

**Final Report  
32 Davenport Road, and 12, 18, 18A, 20 and  
22 McMurrich Street - Rezoning Application**

<b>Date:</b>	September 15, 2009
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 27 – Toronto Centre-Rosedale
<b>Reference Number:</b>	08 151714 STE 27 OZ

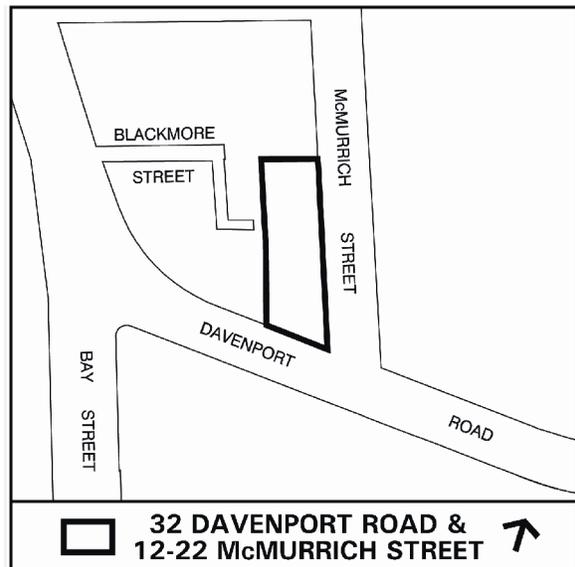
**SUMMARY**

This application was made on April 25, 2008 and is subject to the new provisions of the *Planning Act* and the *City of Toronto Act, 2006*.

This application proposes to demolish a two-storey office building, a vacant two-storey building, and a pair of two-and-a-half-storey semi-detached dwellings, and to construct a 28-storey residential building with a four-storey podium. The proposed building consists of 166 residential units and 165 vehicular parking spaces in five levels of underground parking accessible from McMurrich Street.

The plan proposes six two-storey grade-related units along McMurrich Street. All servicing will take place internal to the building.

The proposed development has been found to be substantially in compliance with the development criteria for *Mixed Used Areas, Apartment Neighbourhoods, Downtown, Public Realm, Built Form*, and all other relevant Official Plan policies and urban design guidelines. Thus, this report reviews and recommends approval of the application to amend the Zoning By-law.



## RECOMMENDATIONS

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### The City Planning Division recommends that:

1. City Council amend Zoning By-law 438-86, as amended, of the City of Toronto substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 8.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.
3. Before introducing the necessary Bills to City Council, authorize the appropriate City officials and require the owner to execute an Agreement pursuant to Section 37 of the *Planning Act* satisfactory to the Chief Planner and Executive Director, City Planning Division and the City Solicitor. The agreement to be registered on title to the lands, in a manner satisfactory to the City Solicitor, will secure the following facilities, services and matters:
  - a. \$550,000.00 to be paid prior to the issuance of the first above-grade building permit, indexed to the non-residential Construction Price Index for Toronto, for the period from the coming into force of the By-law to the date of payment towards the Greater Yorkville Residents' Association (GYRA) Yorkville Greening Initiative;
  - b. \$15,000.00 to be paid prior to the issuance of the first above-grade building permit, indexed to the non-residential Construction Price Index for Toronto, for the period from the coming into force of the By-law to the date of payment towards the Yorkville Lending Library's Centenary Project;
  - c. \$335,000.00 to be paid prior to the issuance of the first above-grade building permit, indexed to the non-residential Construction Price Index for Toronto, for the period from the coming into force of the By-law to the date of payment towards capital improvements at Budd Sugarman Park and Ramsden Park;
  - d. prior to site plan approval, the owner shall submit plans for interpretive panels or other interpretive materials to communicate the history of the property including the importance of Raymond Moriyama; the importance of this studio and practice as an incubator for other notable architects; and his body of work designed in this studio, including specific examples and a reference to the nearby Toronto Reference Library. The research, design and location of the interpretive materials shall be to the satisfaction of the Manager of Heritage Preservation Services.

- e. the provision of high quality materials for the podium to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
  - f. the owner shall submit plans at 1:50 scale elevations for the podium detailing the high quality materials is to be provided as part of an application for Site Plan Approval;
4. Before introducing the necessary Bills to City Council for enactment, require the applicant to enter into a Site Plan Agreement under Section 41 of the *Planning Act*.

### **Financial Impact**

The recommendations in this report have no financial impact.

## **ISSUE BACKGROUND**

### **Proposal**

On April 25, 2008, the applicant submitted an application to replace a two-storey office building at 32 Davenport Road, a two-storey building at 12 McMurrich Street, and a pair of two-and-a-half-storey semi-detached dwellings at 18, 18A, 20 and 22 McMurrich Street with a 25-storey mixed-use residential and commercial building with a four-storey podium.

The application was revised twice with the final set of revised plans being submitted on March 12, 2009, which is the subject of this report (for clarification, when comparing the current plans to original submission, the first floor on the original plans is now identified as two levels on the plans which are before Council).

There were a number of revisions that resulted from community consultation, comments from circulated City divisions, and discussions with Planning staff. In summary these revisions include: an increase to the overall height of the tower; a reduction in the floor plate size; a reduced podium height; a step-back above the podium; greater architectural articulation in the west façade of the tower; and the addition of grade-related residential units along McMurrich Street.

The current proposal is 28 storeys tall with a four-storey podium. The overall height of the tower is 88.6 metres plus a 6.5 metre mechanical penthouse, totalling approximately 95 metres. The original proposal consisted of a 25-storey tower (26 storeys counting the double height first floor) at a height of 79.6 metres plus an additional 6.5 metres for a mechanical penthouse for a total of 86.1 metres. While the overall height was increased by nine metres as a result of the revisions, the overall density proposed dropped from 11.9 to 11.2 times the area of the lot, due to the reduced podium height and tower floor plate size.

The proposed floor plate is generally 668 square metres. The floor plate shrinks from 659 to 488 square metres between the 22<sup>nd</sup> and 28<sup>th</sup> floors.

The proposed tower is set back from the podium between 1 and 3.7 metres above the podium along McMurrich Street, whereas the original proposal showed the tower sited along the eastern property line with no setback or step-back. In the current scheme, the tower is generally situated on the southern portion of the site, providing for a common outdoor amenity space atop of the northern half of the podium. The outdoor amenity space (593 square metres) is accessed through a fifth floor indoor amenity area (588 square metres) consisting of meeting space, a fitness facility and dressing rooms. Originally, no common outdoor space was proposed.

The original podium stood five storeys (when considering the two-level first floor) at 15.2 metres tall with a three-metre high parapet wall. The current four-storey podium is proposed to be 13.8 metres tall with no parapet wall. In lieu of the parapet wall, a guardrail is set back from the proposed podium.

The original submission proposed two vehicular access points (curb cuts), blank walls, and the residential lobby along the McMurrich Street frontage. A small retail space was proposed on Davenport Road. The current plan proposes 6 two-storey grade-related units along McMurrich Street and one vehicular access point at the north end of the site. The retail unit was eliminated along Davenport Road and replaced with the residential lobby entrance and a service-vehicle-only exit. All servicing and parking for the building is contained within the building and concealed from the street view.

The building proposed consists of 166 residential units. The proposed residential unit breakdown is as follows:

<b>Unit Type</b>	<b>Number of Units</b>
One-bedroom	4
One-bedroom plus den	62
Two-bedroom	30
Two-bedroom plus den	68
Three-bedroom	2

A total of 165 vehicular parking spaces are provided, including 11 spaces for visitors, in five levels of underground parking accessible from McMurrich Street. Bicycle parking is also provided for, with 133 spaces for residents and 33 spaces for visitors.

