

100 Davenport Road – Zoning By-law Amendment Application – Appeal Report

Date: January 10, 2023

To: Toronto and East York Community Council or City Council

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

Ward: 11 - University-Rosedale

Planning Application Number: 21 231497 STE 11 OZ

SUMMARY

On October 28, 2021, a Zoning By-law Amendment application was submitted to permit a 19-storey mixed-use building containing 42 dwelling units.

On July 13, 2022, the Applicant appealed the application to the Ontario Land Tribunal (OLT) due to Council not making a decision within the 120-day time frame in the Planning Act.

This report reviews and recommends that the City Solicitor with the appropriate staff attend the OLT to oppose the application in its current form and to continue discussions with the Applicant to resolve outstanding issues.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct the City Solicitor and appropriate City staff to attend the Ontario Land Tribunal in opposition to the current Application regarding the Zoning By-law Amendment appeal for the lands at 100 Davenport Road and to continue discussions with the Applicant in an attempt to resolve outstanding issues.
2. In the event that the Ontario Land Tribunal allows the appeals in whole or in part, City Council authorize the City Solicitor to request that the issuance of any final Orders be withheld until such time as the City Solicitor advises that:
 - a) the final form and content of the draft Official Plan and Zoning By-laws are to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning;
 - b) the owner has provided confirmation of water, sanitary and stormwater capacity to the satisfaction of the Chief Engineer and Executive Director,

Engineering and Construction Services, or the determination of whether holding provisions are required in the Zoning By-law amendment;

3. City Council authorizes the City Solicitor and City staff to take any necessary steps to implement City Council's decision.

FINANCIAL IMPACT

The City Planning Division confirms that there are no financial implications resulting from the recommendations included in this report in the current budget year or in future years.

DECISION HISTORY

On March 10, 2016 Toronto City Council refused an application for a 39-storey mixed-use building at 100 Davenport Road. The owner appealed the application to the Ontario Land Tribunal (OLT) and reduced the proposed height to 29-storeys. A detailed decision history of the previous application is available in the report from Planning staff - 100 Davenport Road - Official Plan Amendment Request for Direction Report, dated March 17, 2017, at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE23.13>

On October 29, 2019 the OLT dismissed the appeal of the proposed 29-storey mixed-use building.

THE SITE

Description: The site is an irregular rectangle and has an approximate area of 1,292 square metres, with a frontage of 51 metres on Davenport Road, 28 metres on McAlpine Street, and 23 metres on Blackmore Street.

Existing Use: a 4-storey commercial building.

THE APPLICATION

Description: A 19-storey (72.0 metres including mechanical penthouse) mixed use building.

Density: 8.27 times the area of the lot.

Dwelling Units: The proposed 42 dwelling units, includes 1 one-bedroom (2%), 13 two-bedroom (31%), and 28 three-bedroom (67%) units.

Parking: A total of 56 vehicle parking spaces.

Additional Information

See Attachments 2, 3 and 6 of this report for a three-dimensional representation of the project in context, a site plan of the proposal, and the Application Data Sheet, respectively. Detailed project information including all plans and reports submitted as part of the application can be found on the City's Application Information Centre at: <http://app.toronto.ca/AIC/index.do?folderRsn=Cs7n5HTiQPWEg9eDZyhINA%3D%3D>.

Reason for the Application: The Zoning By-law Amendment Application proposes to amend Zoning By-laws 438-86, 569-2013 and site specific Zoning By-law 1331-2008 to vary performance standards including: building height; building setbacks; floor space index; and parking space requirements.

Site Plan Control: The development is subject to Site Plan Control. A Site Plan Control application was submitted on November 5, 2021.

POLICY CONSIDERATIONS

Provincial Land-Use Policies: All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Policy Statement (PPS), and shall conform to provincial plans.

Official Plan: *Mixed Use Area*

See Attachment 4 of this report for the Official Plan Land Use Map.

Downtown Plan: The site is designated Mixed Use Areas 2 - Intermediate. Development in Mixed Use Areas 2 will include building typologies that respond to their site context, including midrise and some tall buildings.

Site and Area Specific Policy 211: The tallest buildings in the Bloor-Yorkville/North Midtown Area will be located in the Height Peak in the vicinity of the intersection of Yonge and Bloor Streets. Buildings will step down from the Yonge and Bloor Street intersection in descending ridges of height along Yonge Street, Bloor Street and along portions of Avenue Road, Bay and Church Streets called Height Ridges. The site is not located in a Height Ridge or Height Peak.

