

**306, 310, 314 and 326 Davenport Rd. – Zoning
Amendment – Request for Directions Report**

Date:	April 16, 2018
To:	Toronto and East York Community Council
From:	Acting Director, Community Planning, Toronto and East York District
Wards:	Ward 20 – Trinity-Spadina
Reference Number:	13 191712 STE 20 OZ

SUMMARY

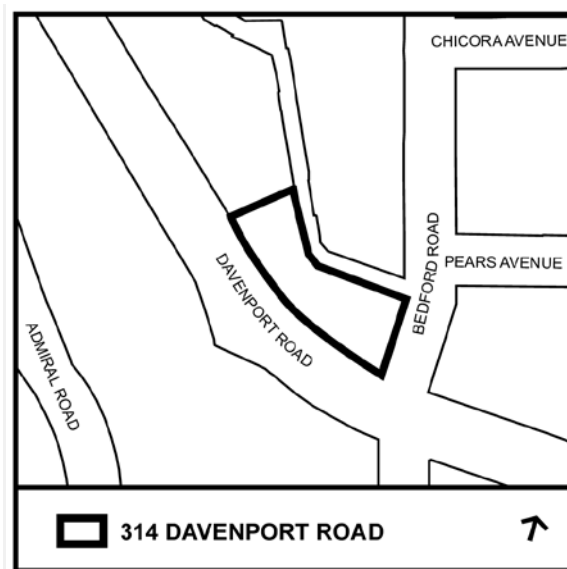
On June 2013 the original proposal was submitted for a 10-storey mixed-use building for the properties at 314 to 326 Davenport Road. That project was put on hold in 2014 by the applicant.

A revised application was submitted in October 2017 for a 27-storey, 96.25 metre (including mechanical penthouse) mixed-use building on a larger site with the addition of two properties at 306 and 310 Davenport Road.

On December 4, 2017, the applicant appealed the Zoning By-law Amendment application for the revised proposal to the Local Planning Appeal Tribunal (LPAT) citing Council's failure to make a decision on the application within the timeframe prescribed by the *Planning Act*. A pre-hearing is scheduled for June 11, 2018.

This report recommends that the City Solicitor together with Planning Staff and other appropriate Staff be directed to oppose the application in its current form at LPAT.

This proposed building height, massing and setbacks represent overdevelopment of the site and would set a negative precedent in terms of the City's Official Plan's built form policies and the proposal is not consistent with the



Provincial Policy Statement (PPS 2014) and does not conform with the Growth Plan for the Greater Golden Horseshoe (2017).

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct the City Solicitor and City Staff, as appropriate, to attend the LPAT to oppose the Zoning By-law Amendment application for 306-326 Davenport Road in its present form for reasons set out in the report (April 16, 2018) from the Acting Director, Community Planning, Toronto and East York District.
2. City Council authorize the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor, to secure services, facilities or matters pursuant to Section 37 of the *Planning Act*, should the proposal be approved in some form by the LPAT.
3. In the event that the LPAT allows the appeal in whole or in part, City Council authorize the City Solicitor to request the LPAT to withhold the issuance of any Order(s) until such time as the LPAT has been advised by the City Solicitor that:
 - a. the final form of the Zoning By-law Amendments are to the satisfaction of the Acting Director, Community Planning, Toronto and East York District and the City Solicitor;
 - b. the owner has provided a wind tunnel test, that is satisfactory to the Acting Director, Community Planning, Toronto and East York District;
 - c. the owner has provided an updated Functional Servicing and Stormwater Management Report to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
 - d. the owner has provided an updated Hydrogeological Report and supporting documents addressing any on-site groundwater to the satisfaction of the General Manager, Toronto Water; and
 - e. community benefits and other matters in support of the development are secured in a Section 37 Agreement executed by the owner and registered on title to the satisfaction of the Acting Director, Community Planning, Toronto and East York District and the City Solicitor.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

On September 10, 2013, Toronto and East York Community Council adopted a Preliminary Report on the Zoning By-law Amendment application for the site. The report provided background information on the original 10-storey mixed-use building proposal, and recommended that a community consultation meeting be held and that notice be given according to the regulations of the *Planning Act*.

ISSUE BACKGROUND

Proposal

The proposed 27-storey, 96.25 metres, (including the mechanical penthouse), has a 4-storey base building contains two storeys of retail/commercial uses and two storeys of residential above. There is a 3-metre setback to a slab-like mid-section of the building from the fifth to 15th storey, with outdoor terraces as the building steps down from the east to west. (See Attachments: 1 to 7, Elevation and Renderings). There is a break in the built form, with a physical opening from the fifth to ninth storey. (See Attachments: 3 and 4). The tower portion of this tall building continues up at the east end of the site from the 16th floor to the 27th floor with a 782 square metres floor plate.

The applicant proposes tree plantings on the building's terraces and balconies. A large opening is proposed in the centre of the project above the podium to allow for air circulation and light penetration using a reflective metal ceiling to project light down on the rear laneway.

The ground level incorporates two publicly-accessible pedestrian walkways, through the site from Davenport Road to the Designers Walk Lane and an outdoor plaza at the rear of the site. (See Attachment: 2, Ground Floor Plan). The ground floor contains retail uses and residential lobbies, accessible from the street via the pedestrian walkways. The lower two floors of the building are setback 1.5 metres from the property lines along Davenport Road and Bedford Road.

Parking, loading and other 'back of house' services are accessible via Designers Walk, a public laneway located at the rear of the site. Bollards and landscaping features separate and demarcate between the outdoor plaza space and vehicular areas.

The total gross floor area (GFA) of the proposed development is 27,242 square metres. This includes 24,167 square metres of residential GFA, 2,833 square metres of non-residential GFA, and 242 square metres of both indoor and outdoor amenity space. The proposed density is 12.4 times the area of the lot. The residential component of the building comprises 121 residential units, with 83 two- and 38 three-bedroom units.

The indoor amenity area (242 square metres) is proposed to be located on the fifth floor with and outdoor amenity space (242 square metres) on an adjacent terrace.

The applicant is proposing a total of 201 parking spaces, 161 parking spaces for residents, 12 spaces for visitors, and 28 spaces for retail uses, in a 5-level underground parking garage. Type-B and G loading spaces are proposed from Designers Walk Lane.

Site and Surrounding Area

The site is located at the northwest corner of the Davenport Road and Bedford Road intersection. The site currently contains a 2.5-storey commercial/office building, known as "Designer Walk 2" at 314-326 Davenport Road which is being used as a showroom for the interior design industry. The original site was expanded to include a 3-storey commercial building at 306 Davenport Road with retail uses at-grade, and a two-storey commercial building at 310 Davenport Road.

North: 160-168 Bedford Road is "Designer Walk 3", a 5-storey commercial/residential building, containing the Resource Centre, Le Paradis Bistro, and 8 condominium lofts (DW Lofts), further north is a 2.5-storey building known as "Designer Walk 4", a converted 2.5-storey commercial building and 3.5 storey row houses extending north to Dupont Street.

South: from east to west is 301, 303 and 305 Davenport Road, 2.5 to 3.5-storey converted commercial buildings, 321 Davenport Road, a 2-storey commercial building, with a proposed 8-storey mid-rise under appeal to the LPAT, 323-325 Davenport Road, a residential triplex, 2.5-storeys in height.