## **Site and Surrounding Area**

The site is located on the northwest corner of Davenport Road and McMurrich Street. The site is roughly rectangular in shape, with an area of 1,606 square metres and frontages of approximately 25.9 metres along Davenport Road and 75.3 metres along McMurrich Street.

The subject site consists of the following:

<b>Address</b>	<b>Description</b>
32 Davenport Rd.	A two-storey office building. The building is being used as the architectural offices of Moriyama & Teshima Architects.
12 McMurrich St.	A vacant two-storey detached building, which was most recently occupied by Zoe Daycare.
18, 18A, 20 and 22 McMurrich St.	A pair of two-and-a-half-storey semi-detached dwellings used for rental residential purposes with one rental unit in each dwelling, totalling four rental units.

Adjacent existing land uses are:

North: three-and-a-half-storey townhouses fronting on McMurrich Street and a 10-storey 69-unit residential condominium fronting McAlpine Street (3 McAlpine Street).

South: of Davenport Road is the Stone Church (45 Davenport Road). West of the church is a 10-storey residential building (1331 Bay Street) and east of the church are one-storey commercial buildings and a 16-storey residential building (8 Scollard Street).

East: of McMurrich Street is a 15-storey residential building (15 McMurrich Street) with a four-storey residential base fronting onto McMurrich Street and Davenport Road. North of that building is a surface parking lot. Further east along Davenport Road is a 16-storey seniors' residential building (18 Davenport Road) and the heritage-designated Masonic Temple Concert Hall (888 Yonge Street) at the corner of Yonge Street and Davenport Road.

West: a construction site for the OMB approved (Decision/Order No. 1629) 22-storey residential condominium with a three and four-storey podium at 76 Davenport Road and a three-storey mixed-use building at 100 Davenport Road.

## **Provincial Policy Statement and Provincial Plans**

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to

grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation.

City Council's planning decisions are required by the *Planning Act*, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

## **Official Plan**

The Official Plan for the City of Toronto designates the subject site *Apartment Neighbourhoods* and *Mixed Use Areas* within the *Downtown* urban structure area. The southern portion of the development site is designated *Mixed Use Areas* and the northern half is designated *Apartment Neighbourhoods*. The policies within both designations helped inform the review of this application. Other important policies include those in the *Downtown*, *Public Realm* and *Built Form* sections of the Plan, including the built form policies for tall buildings.

*Apartment Neighbourhoods* are made up of apartment buildings and parks, local institutions, cultural and recreational facilities, and small-scale retail, service and office uses that serve the needs of area residents. All land uses provided for in the *Neighbourhoods* designation are also permitted in *Apartment Neighbourhoods*.

*Mixed Use Areas* permit a broad range of commercial, residential and institutional uses, in single or mixed use buildings. Further policies relating to *Apartment Neighbourhoods* and *Mixed Use Areas* including development criteria can be found under Section 4.2 and 4.5 of the Official Plan.

Area Specific Policy No. 211 Bloor Yorkville/North Midtown Area applies to this site. This area forms the north edge of the *Downtown* and is composed of a broad mix of districts with differing intensities, scales and heights in a diversity of building forms. Within *Mixed Use Areas*, building heights will step down from the Height Peak in the vicinity of Bloor and Yonge and step down within the *Mixed Use Areas* in descending ridges of height along Yonge Street, Bloor Street and along portions of Avenue Road, Bay and Church.

The subject site is not located within the Height Peak, Height Ridges, or Low-Rise Areas as illustrated in Map 2 of the Area Specific Policy. However, Policy No. 211 states that new development will provide high quality, co-ordinated streetscape and open space improvements to promote pedestrian amenity, orientation, access, greening and confidence in public safety.

The Toronto Official Plan is available on the City's website at:  
[www.toronto.ca/planning/official\\_plan/introduction.htm](http://www.toronto.ca/planning/official_plan/introduction.htm)

## **Zoning**

The site is split-zoned. The south half of the site is zoned CR T2.0 C2.0 R2.0 and the north portion is zoned and R3 Z2.0 under By-law 438-86, as amended (See Attachment No. 7).

The Commercial Residential (CR) zoning classification permits residential and commercial uses including apartment buildings, retail, office and other commercial uses. The total density permitted is 2.0 times the area of the lot.

The Residential (R) zoning classification permits a number of uses, including apartment buildings having a gross floor area of up to 2.0 times the lot area. The maximum permitted height for the entire site is 18 metres.

## **Site Plan Control**

The proposal is subject to Site Plan Control. A site plan application (09 105891 STE 27 SA) was submitted on January 30, 2009 and is currently under review.

## **Bloor-Yorkville/North Midtown Urban Design Guidelines**

The site is subject to the Bloor-Yorkville/North Midtown Urban Design Guidelines. These guidelines build on Official Plan policies and applicable zoning, and provide guidance in addressing matters of built form, massing and the relationship between buildings and the public realm.

The subject site is within the Davenport Bay Precinct. In this Precinct new development along Davenport Road should maintain a three-five storey street wall built parallel to the street. Taller portions of proposed buildings, between Bay and McMurrich Streets, should step back from the street wall.

Bloor-Yorkville/North Midtown Urban Design Guidelines are available on the City's website at: [http://www.toronto.ca/planning/urbdesign/pdf/blooryorkville\\_final.pdf](http://www.toronto.ca/planning/urbdesign/pdf/blooryorkville_final.pdf)

## **Reasons for Application**

The proposal calls for a 28-storey, 88.6-metre tall (excluding the mechanical penthouse) building with a density of 11.2 times the area of the lot. The proposed density and height exceeds current permissions. A Zoning By-law amendment is therefore required to permit the increased height, density and other variances with respect to setbacks, and landscaped open space.

The proposed development has been found to be substantially in compliance with the development criteria for *Mixed Used Areas, Apartment Neighbourhoods, Downtown, Public Realm, Built Form*, and other relevant Official Plan policies. No Official Plan amendment is required.

## **Community Consultation**

A community consultation meeting was held in the neighbourhood to discuss this proposal on September 17, 2008. Approximately 90 members of the public attended the meeting. In this meeting, the applicant presented the 25-storey proposal. A 29-storey scheme, with a revised ground floor was also shown. Residents were concerned with the proposed density, tower height, podium height, shadow and possible traffic impacts on both schemes. A few attendees spoke in support of the development and its design.

Planning staff, the Ward Councillor, and the applicant were invited to attend a meeting hosted by the Board of Directors of MTCC #562, 15 McMurrich Street, to discuss the development application. The meeting was held on April 28, 2009 in the 15 McMurrich party room. The residents of 15 McMurrich Street were given a short presentation by the applicant of the most recent plans which generally resemble the plans which are now before Council. The residents had the opportunity to ask questions of the applicant, their traffic consultant as well as the City Planner.

## **Agency Circulation**

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

## **COMMENTS**

Since the time of preliminary reporting on this application, the revised proposal has undergone numerous changes in response to issues raised in circulation, community consultation and through planning and design analysis. The evolution of the proposal and the analysis of various City staff are described in further detail below.

## **Provincial Policy Statement and Provincial Plans**

The proposal is consistent with the Provincial Policy Statement (PPS). The PPS encourages additional density through intensification and redevelopment to accommodate an appropriate range and mix of employment opportunities, housing and other land uses to meet projected needs for a time horizon of up to 20 years (Policy 1.1.2). Intensification shall meet appropriate development standards (Policy 1.1.3.4), which is discussed further in this report under the subheading Density, Height and Massing.

Policy 1.6.5.4 promotes a land use pattern, density and mix of uses that minimize the length and number of vehicle trips and support the development of viable choices and plans for public transit and other alternative transportation modes, including commuter rail and bus. While this development provides a sufficient number of parking spaces to support the development, it is within a relatively short walking distance to three subway stops, namely Rosedale, Yonge-Bloor and Bay stations.

