for unacceptable setbacks at certain points from the Domus building creating potential light, view and privacy issues between the buildings. Early discussions with adjacent stakeholders indicate the applicant needs to consider providing a green roof on both podium buildings. Overlook from the 76 Davenport Road podium balconies on the rear yards of the 12 to 22 McMurrich Street properties has also been raised as a concern.

b). Shadow and Wind Impacts

The proposal is located within an area that contains a mix of low, medium and high-rise buildings. The appropriate height of the proposed 100 Davenport Road building will need to be further reviewed in this context. Additional shadow studies and new pedestrian wind studies are required to assess potential impacts and assist in defining the appropriate tower height, orientation and diameter.

c). Access

Alternative A requires closure of an L-shaped public lane. This will have to be examined in the context of the Official Plan policies discussed earlier in Official Plan section on page 4 of this report. The location of the pick-up and drop-off area, and its proximity to the underground parking garage access ramp is problematic, and Works and Emergency Services staff have advised it should be relocated. The proposed enclosed driveway at grade at the rear of 76 Davenport Road building for both alternatives, leading to Davenport Road needs to be reviewed in terms of opportunity for providing safe and appropriate public access.

d). Parking and Loading

The applicant proposes a 2 level parking garage under 100 Davenport Road and a 6 level underground parking facility under 76 Davenport Road for both Alternatives A and B. The parking garages would include 35 parking spaces for 100 Davenport Road and 331 parking spaces for 76 Davenport Road for the Alternative A proposal. The parking proposal for Alternative B is 35 parking spaces for 100 Davenport Road and 302 parking spaces for 76 Davenport Road. An updated Traffic Impact Study will be required which will be reviewed by Works and Emergency Services to assess the adequacy of the parking supply and the impacts associated with the proposed parking and loading spaces, access arrangements and any potential traffic concerns. A Geo-Hydrological review should be done to determine the impact, if any, of a 6 storey deep parking garage directly adjacent to a low density house form buildings and the potential impact on the water table.

e). Pedestrian Access and Landscaped Open Space

The applicant has proposed a north-south pedestrian access at the eastern limit of the property from Davenport Road for Alternative A. While a positive gesture the design and dimensions of this potential mid-block connection will have to be reviewed with respect to, amongst other things, safety and pedestrian comfort.

f). Section 37

The Official Plan contains provisions pertaining to the exchange of public benefits for increased height and density for new development pursuant to Section 37 of the Planning Act. In accordance with the existing Official Plan policies, Planning staff will continue discussing with the applicant how this proposal intends to adequately address these



policies. Possible Section 37 benefits may include, but are not limited to, improvements to the Davenport Road intersection, improvements to Ketchum Park, Ramsden Park and Bud Sugarman Park.

g). Public Art

Section 10.11 of the Official Plan of the former City of Toronto states that it is Council's policy to enhance opportunities for establishing public art by achieving a public art contribution in all developments exceeding 20,000m<sup>2</sup> of gross floor area, the cost of which is equal to one percent of the project's gross construction costs. The gross floor area of this proposal exceeds 20,000 m<sup>2</sup>, and is therefore subject to this provision.

h). Studies and Plans

As noted above, further Sun/Shade Studies will be required to be submitted for staff review. In addition, other studies and plans may be required to be submitted including, but not limited to, a Noise/Vibration Impact Study, Pedestrian Level Wind Analysis Study, Updated Traffic Impact Study, Geo-Hydrological Study.

Conclusions:

The project will be the subject of a community consultation meeting for owners and tenants in the neighbourhood. A Final report is targeted for the third quarter of 2005, provided that the applicant submits to the City any required information in a timely manner.

Contact:

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Gary Wright  
Director, Community Planning, South District

List of Attachments:

- Attachment 1: Application Data Sheet - Alternative A
- Attachment 2: Application Data Sheet – Alternative B
- Attachment 3: Site Plan - Alternative A
- Attachment 4: Site Plan - Alternative B
- Attachment 5: Elevations South A
- Attachment 6: Elevations South B
- Attachment 7: Elevations North A
- Attachment 8: Elevations North B
- Attachment 9: Official Plan
- Attachment 10: Zoning
- Attachment 11: OMB Decision Highlights

**Attachment 1: Application Data Sheet Alternative A**  
**APPLICATION DATA SHEET**

Application Type	Official Plan Amendment & Rezoning	Application Number:	04 187471 STE 27 OZ
Details	OPA & Rezoning, Standard Alternative A	Application Date:	November 23, 2004
Municipal Address:	76 and 100 DAVENPORT RD, Toronto ON		
Location Description:	PL E680 LTS 4 TO 6 CON 2 FB PT LT21 PL E255 PT LTS 1 TO 4 **GRID S2703		
Project Description:	Proposal to demolish and building 19 storey residential condominium with retail and commercial at ground floor and a 5 storey mixed use building.		
<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
IAN COOPER			DAVENPORT THREE DEVELCO I

**PLANNING CONTROLS**

Official Plan Designation:	LDMCRA/MDRA	Site Specific Provision:	
Zoning:	CR T2.0 C2.0 R2.0	Historical Status:	N
Height Limit (m):	18	Site Plan Control Area:	Y

