

22-32 Scollard Street and 21-25 Davenport Road – Zoning By-law Amendment Application – Decision Report - Refusal

Date: January 18, 2023

To: Toronto and East York Community Council

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

Ward: 11 - University-Rosedale

Planning Application Number: 21 252450 STE 11 OZ

SUMMARY

On December 31, 2021, a Zoning By-law Amendment application was submitted to permit a 61-storey (230.9 metres, including mechanical penthouse) mixed use building containing 79 dwelling units. The application deemed complete on April 8, 2021.

This report reviews and recommends refusal of the application to amend the Zoning By-law as the site is not an appropriate location for a tall building.

The proposal does not conform with the Official Plan, Downtown Plan, or Site and Area Specific Policy 211, and does not meet the intent of the Tall Building Design Guidelines.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council refuse the application for the Zoning By-law Amendment at 22-32 Scollard Street and 21-25 Davenport Road for the reasons set out in this report.
2. City Council authorize the City Solicitor, together with appropriate staff, to appear before the Ontario Land Tribunal in support of City Council's decision to refuse the application, in the event the application is appealed to the Ontario Land Tribunal.
3. City Council authorize the City Solicitor and other appropriate staff to take any necessary steps to implement City Council's decision.
4. City Council direct the City Solicitor to request that the Ontario Land Tribunal withhold its order in the event that the project is approved in some form, until the following have been secured:

- a) the final form of the Zoning By-law Amendment are to the satisfaction of the Chief Planner and Executive Director, City Planning, and the City Solicitor;
- b) the owner has revised the Site Servicing and Stormwater Management Report to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services; and
- c) all comments from Engineering and Construction Services contained in their May 16, 2022 memorandum are addressed to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.

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.

THE SITE

Description: The site is located to the west of Yonge Street between Davenport Road and Scollard Street. The site is approximately 1,058 square metres in size and irregular in shape with a frontage of 26 metres on Davenport Road and 30 metres on Scollard Street.

Existing Use: A series of two and three-storey house form buildings containing commercial and residential uses.

THE APPLICATION

Description: A 61-storey (230.9 metres, including mechanical penthouse) mixed-use building.

Density/Floor Space Index: 18.12 times the area of the lot.

Dwelling Units: 79 dwelling units, includes 37 one-bedroom (47%), 24 two-bedroom (30%), and 18 three-bedroom (23%) units.

Commercial Component: 830 square metres of commercial space.

Access, Parking, and Loading: Vehicle access would be provided on Scollard Street with vehicle exits on Scollard Street and Davenport Road. A Type-B loading space is provided with access on Scollard Street. A total of 100 parking spaces are provided in a

below-grade parking garage, and a total of 88 bicycle parking spaces provided at various locations throughout the building.

Additional Information: See Attachment 2, 3, and 5 of this report, for a three dimensional representation of the project in context, a site plan of the proposal, and the Application Data Sheet. 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=PJRSkk4rBG8nQTImaALjiQ%3D%3D>

Reasons for the Application: The Zoning By-law Amendment Application proposes to amend Zoning By-law 569-2013 to vary performance standards including: building height; building setbacks; floor space index; and parking standards.

Site Plan Control: The development is subject to Site Plan Control. A Site Plan Control application has not yet been submitted.

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 Designation: 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 the Height Peak.

Bloor-Yorkville/North Midtown Urban Design Guidelines: The 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 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 on the border between the Yonge-Yorkville and Davenport Bay precincts.

The guidelines provide direction on urban scale using the same Built Form Height Peaks and Ridges map found in SASP 211. The site is not located in a Height Ridge of the Height Peak.

Zoning: The site is zoned CR 3.0 (c1.75; r3.0) SS1 (x1943) under Zoning By-law 569-2013. This zone permits a range of commercial and residential uses. The maximum permitted height is 18.0 metres, and the maximum permitted density is 3.0 times the area of the lot.

