

November 18th, 2022

**RE: 555 DAVENPORT ROAD AND 500 MACPHERSON AVENUE
 PREPARED FOR THE CASA LOMA RESIDENTS ASSOCIATION**

INTRODUCTION

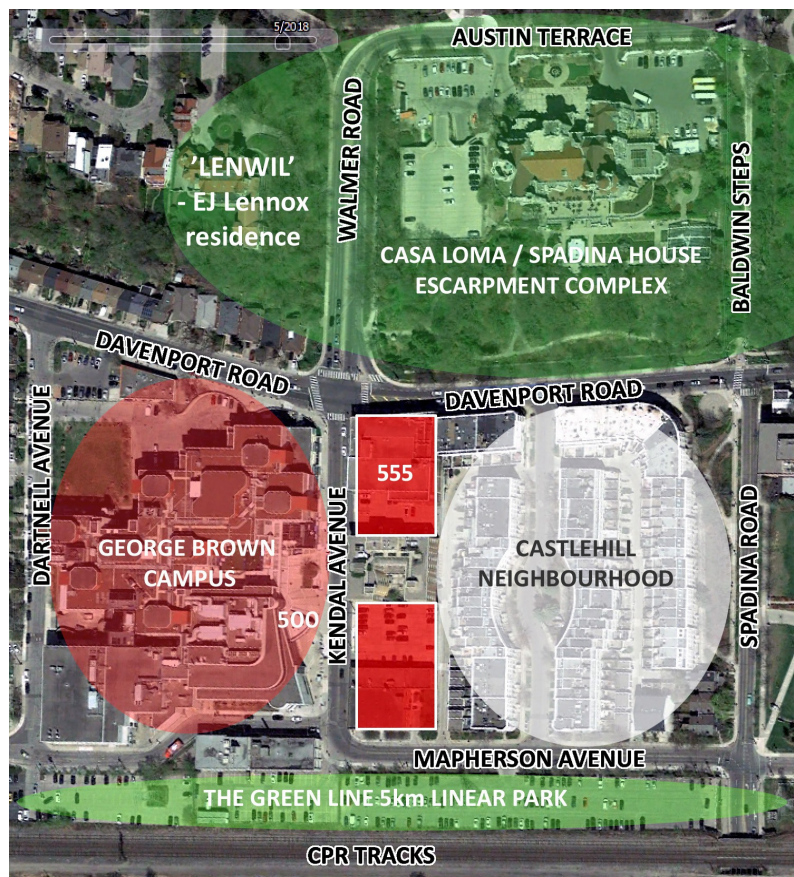
These two development proposals have raised concerns regarding their appropriateness –

- Will the Area Specific Policy 264 be observed, which requires a low-to-moderate scale of development, having heights and massing respecting the area's distinctive characteristics?
- Will each building respect the character of its immediate surrounding context?
- Will the adjacent Lake Iroquois Escarpment, a Natural Heritage asset, be adversely impacted?
- Will the development adversely impact the Casa Loma/Spadina House complex, the George Brown campus, the Habayit Shelanu seniors residence, and the Castlehill neighbourhood?
- Will the area's scenic routes views be preserved and improved?
- Will the public views to and from Casa Loma and the Lake Iroquois Escarpment be negatively impacted?
- Should 555 Davenport be designated given its architectural and design pedigree and condition?

CONTEXT AND OPPORTUNITY

Both 555 Davenport Road and 500 Macpherson are corner properties which take up the majority of the east side of Kendal Avenue's frontage, while having significant frontages on Davenport Road and Macpherson Avenue.

The central location of these projects within the quadrant blocks, each with their distinctive attributes, offers the opportunity to integrate the entirety into a significant urban setting, involving heritage, education, a residential neighbourhood and future parkland assets.

