

Background Information

July 4, 2022

555 Davenport and 500 Macpherson Ave– proposed 8 storey / 10.906 square meter residential development



**TARRAGON
VILLAGE
COMMUNITY
ASSOCIATION**

**HABAYIT
SHELANU
RESIDENTS**

There would be substantial negative impact on the Public Realm and prominent heritage buildings and protected natural landscapes from this proposed development and therefore we believe that the application in its current form be strongly rejected for the multiple reasons outlined below. There are serious omissions and misrepresentations with the Bousfield Planning and Urban Design Rationale dated April 2022 that would make this application incomplete and not supported. As provided specifically within the Official Plan, the City has the right to require a Heritage Impact Assessment for this proposal. We strongly request that the City require such a study to be conducted. The two properties in question are currently zoned IE – industrial education. We have no issues with the principle of converting these properties to residential subject to the concerns set out in this document regarding excessive height, need for setbacks from the Habayit Shelanu seniors residence, the potential heritage significance of 555 Davenport, the preservation of views to Casa Loma, to the Lake Iroquois escarpment, the preservation of City and skyline views from the Baldwin steps, Casa Loma and public streets on the escarpment as well as the potential need to preserve parking for George Brown students and staff.

BACKGROUND – PLANNING POLICIES REVIEW AND POTENTIAL NEGATIVE IMPACT

1. Planning

- a. Current zoning by laws. – height and use
*Proposal exceeds zoning size allowances by 92% (assuming total height is 25 meters but application is for total 28.7 meters including projections which then equals a proposed increase of 120%
The current zoning by law # 569-2013 allows for 13 meters in height for this property. All of the adjacent properties do not exceed 4 floors. This would be the first property allowed to build to this height and would set an inappropriate height precedent for this portion of Toronto adjacent to Casa Loma,*

the Baldwin steps and the Lake Iroquois Escarpment – ALL significant protected landmarks that are specifically identified in the Official Plan.

80.30.40 Principal Building Requirements

80.30.40.10 Height

(1) Maximum Height

If a **lot** in a IE zone is in an area that has:

- (A) a numerical value following the letters 'HT' on the Height Overlay Map, the permitted maximum height of a **building** or **structure** on the **lot** is the numerical value following the letters 'HT' on the Height Overlay Map, in metres; or
- (B) no numerical value following the letters 'HT' on the Height Overlay Map, the permitted maximum height of a **building** or **structure** on the **lot** is 13.0 metres.

(2) Height of Buildings and Structures - Green Roof

In the IE zone, a parapet wall for a **green roof** may exceed the permitted maximum height for a **building** by 2.0 metres.

b. Protected heritage views with specific protection in the Official Plan

- a. Chapter 3.1.1` Policy 25; Chapter 3.1.5 Policy 46; Schedule 4, Maps 7A 7B

The following extracts are directly from the Official Plan and summarize the key policies that are required to be considered when evaluating the significant proposed changes to the use and height limitations for this proposal.

City of Toronto Official Plan Office Consolidation April 2021 - Chapter 3 – BUILDING A SUCCESSFUL CITY

P3-1 “The policies will help bring to life our vision of a successful city by focusing on the built environment, the human environment, the natural environment economic health and new neighbourhoods. All applications for development will be evaluated against the policies and criteria in this Chapter to ensure that we make the best possible development choices.

City-building involves balancing social, economic and environmental needs and priorities..... Such changes should be considered only after the trade-offs between clear social, economic and environmental impacts and benefits have been identified, acknowledged, analyzed and publicly debated.”

3.1 THE BUILT ENVIRONMENT

.... “ Great cities do not happen by accident – they are designed and orchestrated so that individual private and public developments work together to create cohesive blocks, neighbourhoods and districts.”

3.1.1. THE PUBLIC REALM

P 3-2 “The public realm is the fundamental organizing element of the city and its neighbourhoods and plays an important role in supporting population and employment growth, health, liveability, social equity and overall quality of life. It is a key shared asset that draws people together and creates strong social bonds at the neighbourhood, city and regional level. The public realm and the buildings that frame it convey our public image to the world and unite us as a city. They contribute to Toronto’s cultural heritage and are fundamental to defining our urban form and character.”

....” Development will enhance and extend, where appropriate, a high quality public realm and support the creation of complete communities inclusive of public streets, parks and open spaces for every scale of city building. The public realm policies provide guidance on the roles and key relationships between elements of the public realm as well as direction on the expansion, enhancement and maintenance of the public realm through development review and capital projects.”

POLICIES p 3-2 – 3-7

Policy 1. The public realm is comprised of all public and private spaces to which the public has access. It is a network that includes, but is not limited to, streets and lanes, parks and open spaces, and the parts of private and public buildings that the public is invited into.

Policy 2. The public realm will

a) provide the organizing framework and setting for developments;

....

e) contribute to the identity and physical character of the city and its neighbourhoods.

.....

Policy 6. City streets are significant public open spaces which connect people and places and support the development of sustainable, economically vibrant and complete communities.