The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe. The Growth Plan requires that a significant portion of new population and employment growth be directed to the built-up areas of the Greater

Golden Horseshoe within intensification areas. Municipal official plans are viewed as the key vehicle through which the policy objectives of the Growth Plan are to be implemented and as such, Policy 6 of Section 2.2.3 requires that municipalities will identify intensification areas in their respective official plan. Policy 7 of Section 2.2.3 of the Growth Plan outlines the objectives in official plan for intensification areas, including ensuring appropriate transitions of built form to adjacent areas.

This site is located within the Toronto: Downtown Urban Growth Centre as illustrated in the Growth Plan. The City of Toronto's Official Plan conforms to Growth Plan by identifying intensification areas on Map 2. The proposed development is located within the *Downtown and Central Waterfront* area as shown on Map 2.

The Official Plan also sets out a policy framework that ensures the City will meet its population and employment targets by directing growth to the City's priority growth areas while still protecting the City's stable areas such as *Neighbourhoods*.

## **Land Use**

The Commercial Residential zoning designation on the southern portion of the site permits both residential and commercial uses. As part of the original submission, one retail unit was proposed on the ground floor along Davenport Road. The retail unit was eliminated from the plans to allow for the introduction of grade-related residential units along McMurrich Street.

The Zoning By-law permits both commercial and residential uses on this site. In keeping with the planned and existing character of the north side of Davenport, the proposed use is residential. Retail uses are planned for, closer to and along, the Bay Street corridor. As such, the residential-only use is acceptable.

## **Density, Height and Massing**

### ***Density***

The proposed density, 11.2 times the area of the lot, exceeds the current permissions of the Zoning By-law. While the Zoning By-law limits the residential gross floor area to two times the area of the lot, the current direction of the Official Plan and provincial planning documents identify the subject site as a location for possible residential intensification.

This site is located within the *Downtown* as defined by Map 2 in the Official Plan. The Official Plan states that a full range of housing opportunities will be encouraged through residential intensification in the *Mixed Use Areas of Downtown* (2.2.1 Policy 4). Growth will be directed to the *Downtown* in order to concentrate jobs and people in areas well served by surface transit and rapid transit stations (2.2 Policy 2).

The density proposed for this site is comparable to other sites in the immediate area. The newly constructed condominium at 8 Scollard Street (also known as the "Lotus") has a density of 13.0 times the area of the lot. The residential building at 40 Scollard Street is

at a density of 11.4 times the area of the lot. These two buildings and the proposal at 32 Davenport Road are all situated on small sites. Other newly planned developments in the area include 76 Davenport Road at 7.0 times the area of the lot. These projects demonstrate how densities in this range, and area, can be managed through appropriate built form and design principles that respond to the unique features of the site.

Density is but one of the factors when regulating developments. Other development criteria, such as building height, floor plate size, angular planes, set backs, step backs, and other massing, design, parking and traffic considerations have been considered together with density to assess the proposed built form. These considerations are addressed below.

### ***Height***

The current proposal is 28 storeys tall with a four-storey podium. The overall height of the tower is 88.6 metres plus a 6.5 metre mechanical penthouse, totalling approximately 95 metres. As stated in the Official Plan, tall buildings come with larger civic responsibilities and obligations than other buildings. To ensure that tall buildings fit within their existing and planned context and limit impacts, the Official Plan's built form (section 3.1.3) principles shall be applied to their design.

A recurring policy within the Official Plan is locating and massing buildings so they do not negatively impact the areas designated as *Neighbourhoods*. The Healthy Neighbourhoods section (2.3.1) of the Official Plan states that (Policy 2) developments in *Mixed Use Areas* that are adjacent or close to *Neighbourhoods* will provide a gradual transition of scale and density, as necessary to achieve the objectives of this Plan through the stepping down of buildings towards and setbacks from those *Neighbourhoods*. The Development Criteria in Apartment Neighbourhoods states (Policy 2) that development in *Apartment Neighbourhoods* will contribute to the quality of life by locating and massing new buildings to adequately limit shadow impacts on properties in adjacent lower-scale *Neighbourhoods*, particularly during the spring and fall equinoxes.

The height transition towards the *Neighbourhoods* to the west is appropriate. Located to the east of the subject site is 815 Church Street (north east of Davenport Road and Yonge Street), which is subject of a recent approval for a 37-storey tower (111 metres). To the west of the subject site, at 76 Davenport Road is a mixed-use building under construction at 22 storeys (74 metres). The subject tower is proposed to be 28 storeys tall (95 metres). The height of the proposed tower provides a transition of scale to the *Neighbourhoods* to the west.

The transition in height from Yonge Street to Bay Street is consistent with the height regime of the area. This area forms the north edge of the *Downtown*, as per Official Plan Area Specific Policy No. 211, and is composed of a broad mix of districts with differing intensities, scales and heights in a diversity of building forms. Within *Mixed Use Areas* building heights will step down from the Height Peak in the vicinity of Bloor and Yonge and step down within the *Mixed Use Areas* in descending ridges of height along Yonge Street, Bloor Street and along portions of Avenue Road, Bay Street and Church Street.

### ***Massing***

The tall building policies of the Official Plan identify three parts of a tower: the base, the middle and the top. The base building should provide definition and support at an appropriate scale and integrate with adjacent buildings.

With respect to the proposed podium, the proposal meets the intent of the Bloor-Yorkville/North Midtown Design Guidelines, which states that new development along Davenport Road should maintain a 3-5 storey street wall built parallel to the street. The four-storey podium will be in line with the four-storey podium element on the southeast side of the planned 76 Davenport Road building (currently under construction). The proposed podium height relates to the three-and-a-half-storey townhouses to the north along McMurrich Street. The scale of the proposed podium also responds to the four-storey podium on the east side of McMurrich Street. The Guidelines state that the taller portions of proposed buildings, between Bay and McMurrich Streets, should step back from the street wall. The proposed tower responds to this guideline by stepping back 3.3 metres from the podium along Davenport Road.

As per the Official Plan the middle of the tower should be designed with a floor plate size and shape with appropriate dimensions for the site. The average tower floor plate size is 668 square metres which meets the definition of point tower (smaller than 743 square metres – as per the Design Criteria for the Review of Tall Building Proposals). The north & south elevations have slender proportions and are highly articulated; both these facades measure less than a standard point tower (approx. 17m vs. 27m). Given the shape of the site, the tower is longer on the west and east facades. The original application proposed a long flat slab-like tower with no podium along the east façade. The tower is now stepped back between one and three metres above the podium. The north to south massing has been reduced and broken-down by using articulated deep reveals, vertical step backs and varied material treatment.

The top of tall buildings shall contribute to the skyline character and integrate roof top mechanical systems into the design. This proposal masks the mechanical systems by integrating the architectural element at the top of the tower with the overall design of the building.

With respect to spatial separation between towers, The Design Criteria for the Review of Tall Building Proposals suggest that conditions beyond the requirements of the Zoning By-law are often necessary to achieve light, view and privacy. The Zoning By-law has an 11.0 metre requirement between two exterior walls of the same building but is silent on minimum distances between two buildings on different lots.

Given the curve in Davenport Road and siting of the tower at 76 Davenport Road the two towers will not directly face one another. The two towers vary in spatial separation between 11 and 25 metres. The proposed tower is approximately 32 metres from the tower at 15 McMurrich Street.

The Design Criteria for the Review of Tall Building Proposals recommend a minimum of 25 metres between towers. The recommended separation is exceeded between the proposed site and 15 McMurrich Street. Given the separation distance and offset siting between 76 Davenport Road and the proposed tower, the minimal windows on the west façade of the proposed tower, the intent of the guidelines is met since it satisfies the light, view and privacy principles.