East: of Bedford Road is an approved 27-storey mixed-use building and two rows of back-to-back townhouses on a recently severed portion of 250 Davenport Road property. The balance of that property includes an existing 25-storey TCHC apartment building site.

West: at 330-338 Davenport Road, is a 4-storey residential building, at 342-346 Davenport Road, is a number of converted commercial buildings ranging in height from 2.5 to 3.5-storeys approved to be demolished and replaced by an 9-storey mixed-use building, at 348 Davenport Road, a 3.5-storey building is being converted to a future woman's shelter, 350 Davenport Road is a recently approved 7-storey residential building replacing an existing building, 354 Davenport Road is "Designer Walk Building 1".

Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans. economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;

- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the *Planning Act* and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS is more than a set of individual policies. It is to be read in its entirety and the relevant policies are to be applied to each situation.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.7 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

The Growth Plan for the Greater Golden Horseshoe (2017) (the "Growth Plan") provides a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part, including:

- Establishing minimum density targets within strategic growth areas and related policies directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation and promote compact built form and better-designed communities with high quality built form and an attractive and vibrant public realm established through site design and urban design standards;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Building complete communities with a diverse range of housing options, public service facilities, recreation and green space that better connect transit to where people live and work;

The Provincial Policy Statement (2014) (the "PPS") provides policy direction province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- Retaining viable employment lands and encouraging municipalities to develop employment strategies to attract and retain jobs;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

The Growth Plan builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

In accordance with Section 3 of the *Planning Act* all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan.

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with Provincial Plans.

Policy 5.1 of the Growth Plan states that where a municipality must decide on a planning matter before its official plan has been amended to conform with this Plan, or before other applicable planning instruments have been updated accordingly, it must still consider the impact of its decision as it relates to the policies of the Growth Plan which require comprehensive municipal implementation.

Staff have reviewed the proposed development for consistency with the PPS (2014) and for conformity with the Growth Plan (2017). The outcome of staff analysis and review are summarized in the Comments section of the Report.

Toronto Official Plan

This application has been reviewed against the policies of the City of Toronto Official Plan as follows:

The site is a *Mixed-Use Area* in the Official Plan's Land Use Plan (Map 18). Within the City's Urban Structure Map 2, the site is within the *Downtown and Central Waterfront Area*.

Chapter 3 - Building a Successful City

Section 3.1.2 Built Form: The Official Plan states that architects and developers have a civic responsibility to create buildings that not only meet the needs of their clients, tenants and customers, but also the needs of the people who live and work in the area. New development in Toronto will be located and organized to fit with its existing and/or planned context. It will do this by generally locating buildings parallel to the street or along the edge of a park or open space, have a consistent front yard setback, acknowledge the prominence of corner sites, locate entrances so they are clearly visible and provide ground floor uses that have views into and access from the streets. New development will also locate and organize vehicle parking and vehicular access to minimize their impacts on the public realm. Furthermore, new development will create appropriate transitions in scale to neighbouring existing and/or planned buildings, limit shadowing on streets, properties and open spaces, and minimize any additional shadowing and uncomfortable wind conditions on neighbouring parks as necessary to preserve their utility.

In addition to the policies identified above, new development will also be massed to define the edge of streets, parks and open spaces to ensure adequate access to sky views for the proposed and future uses. New development will provide public amenity, and enhance the public realm through improvements to adjacent boulevards and sidewalks through tree plantings.

The policies in Chapter 3 of the Plan complement and support the City's growth strategy by integrating social, economic and environmental perspectives in decision-making to create an attractive City, with a strong economy and liveable communities.

The application has been evaluated using the built form policies of Section 3.1.2 of the Plan which address how the development improves the public realm, is organized to provide joint access and underground parking, and is massed to fit harmoniously into the planned context of the neighbourhood and the City. New development will be massed to define the edges of streets, parks and open spaces at good proportions. Taller buildings will be located to ensure adequate access to sky view for the proposed and future use of these areas.

Chapter 4- Land Use Designations

The subject lands are designated *Mixed-Use Areas* on Map #18 of the Official Plan.

The *Mixed-Use Areas* designation applied to this site provides for a broad array of residential uses, offices, retail and services, institutional, entertainment, recreation and cultural activities as well as park and open spaces.

The application has been evaluated under Section 4.5 *Mixed-Use Areas*, Policy 2. The development criteria found in Policy 2, a) - k) has been applied in this review. City Planning Staff has been focusing specifically on development criteria policies 2. c) - f) with respect to the massing and transition of the proposed building.

Davenport Triangle Guiding Principles

On April 4, 2018, Toronto and East York Community Council deferred the Davenport Triangle Guiding Principles – Final Report for further community consultation. The report introduced a vision statement and recommended a set of twenty five principles to be used to evaluate current and future development applications in the Davenport Triangle. The Principles were developed in response to increased development pressure in the area and are based on a review and analysis by City Planning staff. This study helped to inform the review of this application.

TOcore: Planning Downtown

TOcore: Planning Downtown is an inter-divisional study, led by City Planning, which is updating the planning framework for Downtown and developing a series of infrastructure strategies to support implementation. TOcore is a response to the rapid intensification of Downtown that is placing pressure on physical and social infrastructure assets and occurring in a pattern and at an intensity that threatens to jeopardize the quality of life in the city centre and the economic role that the Downtown plays for the entire city.

TOcore's purpose is to ensure growth positively contributes to Toronto's Downtown as a great place to live, work, learn, play and invest by determining: a) how future growth will be accommodated and shaped, and b) what physical and social infrastructure will be needed, where it will go and how it will be secured. The study area is bounded by Lake Ontario to the south, Bathurst Street to the west, the mid-town rail corridor and Rosedale Valley Road to the north, and the Don River the east.

Building on Downtown's existing planning framework and drawing on best practices within City Planning Division, the Downtown Plan is being developed to serve as a blueprint for future growth and infrastructure in the heart of Toronto over the next 25 years. It will provide detailed direction on the appropriate scale and location of future growth. It will also link this growth with infrastructure provision to ensure the creation of 'Complete Communities', addressing the requirements under the Provincial Policy Statement (2014) and the Growth Plan for the Greater Golden Horseshoe (2017). A series of infrastructure strategies for transportation, parks and public realm, community services and facilities, water and energy are in development as part of this review. On October 5-7, 2016, City Council adopted Official Plan Amendment (OPA) 352 – Downtown Tall Building Setback Area (currently under appeal). The purpose of OPA 352 is to establish the policy context for tall building setbacks and separation distances between tower portions of tall buildings Downtown. At the same meeting, City Council adopted area-specific Zoning By-laws 1106-2016 and 1107-2016 (also under appeal), which provide the detailed performance standards for portions of buildings above 24 metres in height.

