

**100 Davenport Rd –Zoning Amendment Application
Refusal Report**

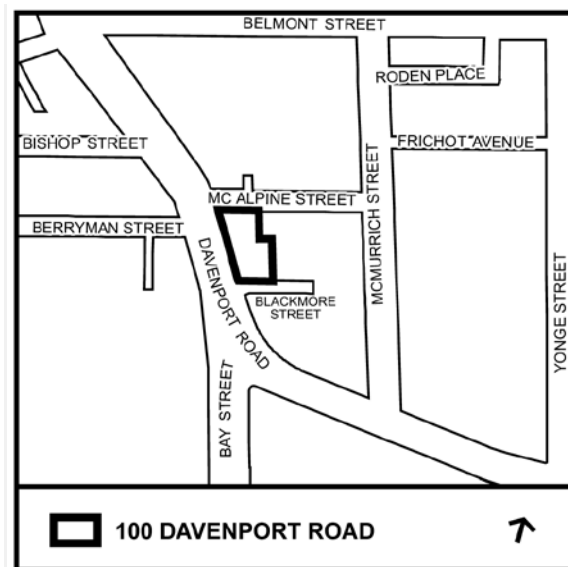
Date:	February 19, 2016
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 27 – Toronto Centre-Rosedale
Reference Number:	15-262982 STE 27 OZ

SUMMARY

This application proposes a 39-storey (137- metre) mixed-use building with commercial and retail uses on the first three floors and residential uses above at 100 Davenport Road. A total of 53 residential units, 100 residential parking spaces, 4 residential visitor parking spaces and 10 commercial parking spaces are proposed. A total of 65 bicycle parking spaces are also proposed.

Further to the Preliminary Report dated February 3, 2016, City staff held a community consultation meeting on February 11, 2016 at the Park Hyatt Hotel located at 4 Avenue Road, where the community had the opportunity to review the application, provide comments, and ask questions of City staff and the applicant.

This application is not appropriate for the site. The proposed development is too tall. It does not conform to the Official Plan; is inconsistent with Council-approved guidelines; does not fit within the existing and planned context for the Bloor-Yorkville and North Midtown Area; and, creates adverse shadow impacts on the adjacent lower rise areas. Therefore, this report recommends refusal of the application to amend the Zoning By-law.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council refuse the application for Zoning By-law Amendment at 100 Davenport Road for the following reasons:
 - a. the proposal does not conform to the Official Plan;
 - b. the proposal is inconsistent with Council-approved guidelines;
 - c. the proposal does not fit within the existing and planned context for the Bloor-Yorkville and North Midtown Area;
 - d. the proposal creates adverse shadow impacts on the adjacent lower rise areas.
2. City Council authorize the City Solicitor together with City Planning and other appropriate staff to appear before the Ontario Municipal Board in support of City Council's decision to refuse the application, in the event that the application is appealed to the Ontario Municipal Board.
3. City Council authorize City Planning in consultation with the Ward Councillor, to secure services, facilities or matters pursuant to Section 37 of the *Planning Act*, as may be required by the Chief Planner, should the proposal be approved in some form by the Ontario Municipal Board.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

The site has been the subject of several planning applications and Ontario Municipal Board (OMB) appeals for tall buildings that resulted in the approval of a 3-storey building on the subject site (100 Davenport Road) north of a 22-storey tower at 76 Davenport Road. A more detailed explanation of the previous applications is provided below.

2001 Proposal

On August 20, 2001 an application was made to amend the Official Plan and Zoning By-law to permit a 35-storey (106.8-metre) tower at 76 Davenport Road and a 7-storey (22.4-metre) building at 100 Davenport Road stepping down in height towards McAlpine Street to 19.3 metres and 10.4 metres. A Site Plan Control application was also filed. On July 18, 2002, following two community meetings and five working group meetings, the applicant appealed its Official Plan and Zoning By-law Amendment application to the OMB. At its meeting held on October 1, 2 and 3, 2002, Council refused the applications and directed City Legal and appropriate staff to oppose the appeal at the OMB. The staff report can be found here: <http://www.toronto.ca/legdocs/2002/agendas/council/cc021001/to10rpt/cl020.pdf>

Following the OMB appeal, the application was revised twice and the OMB eventually considered a 28-storey (92.7-metre) tower at 76 Davenport Road and a 3-storey building at 100

Davenport Road. The OMB issued Decision/Order 1063 dated July 31, 2003 dismissing the appeal and refusing the proposal.

2004 Proposal

On November 23, 2004 an application (Option A) was made to amend the Official Plan and Zoning By-law to permit a 19-storey (68-metre) tower at 76 Davenport and a 5-storey (18-metre) building at 100 Davenport Road.

On December 7, 2004 a second application (Option B) was made to amend the Official Plan and Zoning By-law to permit a 23-storey (76-metre) tower at 76 Davenport and a 5-storey (18-metre) building at 100 Davenport Road. Option B consisted of a larger site which included a parcel (Parcel 3) previously approved as townhouses fronting onto a public lane off Blackmore Street. Subject to City Council approval to sell the public lane, Option B included Parcel 3 as a Privately Owned Publicly-Accessible Open Space (POPS).

On April 13, 2005, four months after the application submission, the applicant appealed both applications to the OMB due to the lack of a decision by the City. Following the appeal, City Staff held a community meeting and working group meetings in an attempt to resolve and narrow the issues identified. At its meeting on December 5, 6 and 7, 2005, Council directed City Legal and appropriate staff to oppose the appeal at the OMB. The staff report can be found here: <http://www.toronto.ca/legdocs/2005/agendas/committees/te/te051115/it016.pdf>

In consideration of the development guideline recommended in the staff report (dated October 28, 2005) and adopted by City Council, the proposal was revised by the applicant and presented to the OMB as a 22-storey (69-metre) tower at 76 Davenport Road and 3-storey (11.1-metre) building at 100 Davenport Road.

On June 5, 2006 the OMB issued Decision/Order 1629 approving the revised proposal. The OMB decision and City Council's subsequent approval of the public laneway resulted in Site Specific By-law 1331-2008 (OMB). Link to By-law: <http://www.toronto.ca/legdocs/bylaws/2008/law1331.pdf>

Committee of Adjustment

Zoning By-law 1331-2008 (OMB) identifies three parcels: Parcel 1 is 76 Davenport Road; Parcel 2 is 100 Davenport Road; and, Parcel 3 is the POPS which is now part of 76 Davenport Road. Subsequently, there were three Minor Variance applications by the subject applicant which increased the height and density provisions in Site Specific By-law 1331-2008, as they apply to Parcel 1.

On April 22, 2009 (File No. A0247/09TEY) the Committee of Adjustment increased the permitted height from 69 metres to 74.5 metres on Parcel 1.

On April 28, 2010 (File No. A0135/10TEY) the Committee of Adjustment increased the permitted height from 74.5 metres to 85.31 metres, increased the permitted total gross floor area (GFA) from 19,100 square metres to 22,100 square metres, and increased the permitted total residential GFA from 18,000 square metres to 21,590 square metres on Parcel 1.