## **Sun, Shadow**

The Apartment Neighbourhoods policies in the Official Plan (4.2) provides development criteria (Policy 2) which states that development will contribute to the quality of life by locating and massing new buildings to adequately limit shadow impacts on properties in adjacent lower-scale *Neighbourhoods*, particularly during the spring and fall equinoxes.

The transition in height between the subject tower and 76 Davenport Road adequately limits shadows onto the properties in the lower-scale *Neighbourhoods*. At 9:18am on September 21<sup>st</sup>, the incremental shadow created by the proposed tower narrowly touches the edge of the *Neighbourhoods*, on the south side of Berryman Street. By 10:18am the shadow is entirely off the *Neighbourhoods* designated area and begins to sweep over the residential condominium at 3 McAlpine Street. At 2:18pm the shadow touches the north edge of the tower at 15 McMurrich Street. As the sun moves and sets, the shadow casts over the remainder of the west façade of the 15 McMurrich Street tower into the late afternoon. Given the minimal shadow impact on the low-rise areas, to the west in the early morning hours, this development adequately limits shadow in the *Neighbourhoods*.

## **Traffic Impact, Access, and Parking**

A total of 165 parking spaces, including 154 spaces for the use of residents and 11 spaces for the use of residential visitors are proposed to serve this development. The estimated parking demand generated by this development is for a total of 157 parking spaces, including 147 spaces for the use of residents and 11 spaces for the use of residential visitors. As such, the proposed parking supply is acceptable.

The Built Form policies in the Official Plan (Section 3.1.2) states that new development will locate and organize vehicle parking, vehicular access, service areas and utilities to minimize their impact on the property and on surrounding properties and to improve the safety and attractiveness of adjacent streets, parks and open spaces (Policy 2). The proposal meets this policy by consolidating curb cuts across the public sidewalk, integrating services within the building, and by providing underground parking.

All vehicles will access the site from McMurrich Street at the northern most end of the site. Service vehicles will enter the site from McMurrich Street and turn onto an internal private driveway where a Type G loading space is located. Solid waste collection vehicles will collect and continue on the private driveway in order to exit in a forward motion onto Davenport Road.

In support of the original submission, the applicant's transportation consultant (LEA Consulting) prepared a Traffic Impact Study (TIS), dated April 2008. The study

estimated that the proposed development would generate approximately 30 two-way trips during the weekday a.m. and p.m. peak hours, respectively. Given this level of trip generation, the study concluded that traffic associated with the proposed development can be adequately accommodated on the adjacent road network.

As part of the most current proposal, the applicants submitted a revised TIS dated May 4, 2009. This report estimates that the revised development scale will generate five additional two-way trips during the a.m. and p.m. peak hours, when compared to the original proposal. The consultant concludes that the revised development will not result in a significant traffic impact on the adjacent road network.

Transportation Services Staff generally agree with the study's conclusion. Nonetheless Staff note that the westbound shared left/right movement at Davenport Road and McAlpine Street is projected to experience lengthy delays during future peak hour conditions. Staff acknowledge that, according to the TIS, a small amount of site traffic is projected to make a westbound left/right movement during the peak hours. Staff will monitor the operations of McAlpine Street, at its intersection with Davenport Road in the future, and in the event that lengthy delays to westbound left/right traffic are observed, turning movements onto Davenport Road from McAlpine Street may be restricted, as deemed necessary by the General Manager of Transportation Services.

The subject site is well served by public transit. There are three subway stations within a relatively short walking distance, namely the Rosedale, Yonge-Bloor and Bay subway stations.

### **Landscaped Open Space and Residential Amenity Space**

Originally no landscaped open space was proposed for this development. While there is no requirement for landscaped open space in Commercial-Residential zones, there is a minimum requirement of 50% in residential zones. The proposed ground floor covers approximately 67% of the site. Initially, the remaining space consisted of vehicular driveways, a partially covered pedestrian walkway, and covered pedestrian entrances to the lobby and grade related units. Since the pedestrian walkway could not be linked to the adjacent pedestrian connections, Planning staff suggested that the hard surfacing be replaced with soft landscaping. Thus, a requirement to landscape 4% of the entire site will be reflected in the site specific by-law.

As per the Official Plan and Zoning By-law, new developments are required to provide indoor and outdoor amenity space for their residents. Each resident in the proposed development will have access to outdoor amenity spaces such as balconies and a common outdoor amenity area atop of the podium. The outdoor space will be linked to an indoor amenity space at the 5<sup>th</sup> floor. The proposed indoor (588 square metres) and outdoor (593 square metres) amenity space exceed the Zoning By-law requirement of 2 metres per residential unit (332 square metres) for each of the indoor and outdoor amenity spaces.

## **Trees**

The applicant is proposing to remove 16 trees (diameter of 30cm or more) protected under the provisions of the “Private Tree By-law” (City of Toronto Municipal code Chapter 813, Trees, Article III). Under the provisions of the Private Tree By-law, private trees are to be replaced on-site at a 3:1 ratio. If it is not physically possible to replace the trees on-site, then the owner will be required to make a cash-in-lieu payment for 48 trees in the amount of \$583 per tree for a total of \$27,984. No new trees are proposed on-site, however, 12 new public trees are proposed along McMurrich Street as part of this application. Matters related to trees will be secured through the site plan process.

## **Archaeological Assessment**

Heritage Preservation Services (HPS) staff determined that the subject property is within an area of archaeological potential. In response, a Stage 1 and 2 Archaeological Resource Assessment, was prepared by Archaeological Services Inc. dated October 2008, and has received clearances from HPS.

## **Open Space/Parkland**

The Official Plan contains policies to ensure that Toronto’s system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 1.57 to 2.99 hectares of local parkland per 1,000 people. The site is in the second highest quintile of current provision of parkland. The site is in a parkland priority area, as per Alternative Parkland Dedication By-law 1420-2007.

The applicant proposes 166 residential units on a site of 0.1606 hectares (1,606 square metres). At the alternative rate of 0.4 hectares per 300 units specified in By-law 1420-2007, the parkland dedication would be 0.2213 hectares (2213 square meters). However, a cap of 10% applies and hence the parkland dedication would be 0.016 hectares (160 square metres).

The applicant proposes to satisfy this parkland dedication requirement through cash-in-lieu. This is appropriate as an on-site parkland dedication requirement of 160 square metres would not be of a useable size.

As per Council policy, since the application is subject to the alternative rate, cash-in-lieu payment in excess of the base 5% can be directed by the Councillor. The Ward Councillor has expressed interest in directing this half of the required alternative parks levy to improving Budd Sugarman Park. The first 5% is broken into four equal amounts for local acquisition, City-wide acquisition, local park/facility improvement and city-wide park/facility improvement. The improvements are determined through the capital budget process.

The actual amount of cash-in-lieu to be paid will be determined at the time of the issuance of the building permit.

## **Streetscape**

Development Criteria in *Apartment Neighbourhoods* and *Mixed Use Areas* in the Official Plan call for development to provide an attractive, comfortable and safe pedestrian environment, and locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences. The proposed development satisfies these policies.

The proposal calls for an animated pedestrian realm with limited curb cuts and a podium, which defines a street scale generally consistent with the adjacent developments. The proposed ground floor is greatly improved from the initial proposal. The addition of at-grade residential entrances and street trees along McMurrich Street help to animate and enhance the streetscape, while keeping with the residential character of the street. Reclaiming the current condition of a partially fenced-in public realm for the provision of unobstructed sidewalks, street trees and planter boxes will enhance the pedestrian environment.

## **Toronto Green Standard**

The Toronto Green Standard contains performance targets and guidelines that relate to the site and building design to promote better environmental sustainability of development in Toronto.