Zoning: The site is also subject to Site Specific By-law 1331-2008 which permits a maximum height ranging from 4.5 metres to 16.1 metres.

The site is not currently zoned under Zoning By-law 569-2013. Under Zoning By-law 438-86, the site is zoned CR T2.0 C2.0 R2.0. This zone permits a range of commercial and residential uses. The maximum permitted height is 18.0 metres, and the maximum permitted density is 2.0 times the area of the lot.

See Attachment 5 of this report for the existing Zoning By-law Map.

Bloor-Yorkville/North Midtown Urban Design Guidelines

The Bloor-Yorkville/North Midtown Urban Design Guidelines were approved by City Council in July 2004 and are intended to give guidance to improve the physical quality of the area and ensure that its special character is respected in terms of new development. The guidelines direct that new development near the intersection of Bay Street and Davenport Road should be massed to preserve the view terminus on the north side of McApline Street, currently occupied by a clocktower.

Design Guidelines

The following design guidelines have been used in the evaluation of this application:

- Tall Building Design Guidelines;
- Growing Up Guidelines Planning for Children in New Vertical Communities;
- Pet Friendly Design Guidelines;
- Best Practices for Bird-Friendly Glass;
- Best Practices for Effective Lighting; and
- Toronto Accessibility Design Guidelines.

The City's Design Guidelines can be found here:

<https://www.toronto.ca/citygovernment/planning-development/official-plan-guidelines/design-guidelines/>

Toronto Green Standard

The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. The TGS can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/toronto-green-standard/>

COMMUNITY CONSULTATION

The community has expressed concerns over the repeated applications following a previous approval of a lower scale building on the site, and an OLT refusal of a 29-storey proposal.

A Virtual Community Consultation Meeting was hosted by City staff on February 23, 2022. Approximately 49 people participated, as well as the Ward Councillor. Following a presentation by City staff and the Applicant, the following comments and issues were raised:

- The proposed height, density and massing are inappropriate for the site;
- The height should be increased to provide more housing;
- Concerns with shadow impacts, in particular on neighbouring properties including Belmont House to the north;
- insufficient setbacks to adjacent properties;

- insufficient public realm surrounding the building;
- not enough green space;
- traffic generated as a result of the proposed development; and

The issues raised through community consultation have been considered through the review of the application.

COMMENTS

Provincial Framework

Staff's review of this application has had regard for the relevant matters of provincial interest set out in the Planning Act. Staff has reviewed the current proposal for consistency with the Provincial Policy Statement, and conformity with the Growth Plan. Staff find the proposal to be consistent with the PPS and conforms with the Growth Plan.

Streetscape

The proposed streetscape along McAlpine Street is not acceptable. Additional setbacks, landscaping, and public realm improvements are needed along McAlpine Street to accommodate a contextually appropriate streetscape and complete street.

Built Form and Shadow Impacts

The proposed height appropriately steps down north of the 'Height Ridge'. However, the proposed massing does not appropriately mitigate shadow impacts on the shadow sensitive areas of Belmont House identified in the Bloor-Yorkville/North Midtown Urban Design Guidelines. The Bloor-Yorkville/North Midtown Urban Design Guidelines also state that development at the intersection of Davenport Road and Bay Street should be massed to preserve the view terminus on the north side of McAlpine Street.

Servicing

A Functional Servicing and Stormwater Management Report and associated plans have been submitted for the site and are reviewed by Engineering and Construction Services.

In the event that the matter is approved by the OLT, staff recommend the OLT withhold the issuance of any Orders that may approve the application until such time as the owner has addressed all comments from Engineering and Construction Services are addressed to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.

Parking

The proposed oversupply of parking is not appropriate and should be reduced to meet the maximum parking rates in Zoning By-law 569-2013. Vehicle and bicycle parking should be equipped with an energized outlet to meet the Toronto Green Standards.

Further Issues

City Planning continues to receive additional information regarding this application as the result of ongoing review by City commenting divisions, materials submitted in support of the proposal, and through deputations made by members of the public to Community Council. Planning staff may also be required to evaluate supplementary or revised plans and supporting materials submitted by the applicant after the date of this report. As a result City Planning staff may continue to identify further issues or supplement the reasons provided in this report. Where substantive changes to the proposal are made by the applicant, Staff may report back to City Council as necessary.