At its meeting on October 2-4, 2017, City Council considered the Proposed Downtown Plan and directed Staff to undertake stakeholder and public consultation on that document and its proposed policies, leading to a recommendations report and an amendment to Toronto's Official Plan in the second quarter of 2018. Additionally, Council directed Staff to consider the policies contained within the Proposed Downtown Plan in the review of all development applications within the Downtown going forward:

6. *City Council request City Planning staff to consider the Proposed Downtown Plan policies, in Attachment 1 to the report (August 18, 2017) from the Chief Planner and Executive Director, City Planning, during the evaluation of current and future development applications in the Downtown Plan area and continue to refine the policies in consultation with stakeholders and the community.*

Official Plan Amendment 320

As part of the City's ongoing Official Plan Five Year Review, Council adopted Official Plan Amendment No. 320 (OPA 320) on December 10, 2015 to strengthen and refine the Healthy Neighbourhoods, *Neighbourhoods* and *Apartment Neighbourhoods* policies to support Council's goals to protect and enhance existing neighbourhoods, allow limited infill on underutilized *Apartment Neighbourhood* sites and implement the City's Tower Renewal Program.

The Minister of Municipal Affairs approved and modified OPA 320 on July 4, 2016, and this decision has been appealed in part. On December 13, 2017 the OMB issued an Order partially approving OPA 320 and brought into force new Policies 10 and 12 in Section 2.3.1, Healthy Neighbourhoods and Site and Area Specific Policy No. 464 in Chapter 7. Other portions of OPA 320 remain under appeal, and these appealed policies as approved and modified by the Minister are relevant and represent Council's policy decisions, but they are not in effect.

In addition, OPA 320 adds new criteria to existing Healthy Neighbourhoods policy 2.3.1.2 in order to improve the compatibility of new developments located adjacent and close to *Neighbourhoods* and in *Mixed Use Areas*, *Apartment Neighbourhoods* and *Regeneration Areas*. The new criteria address aspects in new development such as amenity and service areas, lighting and parking.

Official Plan Amendment 352 – Updating Tall Building Setbacks Downtown

On October 5, 2016, City Council adopted Official Plan Amendment (OPA) 352 – Downtown Tall Building Setback Area as part of the TOcore: Planning Toronto's Downtown work.

By-law 1105-2016 implements OPA 352 and was enacted on November 9, 2016. The OPA creates Site and Area Specific Policy 517 which identifies the geographic area to which this site and area specific policy applies and sets out detailed policies for Tall Buildings including among other things, the objectives that tall building development will have, and the components that will form the basis of performance standards in the zoning by-law to achieve these policies. The purpose of OPA 352 is to establish the policy context for tall building setbacks and separation distances between tower portions of a tall building in the Downtown which would be implemented through an area specific Zoning By-law. The intent is that these policies would ensure that future growth positively contributes to the liveability, sustainability and health of Toronto's Downtown. More specifically, policies establish the reasoning for tower setbacks and recognize that not all sites can accommodate tall buildings and address base building heights.

Area-specific Zoning By-laws 1106-2016 and 1107-2016 were adopted at the same time as OPA 352, and establish detailed performance standards for portions of buildings above 24 metres in height. Both OPA 352 and the implementing by-law are currently under appeal.

Zoning

The site is zoned CR T2.0 C2.0 R1.5 pursuant to former City of Toronto Zoning By-law 438-86, as amended and CR 2.0 (c2.0, r1.5) ss2 (x2357) in the City-wide Zoning By-law 569-2013. These CR zoning classifications both permit a wide range of commercial and residential uses. The residential uses include: apartment buildings and townhouses and non-residential uses, include: retail, restaurants, offices, and personal service shops. The zoning permits a total overall density of 2.0 times the lot area. The maximum height permitted is 14 metres.

Design Guidelines

City-Wide Tall Building Design Guidelines

City Council has adopted city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines 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.

Downtown Tall Buildings: Vision and Supplementary Design Guidelines

This project is located within an area that is also subject to the Downtown Tall Buildings: Vision and Supplementary Design Guidelines. This document identifies where tall buildings belong Downtown, and establishes a framework to regulate their height, form and contextual relationship to their surroundings. The Downtown Vision and Supplementary Design Guidelines should be used together with the city-wide Tall Building Design Guidelines to evaluate Downtown tall building proposals.

The outcome of staff analysis and review of relevant Official Plan policies and designations; and the planning studies noted above, are summarized in the Comments section of the Report.

Site Plan Control

The application is subject to site plan control, but one has not been submitted.

Reasons for Application

The applicant is requesting amendments to By-laws 438-86 and 569-2013 to permit the proposed building height of 96.25 metres (to the top of the mechanical penthouse) and a density of approximately 12.4 times the lot area.

Community Consultation

A community consultation meeting for the original 10-storey mixed-use building proposal was not held by City Planning Staff. A substantially revised proposal was submitted on October 30, 2017 for circulation and review by City Staff.

The applicant held a community information meeting on February 13, 2018 at the Designer Walk building on Bedford Road. The applicant presented to a small group of local residents. The focus of the meeting was on the "vertical forest" element of the project and how loading and parking on the rear laneway could be improved by a redevelopment of the site.

The Annex Residents Association (ARA) sent an email to the applicant and City Planning staff on March 10, 2018 outlining their principal concerns of height, massing and setbacks. They suggested the project should have a streetwall height on Davenport Avenue and Bedford Road of 3-storeys (10.0 metres) and a 5-metre stepback on both facades, and 9-storeys (32 metres) along Davenport Road stepping up to the corner to a height of 16-storeys (53.5 metres).

The applicant attended a March 20, 2018 Annex Residents Association (ARA) Planning and Zoning Committee meeting. There was a representation of ARA members and Davenport Triangle Residents Association (DATRA) members in attendance and the issues raised included the following issues:

- Traffic in the laneway
- Significant height of the proposed building
- Requirement for greater sculpting and stepbacks for the building
- Survival of trees on a tall building

The applicant held a second community information meeting on March 27, 2018 at the Intercontinental Hotel on Bloor Street West to provide a presentation to approximately 25 local residents including members of the ARA and the DATRA. The second meeting raised the following issues:

- Building is too tall
- Will the prototype "vertical forest" work in Toronto
- Preference for less trees and a shorter tower
- Increased traffic impact on laneway
- Will future owners be willing to finance "vertical forest" costs?
- Acceptability of bollards in a public laneway

Agency Circulation

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

COMMENTS

Provincial Policy Statement and Provincial Plans

The provisions of Sections 2 (p) and (r) of the *Planning Act* address the challenges of accommodating growth and development in a manner which is well designed to fit into the existing neighbourhood and encourage a sense of place and be oriented to pedestrians without overwhelming them.

The PPS contains policies related to managing and directing development. It requires that sufficient land be made available for intensification and redevelopment; that planning authorities identify and promote opportunities for intensification and redevelopment where this can be accommodated taking into account, among other things, the existing building stock and areas, and that they establish and implement minimum targets for intensification and redevelopment within built up areas.

Policies 1.1.1 (g) and 1.1.3.2 (a) state that one of the factors to be considered in developing healthy, liveable and safe communities is ensuring that the necessary infrastructure, including public service facilities, are available to service the needs of residents. Policy 1.5.1 references the provision and the equitable distribution of public parks and open spaces in promoting healthy, active communities.

Policy 4.7 indicates that the Official Plan is the most important vehicle for implementing the PPS. Further, policy 1.1.3.3 indicates planning authorities shall identify appropriate locations for intensification and redevelopment. In this context, the Official Plan further implements the direction of the PPS to require appropriate built form to fit harmoniously into its existing and planned context. Based on the above-noted reasons, the proposal is not consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe designates the site within the Downtown urban growth centre. The Growth Plan recognizes urban growth centres as areas for development to accommodate intensification, to provide a range of housing options and to provide for appropriate transition of built form to adjacent areas. Section 2.2.2 Delineated Built-up Areas, 4. All municipalities will develop a strategy to achieve the minimum intensification target and *intensification* throughout delineated *built-up areas*, which will: b) identify the appropriate type and scale of development and transition of built form to adjacent areas. This application accommodates *intensification* but does not provide an acceptable transition of built form to adjacent areas. As such, this application does not conform with the Growth Plan for the Greater Golden Horseshoe.