Design Guidelines

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

- Tall Building Design Guidelines;
- Bloor-Yorkville/North Midtown Urban 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

A Virtual Community Consultation Meeting was hosted by City staff on June 23, 2022. Approximately 36 people participated, as well as the Ward Councillor at the time. Following a presentation by City staff and the Applicant, the following comments and issues were raised:

- proposal disregards the planning policies for the area;
- the proposed height, density and massing are inappropriate for the site;
- compatibility and fit with the surrounding area;
- insufficient setbacks and step backs;
- concerns regarding impact on adjacent property to the east;
- wind impacts;
- concerns with oversupply of parking;

- shadow impacts; and
- traffic generated as a result of the proposed development.

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.

Massing

The proposed building massing, including setbacks, step backs, and separation distances, is not acceptable and does not achieve the policies of the Official Plan, Downtown Plan, Site and Area Specific Policy 211, the Bloor-Yorkville/North Midtown Urban Design Guidelines, or the Tall Building Design Guidelines.

The size of the site is insufficient to accommodate a tall building that meets the policies of the Official Plan or the tower setback requirements of the Zoning By-law.

The proposed base building is too tall and does not provide appropriate setbacks to the adjacent properties. The proposed 12-storey (48 metre) base building extends to the east and west property lines, with a similar height to the existing 15 and 16 storey buildings to the west and east. The existing 16-storey building to the east has west-facing balconies and windows. The applicant has proposed a "light well" as part of the base building to attempt to mitigate impacts on the residential units to the east. The proposed "light well" is not an acceptable alternative to providing appropriate setbacks and building separation.

Height

The proposed 61-storey building is too tall and is not contextually appropriate. The proposed height does not achieve the policies of the Official Plan, Downtown Plan, and Site and Area Specific Policy 211.

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 appealed to 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 contained in their December 31, 2021 memorandum are addressed to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.

Shadow

The shadow impacts resulting from the proposal are unacceptable. In particular, the proposal should further mitigate shadow impacts on sensitive areas of Belmont House, located to the north of the site, between the spring and fall equinoxes.

Conclusion

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), Official Plan, Downtown Plan, Site and Area Specific Policy 211, and the Tall Building Design Guidelines. Staff are of the opinion that the proposal fails to conform to the relevant policy directions of the Official Plan, Downtown Plan, and Site and Area Specific Policy 211. Staff recommend that Council refuse the application.

