

TORONTO STAFF REPORT

October 28, 2005

To: Toronto and East York Community Council

From: Director, Community Planning, Toronto and East York District

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

Purpose:

This report recommends that City Council adopt a position with respect to the Ontario Municipal Board appeals of an application to amend the Official Plan and Zoning By-law to permit either Alternative A which is a 19-storey tower with a 5-storey building on the east side of Davenport Road or Alternative B which is a 23-storey tower with a 5-storey building on the east side of Davenport Road where it intersects with Bay Street.

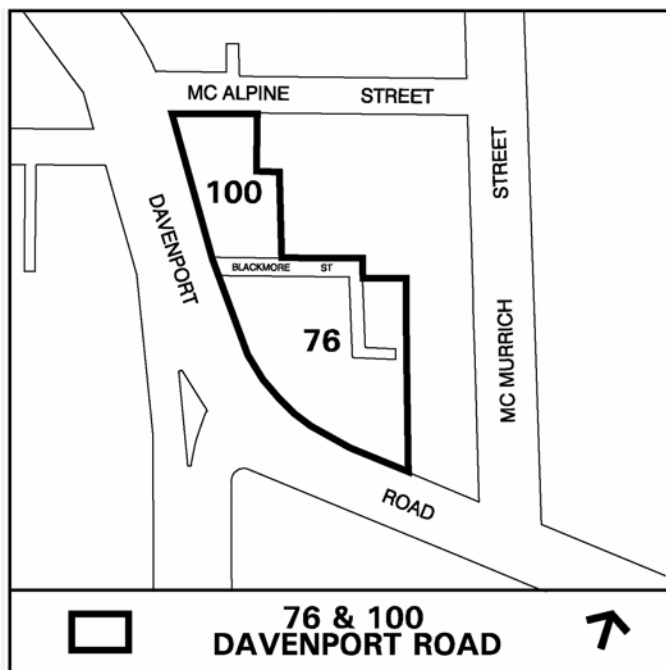
Financial Implications and Impact Statement:

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

Recommendations:

It is recommended that City Council:

- (1) authorize the City Solicitor and appropriate staff to oppose Alternative A and B of Application No. 04 187471 STE 27 OZ;
- (2) authorize City Planning staff to attempt to secure a Section 37 Agreement for local City benefits in the event that the Ontario Municipal Board approves some form of this application;



- (3) authorize the City Solicitor to secure conditions of approval requested by City departments and agencies in relation to Site Plan Approval;
- (4) make a determination on the sale of the L-shaped laneway to the property owner; and
- (5) adopt the Development Guidelines as outlined in Attachment 11.

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 floor-plate and which preserves views from adjacent 10-storey condominium building called Domus. A maximum tower height of 15 to 18 storeys, with a reduced floor-plate was considered to address concerns of transition, compatibility and shadow.

On July 18, 2002 the applicant 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) adverse shadow impact on public open space and surrounding neighbourhood;
and
- v) precedent for buildings which are too tall and too dense.

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.

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.

City Planning staff stated a preference for an east-west oriented building, with a height, and floor-plate, close to the City's position at the Ontario Municipal Board (OMB) position. City Planning Staff suggested that the applicant provide reasonable separation distance from the Moriyama property to the east as the OMB had suggested, but not too far west so as to protect view corridors from the condominium to the north.

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 the event that City did not sell an 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 Alternative proposals.

On January 14, 2005 the additional information was provided. City Planning staff agreed to evaluate both Alternative A and B as one application and circulate both Alternatives to the affected departments and agencies.

On February 28, 2005 City Planning staff made a presentation respecting Alternatives A and B at the request of the Avenue Bloor Cottingham Residents Association (ABC). A number of built form issues were identified by the residents including density, height, massing, shadow, access and Section 37 contribution.

On April 13, 2005 the applicant appealed the current Alternative A and B Official Plan and Rezoning Application to the Ontario Municipal Board (OMB).

On May 2, 2005 Community Planning staff held a community consultation meeting which was attended by approximately 70 residents. Many residents supported the redevelopment of the site but had concerns about the tower and podium height, tower floor-plate, density, shadow impact and precedent of the two alternative proposals.

It was determined that a Working Group be re-established to try and develop a consensus on a modified development scheme for the site.

The Working Group was comprised of representatives from the following stakeholders: Diamante (the applicant); Domus (a condominium adjacent to the site); the Greater Yorkville Residents Association (GYRA); the Avenue Bloor Cottingham Resident Association (ABC); Moriyama and Toshima (the abutting property owner); the Bloor-Yorkville BIA; the Yonge Bloor Business Association (YBB); Belmont House (a nearby seniors' residence and nursing home); and 15 McMurrich Street (a nearby condominium); 18 Davenport Road (City-owned seniors' building); 914 Yonge Street (condominium);

The Working Group met a total of 5 times over six months to discuss issues such as building height, floor-plate, location, massing, shadow, the L-shaped laneway closure and vehicular

access. At the final meeting planning staff presented conclusions that had regard for the Working Group process and for their independent review of alternative development schemes.

City Planning staff concluded that, while an as-of-right development would still be appropriate for the site, a modified version of the applicant's submission could be considered. The modified version of the proposal would have access from the L-shaped City-owned laneway to allow for an east-west orientation of the tower to reduce shadow impact to the east and west of the site. A height of at least 57 metres would be considered over the previous position taken by the residents at 45 metres and by planning staff at 54 metres at the March 2003 OMB hearing.

City Planning staff felt a meaningful reduction in the proposed building floor-plate was necessary to further help reduce shadowing in all directions as well as creating a more "point-tower" design to reduce the impact on the existing view corridors. Planning staff also indicated there was a need to reduce the podium height for the tower to 3-storeys as well as the height of 100 Davenport Road proposed building to the same height level. Also, a greater separation distance was indicated as being necessary between both the Moriyama property to the east and the Domus condominium building to the north. Development Guidelines have been laid out in Attachment 11 to provide the applicant with direction for a re-submission of modified proposal.

A follow up meeting was held with the owner which revealed an unwillingness to reduce the tower height, building floor-plate or density to a level acceptable to the Working Group's position. The possibility of reaching a settlement still exists prior to the OMB hearing scheduled for February 2006, if the owner can make more substantial reductions to overall development that respond to the Working Groups concerns.