CONTACT

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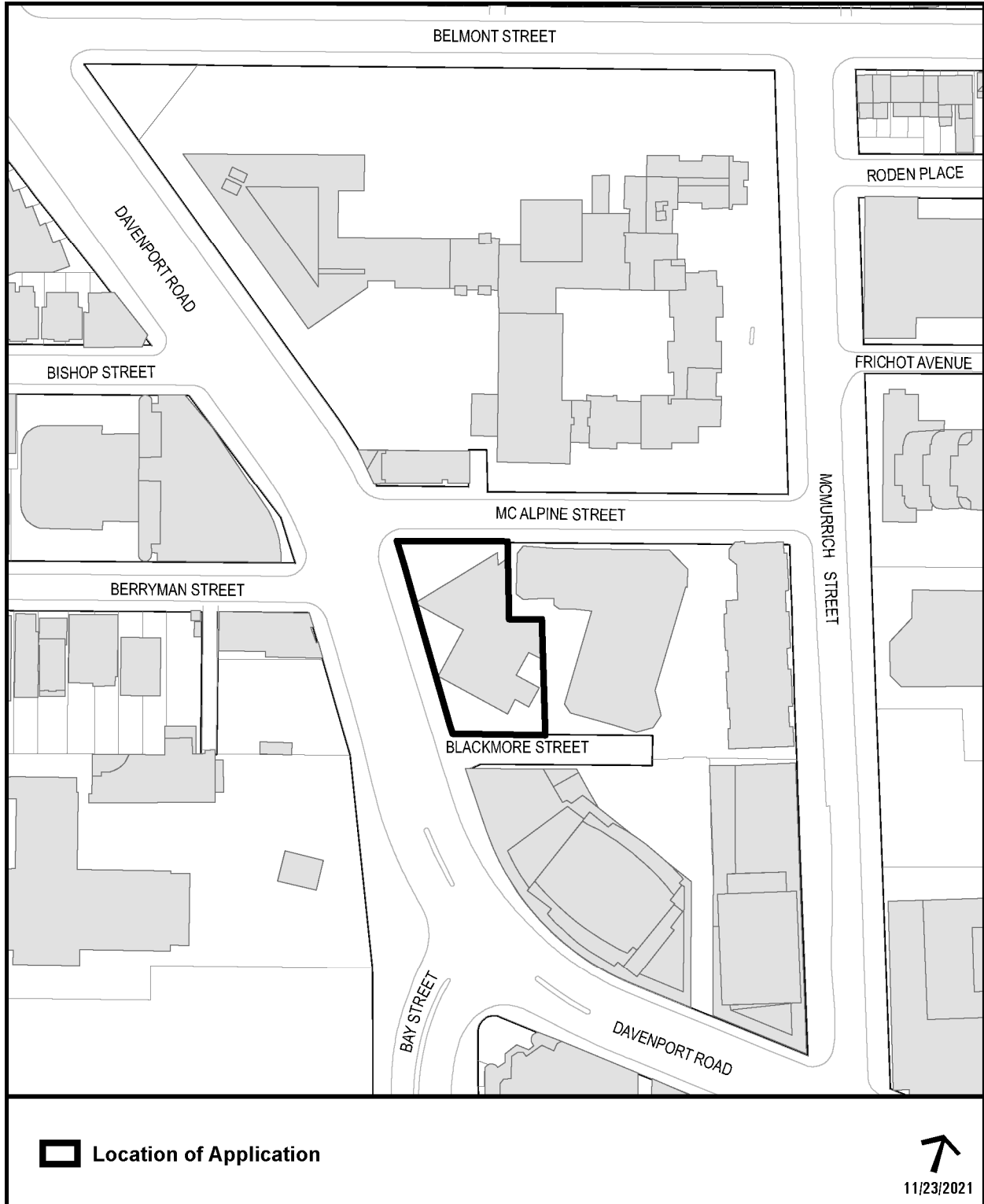
SIGNATURE

Alex Teixeira MCIP, RPP
Acting Director, Community Planning
Toronto and East York District