As part of the rezoning application, the applicant submitted the Toronto Green Development Standard Checklist, a tool to aid developers in tracking their intended implementation of the Standard. The applicant has expressed their intent to install low flow plumbing fixtures, electronic water meters for each suite, light coloured roofing materials for 75 percent of the roof, as well as other green performance targets.

## **Section 37**

The Official Plan contains policies pertaining to the provision of community benefits for increases in height and/or density pursuant to Section 37 of the *Planning Act*. While the proposed development exceeds the height and density limits of the Zoning By-law, the application is consistent with the objectives and policies of the Official Plan, and thus constitutes good planning.

Pursuant to section 5.1.1 of the Official Plan and its underlying policies, Staff have secured \$900,000 to be distributed between a number of capital projects within the immediate neighbourhood including the Yorkville Lending Library's Centenary Project, the Greater Yorkville Residents' Association (GYRA) Yorkville Greening Initiative, and improvements to Budd Sugarman and Ramsden Parks.

A contribution of \$15,000 shall go to the Yorkville Lending Library's Centenary Project to cap their fundraising goals. The Yorkville Branch, located at 22 Yorkville Avenue, is Toronto Public Library's oldest building, opened in June 1907. The interior retains much of the original plasterwork, including some quarter-sawn oak trim and skylights from 100 years ago. The goal of the Yorkville Centenary Project is to raise sufficient funds to

restore the entry vestibule to its original state, including the restoration of the original tile floor in the vestibule and the six large oak main entry doors.

A contribution of \$550,000 shall go to the GYRA Yorkville Greening Initiative to fulfill their fundraising objectives. The GYRA Yorkville Greening Initiative's objective is to create new green links for an overall improved pedestrian environment. New trees and other greening treatments are planned to improve the neighbourhood streetscape for local residents and visitors.

The remaining contribution of \$335,000 is to be direct to capital improvements at two local parks, Budd Sugarman Park and Ramsden Park. These parks are located just north of the subject site and frame Yonge Street, with Budd Sugarman Park on the east and Ramsden Park on the west. The Parks, Forestry and Recreation Division will direct the monies towards capital improvements to one or both of these parks as needed, in consultation with the Ward Councillor.

As a legal convenience to support development, the following matters are also recommended to be secured in the Section 37 Agreement. The owner shall submit plans for interpretive panels or other interpretive materials to communicate the history of the property including the importance of Raymond Moriyama. The owner shall provide high quality materials for the podium, and 1:50 scale elevations of the podium detailing the high quality materials to the satisfaction of the Chief Planner and Executive Director of the City Planning Division.

### **Development Charges**

It is estimated that the development charges for this project will be \$1,131,110. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

### **CONTACT**

Oren Tamir, Planner  
Tel. No. (416) 392-7349  
Fax No. (416) 392-1330  
E-mail: otamir@toronto.ca

### **SIGNATURE**

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

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## **ATTACHMENTS**

Attachment 1: Application Data Sheet

Attachment 2: Site Plan

Attachment 3: East Elevation

Attachment 4: South Elevation

Attachment 5: West Elevation

Attachment 6: North Elevation

Attachment 7: Zoning Map

Attachment 8: Draft Zoning By-law

## Attachment 1: Application Data Sheet

Application Type	Rezoning	Application Number:	08 151714 STE 27 OZ
Details	Rezoning, Standard	Application Date:	April 25, 2008

Municipal Address: 32 Davenport Road, 12, 18, 18A, 20 and 22 McMurrich Street.  
 Location Description: CON 2 FB PT LT21 \*\*GRID S2703  
 Project Description: Rezoning application to permit the development of a 28 storey residential building.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
Sherman Brown Dryer Karol Gold Lebow	Adam Brown	Wallman Architects	Lifetime Urban Development Group

### PLANNING CONTROLS

Official Plan Designation:	Apartment Neighbourhoods, Mixed Use Areas	Site Specific Provision:
Zoning:	CR T2.0 C2.0 R2.0, R3 Z2.0	Historical Status:
Height Limit (m):	18	Site Plan Control Area: Y

### PROJECT INFORMATION

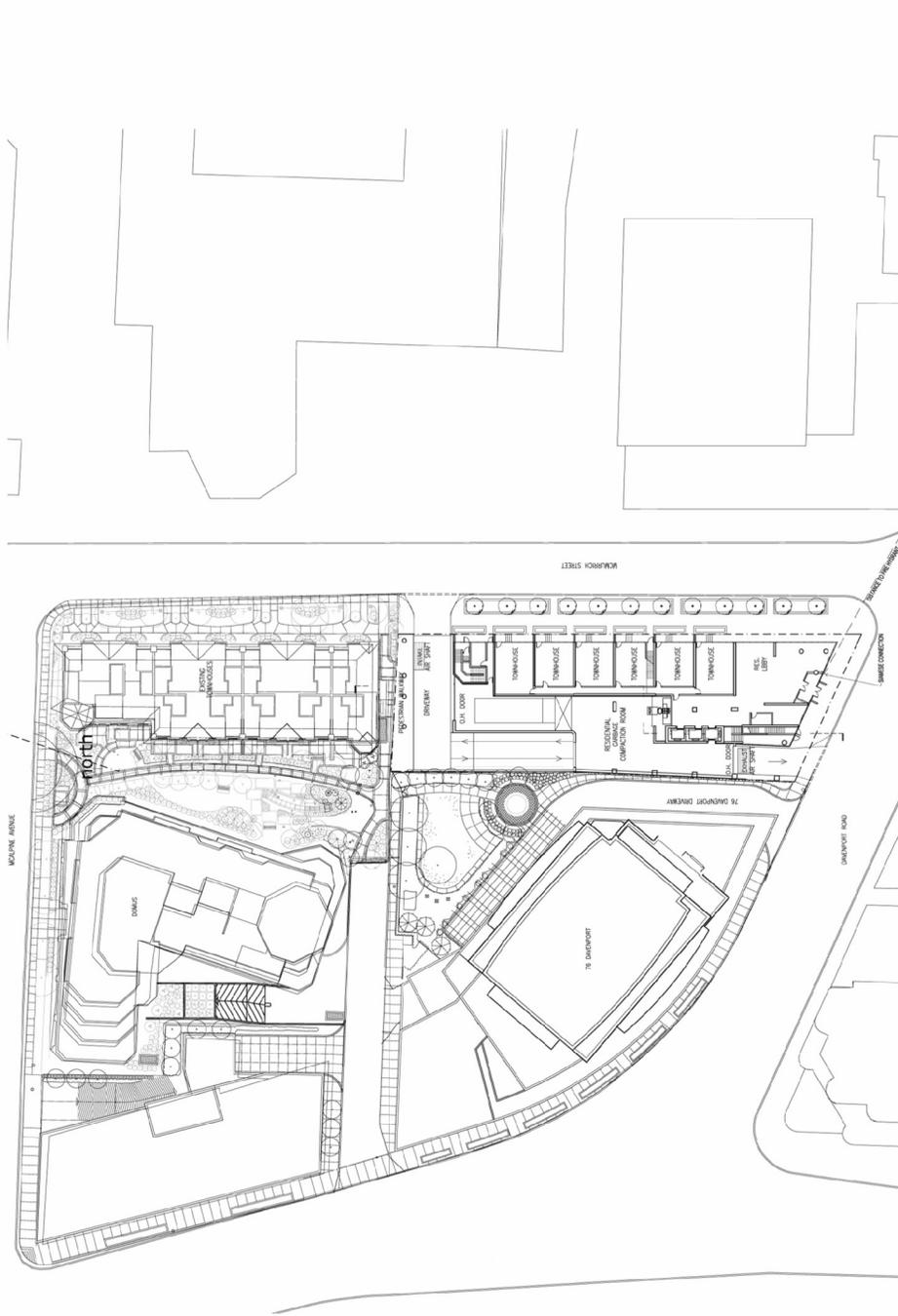
Site Area (sq. m):	1606	Height:	Storeys:	28
Frontage (m):	25.9 (Davenport Rd.)		Metres:	95.7
Depth (m):	75.3 (McMurrich St.)			
Total Ground Floor Area (sq. m):	1077			<b>Total</b>
Total Residential GFA (sq. m):	17985		Parking Spaces:	165
Total Non-Residential GFA (sq. m):	0		Loading Docks	0
Total GFA (sq. m):	17985			
Lot Coverage Ratio (%):	67			
Floor Space Index:	11.2			