**PROJECT INFORMATION**

Site Area (sq. m):	4177.9	Height:	Storeys:	1968
Frontage (m):	0		Metres:	68.15
Depth (m):	0			
Total Ground Floor Area (sq. m):	1733			<b>Total</b>
Total Residential GFA (sq. m):	21244		Parking Spaces:	277/35
Total Non-Residential GFA (sq. m):	1294		Loading Docks	2
Total GFA (sq. m):	22538			
Lot Coverage Ratio (%):	41			
Floor Space Index:	5.4			

**DWELLING UNITS**

**FLOOR AREA BREAKDOWN** (upon project completion)

		<b>Above Grade</b>	<b>Below Grade</b>
Tenure Type:	Condo		
Rooms:	0	Residential GFA (sq. m):	21244
Bachelor:	0	Retail GFA (sq. m):	1294
1 Bedroom:	0	Office GFA (sq. m):	0
2 Bedroom:	0	Industrial GFA (sq. m):	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0
Total Units:	250		

<b>CONTACT:</b>	<b>PLANNER NAME:</b>	<b>Barry Brooks, Senior Planner</b>
	<b>TELEPHONE:</b>	<b>(416) 392-1316</b>

**Attachment 2: Application Data Sheet Alternative B**  
**APPLICATION DATA SHEET**

Application Type	Official Plan Amendment & Rezoning	Application Number:	04 187471 STE 27 OZ
Details	OPA & Rezoning, Standard Alternative B	Application Date:	December 7,2004
Municipal Address:	76 and 100 DAVENPORT RD, Toronto ON		
Location Description:	PL E680 LTS 4 TO 6 CON 2 FB PT LT21 PL E255 PT LTS 1 TO 4 **GRID S2703		
Project Description:	Proposal to demolish and building 23 storey residential condominium with retail and commercial at ground floor. And a 5 storey mixed use building		
<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
IAN COOPER			DAVENPORT THREE DEVELCO I

**PLANNING CONTROLS**

Official Plan Designation:	LDMCRA/MDRA	Site Specific Provision:	
Zoning:	CR T2.0 C2.0 R2.0	Historical Status:	N
Height Limit (m):	18	Site Plan Control Area:	Y

**PROJECT INFORMATION**

Site Area (sq. m):	3667	Height:	Storeys:	23
Frontage (m):	0		Metres:	74
Depth (m):	0			
Total Ground Floor Area (sq. m):	1379			<b>Total</b>
Total Residential GFA (sq. m):	24948	Parking Spaces:		302/35
Total Non-Residential GFA (sq. m):	1014	Loading Docks		2
Total GFA (sq. m):	25962			
Lot Coverage Ratio (%):	38			
Floor Space Index:	7.08			

**DWELLING UNITS**

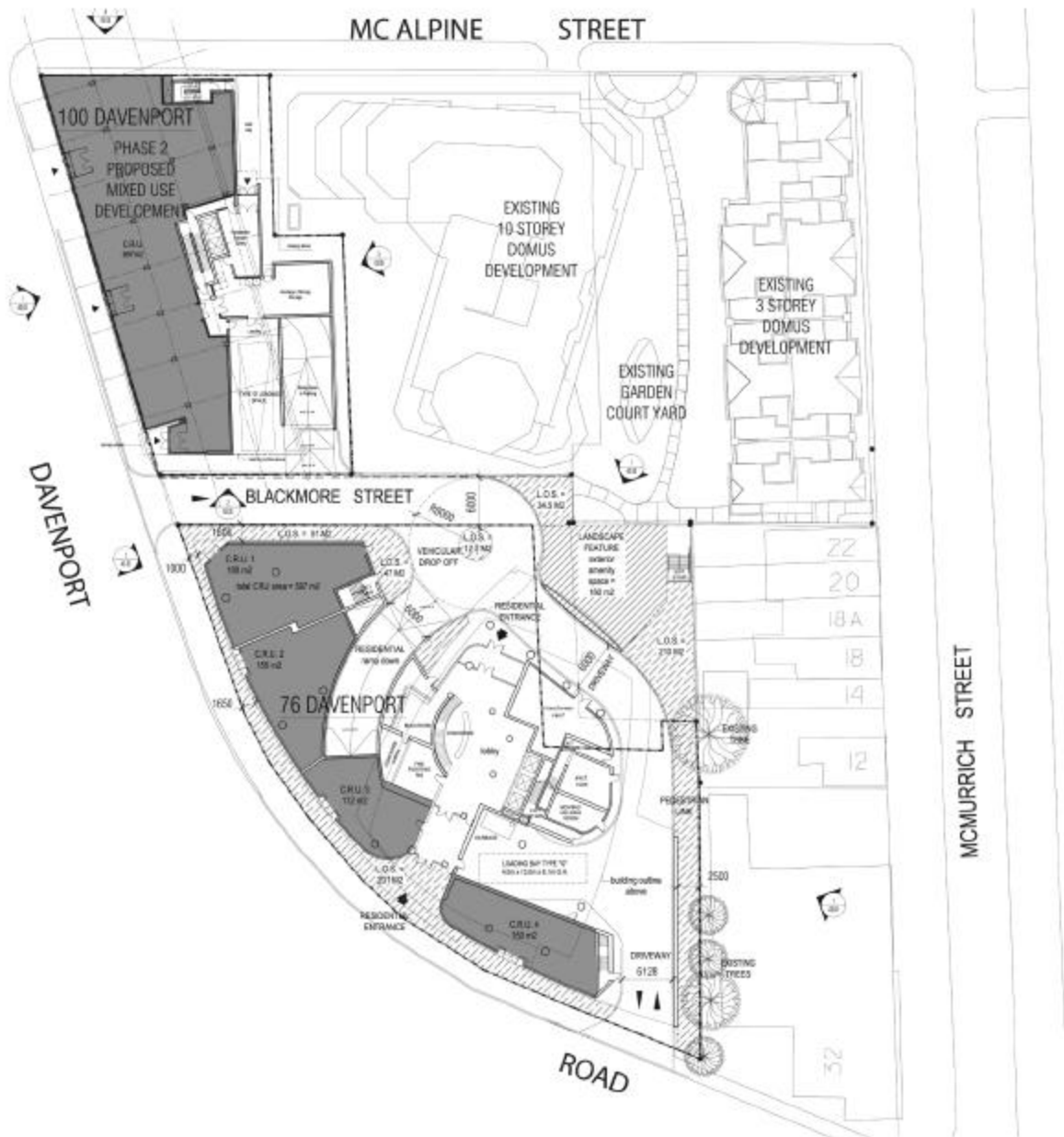
Tenure Type:	Condo
Rooms:	
Bachelor:	31
1 Bedroom:	120
2 Bedroom:	117
3 + Bedroom:	0
Total Units:	268