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 22,538m² and a density of 5.4 times the area of the development site (4,177m²). The Alternative B proposal has a combined gross floor area of 25,962m² and a density of 7.08 times the area of the development site (3,667m²). The detailed development statistics are included in the separate Application Data Sheets included as Attachments 1 and 2.

Site Description

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 4177m² site for Alternative A and 3667m² site for Alternative B occupies a highly visible location.

The Alternative A site consists of two lots municipally known as 76 and 100 Davenport Road, Block "C" (a 347m² 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 (162m²). The parcel known as 76 Davenport Road is 2377m² in area and is currently occupied by a one-storey commercial fitness centre and an associated surface parking area. No. 100 Davenport is 1,291m² 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.

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 Mc Murrich 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 Mc Murrich Street (12-22 Mc Murrich). To the east of Mc Murrich 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 21st to September 21st”.

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 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 and Housing approved the new plan, in part, with modifications. The Minister’s decision has been appealed in its entirety. The Official Plan is now before the Ontario Municipal Board and the hearing is now in progress.

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 approved by City Council July 2004. The Guidelines build on policies of the Official Plan and provide direction regarding built form and the public realm.

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 22,538m², while the Official Plan allows only 12,181m².

Alternative B proposes a gross floor area of 25,962m², while the Official Plan allows only 11,001m².

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.

Reasons for Refusal

The applicant's proposals have not changed from the original submission commented on in the Preliminary Report or discussed by the Working Group members at their meetings. The intensification proposed in the two proposals both have shadow and view corridor impacts on the surrounding neighbourhood buildings and schoolyard and daycare playgrounds.

The proposed building heights of Alternative A and B, though they are lower than the original submission made at the previous OMB hearing, still exceed most of the nearby residential building, and don't provide adequate height transition from the higher density development to the south along the wider arterial roads to the adjacent lower scale residential properties to the north, east and west.

The impact of the excess height, tower floor-plate and density provides for a development that overshadows and is out of context with its immediate surroundings. It would also be precedent setting in terms of building mass, height and density along Davenport Road.

Issues of Concern:

a). Height and Massing

Section 3.14 of the in-force Official Plan states that the massing of the buildings should provide a transition between areas of differing development intensity.

There is a height ridge that extends along the nearby major arterial routes, (Yonge, Bloor and Bay Streets), which form in an orderly transition of development intensity and help reduce the impact of taller, more massive buildings on the adjacent low density neighbourhoods.

The built form structure of North Midtown is characterized by taller buildings at the intersections of Yonge and Bloor (34 storeys) and secondary heights of (15 to 18 storeys) as one moves away from the intersection, along Yonge, Bloor, and Bay Streets. Building heights continue to decrease substantially as ones approaches the northern boundary of the Downtown. With few exceptions building heights in the neighbourhoods immediately north, east and west of the site are in the range of 2 of 3 storeys.

The most significant exception is the recently built 36 storey tower at Yonge and Scollard, with a “point-tower” floor-plate of (650m²). It was approved by the OMB and received additional height through a Committee of Adjustment variance. It is on the Yonge Subway line and provided a 1,262 square metres open space for a public park.

Alternative A is 15 metres higher than Planning staff’s preferred maximum height of 18 storeys (54 metres) as presented to the Ontario Municipal Board in 2003. Likewise, the proposed floor-plate of the tower is 870m² whereas Planning staff previously testified that a floor-plate of approximately 650m² would be appropriate. However, City Planning staff are willing to consider a height of 60 metres and a larger floor-plate in conjunction with all the Development Guidelines presented in Appendix 11 to try and reach a settlement through a re-submission of plans.

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 proposed 68 metre height and 870 square metre floor-plate. The combined effect of this height and massing has immediate direct impact on the surrounding buildings and neighbourhood.

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. On-going 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 Mc Murrich Street properties was also been raised as a concern.

Alternative B is closer in height and density to the 2004 OMB proposal. It also has the problematic podium buildings as well as a proposal for a pair of infill townhouses abutting the existing public L-shaped laneway that interrupt the limited open space future connection between Davenport Road and McAlpine Street.

Alternative B has a reduced foot-print of 819m², from the previous OMB proposal, however, its 74 metre height creates a tall tower effect that is out of context. As a result of its excessive height and density it was identified in the Preliminary Report as not being acceptable. As a result, focus has been on assessing Alternative A and trying to reach an acceptable modified proposal. To date the applicant has not submitted shadow studies for review for the Alternative B scheme. We believe width of the shadows would be improved but at that height they are carried further east and west.

The proposed height for both Alternative A and B, combined with their floor-plate result in tall towers with a fairly wide shadow especially when combined with a more north-south orientation for Alternative A, which creates more problematic shadows to the neighbourhoods to the east and west of the site.

b). Shadow

Section 2.28 of the in-force Official Plan states that Council shall maintain and where feasible and appropriate, improve current levels of comfort for pedestrians on streets and in other public open spaces of Toronto for much of the year as possible and for as much of each day as possible. The new Toronto Plan expands upon this policy, requiring tall buildings and residential neighbourhoods.

The major impact of excess density translated into height and massing is overshadowing.

Shadow studies submitted for Alternative A confirm that on June 21st, a portion of Jesse Ketchum Daycare, including its outdoor play areas will be shadowed approximately 20 - 25 % from 8 a.m. to 9:30 a.m. Jesse Ketchum School outdoor playground is significantly impacted by 50 to 95 % from 8 a.m. until 9:00 a.m. and less so until 9:30 a.m.

The September 21st, shadow study for Alternative A reveals that the daycare playground will be substantially in shadow from 8 a.m. to at least 9 a.m.

The September 21 shadows studies for Alternative A indicate that the 68 metre tower and 18 metre podium buildings will create shadows for relatively long periods of time on Domus condominium to the north from 10 a.m. until 2 p.m. and on McMurrich Street low rise homes and higher rise condominiums from 2 p.m. till 5 p.m. in the afternoon.

The September 21st, shadow study for Alternative A indicates morning shadowing from 8:00 a.m. to 9:15 a.m. – 9:30 a.m. on Berryman and Bishop Street low density residential area.