On October 19, 2011 (File No. A0543/11TEY) the Committee of Adjustment increased the permitted height from 85.31 metres to 88.35 metres on Parcel 1.

Pre-Application Consultation

A pre-application consultation meeting was held on April 2, 2015 with the applicant to discuss complete application submission requirements. The applicant presented a 36 storey tower, with a floor plate of 415 square metres and 11 times the area of the lot. City staff told the applicant that the proposal was too tall.

ISSUE BACKGROUND

Proposal

This application proposes a new 39-storey (137 metres, including 5-metre mechanical penthouse) mixed-use building with commercial and retail uses on the first three floors and residential uses above, including 53 residential units at 100 Davenport Road (Parcel 2 in Zoning By-law 1331-2008). The overall density proposed is 13.8 times the area of the site (see Attachment No. 7: Application Data Sheet).

The proposed tower with 493 square metre floor plate is generally rectangular in form with a curvilinear west façade and rounded corners, and situated at the north end of the site. The tower sits on a 3-storey base with varying setbacks at each level. The curved second and third floors project out to and along the Davenport Road property line with varying setbacks from approximately 0.0 metres to 1.0 metres. Along Davenport Road, the ground floor is recessed to provide a setback along the public realm with setbacks ranging from approximately 1.6 metres to 2.9 metres with a pillar located at the property line in front of the residential lobby. The current sidewalk width varies but is approximately 5.0 metres. The proposed building setback at grade would widen the pedestrian realm, but the proposed vehicle lay-by along Davenport Road would decrease the pedestrian area in the existing public realm.

The 3-storey base terrace from the southeast and south ends of the property, provides a green roof (second floor), outdoor residential amenity space (third floor) and a private terrace (fourth floor).

The proposed residential tower includes a total of 53 residential units (34 two-bedroom units and 19 three-bedroom units). The tower is set back 16.8 metres from the south property line (north edge of Blackmore Street), 1.4 to 1.9 metres from the north property line (McAlpine Street), between 0.7 and 3.0 metres along the angled west property line (Davenport Road), and between 3.0 and 4.0 metres at the north end of the east property line, and 11.5 metres from the south end of the east property line (see Attachment No 1: Site Plan). A line of irregular-shaped projecting balconies are proposed on the west and south elevations of the tower.

The application proposes approximately 388.5 square metres of indoor amenity space on the third floor and 163.9 square metres of outdoor amenity space on the third floor terrace on the southeast side of the site.

A total of 114 vehicle parking spaces (100 resident, 4 visitor and 10 commercial spaces) are proposed in a 6-level underground parking garage accessed from McAlpine Street at the northeast corner of the site. A parking lay-by is proposed in the public realm along Davenport Road adjacent to the residential lobby.

A total of 65 bicycle parking spaces is also proposed (52 resident, 5 visitor and 8 commercial spaces), 11 of which will be provided at grade off Blackmore Street and the remaining 54 spaces provided in the second to sixth underground levels.

Servicing vehicles will access a Type 'G' loading space via Blackmore Street. The garbage and loading facility is located within the building.

Site and Surrounding Area

The 1,291.7 square-metre irregular-shaped site has frontages on three streets - Davenport Road (46 metres) to the west, McAlpine Street (28 metres) to the north, and Blackmore Street (23 metres) to the south. The east property line jogs between McAlpine Street and Blackmore Street (see Attachment No. 1: Site Plan).

A one-storey commercial building with an associated surface parking lot and landscaped area occupies the site. A one-storey freestanding masonry wall is located along the east property line.

Uses and structures near the site include:

North: of McAlpine Street is a 4-storey commercial building (110 Davenport Road) and clock tower at the visual terminus of Bay Street. The remainder of the block to the north is a retirement and long-term care facility complex (Belmont House, 55 Belmont Street) and landscaped open spaces.

South: of Blackmore Street is a 25-storey residential tower (The Florian, 88 Davenport Road) and 31-storey residential tower (The Yorkville, 32 Davenport Road). Further south along Bay Street is a 10-storey mixed use building (1331 Bay Street) at the southeast corner of Bay Street and Davenport Road. Adjacent to 1331 Bay Street is 48-58 Scollard Street and 1315-1325 Bay Street, which is subject to a development proposal (15 251277 STE 27 OZ) for a 43-storey (158 metres, including mechanical penthouse) mixed-use building with commercial and retail uses on the first four floors and residential uses above.

East: on McAlpine Street is the terraced 10-storey residential building (The Domus, 3 McAlpine Street) and associated townhouses along McMurrich Street.

West: of Bay Street is a 4-storey rental apartment building (95 Davenport Road) at the southwest corner of Davenport Road and Berryman Street. South of the apartment building is the Jesse Ketchum Child Care Centre and School with associated outdoor playgrounds. North of Berryman Street is a 3-storey commercial building (101 Davenport Road) and west along Berryman Street is a low-rise residential neighbourhood.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; wise use and management of resources; and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. 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 to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The Official Plan designates the subject site as *Mixed Use Areas* and locates it within the *Downtown and Central Waterfront*, as shown on Map 2, the Urban Structure map of the Official Plan. The subject site is adjacent to *Apartment Neighbourhoods* to its east and north. On the west side of Davenport Road are *Neighbourhoods* and *Mixed Use Areas* designations.

The *Mixed Use Areas* designation in the Official Plan provides for a broad range of commercial, residential and institutional uses in single-use or mixed-use buildings, as well as parks and open spaces and utilities.

Development in *Mixed Use Areas* is subject to a number of development criteria including: locate and mass new buildings to provide a transition between areas of different development intensity and scale; provide appropriate setbacks and/or stepping down of heights, particularly towards lower scale *Neighbourhoods*; locate and mass new buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods* particularly during the spring and fall equinoxes; provide good site access and circulation and an adequate supply of parking for residents and visitors; provide an attractive, comfortable and safe pedestrian environment; locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences; and, provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development.

The Built Form policies in the Official Plan (3.1.2) state that new development will be located and organized to fit with its existing and/or planned context. The Built Form Tall Building Policies (3.1.3) state that tall buildings come with larger civic responsibilities and obligations than other buildings. To ensure that tall buildings fit within their existing and/or planned context and limit local impacts, built form principles will be applied to the location and design of tall buildings. Proposals will demonstrate how the building and site design will contribute to and reinforce the overall City structure and relate to the existing and/or planned context.

The Official Plan is intended to be read as a whole. The City structure for the Bloor-Yorkville/North Midtown Area is provided in Site and Area Specific Policy 211 of the Official Plan.

Site and Area Specific Policy 211 – Bloor Yorkville / North Midtown Area

Site and Area Specific Policy (SASP) 211 in the Official Plan recognizes that the Bloor-Yorkville/North Midtown Area comprises a broad mix of districts with differing intensities, scales and heights in a diversity of building forms. The area includes *Neighbourhoods*, *Apartment Neighbourhoods*, Areas of Special Identity, *Mixed Use Areas*, and open space provided by parks and ravines.