### DWELLING UNITS

### FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Condo		<b>Above Grade</b>	<b>Below Grade</b>
Rooms:	0	Residential GFA (sq. m):	17985	0
Bachelor:	0	Retail GFA (sq. m):	0	0
1 Bedroom:	66	Office GFA (sq. m):	0	0
2 Bedroom:	98	Industrial GFA (sq. m):	0	0
3 + Bedroom:	2	Institutional/Other GFA (sq. m):	0	0
Total Units:	166			

# Attachment 2: Site Plan



32 Davenport Road and 12 - 22 McMurrich Street

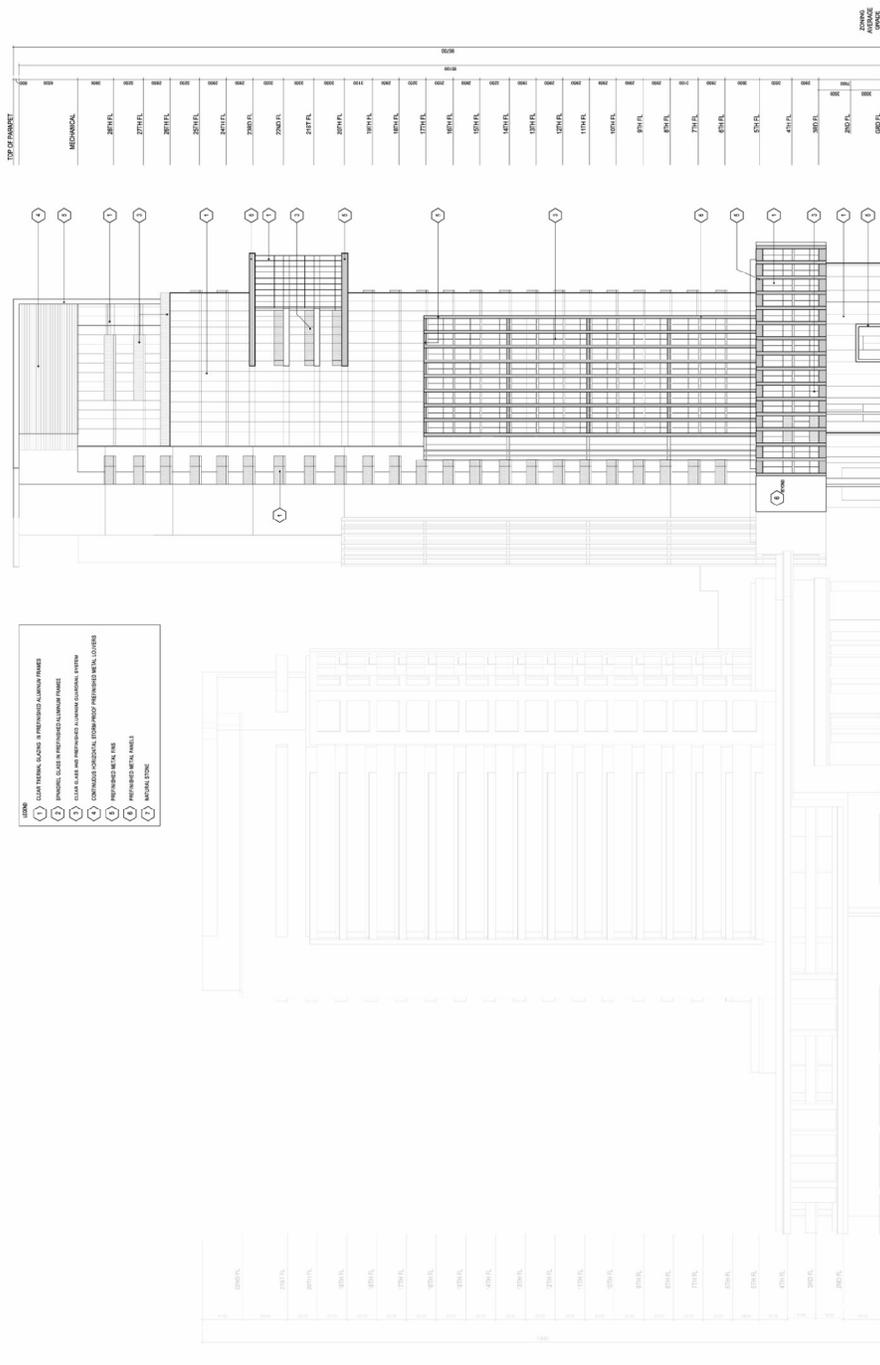
**Site Plan**  
Applicant's Submitted Drawing

Not to Scale  
09/03/2009

File # 08\_151714



# Attachment 4: South Elevation



South Elevation

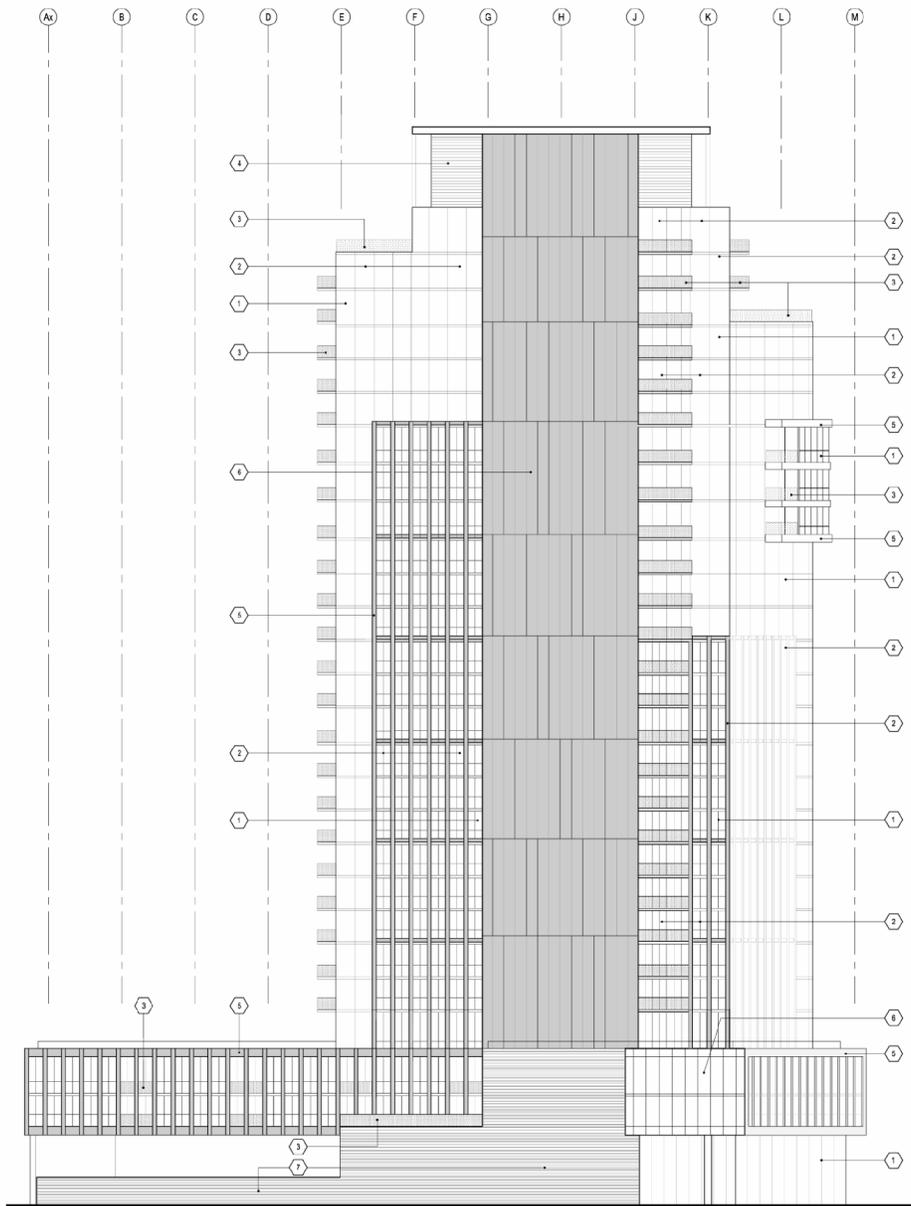
32 Davenport Road and 12 - 22 McMurrich Street