CONTACT

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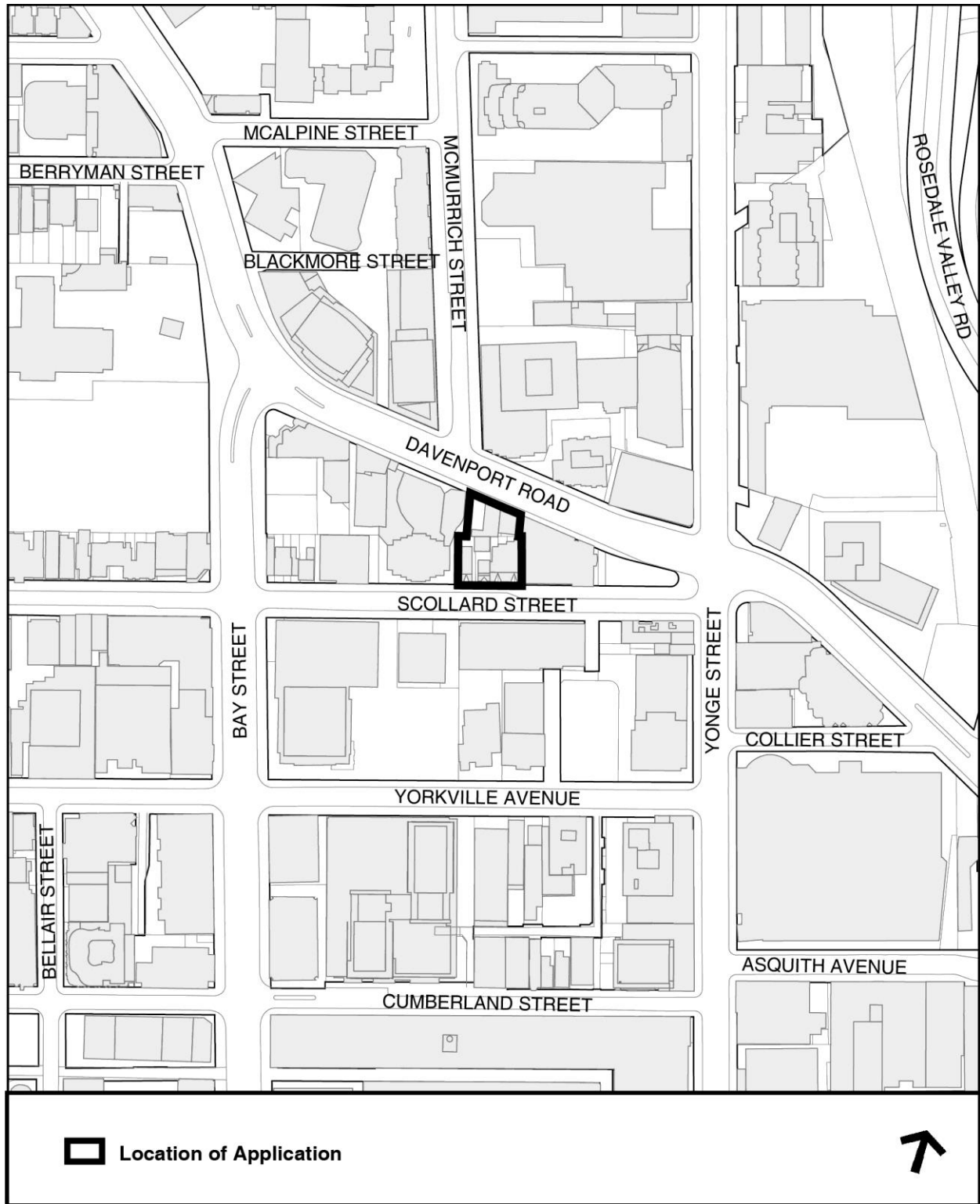
SIGNATURE