The Bloor-Yorkville/North Midtown Area forms the north edge of the Downtown and provides for transition in density and scale to surrounding lower rise areas. Height and density generally diminish the further the development site is from the Height Peak (SASP 211, Map 2) at Yonge and Bloor Streets to provide for a transition in scale. The Height Ridge provides for a transition in scale from the Height Peak at Yonge/Bloor. Development along the Height Ridge will be at a lesser height and physical scale than the Bloor/Yonge Height Peak, and in a form compatible with adjacent areas.

The subject site is located north of the Bay Street Height Ridge which ends south of Scollard Street. The northern portions of Avenue Road, Yonge Street and Davenport Road not shown as Height Ridges (SASP 211, Map 2) are intended to have lower heights than areas within the Height Ridges.

Zoning

The former City of Toronto General Zoning By-law 438-86, as amended, currently applies to this site. The city-wide Zoning By-law 569-2013 (under appeal at the Ontario Municipal Board) does not apply.

The base zoning map identifies the site as CR T2.0 C2.0 R2.0 with a height limit of 18 metres and a maximum density of 2.0 times the area of the lot. However, zoning by-law 438-86, as amended by site-specific by-law 1331-2008, contains site-specific height, parking and density provisions.

Site-specific by-law 1331-2008 includes both the property at 76 and 100 Davenport Road. The subject site is identified as Parcel 2 with a maximum height of 11.1 metres (plus two 5-metre mechanical penthouses with 4.6 x 12.0 metre and 3.1 x 4.1 metre footprints centred on the site). The total gross floor area on Parcel 2 shall not exceed 2,340 square metres or 1.8 times the area of the lot.

Bloor-Yorkville/North Midtown Urban Design Guidelines

The Bloor –Yorkville/North Midtown Urban Design Guidelines give guidance to improve the physical quality of the area and ensure that its special character is respected in terms of new development. The main planning objectives of the Design Guidelines include:

- enhancement of Areas of Special Identity and historic buildings;
- protection of residential areas from adverse impacts of commercial and/or higher density development;
- improvement of public realm and publicly accessible areas; and
- excellence in urban design, architecture, and landscaping.

The Bloor-Yorkville/North Midtown area is comprised of a number of precincts and corridors, each defined by its attributes in terms of function, built form and character. The subject site is located within the Davenport Bay Precinct. Within this Precinct, new development at the intersection of Davenport Road and Bay Street should be set back 2 metres to allow for a wider sidewalk and streetscaping and be massed to preserve the view terminus on the north side of McAlpine Street.

The Guidelines identify significant views that should be protected and reinforced, as well as locations where visual terminus treatments (building entries, structural elements, banners, public art) should be located. The property at 110 Davenport Road, with an existing clock tower, is identified as a Visual Terminus Building Treatment. Photo 53 in the Guideline shows the clock tower as the visual terminus treatment at Davenport Road and Bay Street. Figure 20 in the Guideline identifies sites that terminate a view corridor and have strategic locations for public or commercial uses. In this Figure, the terminus location is illustrated in the direction of the clock tower. These terminus treatment sites provide an opportunity to create visual interest from greater distances and if designed with distinction, can act as effective orienting devices where people can gauge their relative location in the district or city.

The site is located at the southeast corner of Davenport Road and McAlpine Street. The Guideline identifies McAlpine Street as a Neighbourhood Street and Davenport Road as an Urban Street. Urban Streets generally have larger buildings that reflect the broad functional importance of the street, like the 25-storey tower at 76 Davenport Road (The Florian, renumbered as 88 Davenport Road). Neighbourhood Streets support stable residential neighbourhoods and should reinforce the residential scale of the street.

76 Davenport Road is identified as a Gateway Treatment site and a Signature Treatment site. Gateway Treatment sites offer an opportunity to provide a sense of entry into the Bloor-Yorkville precincts which can be expressed architecturally, or through lighting, signage (excluding advertising) or art installations. Signature Treatment properties are sites that are located at highly visible intersections. These sites offer an opportunity for landmark buildings that should be unique and immediately identifiable.

The Bloor-Yorkville/North Midtown Urban Design Guidelines are available on the City's website at: <http://www.toronto.ca/planning/urbdesign/blooryorkville.htm>

TOcore

On December 9, 2015, City Council adopted a staff report entitled 'TOcore: Planning Toronto's Downtown – Phase 1 – Summary Report and Phase 2 Directions'. The report outlined the

deliverables of TOcore which will be a renewed planning framework through a Downtown Secondary Plan and a series of infrastructure strategies. The work for TOcore began on May 13, 2014 when Toronto and East York Community Council adopted a staff report regarding 'TOcore: Planning Toronto's Downtown', along with a related background document entitled 'Trends and Issues in the Intensification of Downtown'.

TOcore is looking at how Toronto's Downtown should grow, with both a renewed planning framework and the necessary physical and social infrastructure to remain a great place to live, work, learn, play and invest. TOcore is in its second phase, which involves drafting policies, plans and strategies. A report back to Toronto and East York Community Council is targeted by the end of 2016 on the results of the second phase and the next steps on implementation. The TOcore website is www.toronto.ca/tocore.

Site Plan Control

The subject site is under Site Plan Control. A site plan application has not yet been submitted.

Tall Building Design Guidelines

In May 2013, City Council adopted the updated city-wide Tall Building Design Guidelines and directed City Planning staff to use them in the evaluation of tall building development applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure they fit within their context and minimize their local impacts.

This application is located within an area that is also subject to the Downtown Tall Buildings: Vision and Supplementary Design Guidelines (adopted by City Council in July 2012 and consolidated with the city-wide Tall Building Design Guidelines May 2013). This document identifies where tall buildings belong in Downtown, and establishes a framework to regulate their height, form and contextual relationship to their surroundings. The Downtown Tall Buildings Guidelines also contain heritage principles and performance standards.

The Downtown Vision and Supplementary Design Guidelines should be used together with the city-wide Tall Building Design Guidelines to evaluate tall building proposals in Downtown. The subject site is located north of the Bay Street High Street (Map 1 – High Streets Map) and no height range is provided (Map 2 – Downtown Vision Height Map).

Reasons for the Application

The application proposes a mixed-use building with a height of 137 metres (including mechanical penthouse) and a density of 13.8 times the area of the lot. The maximum height and density permitted in the Zoning By-law is 11.1 metres in height and 1.8 times the area of the lot. The proposal exceeds the maximum floor space index and height limit for the site. A Zoning By-law amendment is therefore required.

At its proposed height, the 39-storey proposal does not comply with Official Plan Site and Area Specific Policy 211. An Official Plan Amendment is required but an application was not submitted.

Community Consultation Meeting

A Community Consultation Meeting was held on February 11, 2016 at the Park Hyatt Hotel (4 Avenue Road). Planning staff gave a presentation highlighting the information in the Preliminary Report, including the policy framework and details of the application. The applicant provided further details with respect to the proposed building design and its planning rationale. Following the presentation, City staff facilitated break-out sessions where members of the community provided comments and asked questions on four topics: Built Form, Transportation, Public Realm, and Wind and Other Issues. The meeting concluded with a question-and-answer period moderated by City Planning staff.