The March 21st, shadow study for Alternative A indicates morning shadowing from 8:00 a.m. to 8:30 a.m. on Berry Street and Bishop Street in a low density residential area, shadowing of 5 % - 80 % from 8:00 a.m. to 9:00 a.m. on Jesse Ketchum Daycare and no significant impact on Jesse Ketchum School outdoor playground.

The March 21st, shadow study for Alternative A shows afternoon and early evening shadow impact on the Domus condominium starting at 10:00 a.m. to 1:00 p.m. and McMurrich Street low rise houses and high rise condominiums from 1:00 p.m. to 5:00 p.m.

There has been some shadow improvement from the previous 28-storey proposal with the 880m² floor-plate in terms of distance and duration of shadow. However, a further reduction in height with a narrower tower floor-plate would better address these shadow impacts on the school and daycare playgrounds and the adjacent neighbourhoods.

Alternative B shadows have not been submitted to date to determine their impact.

c). Wind Impacts

Section 3.26 of the Plan states that Council shall seek to protect pedestrians from the negative effect of wind induced by buildings. Wind condition improvement needs to be a consideration in which ever, redevelopment scheme is presented to the OMB as it is important to ensure comfortable sitting and standing ratings around the base of the project and walking through the pedestrian connection.

d). Access and Laneway Closure

Alternative A requires closure of an L-shaped public lane. This still has to be considered in the context of the Official Plan policies discussed earlier in Official Plan section on page 6 of this report. One of the current proposals incorporates the L-shaped laneway while the other one excludes it.

The applicant has reached an acceptable price in its discussions with the City in terms of purchasing the L-shaped laneway. City Planning staff have concerns with the Alternative A proposals height and floor-plate, but believed a revised proposal could incorporate the L-shaped laneway under the following criteria:

- (i) meets Works and Emergency Services requirements;
- (ii) meets the requirements of Section 3.3 (b) of the Official Plan;
- (iii) accommodates an east-west oriented building;
- (iv) will not be used to further increase the lot' density permission; and

- (v) will allow for servicing access to the Moriyama property, to the east for any future redevelopment.

However, either of the alternative proposals requires substantial revisions to be acceptable.

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.

e). 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. The two garages may be able to be connected underground to allow to avoid conflicts with the Domus building access to the west of 76 Davenport Road, which has its parking garage access off Blackmore Street.

f). 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. Alternative B proposes townhouses in a large part of the open space area where the north-south pedestrian connection is proposed in Alternative A. Planning staff understands the rationale for the townhouses as a way of achieving a certain density, while trying to reduce the height and floor-plate of the tower. It requires more detail to determine its accessibility in terms of allowing pedestrian movement from Davenport Road and impact on the adjacent house form buildings on McMurrich Street.

g). 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.

h). 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 20,000m² 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 20,000m², and is therefore subject to this provision.

i). Studies and Plans

A number of Sun/Shade Studies for Alternative A and other options discussed have been submitted for staff review. In addition, if a Settlement is reached before the OMB hearing or a proposal is approved by the OMB 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, and Geo-Hydrological Study.

Conclusions:

City Planning staff and the Working Group have made their best efforts to reach a settlement with the applicant. Some progress has been made but is not reflected in the two current alternative proposals for the site. While discussions in terms of the general siting of the tower and its orientation have been successful, with the applicant agreeing that an east-west position was acceptable, issues remain with the height and floor-plate of the tower and the associated buildings.

Some further reduction in building height for both, tower, podium and the second building is required to provide a transitional building form that meets the planning objectives for the site and the surrounding neighbourhood.

With the impasse in negotiations to reach an agreement on these issues and an Ontario Municipal Board hearing already scheduled for February 20, 2006, City Planning staff recommend that City Council refuse the current Alternative A and B proposals, and adopt Development Guidelines for a revised submission prior to the scheduled hearing.

Contact:

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Gary Wright

Director, Community Planning, Toronto and East York District

File: T:\25285232098 (fm)

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: Development Guidelines

**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.		
Applicant:	Agent:	Architect:	Owner:
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:	19
Frontage (m):	0	Metres:	68.15
Depth (m):	0		
Total Ground Floor Area (sq. m):	1733		Total
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

Tenure Type:	Condo
Rooms:	0
Bachelor:	0
1 Bedroom:	0
2 Bedroom:	0
3 + Bedroom:	0
Total Units:	250

FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	21244	0
Retail GFA (sq. m):	1294	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

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

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		
Applicant:	Agent:	Architect:	Owner:
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			Total
Total Residential GFA (sq. m):	24948	Parking Spaces:		337
Total Non-Residential GFA (sq. m):	1014	Loading Docks		2
Total GFA (sq. m):	25962			
Lot Coverage Ratio (%):	38			
Floor Space Index:	7.08			