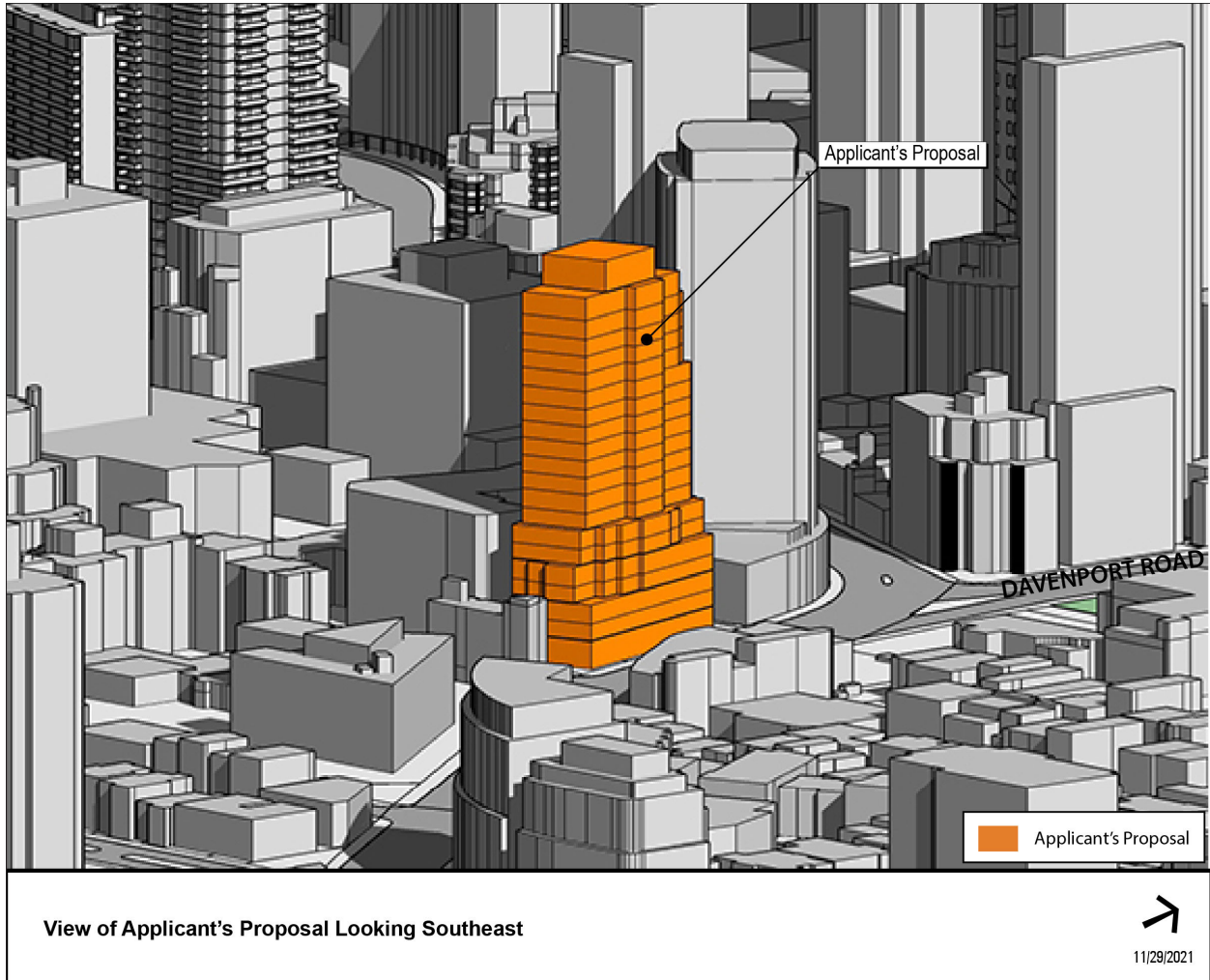
ATTACHMENTS

Attachment 1: Location Map
Attachment 2: 3D Model of Proposal in Context
Attachment 3: Site Plan
Attachment 4: Official Plan Map
Attachment 5: Zoning By-law Map
Attachment 6: Application Data Sheet