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: Application Data Sheet

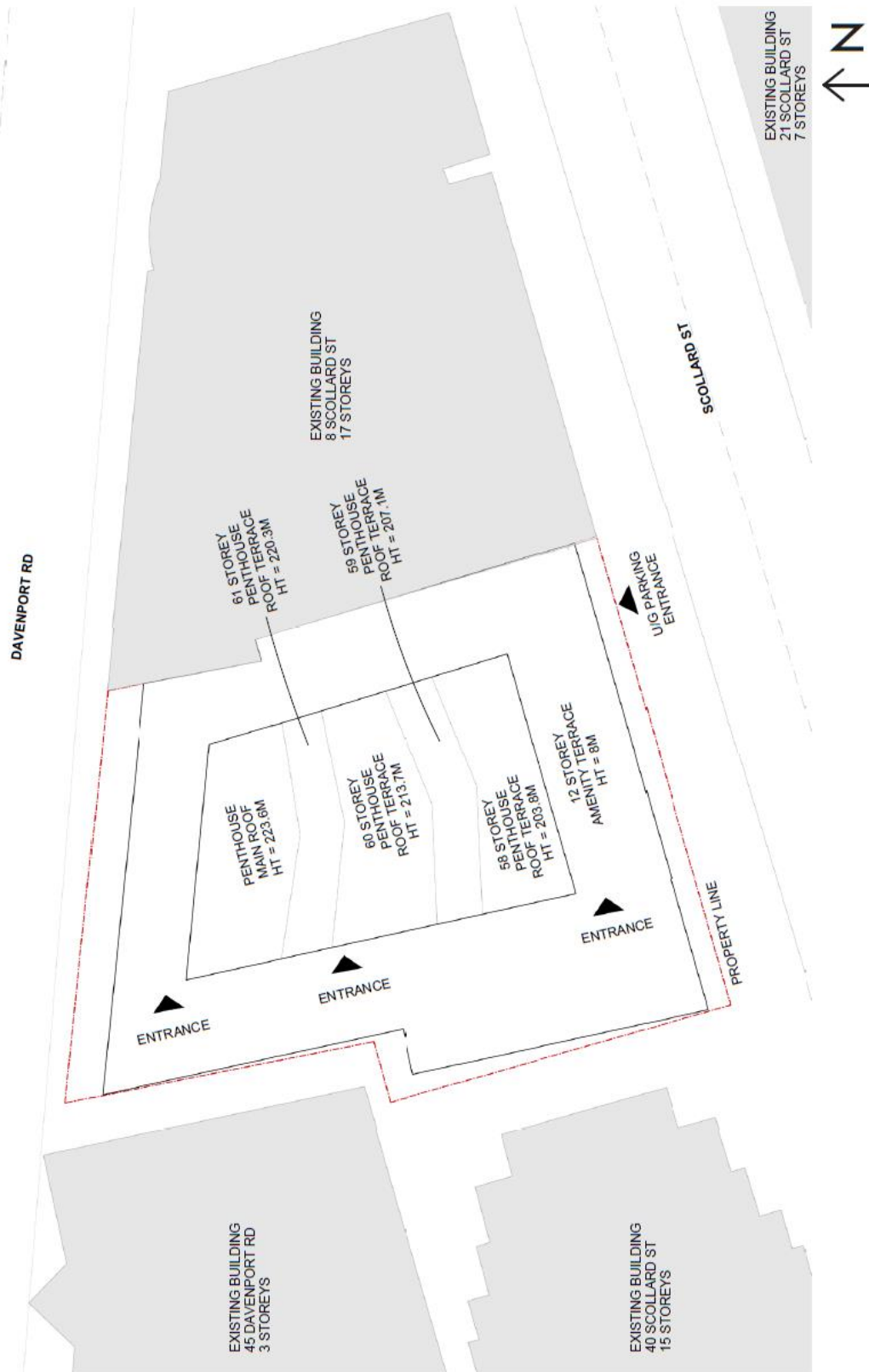
Attachment 1: Location Map



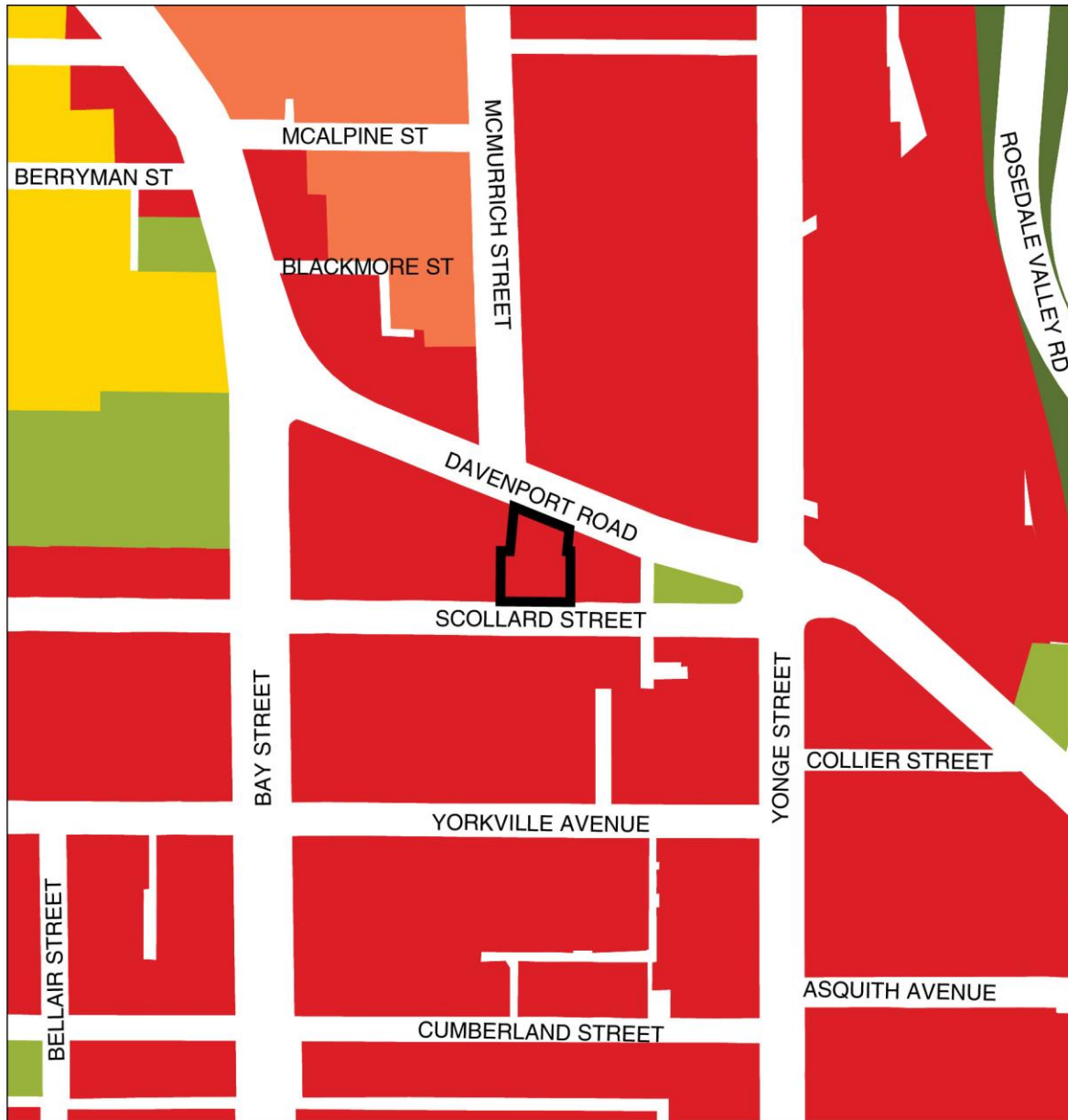
Attachment 2: 3D Model of Proposal in Context