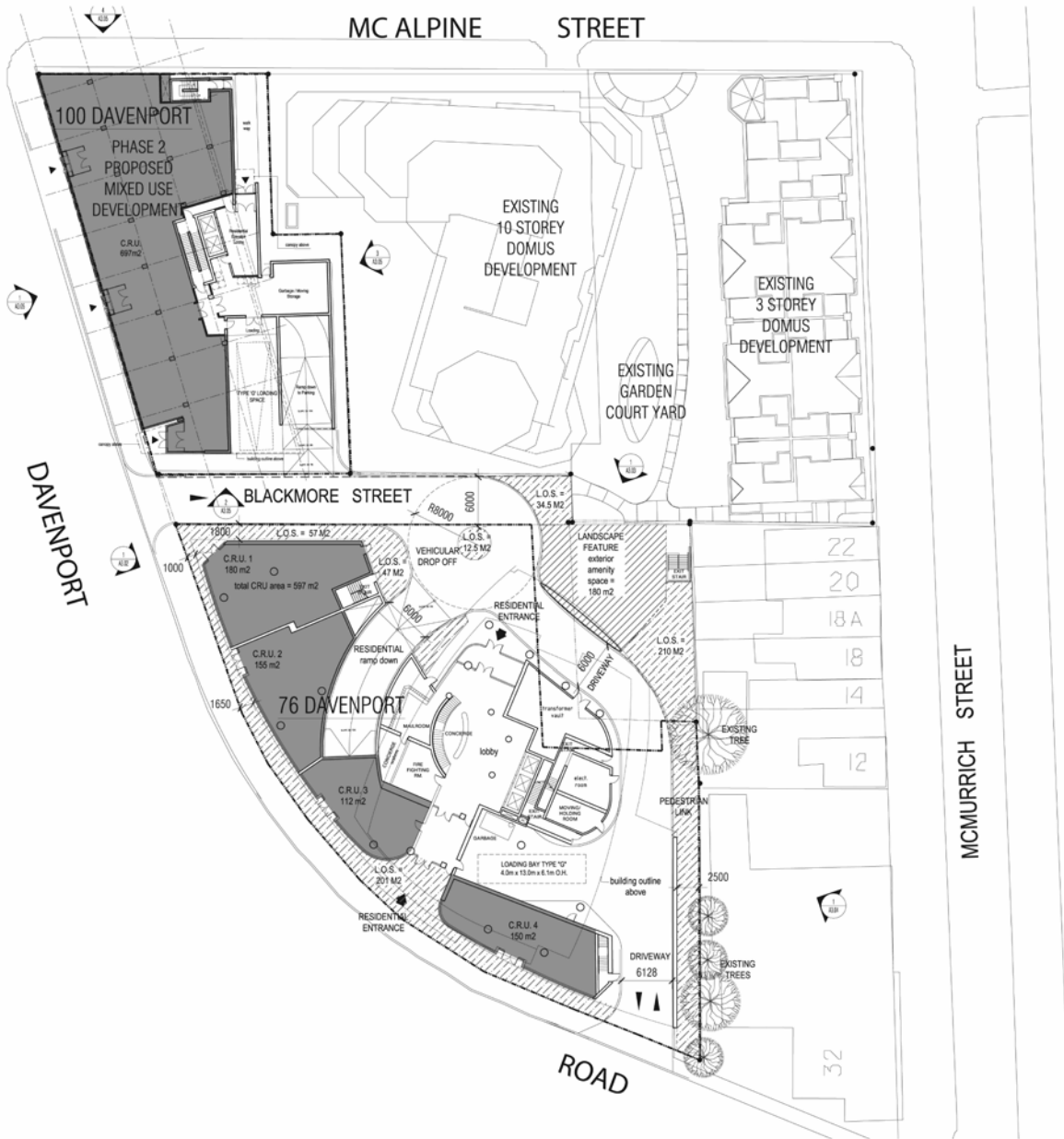
DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Condo		Above Grade	Below Grade
Rooms:		Residential GFA (sq. m):	24438	510
Bachelor:	31	Retail GFA (sq. m):	1014	0
1 Bedroom:	120	Office GFA (sq. m):	0	0
2 Bedroom:	117	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0	0
Total Units:	268			