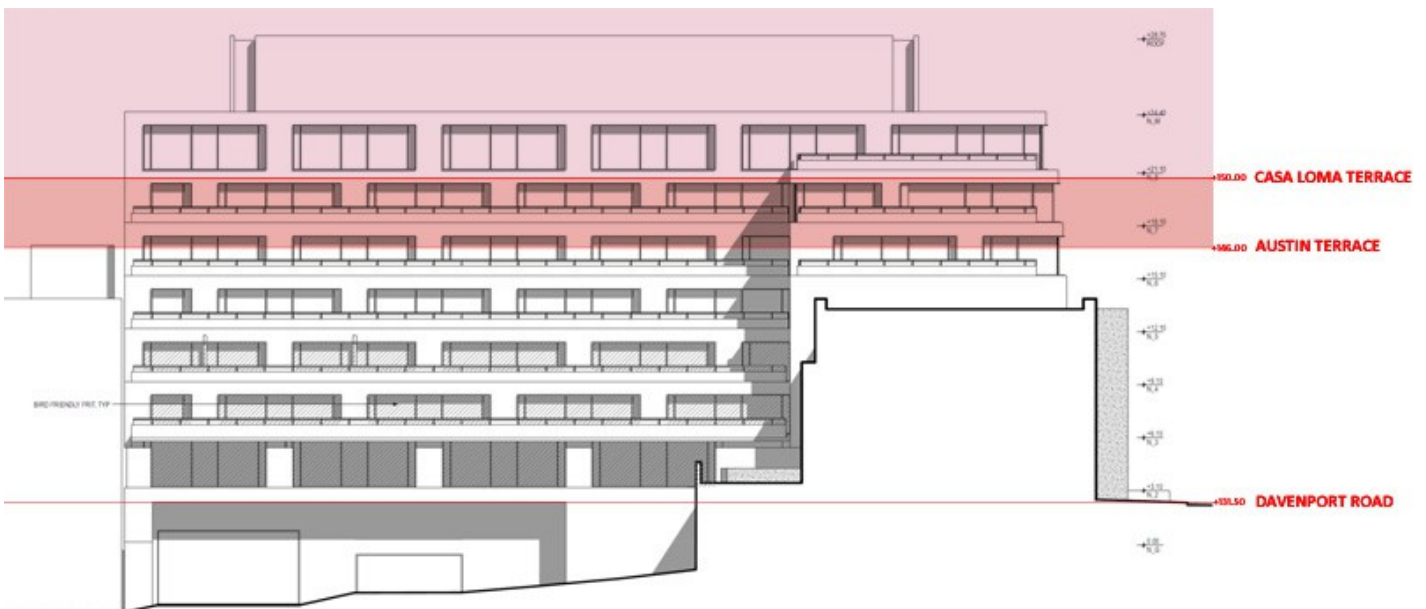
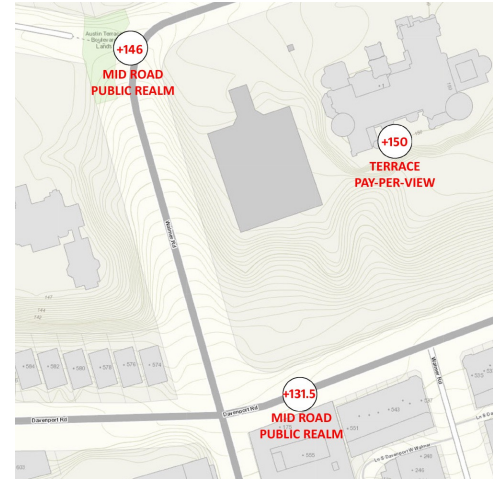


THE PROPOSED BUILDING FORMS

The proposed buildings are ziggurat-shaped. With the upper storeys stepped in like a wedding cake. This form has been derived from the City's Mid-Rise building conventions intended for 'Avenues'. However, none of the streets sleeving these sites are 'Avenues'. Furthermore, the buildings' scale, massing and materiality does not fit with the immediately surrounding context(s).

As a result, a completely new plan should be conceived that would integrate appropriately within the neighbourhood and following the guidelines set out in the Official Plan policies.