During the break-out sessions, attendees raised the following concerns and comments:

- Height of tower - too high and not in keeping with the built landscape in the area.
- Location of tower - too close to the Domus building.
- Terminus feature - differing opinions on preserving the view to the existing clock tower at 110 Davenport Road.
- Height transition - question the applicant's 45 degree angular plane from Belmont Street.
- Shadow impact - on the low-rise areas; in particular on the open spaces, court yard, dining rooms and long-term care rooms of bed-ridden residents at Belmont House.
- Wind impact - on the pedestrian realm in and around the site, including Jesse Ketchum school across Bay Street, sidewalks, and other open spaces.
- Pedestrian safety, crossings and comfort - in particular, for seniors in the neighbourhood.
- Public open space - need for wider sidewalks around the site; lack of at-grade public open space with seating compared to the amount of private terraces on the base building.
- Retail component - concern over its viability.
- Architecture of the building- sculpted base may overwhelm the small site; appreciation for the building design, but it is in the wrong area of the city.
- Infrastructure capacity - many approved and proposed tall buildings in the area.
- Noise & pollution - truck/vehicle congestion
- Traffic - movement of vehicles from Belmont Street and Blackmore Street onto Davenport Road; turning movements on Blackmore Street to service the three buildings.
- Parking - insufficient visitor parking.
- Vehicular access - conflict on McAlpine Street with access to Belmont House loading space.
- Traffic impact - on local road network.

During the question-and-answer portion of the meeting, residents also asked questions and expressed concerns regarding:

- The absence of the owner at the meeting.
- The applicant's presentation showing 11-storeys as as-of-right rather than 11 metres.
- The applicant's presentation showing a 45 degree angular plane from Belmont Street rather than Berryman Street.
- The overall impact of the proposal on the character of Yorkville.
- The applicant applying again to change the zoning on the site after an OMB decision.
- Shadow impact of the proposal on the quality of life of residents at Belmont House.
- Potential use of parking lot at Belmont House by visitors to the proposed building.
- Cumulative wind impacts from the proposal and other tall buildings.

Written comments received by staff raise many of the issues expressed at the community meeting, such as: a negative reaction to the owner submitting a third rezoning application for the site; the shadow impact on the surrounding community; the proposed height being in "a gross disproportion to the other buildings"; and, the need for more trees.

COMMENTS

Site Organization, Height, Massing and Density

The proposed 39-storey building is unacceptable given its existing and planned context, its height and minimal east setback, and its adverse impacts. This is not a tall building site.

The subject site was previously assessed as part of a larger development parcel which included 76 Davenport Road (The Florian, 88 Davenport Road). The OMB approved a development scheme that identified the Florian building as the gateway building with the subject site at 100 Davenport Road having significantly less height and density, as an extension of the 3-storey base building at 76 Davenport Road.

The OMB allocated the height to southeast portion of the site (the Florian) and the lower rise building to the north (100 Davenport Road) to achieve the appropriate transition. This transition was confirmed in the OMB decision (PL050331) issued in 2006. The proposed 39-storey tower reverses the downward transition and is contrary to the justification presented by Bousfields Ltd. As explained in the Planning Rationale Report prepared by Bousfields Ltd., the existing and planned context demonstrates a transitioning down in height westward from Yonge Street along Davenport Road.

The 2006 OMB decision highlights the intent of the site specific zoning by-law to transition the height down from 76 to 100 Davenport Road: "The Board finds that the stepping down in height from 76 to 100 Davenport is reasonable and represents an appropriate transition and fit with the surrounding area." The Board's comment on the appropriate transition and fit reflects the existing and planned context of the area. Thus, the proposal at 100 Davenport Road should transition down in height from the Florian building to the lower scaled context to the north, east and west.

The proposal to increase the maximum permitted height at 100 Davenport beyond the height of the neighbouring, recently completed Florian building is contrary to the intent of the site specific zoning by-law, and does not conform to the Official Plan, which calls for descending height and density northward from Bloor Street. The planning approach to transition in height and density has not changed since the approval of the By-law 1331-2008 (OMB). The Florian building has been used to identify the appropriate height of the building at 32 Davenport which transitions up toward the Yonge Street Height Ridge as well as other towers south of Davenport Road.

Tall buildings have been approved in the Height Ridge and areas adjacent to the Height Peak but these approvals have not extended the Height Ridge further north.

The overall intent of the Bloor-Yorkville / North Midtown Urban Design Guidelines, Site and Area Specific Policy 211 and Site Specific Zoning By-law 1331-2008 (OMB) is to transition height and density from the taller buildings in the Height Peak and Height Ridges down to the generally lower and mid-rise context that surrounds the Bloor-Yorkville / North Midtown area to the north and the west. This approach has successfully mitigated impacts and maintained the gradual change from the Yonge Street and Bloor Street Height Peak to the parks, open spaces, school yard, low-rise commercial and residential neighbourhoods and the mid-rise character of the north part of Avenue Road and along Davenport Road. This serves the overall goal of allowing for intensification in a manner that balances change and growth and preserves the character of the area.

The Planning Rationale Report by Bousfields Inc. and the architectural plans submitted by the applicant suggest that the height of the proposed building was derived by using a 45 degree angular plane from the north side of Belmont Street (approx. 136 metres north of the site) up towards the subject site, intersecting the site at 137 metres. The applicant indicated that the 45 degree angular plane is suggested in the Fit and Transition in Scale section of the Tall Building Guidelines.

The Tall Building Guidelines explain that angular planes are a commonly applied measure to provide transition in scale from tall buildings down to lower scale areas. The Tall Building Guidelines also explain that "unless otherwise specified in a Secondary Plan or other City approved policy, standard, guideline, or study which would apply to a specific site, a 45 degree angular plane, measured from the relevant property line(s), is typically used to provide transition in scale from growth areas/tall building developments down to lower scale areas, such as stable residential Neighbourhoods."

In this context, the lower scale area is the Belmont House complex on the north side of McAlpine Street (12 metres north of the site) and the low rise neighbourhood on the west side of Bay Street (98 metres west of the site). It is unclear why the applicant selected 136 metres from the subject site as the starting point to its angular plane.

Site and Area Specific Policy 211, the Bloor-Yorkville / North Midtown Urban Design Guidelines, as well as recent OMB decisions, provide clear direction for assessing the application within its existing and planned built form context, leading to the conclusion by City

staff that this proposal does not fit within its context. This lack of fit is demonstrated among other matters by the resulting shadow impact on the lower rise shadow sensitive areas.

The tower setback to the east is unacceptable. The proposed tower is positioned in the northwest corner of the site at McAlpine Street and is located 3 to 4 metres from the east property line, with less than the 12.5 metre setback called for in the Tall Building Guidelines. The tower appears to be located in this position to serve as a stand-alone terminus tower to Bay Street, as depicted in the perspectives submitted with the application.