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

Attachment 3: Site Plan – Alternative A



Site Plan - Alternative A

76 & 100 Davenport Road

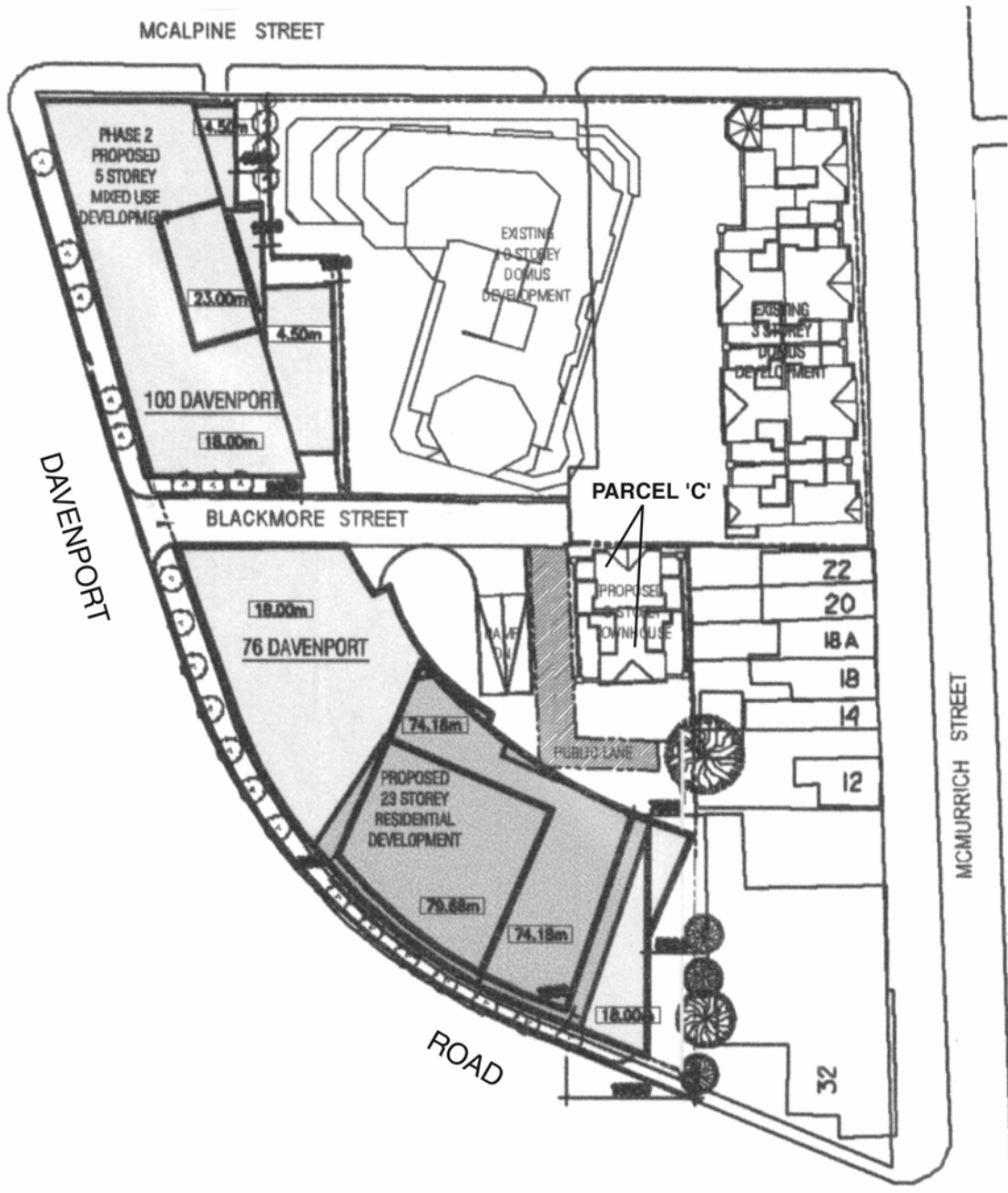
Applicant's Submitted Drawing

Not to Scale
02/15/05



File # 04_187471

Attachment 4: Site Plan – Alternative B



Site Plan - Alternative B

76 & 100 Davenport Road

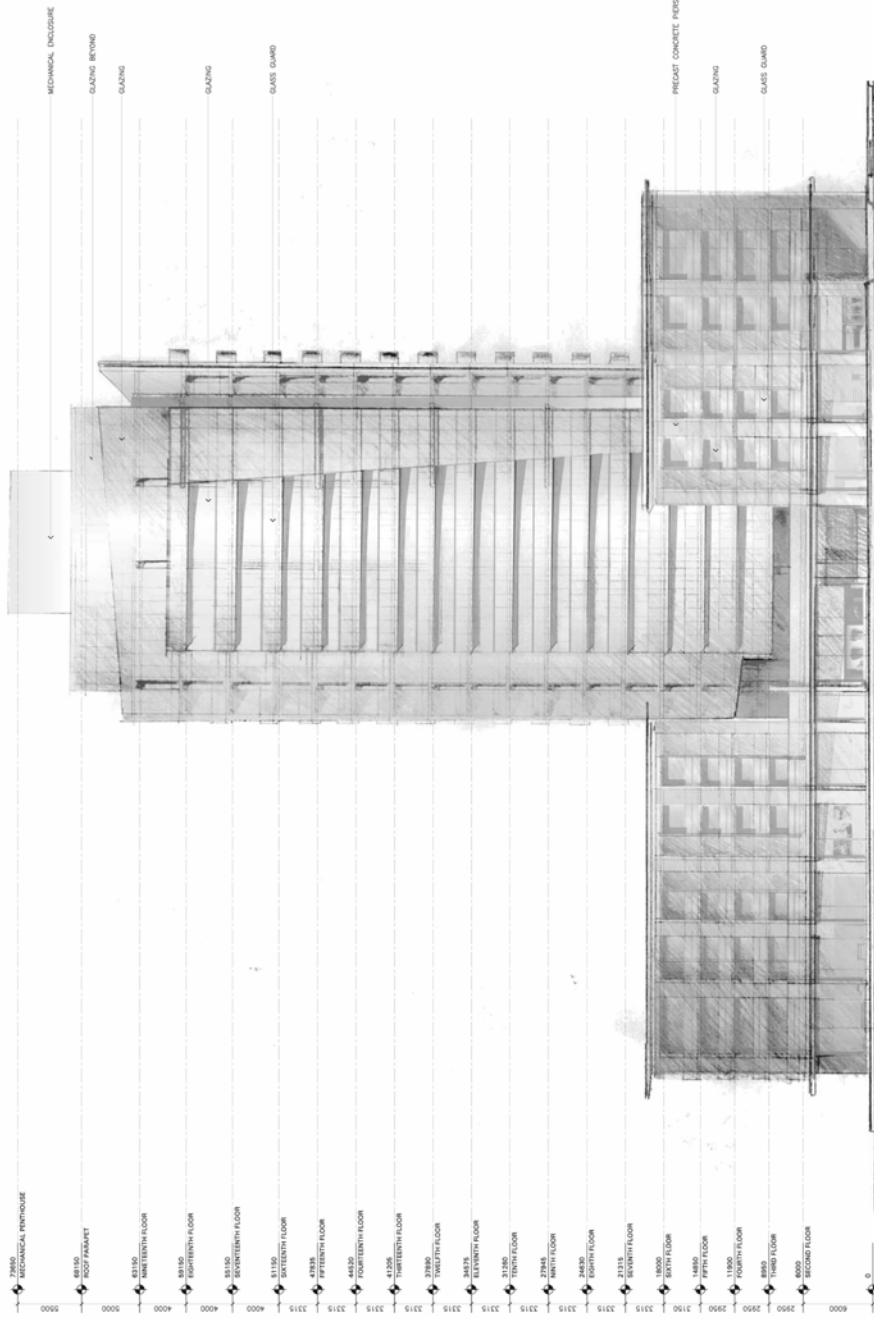
Applicant's Submitted Drawing

Not to Scale
02/15/05



File # 04_187471

Attachment 5: Elevation 1- South A



South Elevation - Alternative A

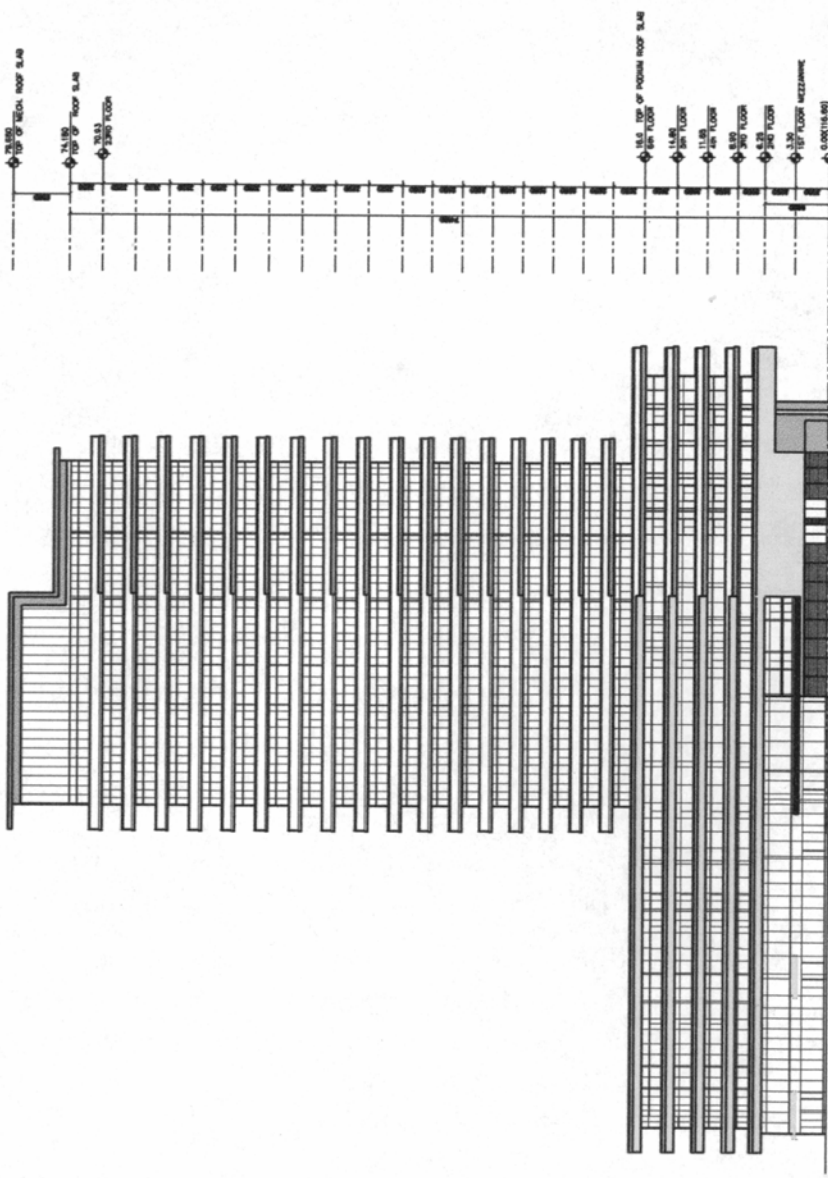
Applicant's Submitted Drawing

Not to Scale
02/15/05

76 & 100 Davenport Road