The *Heritage Impact Assessment "Report"* by Goldsmith Borgal Architects, describes the relationship of the height of 555 Davenport Road to the height of Davenport Road incorrectly. Both the survey by Shaeffer Dzaldov Bennett, and the City's cadastral map, indicate the crown of the road on Davenport Road at the midpoint of the proposed building as being 131.5m. The street has a modest rise towards the west to 131.6m at the building's west corner, and a modest fall to the east to 131.4m at the east corner. Meanwhile, the Report states that "The mechanical penthouse plus the eight storeys of the building will create an overall height of 28.7m from the level of Davenport Road". The Report continues on to state that "The building will project roughly 7.7m higher than the ground level of Casa Loma". The City's cadastral map indicates the elevation of the Casa Loma south terrace as being 150m – from which there is the \$40 pay-to-view vantage point that looks out over the Downtown and Central Waterfront. The difference in elevations between Davenport Road and the Casa Loma terrace is 150m – 131.5m = 18.5m. When the 18.5m is subtracted from the 28.7m overall building height mentioned, the projection above the Casa Loma terrace is 10.2m – and not "roughly 7.7m higher than the ground level of Casa Loma" as the Report states. In my opinion, these elevations should be independently verified.



The \$40 pay-per-view Casa Loma vantage point is of concern, as the terrace is not accessible as public realm. A more familiar publicly accessible view is from the top of Walmer Road, where it intersects Austin Terrace. The elevation of the escarpment at this vantage point is 146m, namely 14.4m above Davenport Road. Again, in my opinion, this escarpment elevation should be independently verified.

HERITAGE IMPACT ASSESSMENT REPORT

A *Heritage Impact Assessment* that was undertaken by Goldsmith Borgal Architects, primarily focused upon the designated heritage value of the proposed north building at 555 Davenport Road.

The Report's summation states –
“It is our expert opinion that there will be no adverse heritage impacts as a result of the proposed development and is in accordance with the Toronto Official Plan paragraph 3.1.5.26. [today found in OP 2022: 3.1.6.26.] which states “New construction on, or adjacent to, a property on the Heritage Register will be designed to conserve the cultural heritage values, attributes and character of that property and to mitigate visual and physical impact on it.”



NOTE: The rendering on the Report's cover page is telling. First of all, it is not taken from pay-to-view Casa Loma terrace vantage point, but rather from the vicinity of Austin Terrace west of Walmer Road. However, the rendering does portray the proposals' height, massing, scale and materiality – clearly indicating – these buildings would impose adverse impacts upon views to and from the Escarpment, and that they do not fit with the immediate surrounding context(s).

The Report also opines in its summary that “Casa Loma... is located across the street; considerably higher than the level of Davenport Road; and is set back behind and screened by a heavily treed property [which is actually part of its own curtilage and not a separate property]”.

The Report states that 555 Davenport Road was designed by Chapman and Oxley, who designed a number of prominent buildings in the city during the 1920s and 1930s, making mention of the Toronto Harbour Commission Building, the Sunnyside Bathing Pavilion, the Palais Royale, the CNE Ontario Government Building (now the Liberty Grand banquet and ballroom), and the Princes’ Gates. While the 555 Davenport Road commission involved a less prominent industrial building, namely a bakery, I surmise their design acumen was sought to ensure a fitting building design in being adjacent to the heritage value of Casa Loma. 555 Davenport Road is listed on the ACO Architectural Conservancy of Ontario web site with an 'At Risk' status. Full particulars are posted at <https://www.acotoronto.ca/building.php?ID=14517>. This building is almost in its original condition (see appendix pictures).

Meanwhile, it should be kept in mind that the Ontario Heritage Act is not the only authority having regard for the two proposals' obstruction of views and their contextual fit. To this end the Report conducted an Official Plan heritage policy review, referencing policy snippet from Section 3.1.5 in OP 2019. Today these policies are to be found in Section 3.1.6 of OP 2022, pages 3-17 through 3-26. The Report states that there are 52 policies, although there have been 53 policies in this section of the OP since 2015. As the Report only cites policy fragments, I did not do a line-by-line comparison.