**Elevations**  
 Applicant's Submitted Drawing

Not to Scale  
 09/03/2009

File # 08\_151714

## Attachment 5: West Elevation



West Elevation

### Elevations

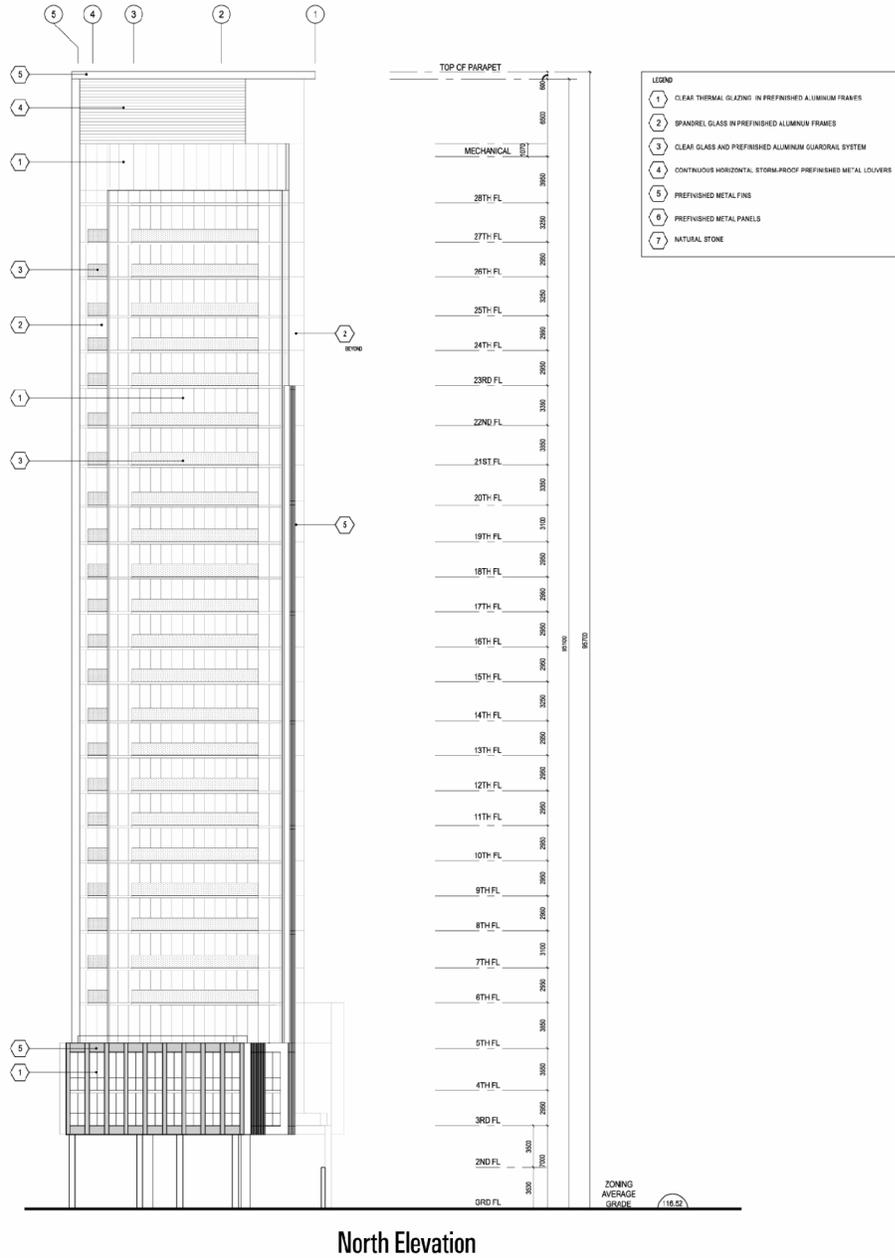
### 32 Davenport Road and 12 - 22 McMurrich Street

Applicant's Submitted Drawing

Not to Scale  
09/03/2009

File # 08\_151714

## Attachment 6: North Elevation



### Elevations

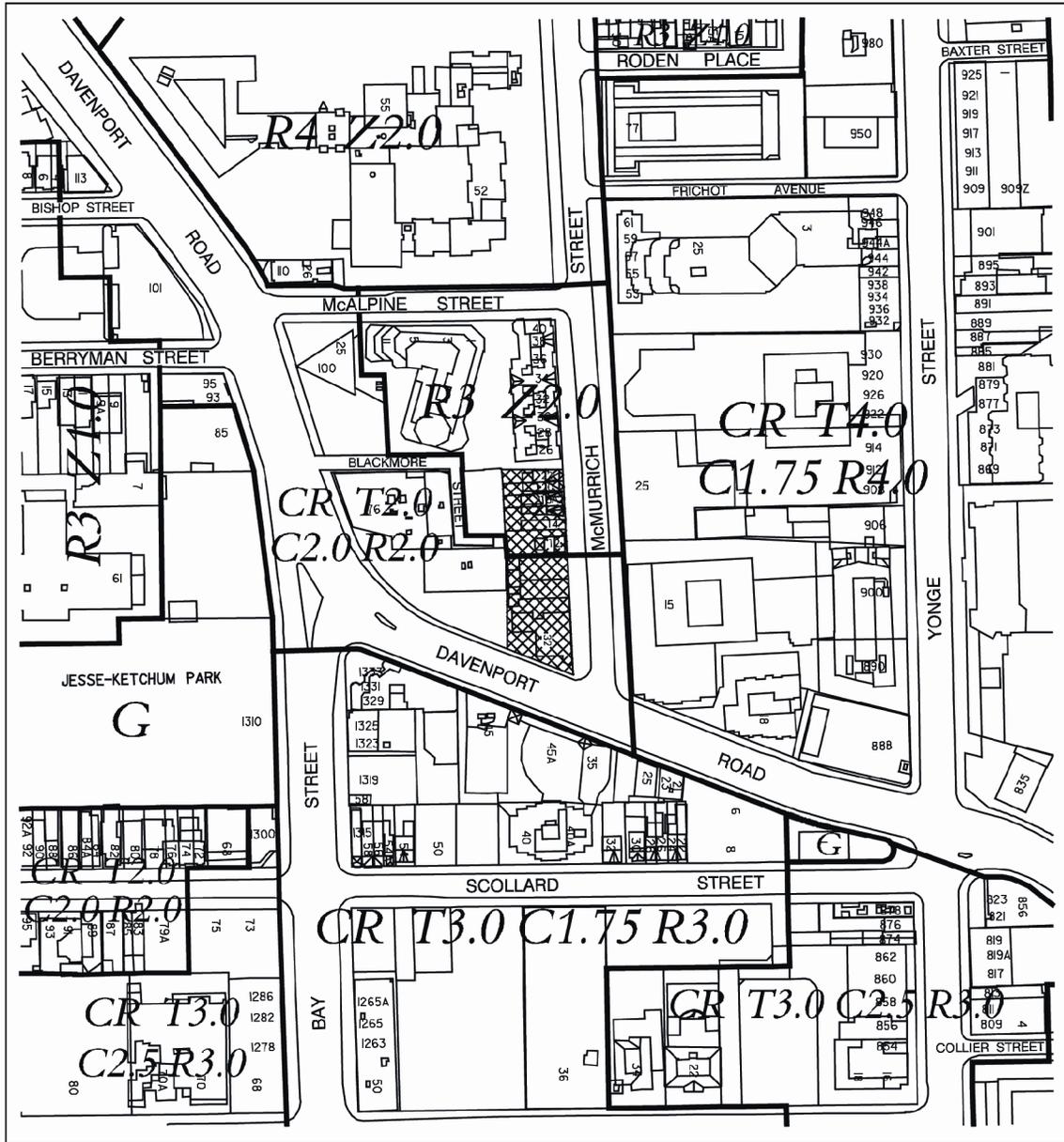
### 32 Davenport Road and 12 - 22 McMurrich Street