The Downtown Toronto Urban Growth Centre is identified in the Growth Plan. The site is within the Urban Growth Centre (UGC), which is on track to achieve or exceed the UGC density target of 400 jobs and residents per hectare by 2031. The target is the average for the entire Downtown UGC area, and it is not for any one particular area within Downtown. The increased density that that would result from the proposed development is not required to meet the minimum growth figures set out in the Growth Plan for the Greater Golden Horseshoe.

Land Use

This application has been reviewed against the official plan policies and planning studies described in the Issue Background Section of the Report as well as the policies of the Toronto Official Plan as a whole. The proposed development is located in the *Downtown and Central Waterfront Areas* of the Official Plan and is in an appropriate location for the development.

The proposed retail and office uses are permitted in this Mixed-Use Area of the *Downtown*. The proposal would provide more non-residential gross floor area for maintaining and reinforcing the Designer Walk collective business activity in this section of the Davenport Road area of the Annex. The proposed retail-office uses are supported by staff. However, the height, density and massing for the residential component of this proposal presents a significant departure from the existing and approved built form for this Davenport Triangle block which is not supportable as discussed in the following sections.

Height, Density, and Massing

The proposal is not supportable and represents overdevelopment of the site. It does not have regard for its context and does not transition down appropriately to lower scale areas and adjacent *Neighbourhoods*. It does not comply with the Built Form policies of the Official Plan, and does not address the Tall Buildings Guidelines. It lacks regard to the Davenport Triangle Guiding Principles which have been the subject of significant study and consultation.

Building Height

The Official Plan states in the Built Form section that new development will be massed and its exterior façade will be designed to fit harmoniously into its existing/or planned context, and will limit its impact on neighbouring streets, parks, open spaces and properties by: massing new buildings to frame adjacent streets and open spaces in a way that respects the existing and/or planned street proportions.

The proposed building would represent an unacceptable departure from the mid-rise buildings recently supported by City Planning Staff on this block, which has a low to mid-rise character. The proposal is for a tall building with a mid section slab, resulting in a significant loss of sky view and overwhelming building massing relative to the context.

The tower's floor plate varies, but the mid section portion far exceeds the minimum of 750 square metres identified in the Tall Building Guidelines. The tower setback to the north property line is 3 metres with balcony encroachments, significantly less than the 12.5 metres set out in the Tall Building Guidelines. This setback is not supportable, sets a negative precedent, does not achieve transition and creates privacy and overlap concerns. The north (rear) setback should also be increased to provide adequate separation distance between the existing building fronting onto the Designer Walk Lane.

The height of the proposed building at 27-storeys at 96.25 metres (including the mechanical penthouse) is well in excess of any development on the Davenport Triangle block located in a *Mixed-Use Area*. The proposed height does not respond to the mid-rise character and low to mid-rise building context of the existing block and is not supportable. Rather the proposal tries to replicate the building height recently approved at 250 Davenport Road which is subject to a different policy context. The site at 250 Davenport Road is a designated *Apartment Neighbourhoods* and part of a large Toronto Community Housing (TCH) property with previous approvals for a second tower. The height of the current proposal results in shadow impacts in the afternoon at the equinox on lands designated *Neighbourhoods* to the north-east. The height and massing is also contributing to negative wind impacts on the public realm and private amenity areas.

The proposed density at a Floor Space Index (FSI) of 12.4 is greater than the density of any nearby recent development, another indicator of overdevelopment. The subject lot size is 2,196 square metres, while the closest nearby mixed-use site with a tall building at Avenue Road, just north of Davenport (164 Avenue Road) has a density of (6.0 FSI) and a larger lot area of 2,664 square metres, at 20-storeys. On Davenport Road, recently approved developments range from 7

to 9-storeys. Therefore, it is clear that at the proposed 27-storeys and 96.25 metres in height, the tower portion is not desirable or appropriate.

City Planning Staff have requested a 6.0 metre wide sidewalk from curb to building face to provide a 2.1 metre pedestrian clearway and room for tree planting and street furniture. This has not been provided.

Heritage

The applicant has not assessed the existing buildings that were added to the revised application which have potential heritage value and could have a significant effect on any development proposal.

The properties at 306 and 310 Davenport Road are not currently included on the City's Heritage Register. However, as they are over 40 years old they meet the Provincial pre-screening criteria for potentially holding cultural heritage value. These properties should be researched and evaluated in accordance with Official Plan policy 3.1.5.2. If it is found that these properties meet the Provincial criteria they should be conserved as part of the development.

Sun, Shadow, Wind

The Official Plan states that development in *Mixed Use Areas* will locate and mass new buildings to adequately limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes.

The applicant submitted shadow studies for the period from 9:18 am-6:18 pm for September 21st/March 21st. These studies show the proposed building result in negative impacts on properties in the residential neighbourhood. In particular, houses fronting on Chicora Avenue will be impacted from 2:14 pm - 4:18 pm at the equinox. An appropriate scaled development on the site would eliminate shadow impacts.

The Downtown Tall Building Guidelines guiding principles state that every effort needs to be made to design and orient tall buildings to minimize shadowing and wind impacts, and protect sunlight and sky view, for streets, parks public and private open space and neighbouring properties.

The applicant submitted a Wind Study produced by their consultant RWDI which indicates uncomfortable conditions on the lane which is not acceptable. Other areas of concern are: Davenport Road, the intersection and level 5 terrace. The western walkway is also showing accelerated winds due to the alignment with prevailing winds. Wind issues need to be resolved through this rezoning process. An appropriately scale building, closer to a mid-rise scale with proper stepping and articulation will better address wind impacts.

Traffic Impact, Access, Parking

Traffic Impact

The Transportation Study (dated September 29, 2017) submitted in support of the proposed development determined that the site traffic will have minimal impacts on the area intersections, and therefore, can be acceptably accommodated on the adjacent network. Despite this conclusion, the acceptance of the above-referenced report will be subject to revised plans showing the required lane widening as noted in comments from Transportation Services. The impact of this project on future operation of lane will require further study.

Parking Supply

The proposed parking supply consists of 201 vehicular spaces within a 5-level underground parking garage, consisting of 161 spaces for the residents and 40 spaces for the shared use of residential visitors and retail use. Transportation Services have determined that the required parking supply as per By-law 569-2013 would be 156 spaces for residential use and 40 spaces for non-residential use. Transportation Services has requested a reduction in the proposed parking spaces as they exceed the maximum Zoning By-law requirements.

Servicing

Engineering and Construction Services require that the applicant submit a revised Functional Servicing and Stormwater Management Report to address outstanding requirements. These comments were outlined in a memorandum dated March 8, 2018. Toronto Water has requested a Hydrological Review Summary and a Functional Servicing Report Groundwater Summary (Long Term Discharge).