Attachment 1: Location Map



Attachment 2: 3D Model of Proposal in Context



View of Applicant's Proposal Looking Southeast

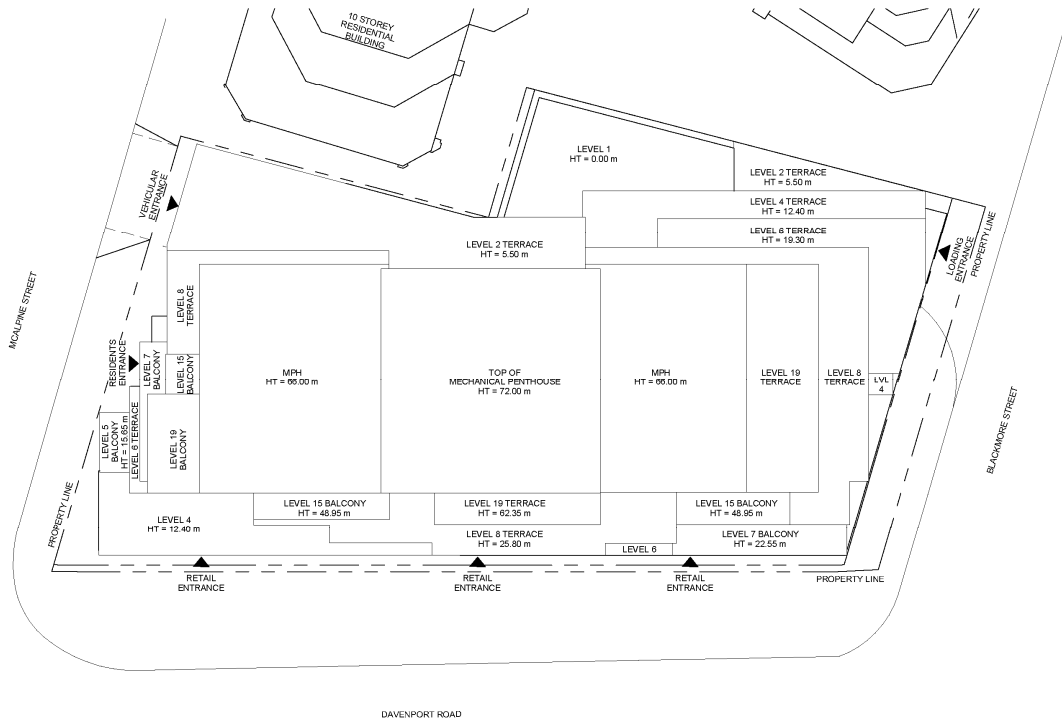
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View of Applicant's Proposal Looking Northwest