A BROADER READ

I take a broader read of the OP, including informative text and sidebars, along with the policies cited.

- With respect to views from the public realm, the sidebar in OP 3.1.1. (The Public Realm) on page 3-7 regarding Maps 7a and 7b, states that the – *selection of views is not exhaustive. These maps are living documents which may be added to or modified from time-to-time [albeit] through an Official Plan Amendment.*
As an Official Plan Amendment process is already involved, this might prove convenient for adding or modifying views – for instance including additional Escarpment vantage points within the public realm that are outside of the Casa Loma Terrace 'pay-to-view' regime.
- With regard to new development respecting the character of its context, OP policy 2.2.1.6. on page 2-15, states – *with respect to design guidelines specific to districts of historic or distinct character will be developed and applied to ensure that new development respects the context of such districts in terms of the development's... relationship to landmark buildings.*
This policy applies to the downtown, commencing immediately south of Macpherson Avenue. The views shown on OP Maps 7a and 7b indicate that there is a ligament linking the downtown with the Area Specific Policy 264 locality. Furthermore, the OP's wording *will be developed and applied* again indicates that the policy is not static or *exhaustive*.

- The OP again confirms, it is a living document, stating in OP 3.1.6 (Heritage Conservation) in paragraph-1 of the text on page 3-17, that – *Toronto's cultural heritage can be seen in the significant buildings, properties, districts, landscapes and archaeological sites found throughout the city. Their protection, wise use and management demonstrate the City's goal to integrate the significant achievements of our people, their history, our landmarks, and our neighbourhoods into a shared sense of place and belonging for its inhabitants.*

It then proceeds in the midst of paragraph-3 to state – *The scale, number and significance of our cultural heritage resources is described in an on-going process of identification, evaluation and preservation... The identification of heritage properties that tell our City's stories is an on-going process.* Then in paragraph-4 on page 3-18 it states that – *Consciously or unconsciously, our heritage resources are part of our daily experience of our City.*

And it continues in the midst of paragraph-5 stating – *The heritage policies of this Plan not only promote the preservation of important heritage buildings and structures but also the public views of them for the enjoyment of Torontonians.*

- On page 3-7, OP policy 3.1.6.26 states that – *New construction on, or adjacent to, a property on the Heritage Register will be designed to conserve the cultural heritage values, attributes and character of that property and to mitigate visual and physical impact on it.*
- On page 3-24, under the heading Views of Heritage Properties, the OP states – *The policies for the protection of views to heritage properties of this section should also be read with specific regard for the view policies in Section 3.1.1 (Public Realm) of this Plan, where applicable.*

- On page 3-7 OP policy 3.1.1.22. states – Scenic routes are streets with public views of important natural or human-made features and should be preserved and, where possible, improved by:
 - Scenic routes are streets with public views of important natural or human-made features and should be preserved and, where possible, improved by: maintaining views and vistas as new development occurs; creating or extending scenic routes or views when an opportunity arises.

In my opinion, this view from the top of Walmer Road on the escarpment is worthy of being considered a scenic route under the OP. This vantage point is in the public realm and is freely accessible to pedestrians (Torontonians and tourists), cyclists, tour buses and automobiles. As proposed, the new buildings would adversely impact this 100 year old scenic route.

- Of import, on page 5-32 the OP policy 5.6.1, states – The Plan should be read as a whole to understand its comprehensive and integrative intent as a policy framework for priority setting and decision making.

AREA SPECIFIC POLICY 264

This last point above brings me to the matter of OP Section 7 and within it Area Specific Policy 264, which is not referenced in the Report. It is my summation of the Report's policy review that it was primarily focused on a narrow scope of heritage considerations, excluding broader considerations from these proposed developments. It is my opinion, that the City should acquire an independent review with a broader scope, taking into consideration the Area Specific Policy 264 – which was not identified in the Report.