Streetscape

The applicant's Arborist Report noted 5 existing trees in planter boxes on the City boulevard on Davenport Road and two trees on the subject site. All of these trees are recommended to be removed and replaced either on the City boulevard or on site. The landscape plan indicates 13 street trees proposed for plantings along the Davenport Road and Bedford Road sidewalks. A landscape composite utility plan must be provided to confirm that any existing and proposed utilities do not conflict with the proposed replacement of the street trees and private landscaping. Also, additional green landscape pods should be provided to further green Designer Walk Lane.

Open Space/Parkland/Streetscape

Parkland Dedication

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 Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0 to 0.42 hectares of local parkland per 1,000 people. The site is in the lowest quintile of current

provision of parkland. The site is in a parkland acquisition priority area, as per Chapter 415, Article III of the Toronto Municipal Code.

The application is for a 27-storey mixed use building with 24,167 square metres of residential GFA comprising 121 units and 2,833 square metres of non-residential GFA.

The residential component of this proposal is subject to a 10% parkland dedication while the non-residential component is subject to a 2% dedication. Parks will accept a cash-in-lieu payment as an on-site park is not feasible. The amount of the cash-in-lieu value will be determined with an appraisal from Real Estate Services prior to the issuance of the first above grade building permit.

Given the current rise in dog population in the downtown area, especially within condominium towers, the applicant is expected to provide on-site dog off-leash amenities with proper disposal facilities for the building residents or dog relief stations within the building. This will help to alleviate some of the pressure on the existing neighbourhood parks.

Section 37

Section 37 of the *Planning Act* allows the City to require community benefits in situations where increased density and/or height are permitted. Community benefits are specific capital facilities (or cash contributions for specific capital facilities) and can include: affordable housing; parkland and/or park improvements above and beyond the required s. 42 *Planning Act* parkland dedication; public art; streetscape improvements on the public boulevard not abutting the site; and other works detailed in Section 5.1.1.6 of the Official Plan. Section 37 may also be used as may otherwise be agreed upon, subject to the policies contained in Chapter 5 of the Official Plan. The community benefits must bear a reasonable planning relationship to the proposed development including, at a minimum, an appropriate geographic relationship and may relate to planning issues associated with the development (e.g. local shortage of parkland). No discussions were advanced as the project review had not resulted in an agreement on the proposal.

City Planning staff recommend that the City Solicitor be directed to request the LPAT, in the event it determines to allow the appeals in whole or in part, to withhold any order that may approve the development until such time as the City and the owner have presented draft by-laws to the LPAT in a form acceptable to the Acting Director, Community Planning, Toronto East York District and the City Solicitor, including providing for the appropriate Section 37 benefits to be determined and incorporated into any Zoning By-law Amendment and a Section 37 Agreement has been entered into as between the City and the owner and registered on title, all to the satisfaction of the Acting Director, Community Planning, Toronto East York District and the City Solicitor.

Conclusion

The proposal has been reviewed against the policies of the PPS (2014), Sections 1.1.1 (b), 1.1.3.2 (a-b) and 1.1.3.3 and the Growth Plan for the Greater Golden Horseshoe (2017) Section 2.2.2 and Official Plan, Sections 3.1.2 and 4.5 (Policies 2 c) - f)).

The proposal is not consistent with the PPS (2014) and does not conform with the Growth Plan (2017). Further, the proposal is not in keeping with the intent of the Official Plan, particularly as it relates to Section 4.5 policies 2c) - f). The concerns regarding building height, and massing, floor plate size, stepbacks and setbacks, streetscape, transition, density, shadow and wind have not been resolved. The proposal does not represent good planning and is not in the public interest at its current scale.

The proposal constitutes overdevelopment of the site and it is recommended that City Solicitor together with City Planning and other appropriate staff be directed to attend the LPAT hearing in opposition to the appeal.

CONTACT

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E-mail: Barry.Brooks@toronto.ca

SIGNATURE

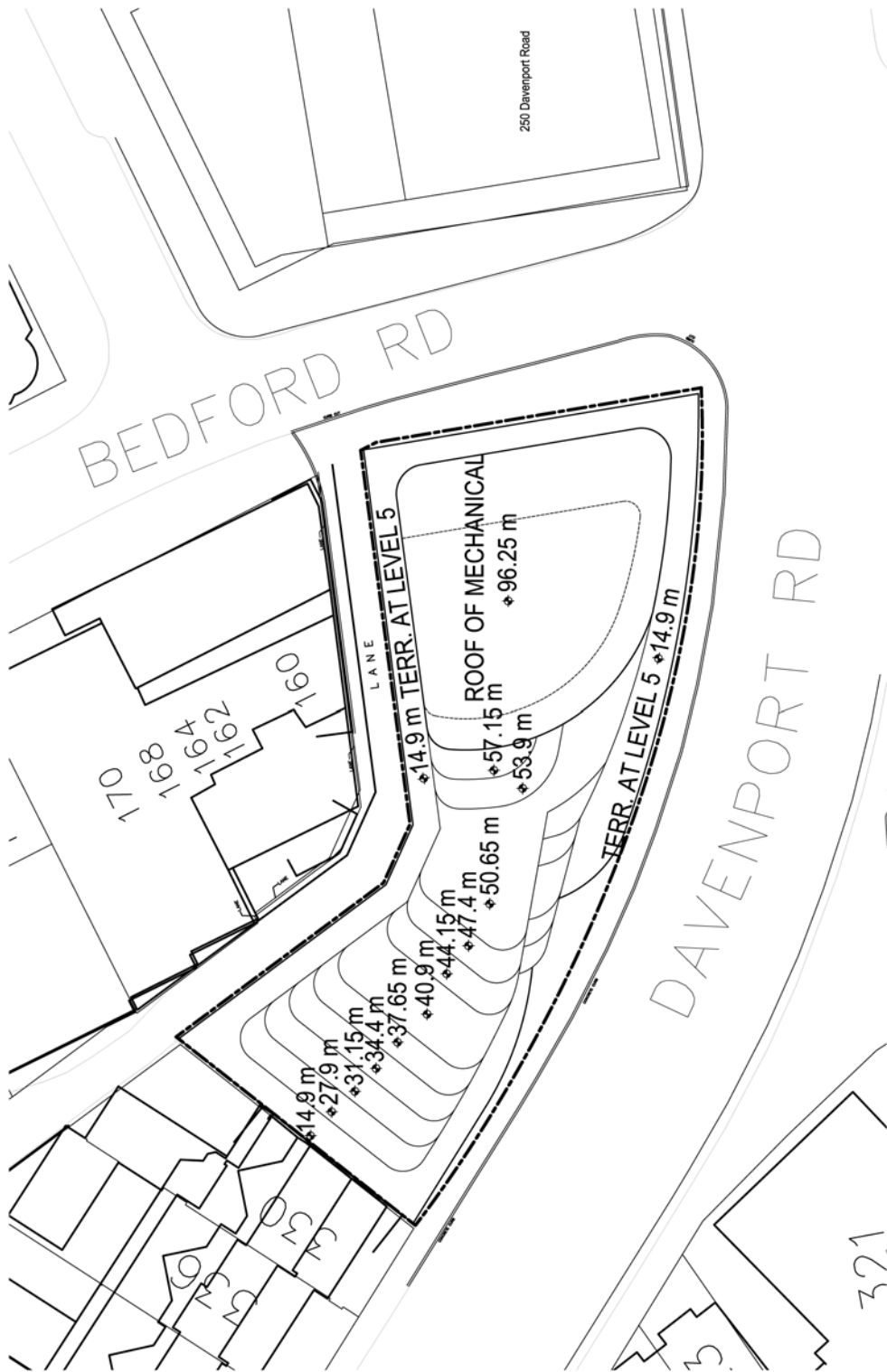
Lynda H. Macdonald
Acting Director, Community Planning
Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Ground Floor Plan
Attachment 3: North Elevation
Attachment 4: South Elevation
Attachment 5: East Elevation
Attachment 6: West Elevation
Attachment 7: 3D Rendering
Attachment 8: Zoning
Attachment 9: Application Data sheet