Attachment 3: Site Plan



Attachment 4: Official Plan Map



Official Plan Land Use Map 17

22-32 Scollard Street and
21-25 Davenport Road

File # 21 252450 STE 11 0Z



↑
Not to Scale
Extracted: 01/04/2022

Attachment 5: Application Data Sheet

Municipal Address: 22-32 Scollard St **Date Received:** December 31, 2021

Application Number: 21 252450 STE 11 OZ

Application Type: Rezoning

Project Description: a 61-storey mixed-use building

Applicant	Agent	Architect	Owner
SGL Planning & Design, 1547 Bloor Street W, Toronto, ON, M6P 1A5	SGL Planning & Design, 1547 Bloor Street W, Toronto, ON, M6P 1A5	Zeidler Architecture, 158 Sterling Road, Unit 600, Toronto, ON, M6R 2B7	Constatine Scollard Inc., 1235 Bay Street, Unit 7FL, Toronto, ON, M5R 3K4

EXISTING PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	SASP 599, 600
Zoning:	CR 3.0 (c1.75; r3.0) SS1 (x1943)	Heritage Designation:	
Height Limit (m):	18	Site Plan Control Area:	

PROJECT INFORMATION

Site Area (sq m): 1,058 Frontage (m): 26 Depth (m): 42

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	649		462	462
Residential GFA (sq m):	339		10,534	10,534
Non-Residential GFA (sq m):	838		8,642	8,642
Total GFA (sq m):	1,177		19,176	19,176
Height - Storeys:	3		61	61
Height - Metres:	10		224	224

Lot Coverage Ratio (%): 43.67 Floor Space Index: 18.12

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	10,534	
Retail GFA:	830	

Office GFA: 3,581
 Industrial GFA:
 Institutional/Other GFA: 4,231

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:	4			
Freehold:				
Condominium:			79	79
Other:				
Total Units:	4		79	79

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:			37	24	18
Total Units:			37	24	18

Parking and Loading

Parking Spaces: 100 Bicycle Parking Spaces: 107 Loading Docks: 1

CONTACT:

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