Both subject properties, 555 Davenport Road and 500 Macpherson Avenue, are situated within the scope of OP Area Specific Policy 264 which addresses Cultural Heritage and Natural Heritage considerations, requiring that new developments be of –

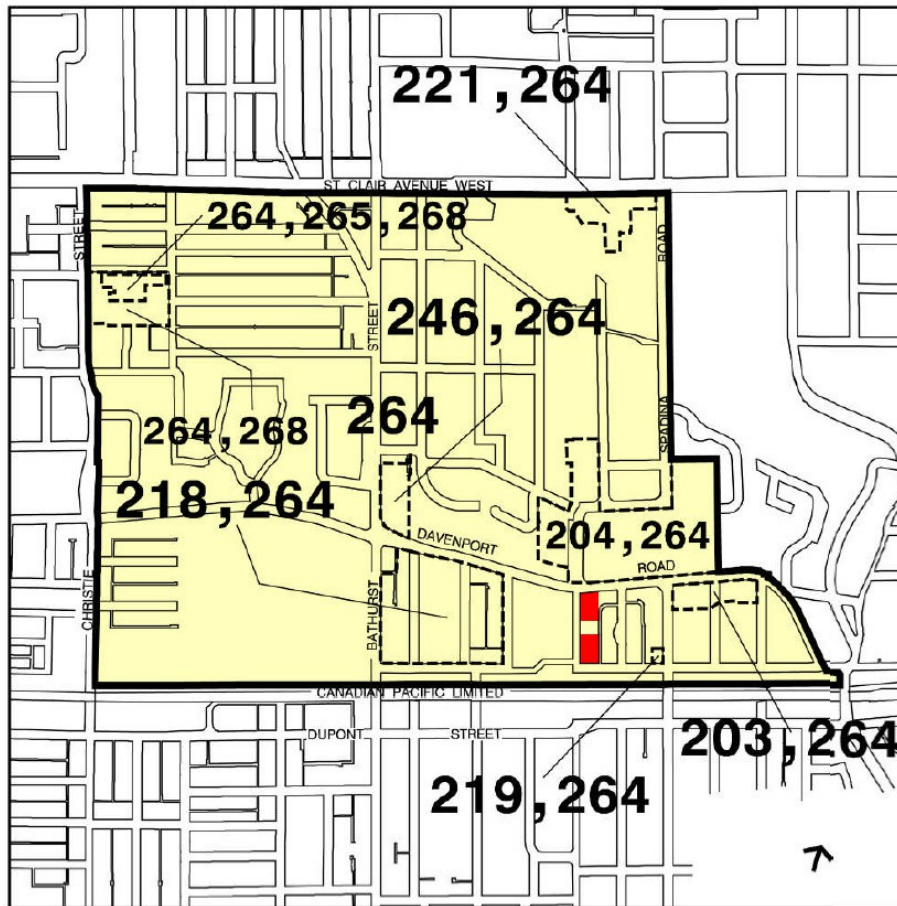
a scale that protects the distinctive characteristics of, and maintains views to and from... the Lake Iroquois Escarpment, including the Casa Loma/Spadina House complex.

And that developments –

south of the Lake Iroquois Escarpment will have a low-to-moderate scale with a height and massing which respects and does not detract from the prominence of the Escarpment and the Casa Loma/Spadina House complex, and which maintains views to and from the Escarpment and the Casa Loma/Spadina House complex...

AREA SPECIFIC POLICY 264

264. Area Bounded by Christie Street, Spadina Road/Davenport Road, St. Clair Avenue West and the CPR Midtown Line



Buildings will have a scale that protects the distinctive characteristics of, and maintains views to and from the Nordheimer Ravine and the Lake Iroquois Escarpment, including the Casa Loma/Spadina House complex.

In particular, development in the area south of the Lake Iroquois Escarpment will have a low-to-moderate scale with a height and massing which respects and does not detract from the prominence of the Escarpment and the Casa Loma/Spadina House complex, and which maintains views to and from the Escarpment and the Casa Loma/Spadina House complex, with a particular emphasis on:

- i) views to these features from the public realm in areas to the south; and
- ii) views from these features, and particularly publicly-accessible areas of them, to the downtown skyline.