File # 04_187471

Attachment 6: Elevation 2 – South B



South Elevation - Alternative B

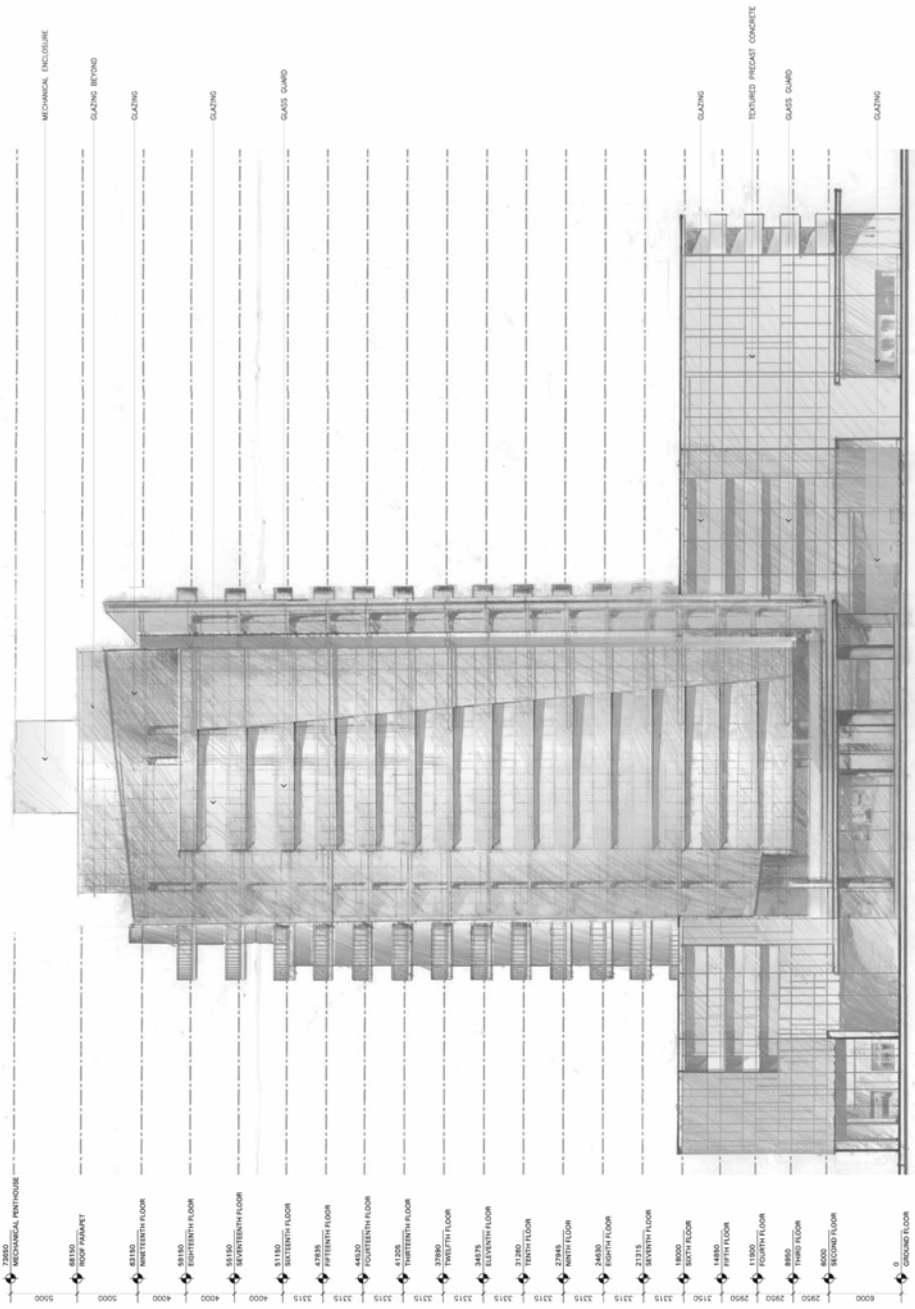
Applicant's Submitted Drawing

Not to Scale
02/15/05

76 & 100 Davenport Road

File # 04_187471

Attachment 7: Elevation 3 – North A



North Elevation - Alternative A

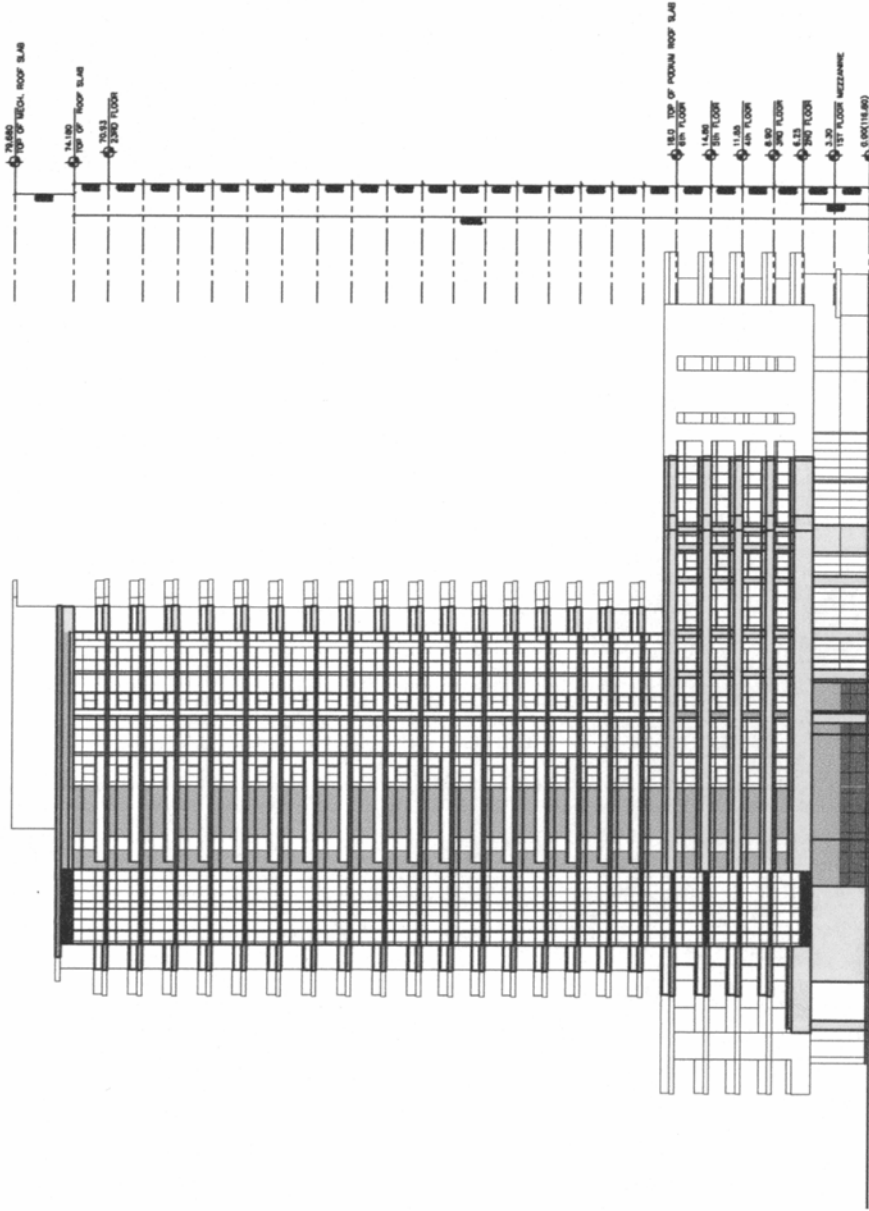
Applicant's Submitted Drawing

Not to Scale
02/15/05

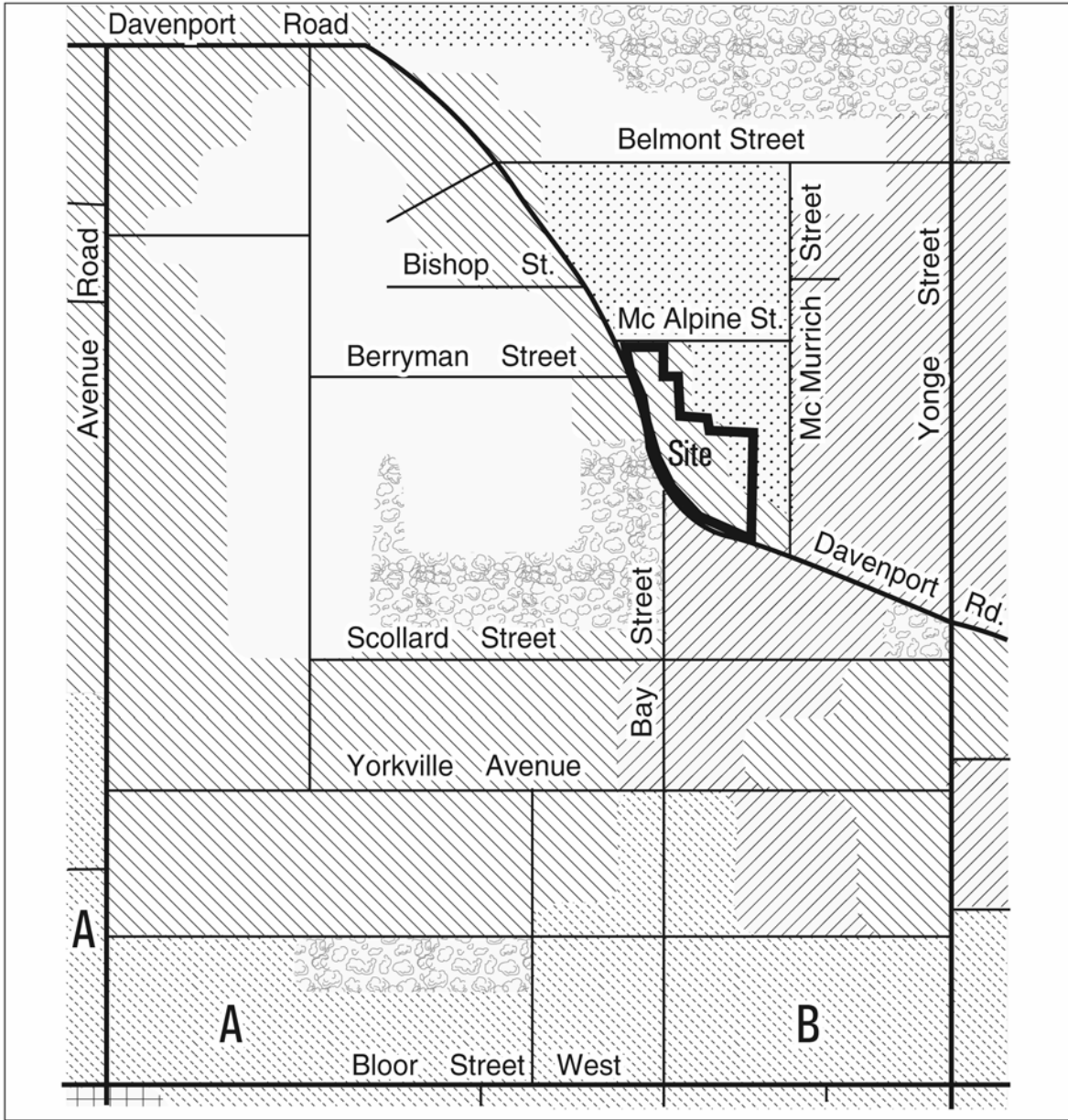
76 & 100 Davenport Road

File # 04_187471

Attachment 8: Elevation 4 – North B



Attachment 9: Official Plan (Map)



TORONTO Urban Development Services
Official Plan

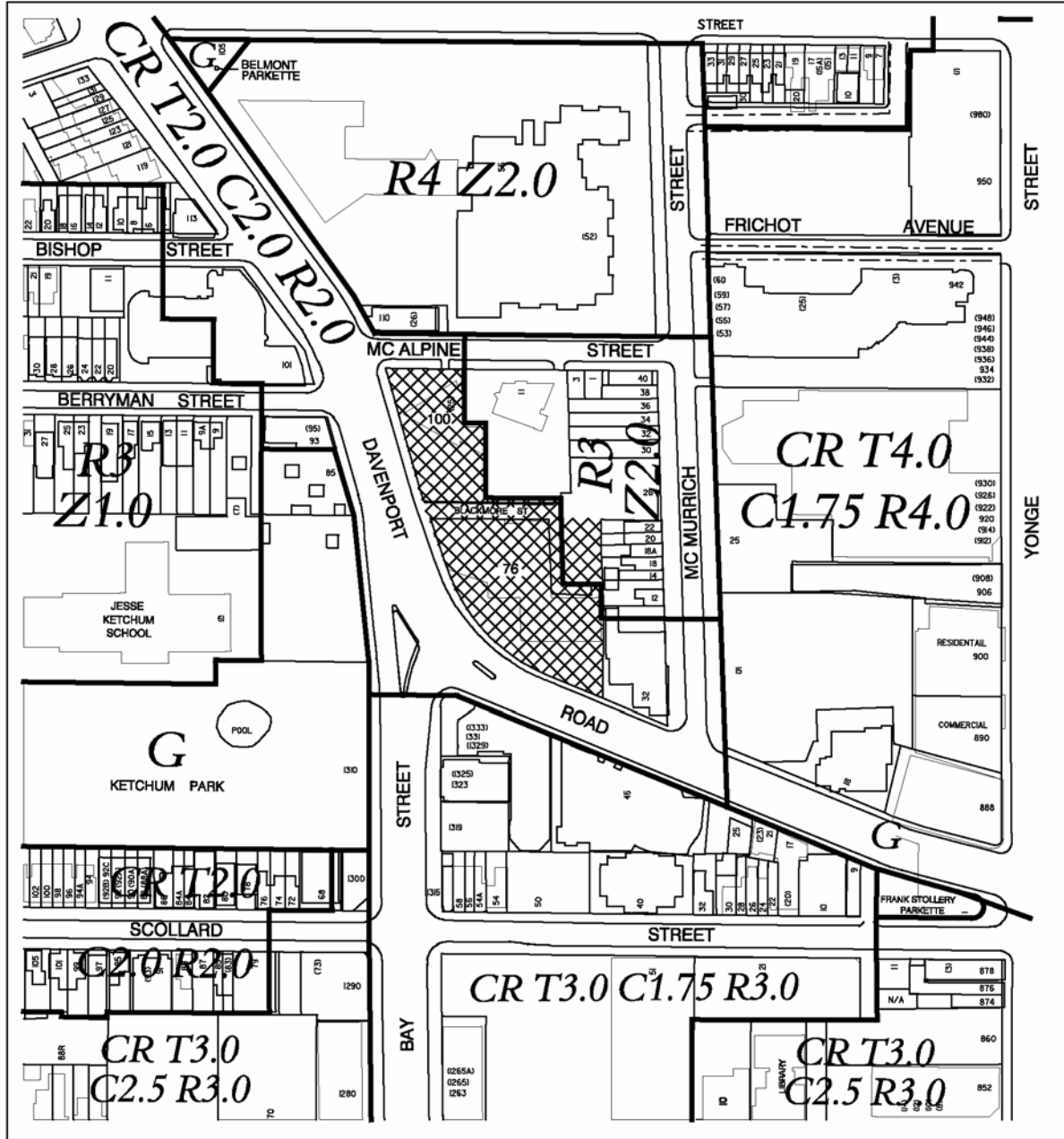
