



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

306, 310, 314 and 326 Davenport Rd. – Zoning By-law Amendment LPAT Appeal– Request for Direction with Confidential Attachment 1

Date: May 6, 2019

To: City Council

From: City Solicitor

Wards: Ward 11 - University-Rosedale

REASON FOR CONFIDENTIAL INFORMATION

1. This report contains information about litigation or potential litigation that affects the City or one of its agencies or corporations
2. This report contains advice or communications that are subject to solicitor-client privilege.

SUMMARY

On June 20, 2013 a Zoning By-law Amendment application was submitted to the City for a 10-storey mixed-use building. 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. The applicant appealed the Zoning By-law Amendment application for the October, 2017 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 2-week hearing is scheduled to commence on June 24, 2019. On April 18, 2019, revised plans dated April 15, 2019, for an amended proposal for a 25-story mixed-use building were submitted to the City, and on May 2, 2019 a Planning Rationale Addendum Letter for the revised proposal was provided (together the "Revised Proposal"). The Revised Proposal will be in front of the LPAT at the hearing.

The City Solicitor seeks direction on the revised proposal no later than the completion of the City Council meeting on May 14, 2019.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the confidential recommendations in Confidential Attachment 1.
2. If the City Solicitor's confidential recommendations are adopted by Council, then City Council authorize the public release of the recommendations contained in Confidential Attachment 1 (with the remainder of Confidential Attachment 1 to remain confidential as it contains information that is subject to solicitor-client privilege).

FINANCIAL IMPACT

There is no financial impact arising from the adoption of the confidential recommendations.

DECISION HISTORY

At its meeting May 22, 23 and 24, 2018, City Council adopted the Recommendations in Item 32.13, the (April 16, 2018) report from the Acting Director, Community Planning, Toronto and East York District, directing the City Solicitor, together with appropriate City staff, to attend the Local Planning Appeal Tribunal to oppose the applicant's appeal respecting the Zoning By-law Amendment application for 306 - 326 Davenport Road. The City Council Decision and report can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.TE32.13>

COMMENTS

The Revised Proposal contains a number of changes to the previous proposal that was in front of City Council in May, 2018. The changes made are based on comments on the previous proposal from City staff and area residents. Changes to the proposed development are summarized below:

- **Building Height:** The building height has been reduced to 25-storeys (plus wrapped mechanical penthouse) from 27-storeys (plus mechanical penthouse). The overall building height, including the mechanical penthouse, is now 87.75 metres, as the overall building height has been reduced by 8.5 metres. In addition to a reduction in height, two setbacks have been introduced at the 24th and 25th storeys.

- Reduction in Massing: The massing of the midsection of the building extending west from the tower has been reduced. This portion of the building has been reduced from 15 stories at the eastern portion of the midsection to 8 stories and the total gross floor area of the building has been reduced from 27,242 square metres to 24,387 square metres.

The table below provides the building statistics as a comparison between the 2017 proposal and the Revised Proposal:

	October 2017 Proposal	April 2019 Proposal
Gross Floor Area (GFA)	27,242 square metres	24,387 square metres
Residential GFA	24,167 square metres	21,783 square metres
Non-Residential GFA	2,833 square metres	2,604 square metres
Floor Space Index	12.3	10.91
Unit Count	121	170
Average Unit Size	184 square metres	113 square metres
Amenity Area (total)	484 (2 square metres indoor and outdoor per unit)	680 square metres (2 square metres indoor and outdoor per unit)
Vehicle Parking (total)	201	201
Bicycle Parking (total)	140	188
Tower floorplate size (max/typical)	1,055 square metres / 675 square metres	700 square metres / 700 square metres

The City Solicitor requires further direction on this matter prior to the conclusion of the May 14, 2019 meeting of City Council.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

1. Public Appendix 1 - Planning Rationale Addendum Letter dated May 2, 2019
2. Public Appendix 2 - Revised Plans dated April 15 (on file with the City Clerk for the purpose of the May 14, 2019 City Council meeting)
3. Confidential Attachment 1 - Confidential Report from the City Solicitor.