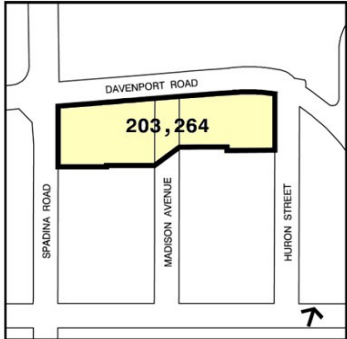
Of note: The Castlehill neighbourhood was initially proposed with an 8-storey tower, which presented similar conflicts with the heritage assets in the vicinity. This was rejected by the OMB, which set the standard for what integration into this neighbourhood would be considered appropriate. As a result, the development was subsequently resolved into the existing Castlehill neighbourhood's configuration.

The following Area Specific Policies 203, 204 and 219 are nested within Area Specific Policy 264. They provide additional direction in terms of future development, and point to the significance of this unique heritage neighbourhood.

AREA SPECIFIC POLICY 203

203. South of Davenport Road Between Spadina Road and Huron Street

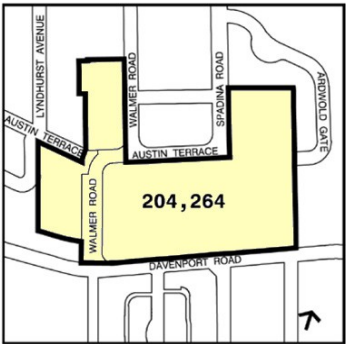
Only residential and office uses, community services and facilities are permitted to a maximum density of 1.5 times the lot area.



AREA SPECIFIC POLICY 204

204. 1 and 5 Austin Terrace, 285 Spadina Road and 328-330 Walmer Road

- Permitted uses will reflect the Casa Loma areas historic and architectural importance to the City, serving as a resource for community activities, tourism and other public uses, and containing commercial uses appropriate to its role, residential uses, institutional uses and park uses.
- Further development on the property will provide a comfortable fit with the natural and historical setting, and be sensitive to the retention of site amenities, including existing tree cover and views to the extent possible. The scale of development will not generate excessive parking needs, such that parking facilities dominate natural site characteristics.
- Further development, uses and activities on the site will not adversely impact the surrounding residential community.
- The use of the escarpment slope for passive recreation purposes will be encouraged through the provision of benches, pathways and improved pedestrian access particularly from the south.




AREA SPECIFIC POLICY 219

219. 196 to 206 Spadina Road

Development will:

- be part of a comprehensive redevelopment, including potential integration with lands known as 490 to 494 MacPherson Avenue to include provision for parking and an extension of the laneway system;
- have the front wall of new buildings set back from the Spadina Road street line generally in keeping with the buildings to the north in order to preserve views north to Casa Loma and the Iroquois Shoreline, and to achieve the completion of the continuous open space corridor adjacent to Spadina Road; and
- integrate the public art installation on Spadina Road into the site development.



IN CONCLUSION

- In my opinion, the existing building at 555 Davenport Road appears to be worthy designation for the reasons articulated in this letter.
- There are omissions in the Report, in particular the omission of Area Specific Policy 264 and the Area Specific Policies 203, 204 and 219 that are nested within it.
- The heights attributed to the escarpment and its relationship to the 555 Davenport Road are not accurately reported, which is a matter critical to determining appropriate view lines.
- The Report has not addressed scenic routes and adverse impacts upon them, namely the Walmer Road – Kendal Avenue alignment, and Davenport Road.
- In my opinion, as proposed, 555 Davenport Road and 500 Macpherson Avenue would adversely impact the protected views to and from the Casa Loma / Spadina House / EJ Lennox heritage complex. These are longstanding public views that have existed for over 100 years, that do not exist anywhere else in midtown.
- In my opinion, the City needs to conduct its own heritage study as provided for in OP 3.1.6.45.