Attachment 1: Site Plan



314 Davenport Road

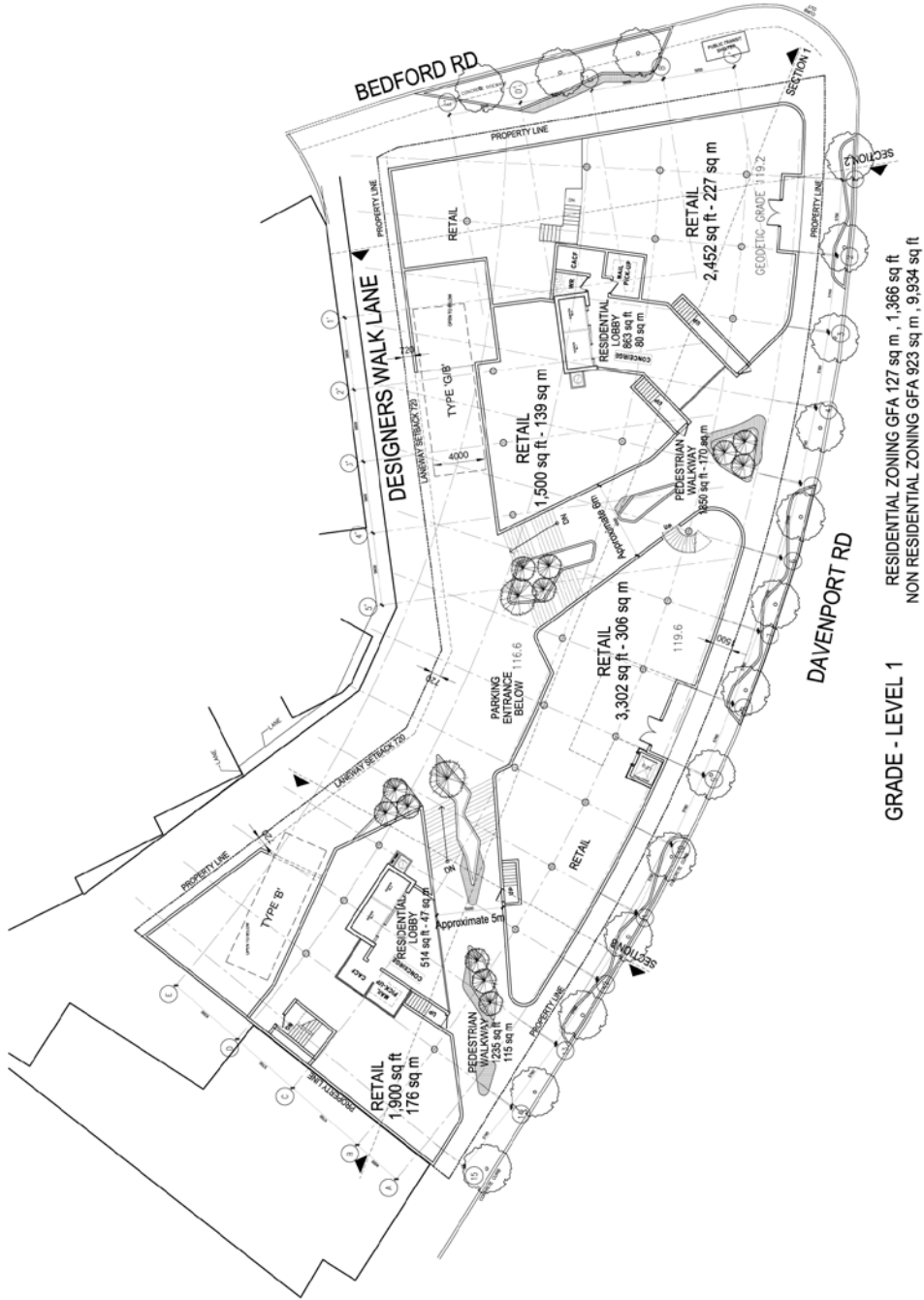
File # 13 191712 STE 20 0Z

Site Plan

Applicant's Submitted Drawing

Not to Scale
03/28/2018

Attachment 2: Ground Floor Plan



GRADE - LEVEL 1
 RESIDENTIAL ZONING GFA 127 sq m , 1,366 sq ft
 NON RESIDENTIAL ZONING GFA 923 sq m , 9,934 sq ft