**FLOOR AREA BREAKDOWN** (upon project completion)

	<b>Above Grade</b>	<b>Below Grade</b>
Residential GFA (sq. m):	24438	510
Retail GFA (sq. m):	1014	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

<b>CONTACT:</b>	<b>PLANNER NAME:</b>	<b>Barry Brooks, Senior Planner</b>
	<b>TELEPHONE:</b>	<b>(416) 392-1316</b>

Attachment 3: Site Plan Alternative A



Site Plan - Alternative A

76 & 100 Davenport Road

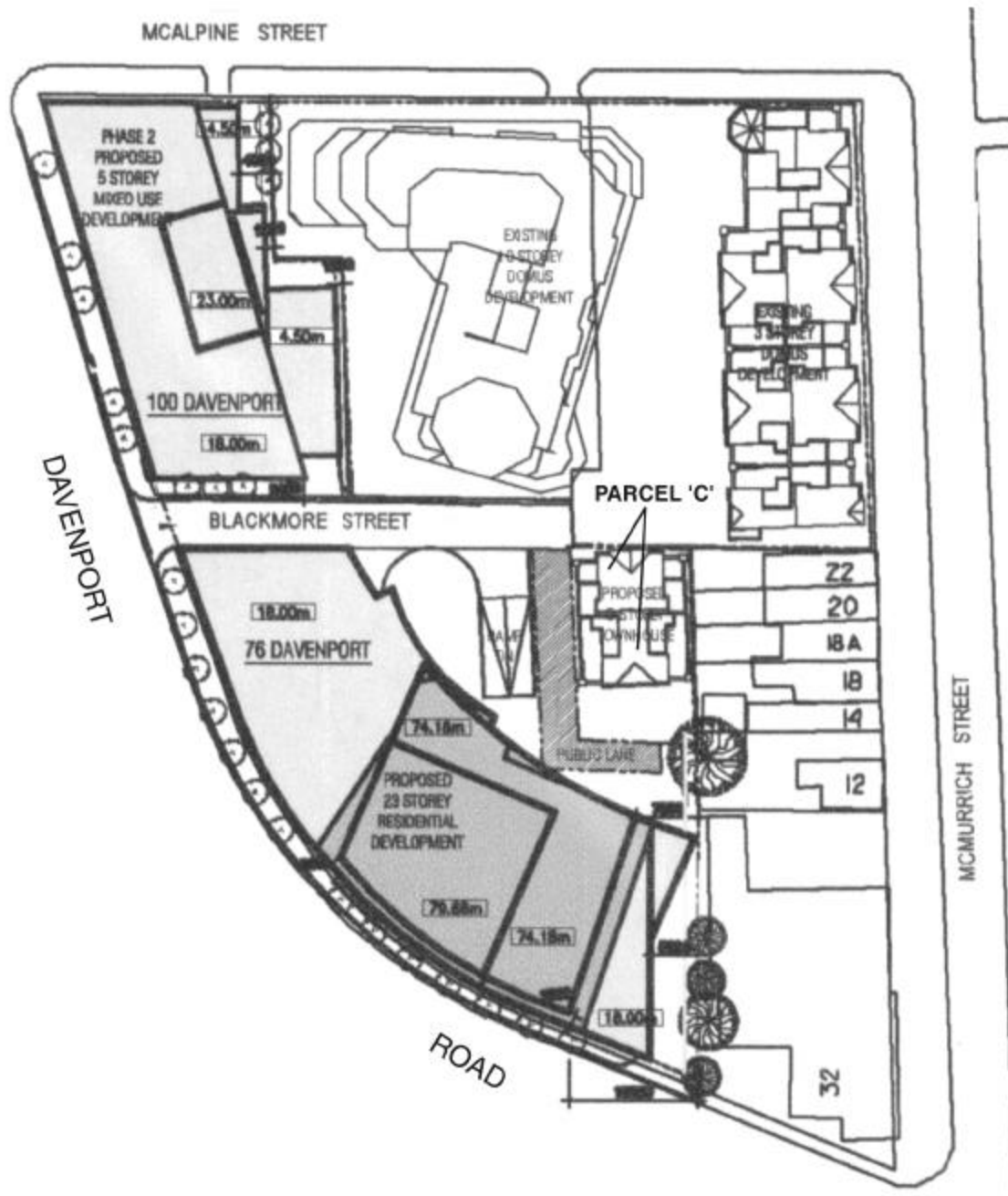
Applicant's Submitted Drawing

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Attachment 4: Site Plan Alternative B