Initial studies by City staff indicate that the proposed tower, when viewed from Bay Street and Bloor Street, does not stand proud of the existing and planned streetwall. The terminus of Bay Street should be marked in terms of special treatment, such as the clock tower located at 110 Davenport Road. As described in the Bloor-Yorkville / North Midtown Urban Design Guidelines, the treatments can include architectural elements, monuments and art installations. Providing visual interest can be done without the necessity of height. Any special treatment considered at the subject site should also respect the existing and planned height context at the north end of the Downtown.

Planning staff find the height of scale of the OMB-approved site specific zoning by-law to be acceptable and appropriate for the site as it limits the impact on the neighbouring buildings, it fits within the existing and planned context, and it does not impact the view terminus to the clock tower at 110 Davenport Road.

Shadow

The proposed new net shadows beyond the built form approved in the 2006 OMB decision are unacceptable. The applicant's shadow study illustrates significant incremental shadow in the shadow-sensitive areas north of McAlpine Street and west of Bay Street, as identified in the Bloor-Yorkville/North Midtown Urban Design Guidelines. On March/September 21, the proposal casts new incremental shadows on the low-rise *Neighbourhoods* to the northwest (Hazelton Street) and to the north (Belmont Street), as well as on the lower rise *Apartment Neighbourhoods* and open spaces (Belmont House) to the immediate north. The scale of the Belmont House and the surrounding buildings serve to preserve the utility of the common areas and open spaces associated with the Belmont House for its residents.

On June 21, the proposal casts new incremental shadows beyond the built form approved in the 2006 OMB decision on the low-rise residential houses along Berryman Street and Bishop Street.

Wind

Staff are not satisfied with the conclusions of the wind study submitted with the application. The study finds that "wind conditions at all grade level areas within and surrounding the development site are found to be comfortable and suitable for the intended pedestrian uses during all four seasons... Wind comfort around the base of the building at grade will remain comfortable for the intended uses despite becoming somewhat windier compared to existing conditions." The areas around the base including the POPS and sidewalks should encounter no change or have improved pedestrian comfort as a result of the proposed development. The proposal needs to be revised to address this issue.

Roadway

Land and Property Surveys staff has determined that a 0.4 metre widening is required for this side of Davenport Road to satisfy the Official Plan requirement of a 27 metre wide right-of-way. Currently, this section of Davenport Road has an approximate width of 26.2 metres. The plans show the proposed building within the 0.4 metre land conveyance.

To improve sightlines and vehicular manoeuvring, the owner must convey a corner splay at the northeast corner of the intersection of Blackmore Avenue and Davenport Road that matches and mirrors the existing corner splay on the southeast corner of the same intersection, measured from the new Davenport Road property line.

The plans illustrate a parking lay-by within the Davenport Road public right-of-way. This lay-by is proposed be used to accommodate pick-up / drop-off activity generated by the proposed development. A lay-by located within the public right-of-way is not acceptable.

Access, Parking and Traffic

An Urban Transportation Considerations Report was submitted with the application (prepared by BA Group). The report estimates that the proposed development will generate approximately 15 two-way vehicular trips during both the weekday AM and PM peak hours. Given this level of estimated trip generation, the report concludes that the proposed development will have minimal traffic impacts at the intersections within the study area. Traffic Planning staff have reviewed the documentation provided in the report and concur with the conclusion. As a result, the traffic impacts of the proposal are acceptable.

The application proposes to maintain the vehicular parking standards set out in the Site Specific Zoning By-law 1331-2008 (OMB), with the inclusion of the 3-bedroom unit standard as set out in Zoning By-law 438-86 for the downtown area. Under these standards, the proposed development requires 57 resident parking spaces, 3 resident visitor parking spaces and 10 non-residential parking spaces.

The architectural plan show 114 parking spaces in a secured 6-level underground parking garage, consisting of 100 spaces for residents, 4 spaces for resident visitors and 10 spaces for the non-residential uses on-site. The proposed parking supply exceeds the proposed site-specific parking standards and is acceptable. In accordance with the Toronto Green Standard, when providing more than the minimum parking required under the Zoning By-law for residential uses, any additional spaces must include physical provision for future electric vehicle charging.

The underground parking garage is currently shown within the required Davenport Road widening. This is not acceptable. As well, the proposed parking space dimensions are not acceptable.

The proposed loading space is consistent with the Site Specific Zoning By-law for the site. The vehicle manoeuvring diagrams provided within the Urban Transportation Considerations report are acceptable.

A Functional Servicing and Stormwater Management Report was submitted with the application. Staff have reviewed the report and requested further information.

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 subject lands are in an area with 1.57 to 2.99 hectares of local parkland per 1,000 people, the second highest quintile of current provision of parkland. The site is in a parkland acquisition priority area, per Chapter 415, Article III of the Toronto Municipal Code.

The application is for a zoning by-law amendment to permit a 39-storey mixed use building with 53 dwelling units and 1,012 square metres of commercial space. At the alternative rate of 0.4 hectares per 300 units specified in Chapter 415, Article III of the Toronto Municipal Code, the parkland dedication requirement is 706 square metres or 58 percent of the site area. However, for sites less than 1 hectare in size, a cap of 10 percent of the development site is applied to the residential use while the non-residential use is subject to a 2 percent parkland dedication. In total, the parkland dedication requirement is 123.3 square metres.

The applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as a dedication of 123.3 square metres is not of a suitable size to develop a programmable park within the existing context of this development site. Also, the site does not abut an existing city park which could be expanded through this dedication. However, the site is located approximately 150 metres from Jesse Ketchum Park and 440 metres from Ramsden Park. Amenities for Jesse Ketchum include a drinking fountain, Ramsden Park includes a baseball diamond field, off leash area and outdoor ice rink.

Streetscaping and Pedestrian Environment

The site has frontage on three public streets- Davenport Road, McAlpine Street and Blackmore Street. As described earlier, the pedestrian realm along Davenport Road is proposed to be widened. The pedestrian realm along McAlpine Street is also proposed to be widened, with a landscaped zone adjacent to the sidewalk, west of the proposed driveway. At the south property line along the north side of Blackmore Street, a sidewalk is not proposed. The ground floor plan shows 11 bicycle parking spaces with no distinct pedestrian zone in this location.

The architectural and landscape plans are inconsistent. The perspective drawings do not match the proposed landscaping. The landscape plan also provides limited details with respect to the proposed water feature.

Widening of the pedestrian realm on the street frontages may require additional building setbacks from the property line, and affect the built form. The streetscape and pedestrian environment of the proposal would need to be assessed further based on accurate plans and drawings.

Section 37

Section 37 of the *Planning Act* allows the City to enter into an agreement with an applicant to grant a height and/or density increase for a particular project that is greater than the zoning by-law would otherwise permit in return for community benefits. Details of a Section 37 Agreement between the applicant and the City are worked out, in consultation with the Ward Councillor, if a project is ultimately considered to be good planning and recommended for approval.