314 Davenport Road

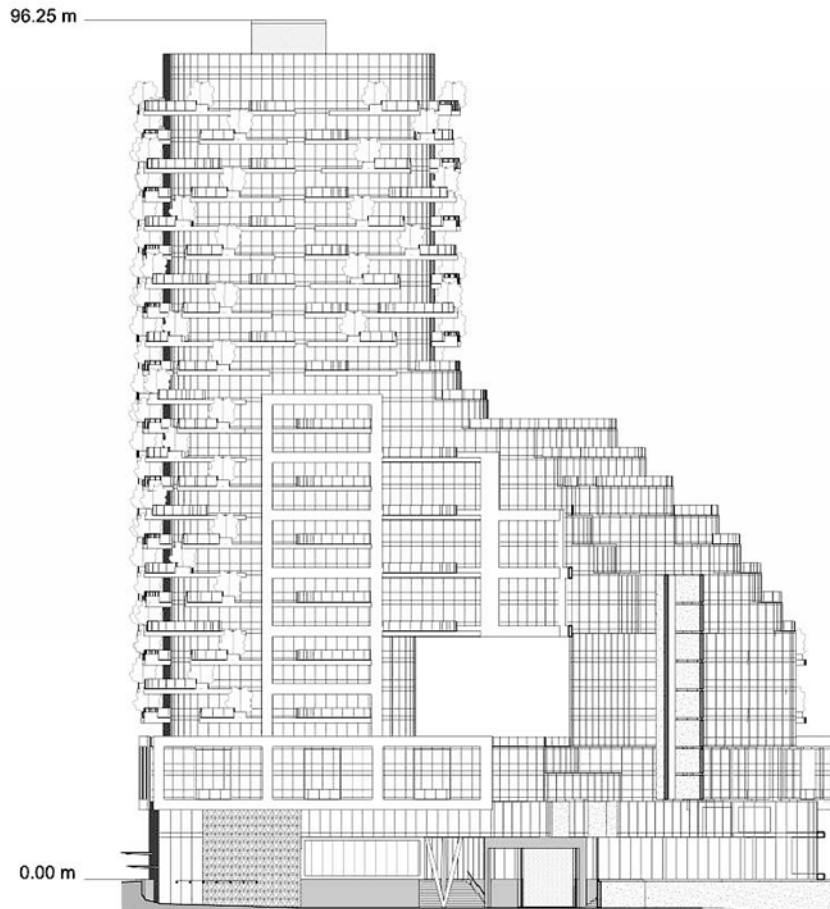
File # 13 191712 STE 20 0Z

Ground Floor Plan
 Applicant's Submitted Drawing

Not to Scale
 04/10/2018



Attachment 3: North Elevation



North Elevation

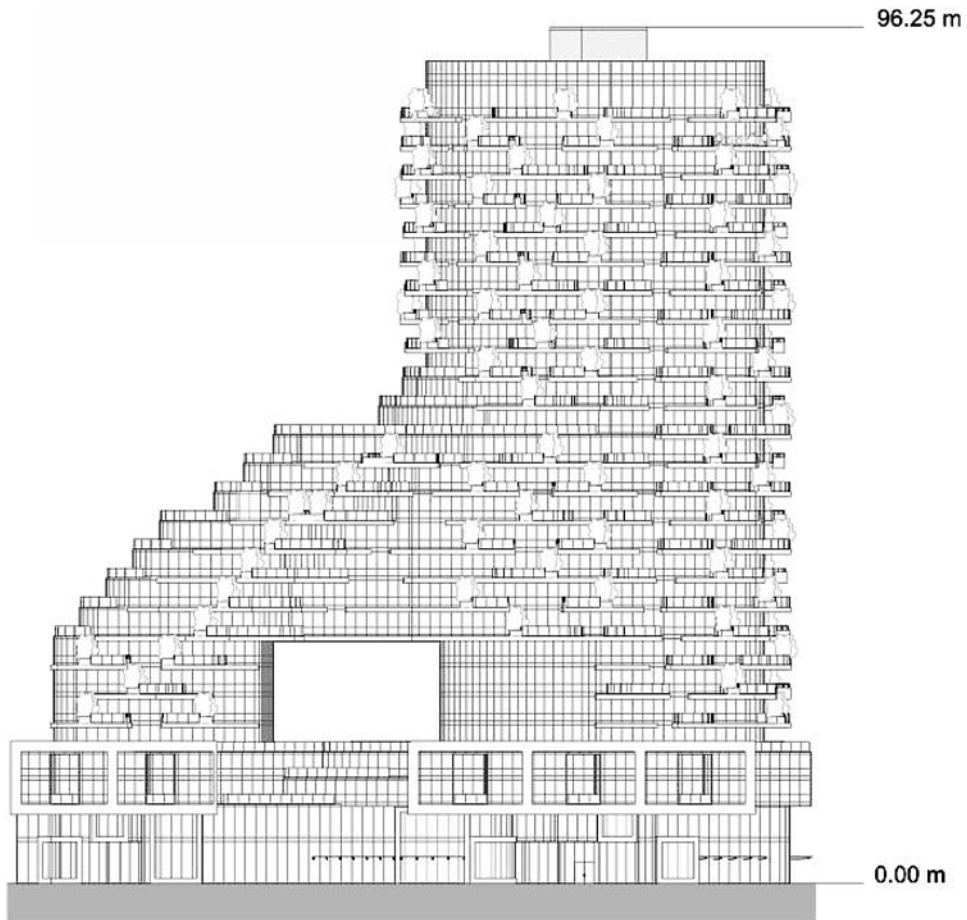
Applicant's Submitted Drawing

Not to Scale
03/28/2018

314 Davenport Road

File # 13 191712 STE 20 0Z

Attachment 4: South Elevation



South Elevation

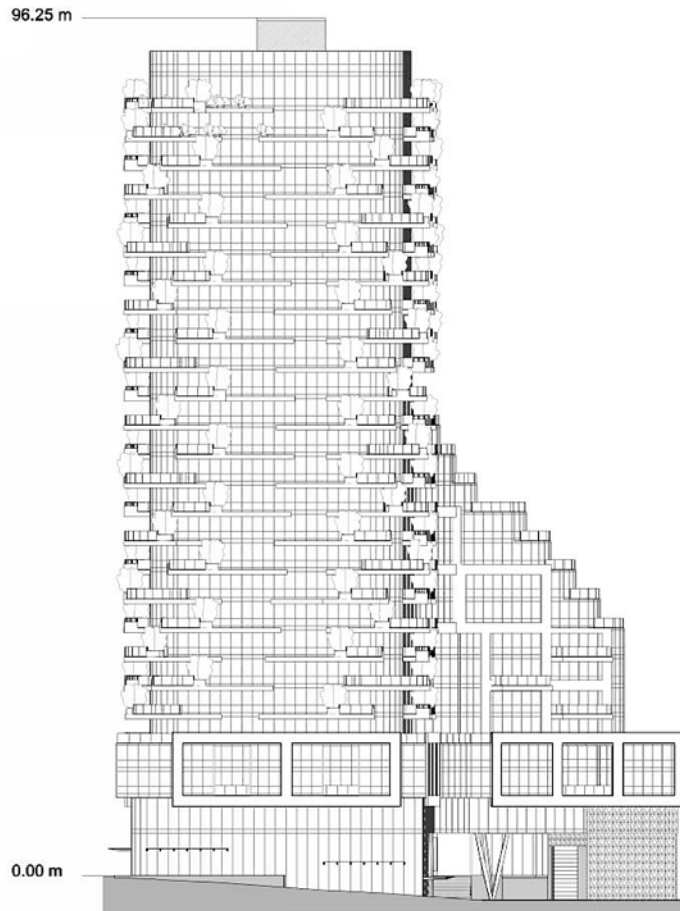
Applicant's Submitted Drawing

Not to Scale
03/28/2018

314 Davenport Road

File # 13 191712 STE 20 0Z

Attachment 5: East Elevations



East Elevation

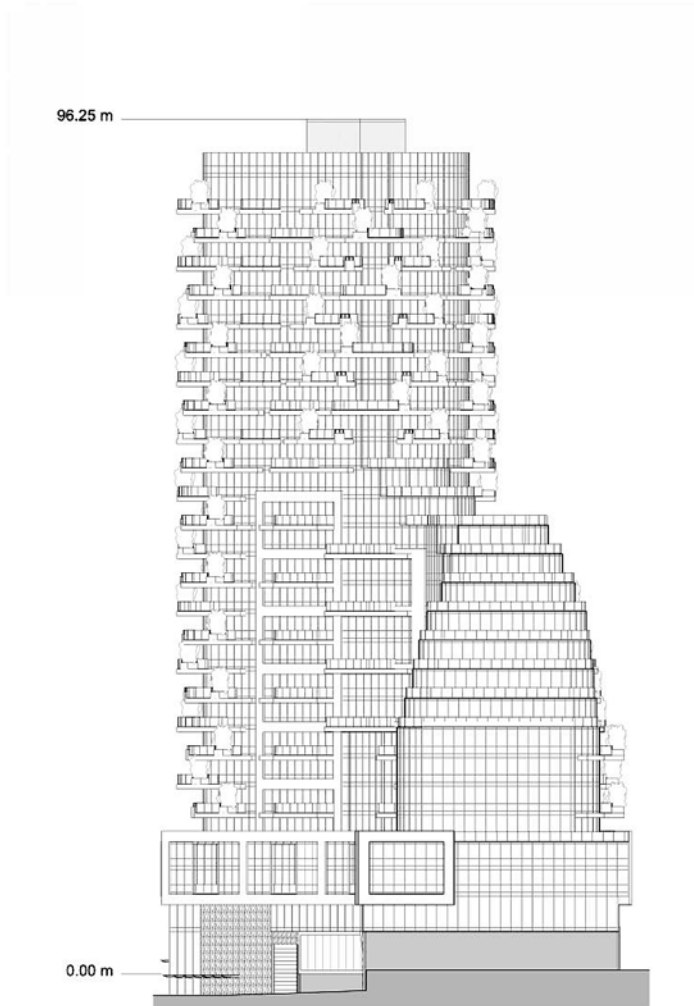
Applicant's Submitted Drawing

Not to Scale
03/28/2018

314 Davenport Road

File # 13 191712 STE 20 0Z

Attachment 6: West Elevation



West Elevation

Applicant's Submitted Drawing

Not to Scale
03/28/2018

314 Davenport Road

File # 13 191712 STE 20 0Z

Attachment 7: 3D Rendering



3D Rendering

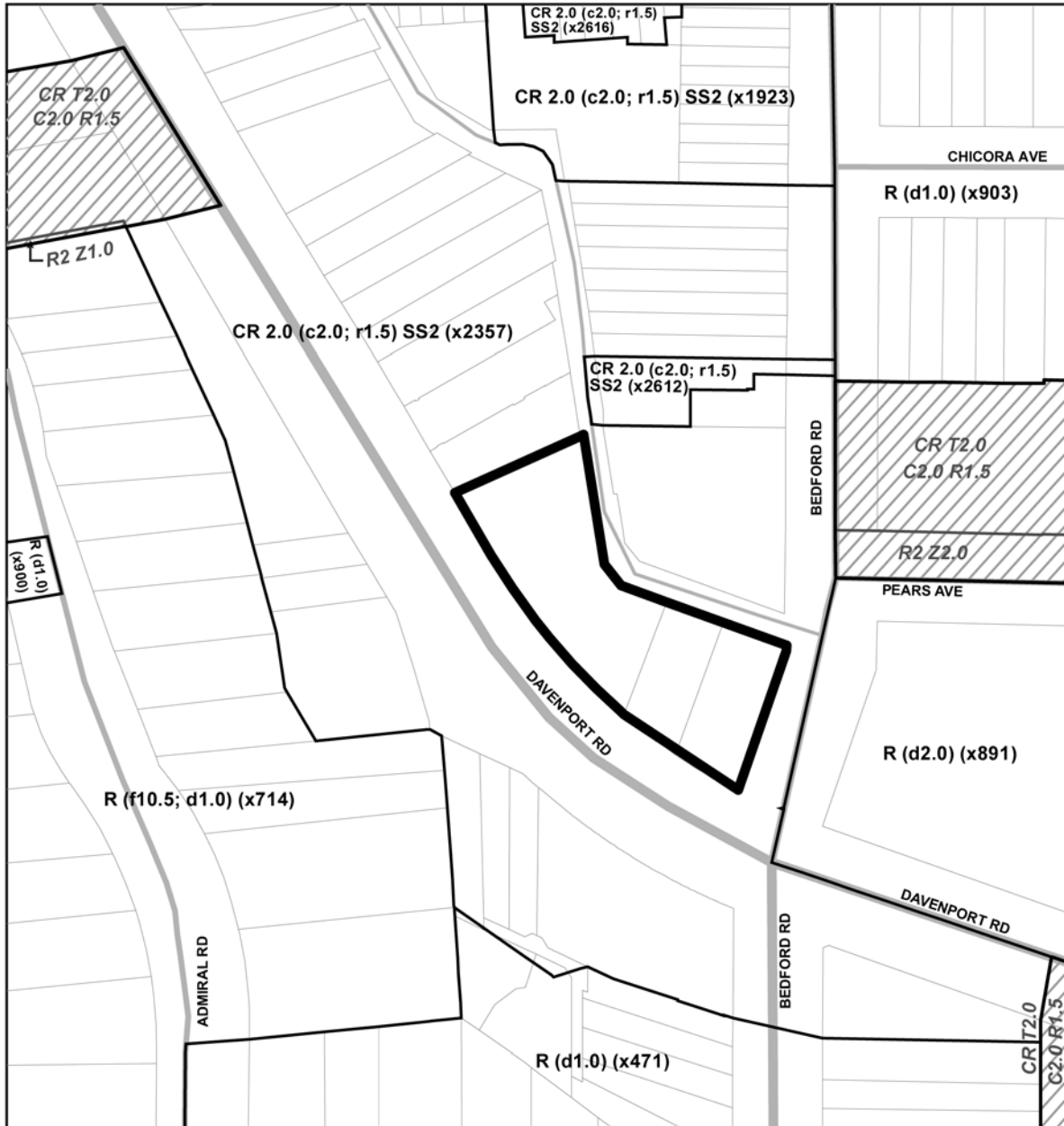
Applicant's Submitted Drawing

Not to Scale
03/28/2018

314 Davenport Road

File # 13 191712 STE 20 0Z


Attachment 8: Zoning



TORONTO City Planning
Zoning By-law 569-2013

314 Davenport Road
 File # 13 191712 STE 20 0Z

 Location of Application
R Residential
CR Commercial Residential

 See Former City of Toronto Bylaw No. 438-86
R2 Residential District
CR Mixed-Use District

↑
 Not to Scale
 Extracted 08/30/2013

Attachment 9: Application Data Sheet

Application Type	Rezoning	Application Number:	13 191712 STE 20 OZ