Site Plan - Alternative B

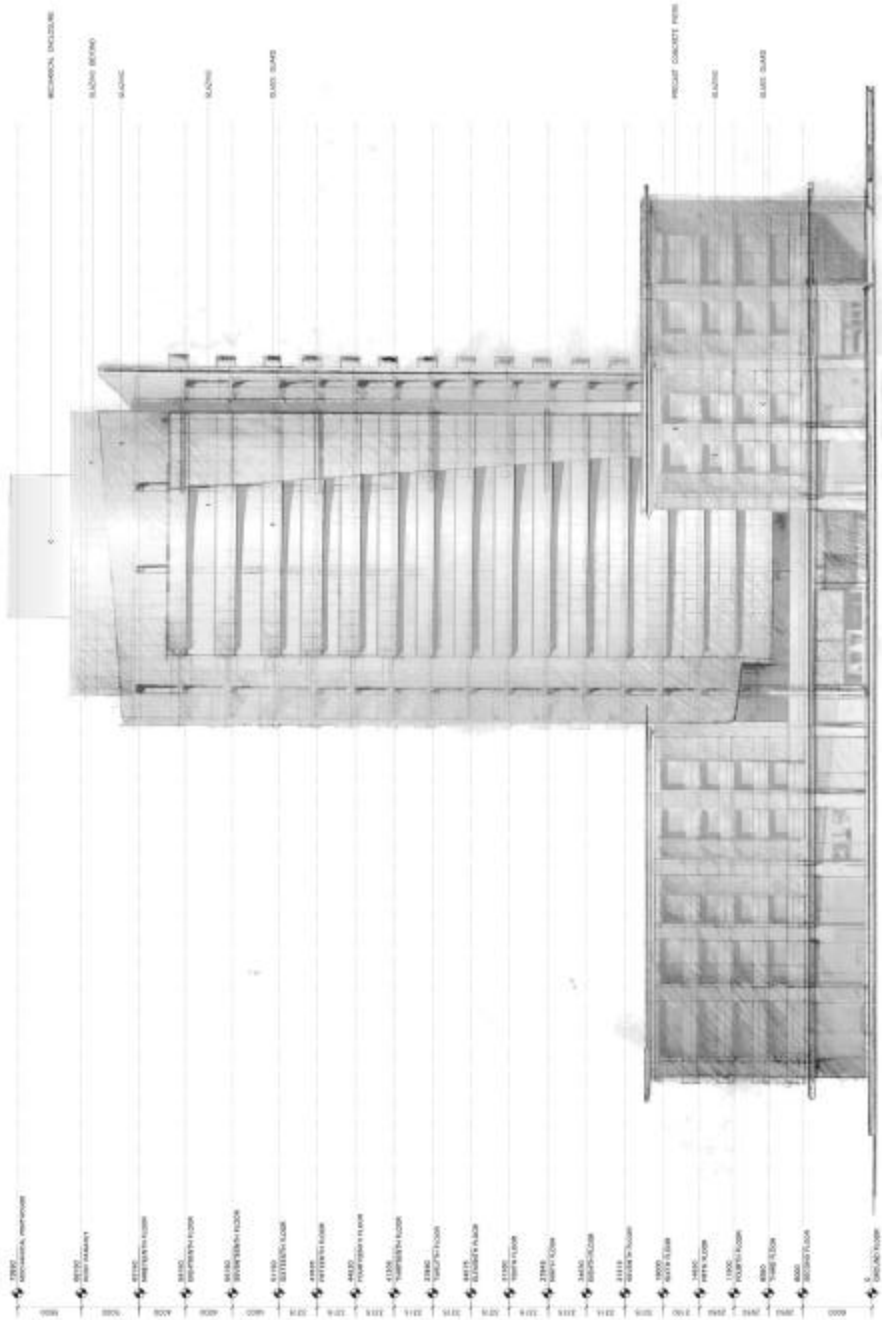
76 & 100 Davenport Road

Applicant's Submitted Drawing

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02/15/05



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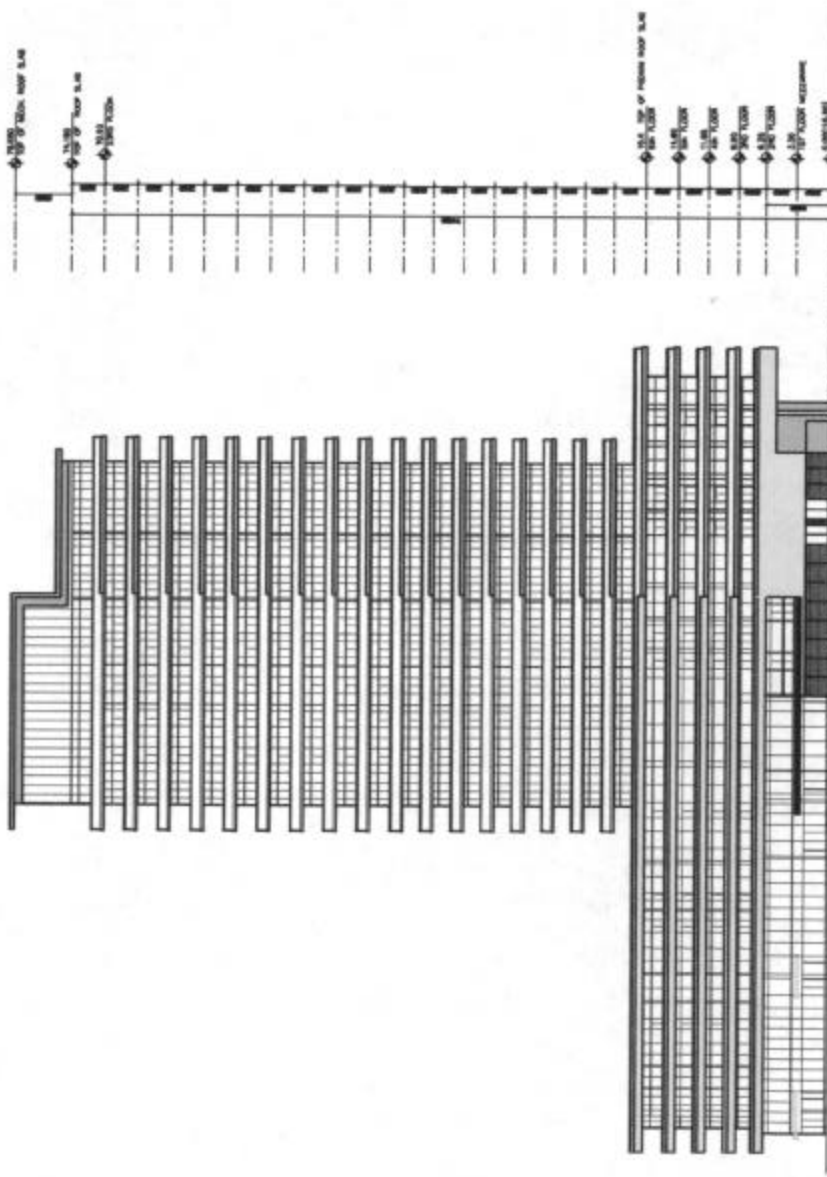
South Elevation - Alternative A