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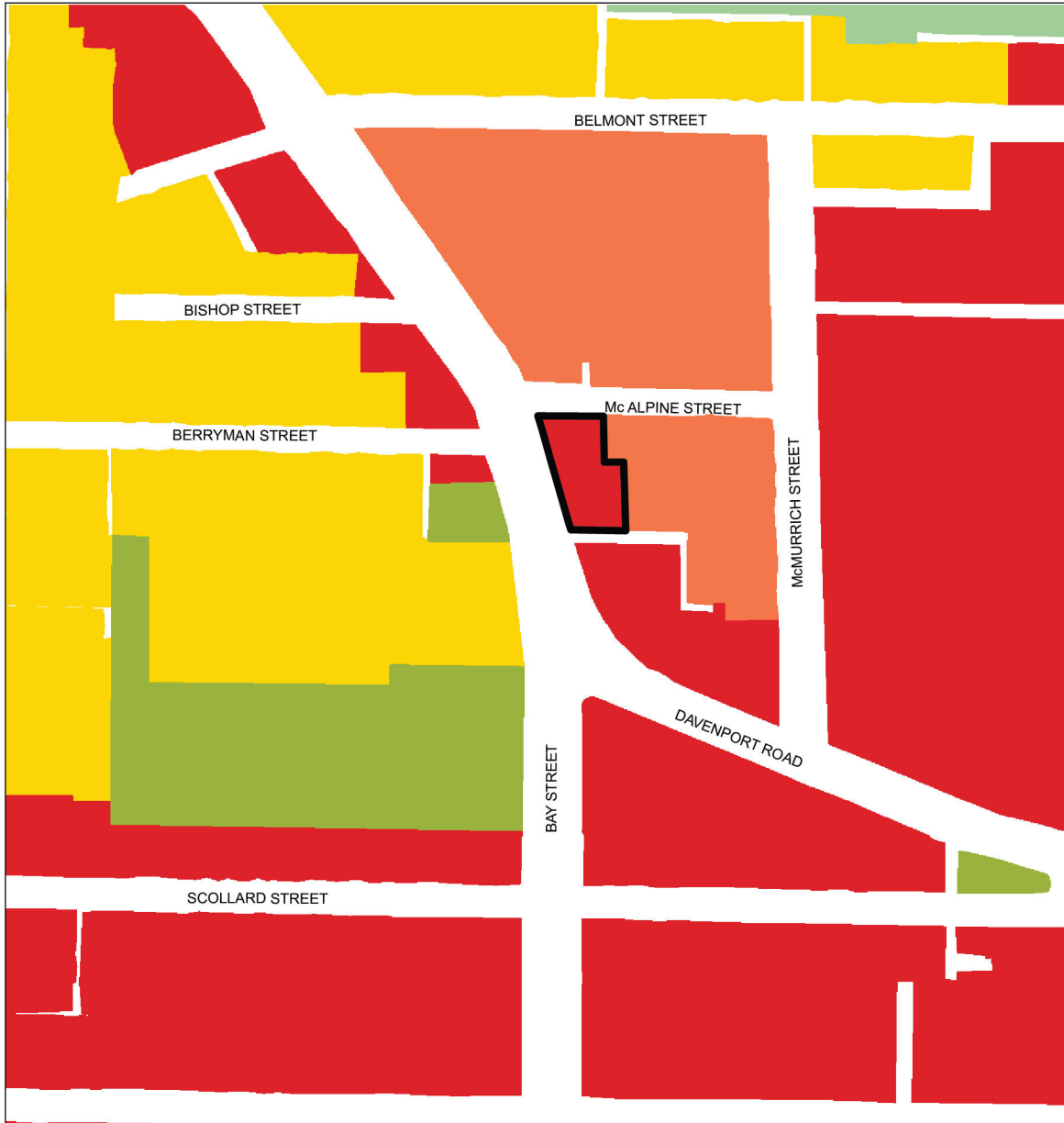
Attachment 3: Site Plan