There has been no discussion with the applicant regarding community benefits since the application is not good planning and is recommended for refusal. In the event that the OMB is in the position to grant additional density and/or height beyond that permitted in Zoning By-law 438-86, as amended, the City should request that the OMB withhold its final order until the City has secured the appropriate community benefits.

Conclusion

This application for a tall building is not appropriate for the site. It does not conform to the Official Plan; is inconsistent with Council-approved guidelines; does not fit within the existing and planned context for the Bloor-Yorkville and North Midtown Area and creates adverse shadow impacts on the adjacent lower rise areas. Therefore, this report recommends refusal of the application to amend the Zoning By-law.

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SIGNATURE

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Director, Community Planning
Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan

Attachment 2: East and North Elevations

Attachment 3: West and South Elevation

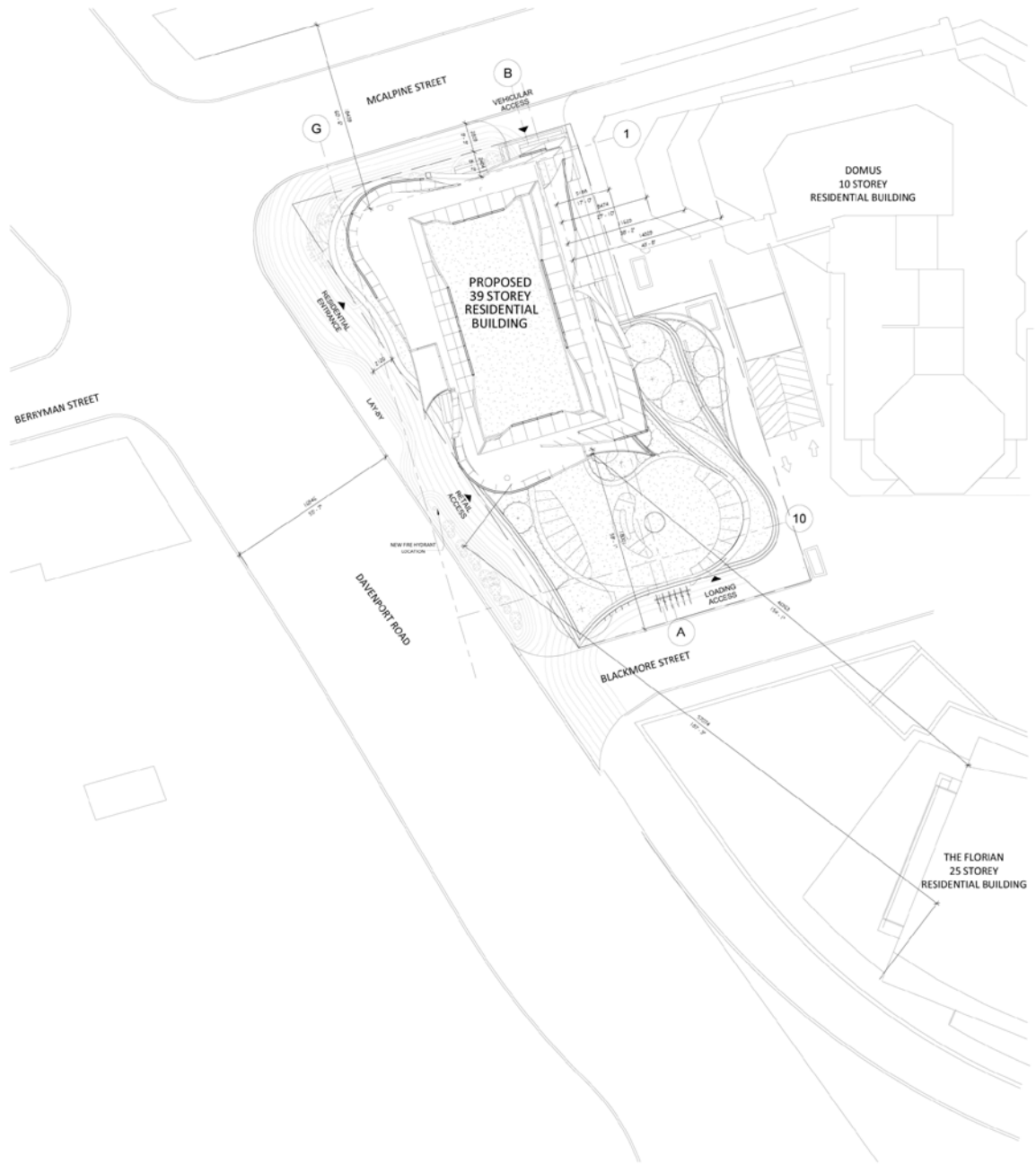
Attachment 4: Zoning Map – Plan 1 (1331-2008)

Attachment 5: Zoning Map – Plan 2 (1331-2008)

Attachment 6: Official Plan SASP 211 (Map 2)

Attachment 7: Application Data Sheet

Attachment 1: Site Plan



Site Plan

Applicant's Submitted Drawing

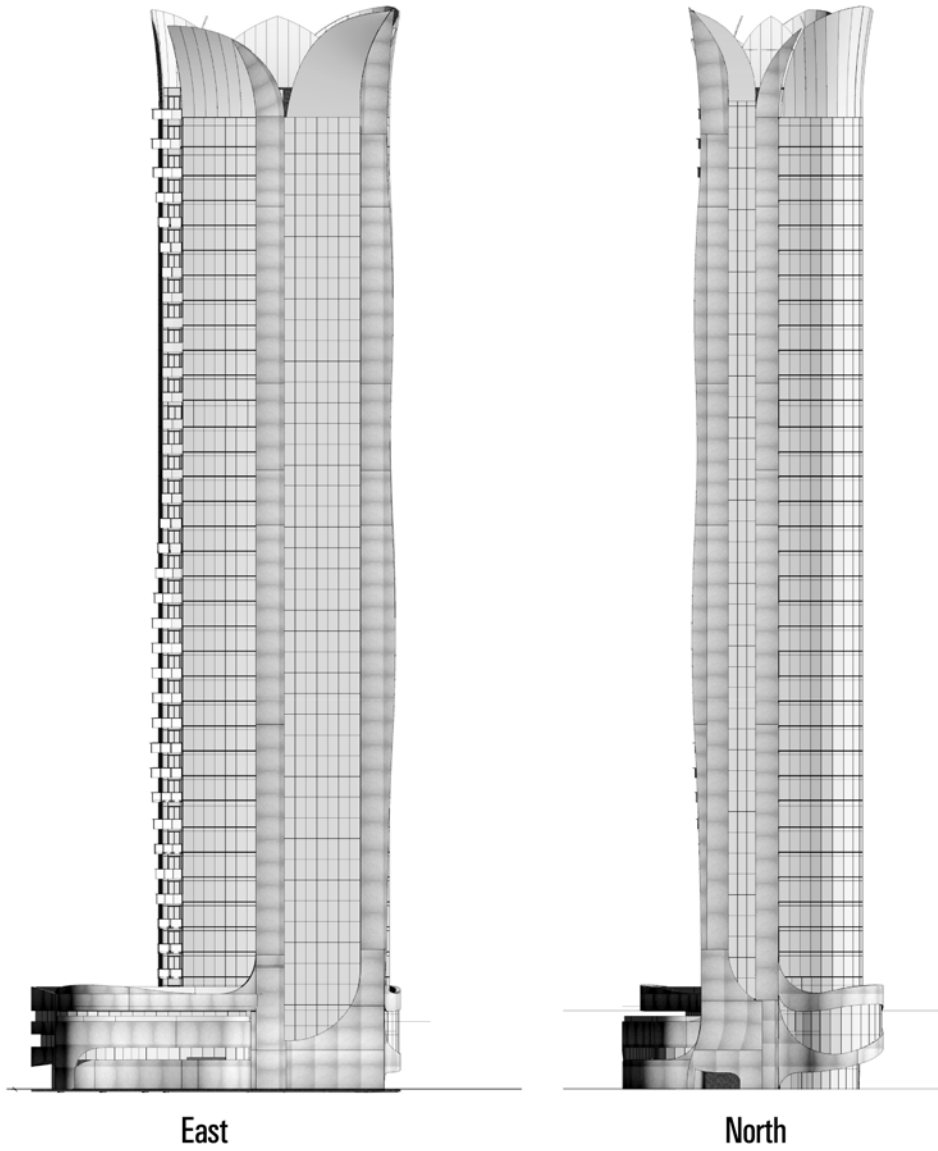
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1/19/16