Applicant's Submitted Drawing

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76 & 100 Davenport Road

File # 04 187471



South Elevation - Alternative B

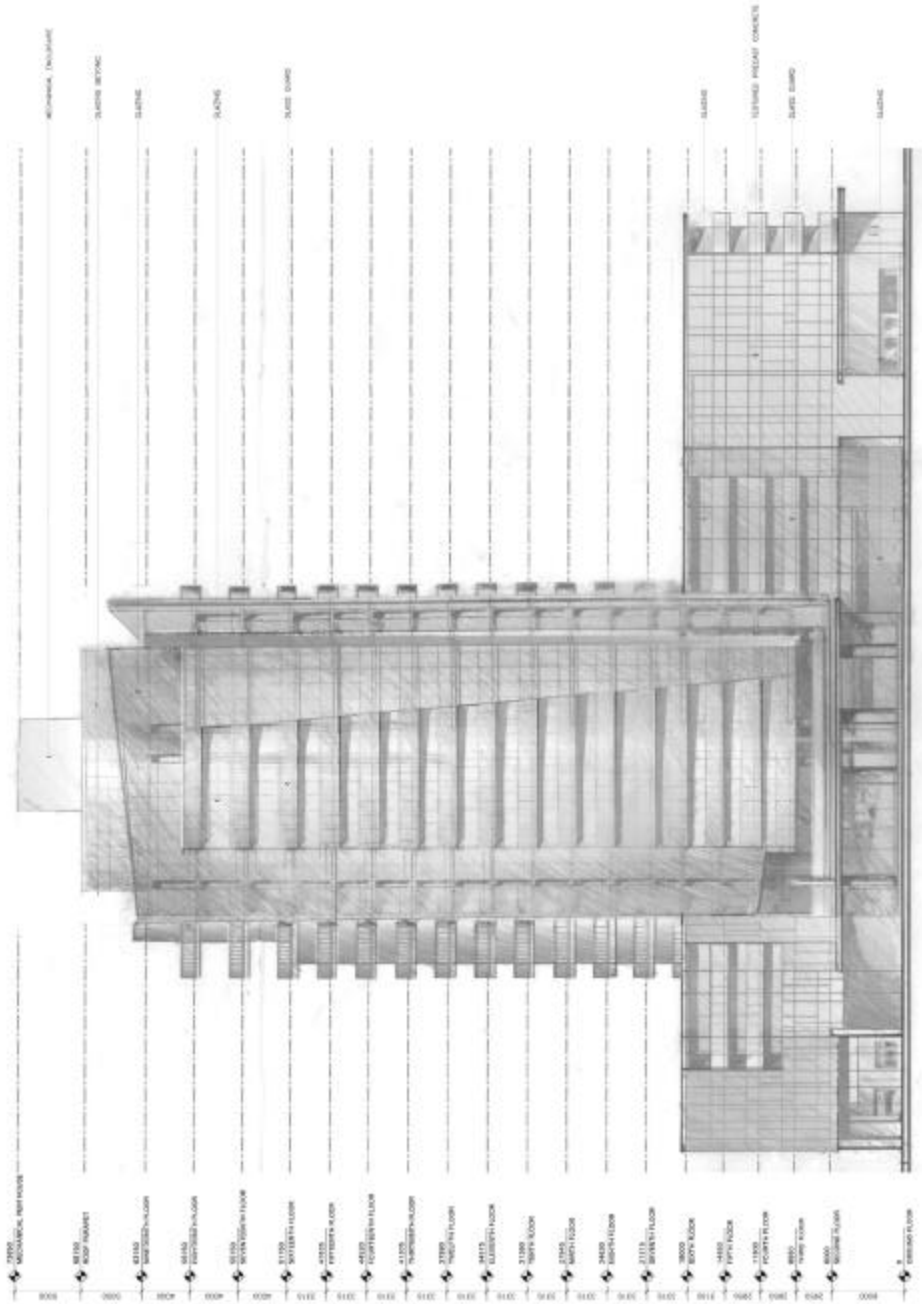
Applicant's Submitted Drawing