76 & 100 Davenport Road

File # 04_187471

- | | | |
|--------------------------------|---|---|
| Site | Low Density Mixed Commercial-Residential Areas | High Density Mixed Commercial-Residential Areas 'B' |
| Low Density Residence Areas | Medium Density Mixed Commercial-Residential Areas | University Areas |
| Medium Density Residence Areas | High Density Mixed Commercial-Residential Areas 'A' | Open Space |

↑
 Not to Scale
 MM/DD/YY

Attachment 10: Zoning (Map)



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

Appendix 11

Development Guidelines

Height - 60 metres

Floor-plate - 800 m²

East – West orientation

Eastern Sideyard Setback (76 Davenport Road) 25 to 35 metres range

Rear Setback - to the north (100 Davenport Road) – increase to 7.5 metres (north east end of building) and 11.5 metres to (south end of the building)

Single loaded corridor in (100 Davenport Road) if proposed building is residential

Green Roof on 100 Davenport Road and 76 Davenport Road (west side)

Podium Height - 76 Davenport Road west side 3-storeys (11 metres)/ east side – 3-storey (12metres)

Building Height – (100 Davenport Rd.) - 3 storeys (11 metres) clear viewlines to clock tower

Eliminate Townhouses on Block “C”

Incorporate L-shaped laneway into east-west oriented building if sale approved by City Council