IN CLOSING

In my opinion, the objective of the community consultation and assessment of these two proposals, 555 Davenport Road and 500 Macpherson Avenue, is reach what my firm used to refer to as a 'best-result' outcome, that is appropriate and beneficial for all parties.

A more comprehensive urban place could be achieved by knitting together the distinct blocks into a broader coherent setting by –

- integrating Kendal Avenue into Walmer Road's scenic route and carrying this through to the future Green Line linear park, and
- establishing a harmonious relationship between the George Brown College campus on the west side of Kendal Avenue and these two development proposals that occupy the majority of the east side of Kendal Avenue.

Sincerely

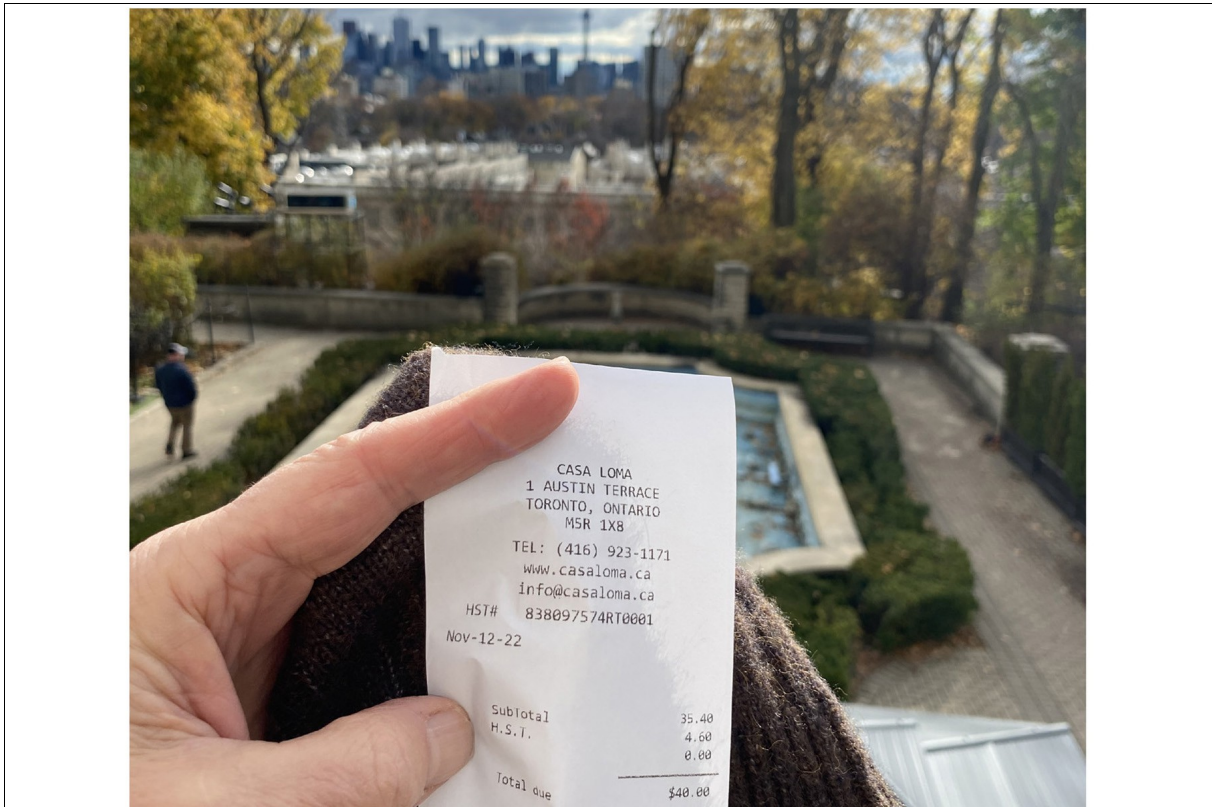


Terry Mills B.ARCH RPP MCIP

As a matter of clarification, I am a Land Use Planner and not a Heritage Planner, and my remarks should be taken accordingly. My planning work does at times involve developments adjacent to properties on the Heritage Register. In former years operating Chizen & Mills – a design build practice, we had occasion to develop properties that were on the Heritage Register.