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76 & 100 Davenport Road

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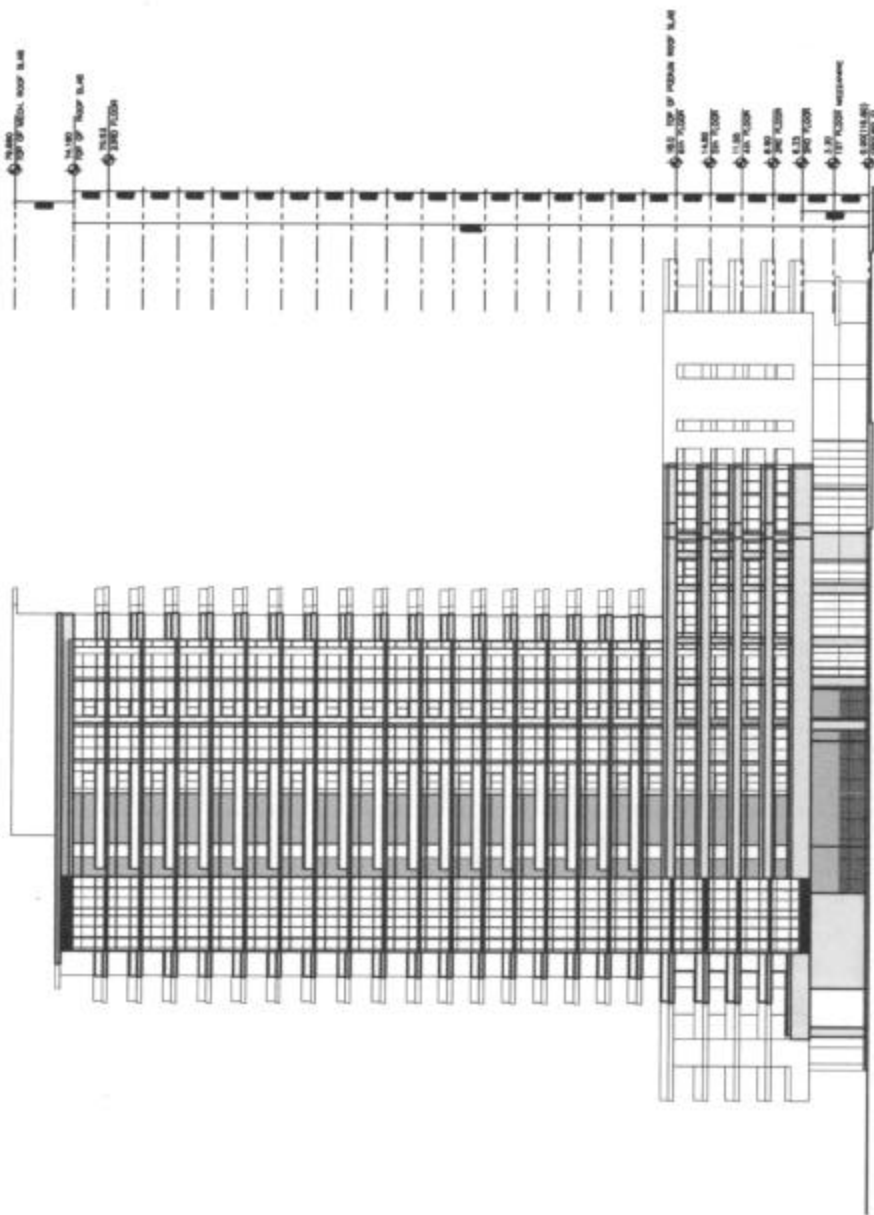
North Elevation - Alternative A