Applicant's Submitted Drawing

Not to Scale  
09/03/2009

File # 08\_151714

# Attachment 7: Zoning Map



32 Davenport Road & 12 - 22 McMurrich Street

File # 08\_151714

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



Not to Scale  
Zoning By-law 438-86 as amended  
Extracted 05/21/08 - TA

## **Attachment 8: Draft Zoning By-Law Amendment**

### **CITY OF TORONTO**

#### **BY-LAW No. XXX-2009**

#### **To amend by-law No. 438-86, as amended, of the former City of Toronto with respect with lands known as 32 Davenport Road and 12 to 22 McMurrich Street**

WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*; and

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of a municipality may in a By-law under Section 34 of the *Planning Act*, authorize increases in the height or density of development beyond those otherwise permitted by the by-law in return for the provisions of such facilities, services or matters as are set in the by-law; and

WHEREAS Subsection 37(3) of the *Planning Act* provides that, where an owner of land elects to provide facilities, services or matters in return for an increase in height and density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services or matters; and

WHEREAS the owner of the lands hereinafter referred to has elected to provide the facilities, services and matters, as hereinafter set forth; and

WHEREAS the increases in the density or height permitted hereunder, beyond those otherwise permitted in the aforesaid lands by By-law No. 438-86, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and are to be secured by one or more agreements between the owner of such lands and the City of Toronto (hereinafter referred to the "City"); and

WHEREAS Council has required the owner of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in height and density in connection with the aforesaid lands as permitted in this By-law;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. None of the provisions of Section 2 with respect to *lot, grade, height* and Sections 4(2)(a), 4(5)(b), 6(1)(a), 6(3) Part I 1, 6(3) Part II 3,4,5, 6(3) Part III 1(b), 8(1)(a) and 8(3) Part I 3(a), 8(3) Part II 1(a)(ii) of 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 land and the erection and use of certain buildings and structures in various areas of the City of Toronto”, shall apply to prevent the erection and use of an *apartment building* with underground parking on the *lot* delineated by heavy lines on the attached Map 1, provided that:

- (a) the *lot* upon which the proposed building and structure is erected or used comprises at least the lands shown outlined by heavy lines on the attached Map 1;
- (b) the total *residential gross floor area* erected or used on the *lot* shall not exceed 17,965 square metres;
- (c) the heights of any building or structure erected on the *lot* shall not exceed the heights in metres shown on the attached Map 2, including mechanical and roof top elements such as decorative elements, except for:
  - (i) parapets extending to a maximum vertical projection of 0.6 metres above the height limits shown on Map 2; and
  - (ii) window washing equipment and aircraft warning lights;
- (d) despite the provisions of paragraph (c) above, for the portion of the building shown with a height of 95.7 metres, no additional height is permitted for parapets;
- (e) no portion of the building above *grade* is located otherwise than wholly within the areas delineated by heavy lines on the attached Map 2, subject to the following:
  - (i) cornices, lighting fixtures, window washing equipment, vents, awnings, canopies, ornamental elements, parapets, trellises, eaves, window sills, guardrails, balustrades, railings, wheelchair ramps, underground garage ramps and their associated structures, underground garage stair enclosures, fences, retaining walls, landscape and public art features and safety or wind protection, all of which may extend beyond the heavy lines shown on Map 2; and
  - (ii) balconies and balcony piers, which can project to a maximum of 2.5 metres beyond the heavy lines shown on Map 2;
- (f) no less than 165 below grade *parking spaces* are provided on the *lot* which 154 shall be exclusively for use by residents of the building erected on the *lot* and 11 *parking spaces* shall be designated for visitors of the building erected on the *lot*;
- (g) the windows of a dwelling unit will be set back at a minimum of 3.5 metres from a lot line that is not a *street* line;
- (h) the depth of the building shall be 74.92 metres; and

- (i) the *lot* has a minimum *landscaped open space* of 4% of the area of the *lot*;
- 2. in addition to the permitted uses identified in Section 1, a *sales presentation centre* shall be permitted on the *lot*, and none of the other provisions of this By-law shall apply to such use.
- 3. 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* 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) \$550,000.00 to be paid prior to the issuance of the first above-grade building permit, indexed to the non-residential Construction Price Index for Toronto, for the period from the coming into force of the By-law to the date of payment towards the Greater Yorkville Residents' Association (GYRA) Yorkville Greening Initiative;
  - (b) \$15,000.00 to be paid prior to the issuance of the first above-grade building permit, indexed to the non-residential Construction Price Index for Toronto, for the period from the coming into force of the By-law to the date of payment towards the Yorkville Lending Library's Centenary Project;
  - (c) \$335,000.00 to be paid prior to the issuance of the first above-grade building permit, indexed to the non-residential Construction Price Index for Toronto, for the period from the coming into force of the By-law to the date of payment towards capital improvements at Budd Sugarman Park and Ramsden Park;

The following matters are also recommended to be secured in the Section 37 agreement as a legal convenience to support development.

- (d) prior to site plan approval, the owner shall submit plans for interpretive panels or other interpretive materials to communicate the history of the property including the importance of Raymond Moriyama; the importance of this studio and practice as an incubator for other notable architects; and his body of work designed in this studio, including specific examples and a reference to the nearby Toronto Reference Library. The research, design and location of the interpretive materials shall be to the satisfaction of the Manager of Heritage Preservation Services.
- (e) the provision of high quality materials for the podium to the satisfaction of the Chief Planner and Executive Director, City Planning Division;

- (f) the owner shall submit plans at 1:50 scale elevations for the podium detailing the high quality materials is to be provided as part of an application for Site Plan Approval;

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.

**4.** For the purposes of this By-law:

- (a) “*grade*” means 116.52 metres Canadian Geodetic Datum (CGD);
- (b) “*height*” means the vertical distance between *grade* and the highest point of the roof, building or structure shown on Map 2;
- (c) “*sales presentation centre*” shall mean an office provided for the marketing or selling of *dwelling units* located or to be located on the *lot*; and
- (d) Each word or expression which is italicized in this By-law, shall have the same meaning as each word or expression as defined in the aforesaid By-law No. 438-86, as amended, unless otherwise defined in this By-law.

**5.** Notwithstanding any severance, partition or division of the *lot*, the provisions of this By-law shall apply to the whole of the *lot* as if no severance, partition or division had occurred.

ENACTED AND PASSED this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2009.

DAVID R. MILLER  
Mayor

ULLIS S. WATKISS  
City Clerk

City of Toronto  
Corporate Seal