View from Casa Loma Terrace – Unimpeded by the Castle Hill Townhouses



View from Casa Loma Terrace – a \$40 Pay per View Spectacle



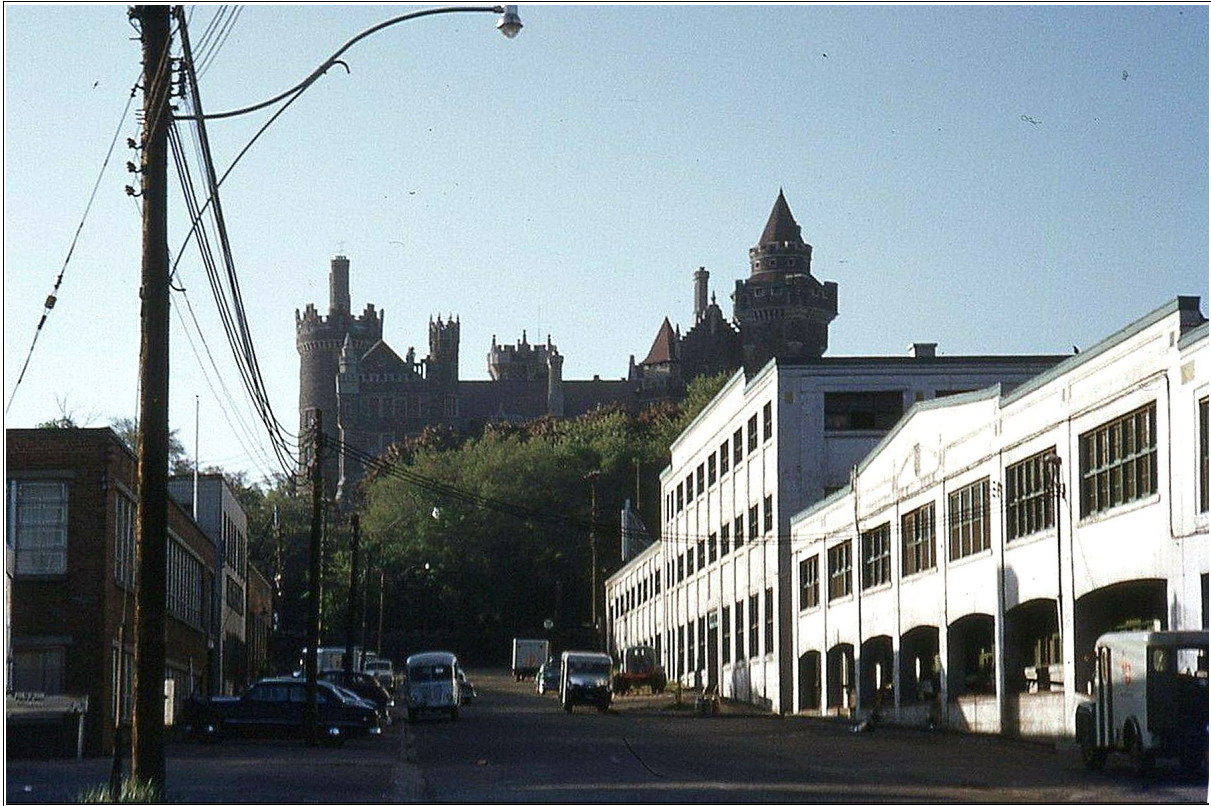
1930 – Barkers Bread Bakery, 555 Davenport Road



2022 – View of Former Barkers Bread Bakery, 555 Davenport Road



View from Walmer Road to Kendal Avenue, Future Park, CPR Tracks and City Beyond



View to Casa Loma beyond the Former Sealtest Dairy



View to Casa Loma from the Castle Hill Townhouses



View from the Baldwin Steps



View from the Baldwin Steps