100 Davenport Road

File # 15 262982 STE 27 0Z

Attachment 2: East and North Elevations



Elevations

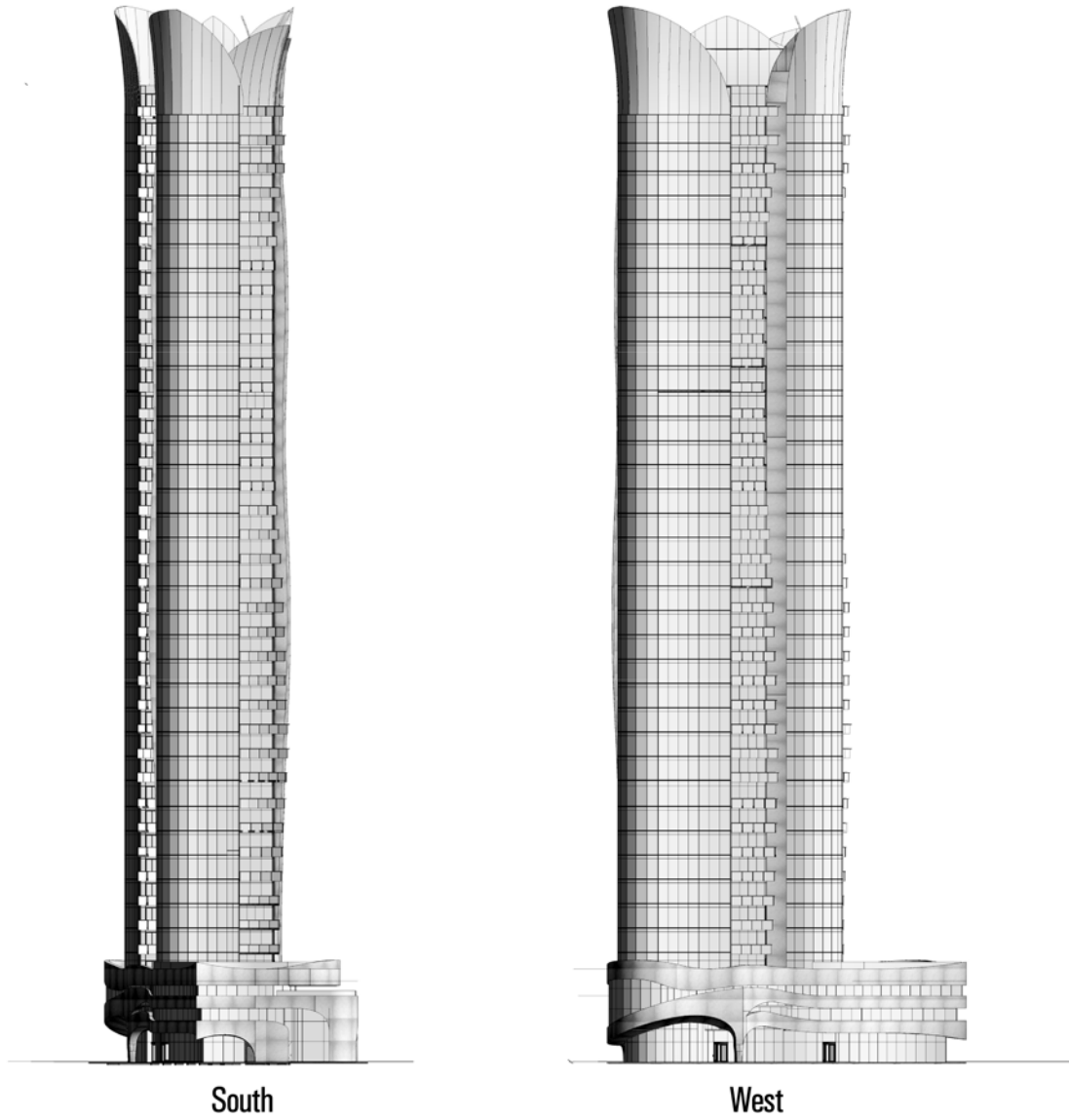
Applicant's Submitted Drawing

Not to Scale
1/19/16

100 Davenport Road

File # 15 262982 STE 27 0Z

Attachment 3: West and South Elevations



Elevations

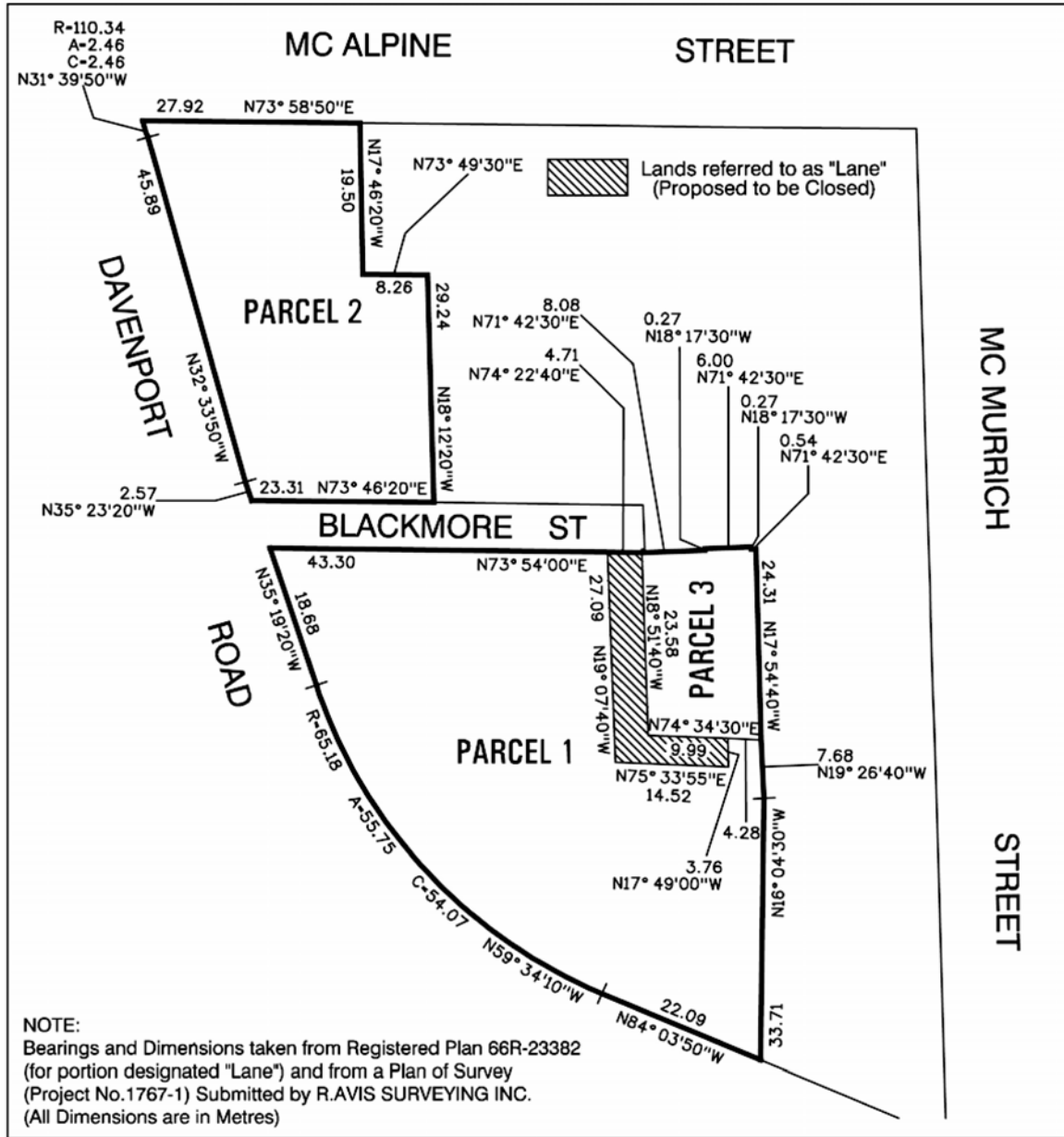
Applicant's Submitted Drawing

Not to Scale
1/19/16

100 Davenport Road

File # 15 262982 STE 27 OZ