76 & 100 Davenport Road

Applicant's Submitted Drawing

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North Elevation - Alternative B

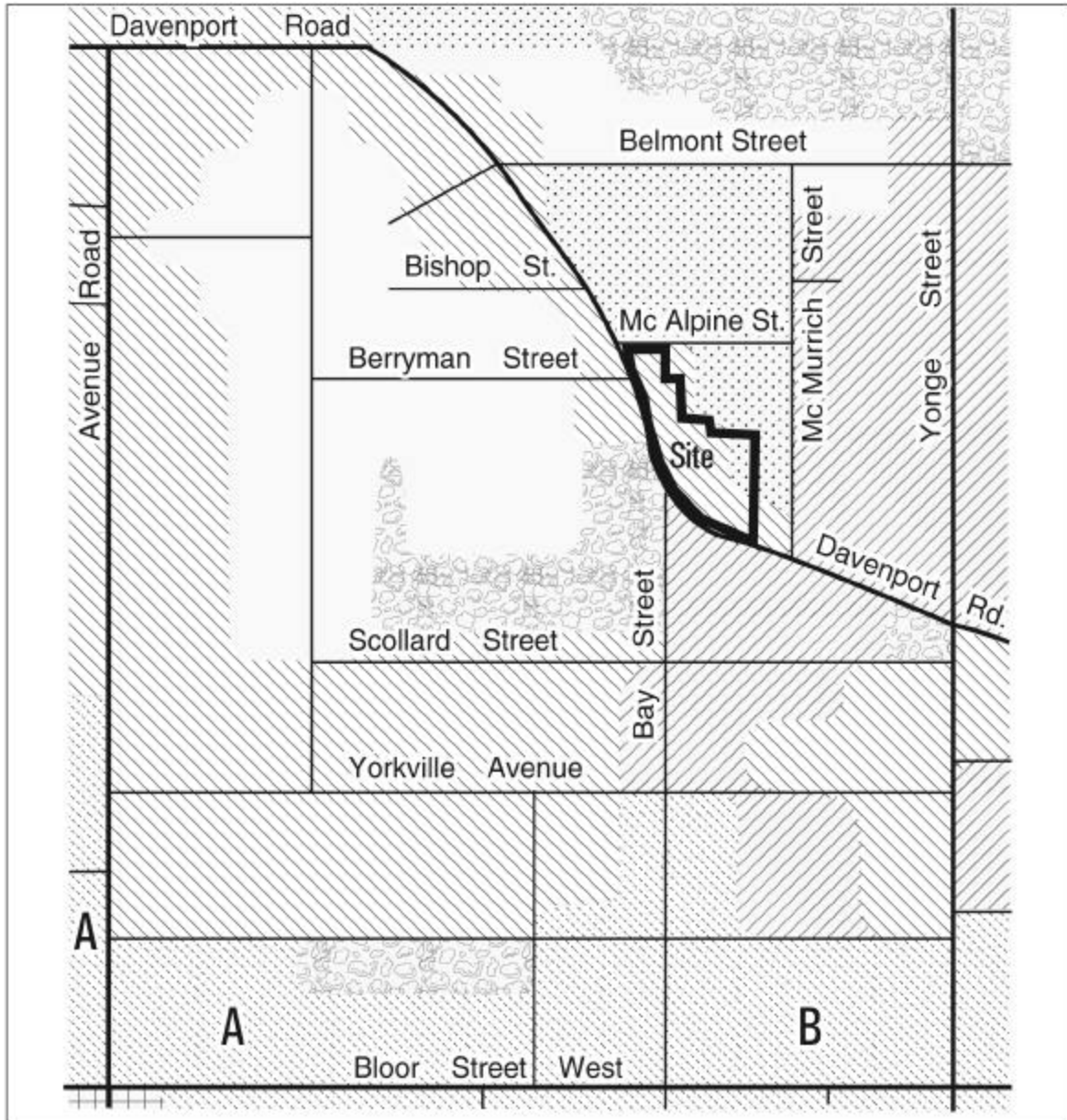
Applicant's Submitted Drawing

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76 & 100 Davenport Road

File # 04 187471

Attachment 9: Official Plan (Map)