Site Plan



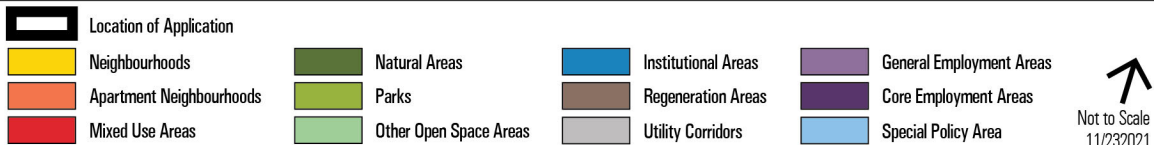
Attachment 4: Official Plan Map



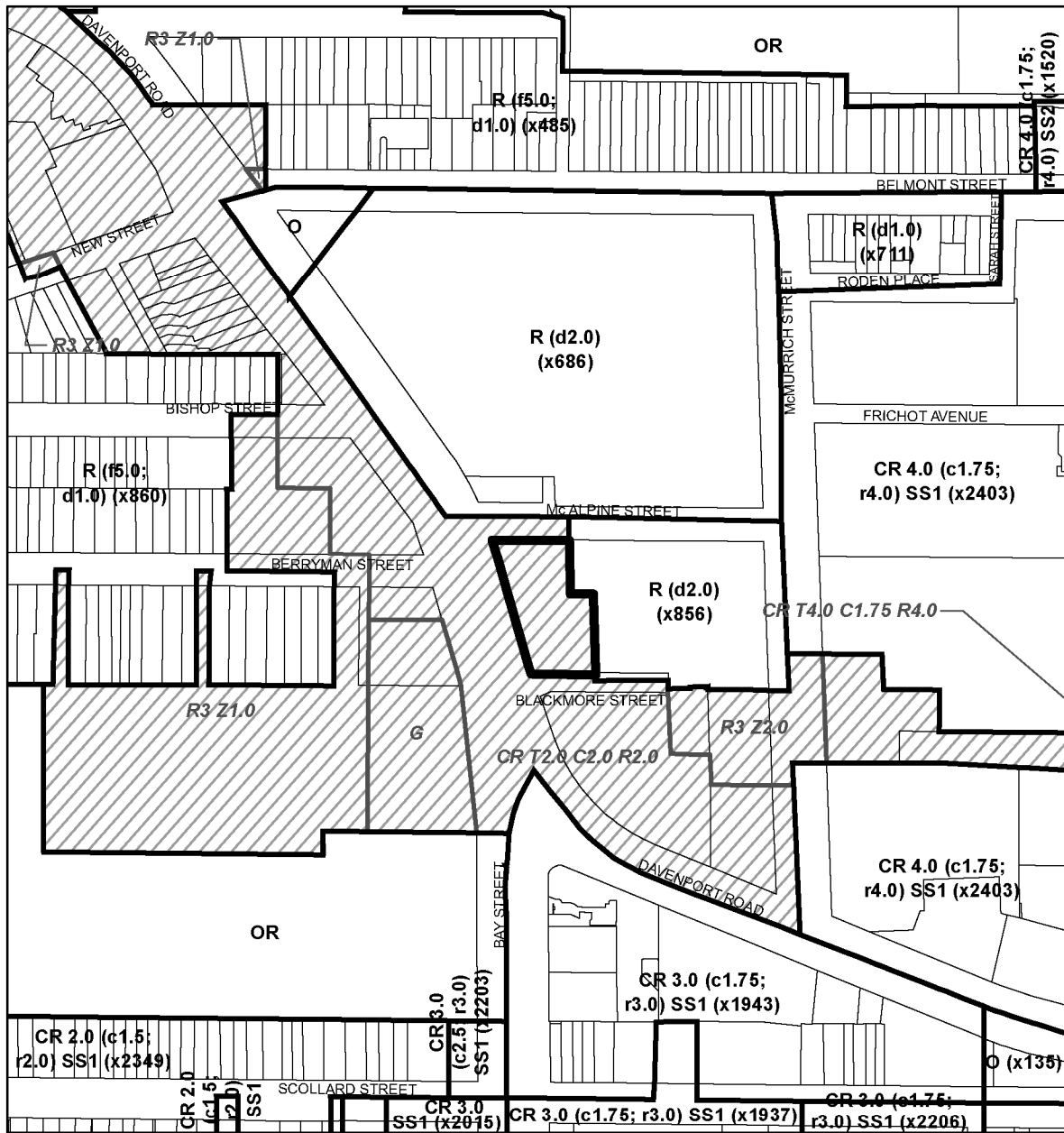
100 Davenport Road

Official Plan Land Use Map #17

File # 21 231497 STE 11 0Z



Attachment 5: Zoning By-law Map



Zoning By-law 569-2013

100 Davenport Road

File # 21 231497 STE 11 0Z



Location of Application

R Residential O Open Space
 CR Commercial Residential OR Open Space Recreation



See Former City of Toronto By-law No. 438-86

R3 Residential District
 CR Mixed-Use District
 G Parks District



Not to Scale
 Extracted: 11/23/2021

Attachment 6: Application Data Sheet

Municipal Address: 100 Davenport Rd Date Received: October 28, 2021

Application Number: 21 231497 STE 11 OZ

Application Type: Rezoning

Project Description: A 19-storey mixed-use building

Applicant	Agent	Architect	Owner
DEVINE PARK LLP, 250 Yonge Street, Suite 2302, Toronto, ON M5B 2L7	DEVINE PARK LLP, 250 Yonge Street, Suite 2302, Toronto, ON M5B 2L7	Scott Shields Architects, 317 King Street W, 2nd Floor, Toronto, ON M5V 1J5	100 DAVENPORT GP LTD.

EXISTING PLANNING CONTROLS

Official Plan Designation: Mixed Use Areas Site Specific Provision:

Zoning: Heritage Designation: N

Height Limit (m): Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq m): 1,292 Frontage (m): 51 Depth (m): 30

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			1,072	1,072
Residential GFA (sq m):			10,148	10,148
Non-Residential GFA (sq m):	438		437	437
Total GFA (sq m):	438		10,585	10,585
Height - Storeys:			19	19
Height - Metres:			66	66

Lot Coverage Ratio (%): 82.99 Floor Space Index: 8.19

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	10,148	
Retail GFA:	437	
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			42	42
Other:				
Total Units:			42	42

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:			1	13	28
Total Units:			1	13	28

Parking and Loading

Parking Spaces:	56	Bicycle Parking Spaces:	75	Loading Docks:	
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CONTACT:

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