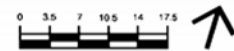
Attachment 4: Site Specific Zoning - 1331-2008 (OMB)



By-law 1331-2008 (OMB) Plan 1

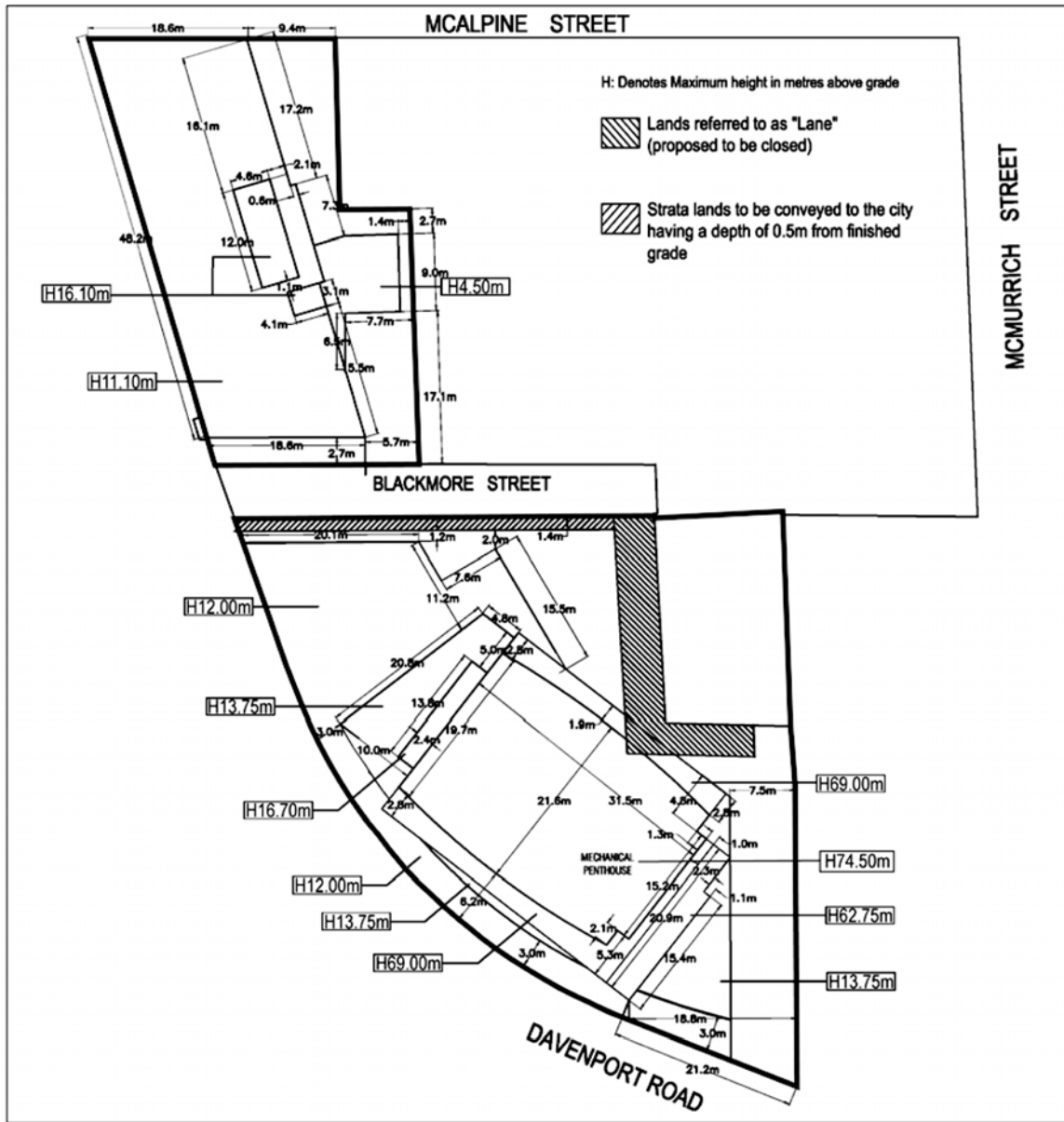
76 - 100 Davenport Road

File # 04_187471



Zoning By-law 438-86 as amended
11/06/08 - DR

Attachment 5: Site Specific Zoning - 1331-2008 (OMB)



76 - 100 Davenport Road

By-law 1331-2008 (OMB) Plan 2

File # 04_187471



Attachment 6: Official Plan- Site and Area Specific Policy 211 (Map 2)