		Application Date:	June 20, 2013

Municipal Address: 306 -326 Davenport Road
 Location Description: PLAN M535 LOT 3 TO 4 PT LOTS 1, 2 & 5 **GRID S2003
 Project Description: A new mixed development consisting of a 27- storey building complete with 121 dwelling units, two levels of office/ retail uses, and five levels of below grade parking containing 201 parking spaces.

Applicant:	Architect:	Owner:
Aird & Berlis LLP	Brian Brisbin BBB Architects	Designers Walk Inc. & Cityzen

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	438-86; 569-2013
Zoning:	CR T2.0 C2.0 R1.5	Historical Status:	No
Height Limit (m):	14 m	Site Plan Control Area:	Yes

PROJECT INFORMATION

Site Area (sq. m):	21,96.9	Height:	Storeys:	27
Frontage (m):	91.74		Metres:	90.3
Depth (m):	33.59			
Total Ground Floor Area (sq. m):	1,280			Total
Total Residential GFA (sq. m):	24,409		Parking Spaces:	201
Total Non-Residential GFA (sq. m):	2,833		Loading Docks	2
Total GFA (sq. m):	27,242			
Lot Coverage Ratio (%):	58			
Floor Space Index:	12.4			

DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	0
1 Bedroom:	0
2 Bedroom:	83
3 + Bedroom:	38
Total Units:	121

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Residential GFA (sq. m):	24,409	24,409	0
Retail GFA (sq. m):	2,833	2,833	0
Office GFA (sq. m):	0	0	0
Industrial GFA (sq. m):	0	0	0
Institutional/Other GFA (sq. m):	0	0	0

CONTACT:	PLANNER NAME:	Barry Brooks, Senior Planner	
	TELEPHONE:	(416) 392-1316	EMAIL: Barry.Brooks@toronto.ca