 **TORONTO** Urban Development Services  
Official Plan

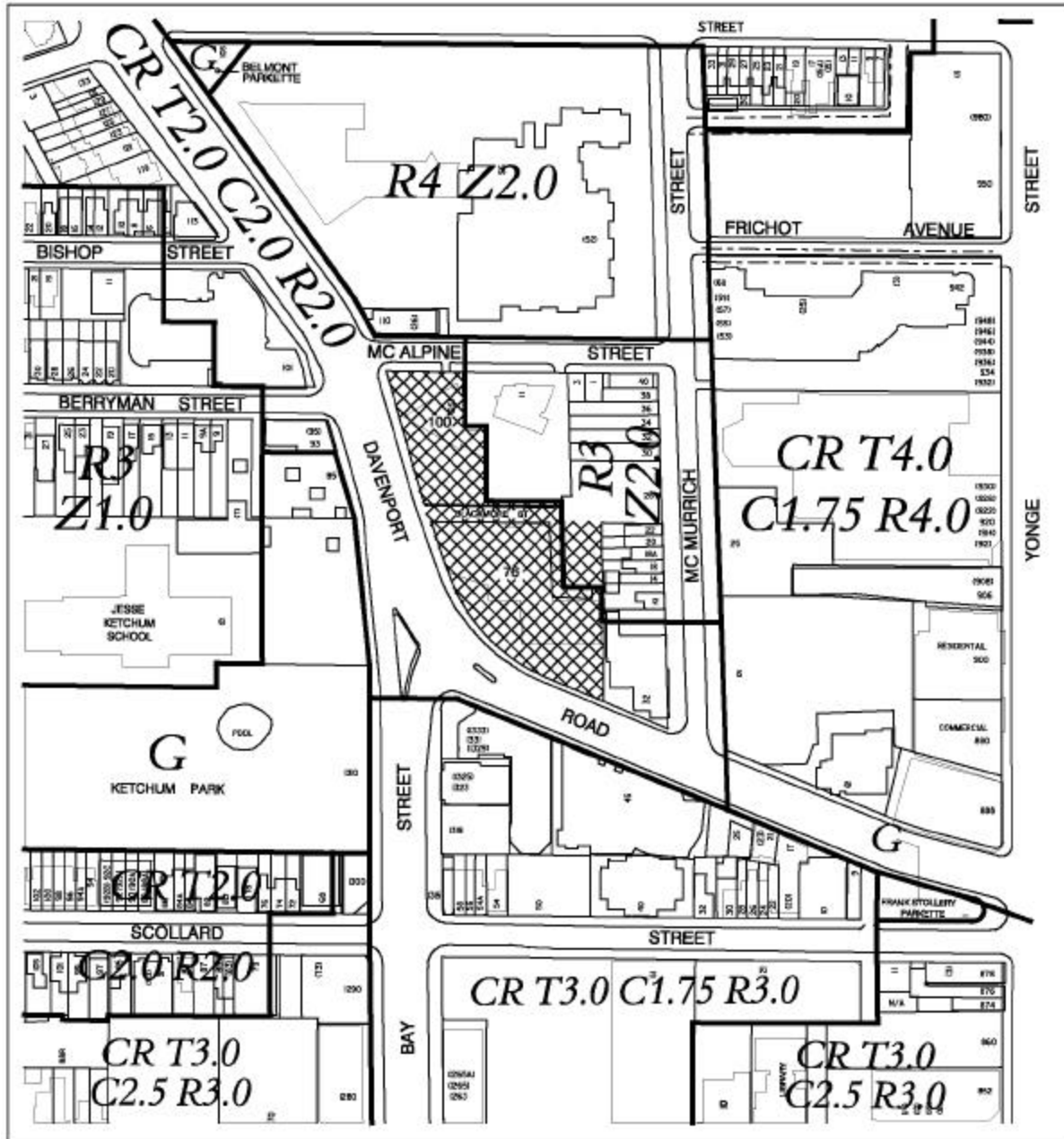
76 & 100 Davenport Road

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Attachment 10: Zoning (Map)



**TORONTO** Urban Development Services  
**Zoning**

76 & 100 Davenport Road

File # 04\_187471

G Parks District  
R3 Residential District  
R4 Residential District  
CR Mixed-Use District

Not to Scale  
Zoning By-law 438-86 as amended  
Extracted 02/14/05 - DR

### **Attachment 11: OMB Decision Highlights**

#### **A. Proposal**

- 28 storey (92.7m) tower including 4 storey (12.0m) podium at 76 Davenport
- 3 storey (10.5m) building at 100 Davenport.

#### **B. Decision Highlights**

- The proposal does not appropriately reflect the site's location at the transition point between the surrounding established uses and would result in undue adverse impacts.
- The Board acknowledges that the City prefers a maximum tower height of 18 storeys and, as a compromise, Kazoku Investments Ltd., 32 Davenport Road and 12-22 McMurrich Street would support a 15 to 18 storey point tower with a smaller floor plate at least 22m further away.
- The evidence supports that a point tower, depending on its size, height and location, is an appropriate built form to address compatibility issues.
- There are demonstrated shadow impacts on residential uses to the N/W, on Jesse Ketchum (school, play area and daycare), on Zoe Day Care and properties on Mc Murrich Street.
- Greater building setback from Davenport would result in wider sidewalk and improved pedestrian movement.
- The proposed tower significantly impacts the Kazoku lands in terms of shadow and overview and will prejudice their future redevelopment potential.
- The Board agrees that there is a public interest in increasing the density on the Diamante lands over the site's currently permitted density (3x) and height (18m).
- Any future proposal should be evaluated within the planning policy framework in place at the time of application.

*(Decision silent on proposal's impact on Domus and view of clock tower as low podium heights ensured no impact).*