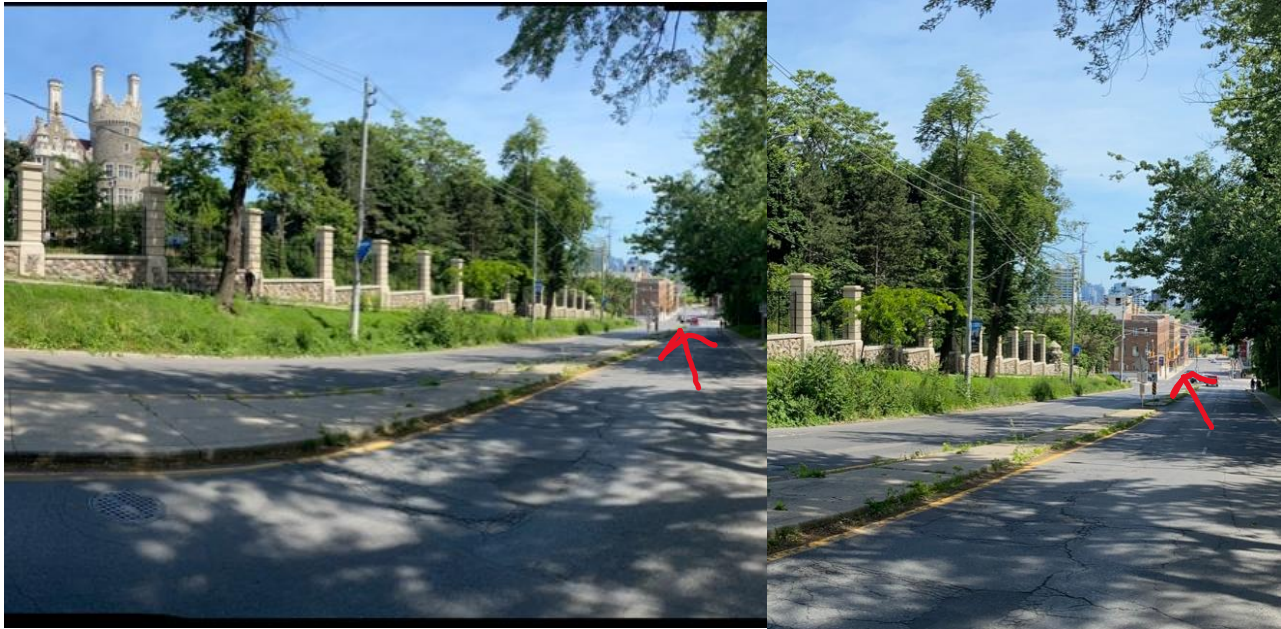
Policy 22. Scenic routes are streets with public views of important natural or human-made features and should be preserved and, where possible, improved by:

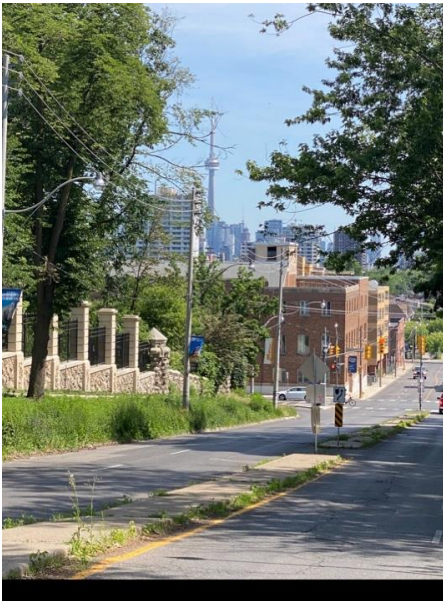
a) Maintaining views and vistas as new development occurs; [emphasis added]

b) Creating or extending scenic routes or views when an opportunity arises;

The following pictures taken at the top of Walmer Road adjacent to Casa Loma and Casa Loma grounds and the former home and private park built by EJ Lennox – the architect of Casa Loma and Old City Hall. This is a walk frequented by the many visitors to Casa

Loma and public walking tours of the Casa Loma heritage neighbourhood and thus can be considered a “Scenic Route” as defined in Policy 22. It can be seen that the views and vista to the City skyline and CN Tower would be seriously irreversibly diminished by the increased height proposed at 555 Davenport.





Policies continued

Page 3-4 Policy12 Interior concourses, plazas, pedestrian mews, and mid-block connections, whether private or publicly owned, will be designed to complement and extend, but not replace, the role of public streets, parks and open spaces as the main place for civic life and pedestrian activity. They should be designed for users of all ages and abilities and be comfortable, safe and integrated into the local network of pedestrian movement with direct access from the public sidewalk and clear way-finding within.

This proposed double development would seriously impact the existing 4 storey Habayit Shelanu (our home) seniors residence, in particular the south Kendal and McPherson condo building. On the south side of the residence there is a ground floor exterior courtyard which houses a garden for the residents as well as windows for units and also to provide natural light into the corridors. This would be seriously impacted by the south building which seems to be planned right up to the property line thus obliterating the south natural light into this residence likely negatively impacting their quality of life. The following pictures highlight the potential impact.





Policies Continued

page 3-5 Policy 15 . New and existing city blocks and development lots within them will be designed to:

....

b) have an appropriate size and configuration for the proposed land use, scale of development and intended form of buildings and open space.

The scale and form of these buildings are out of scale with the neighbourhood and properties within the immediate area.

d) promote street-oriented development with buildings fronting onto and having access and address from street and park edges.

There is a need for green space within this proposed development which currently offers none.

Page 3-5

Policy 16. The preservation, long-term growth and increases in the amount of healthy trees will be a priority for all development. Development proposal will demonstrate how the protection, provision and maintenance of trees and their growing spaces above and below ground will be achieved.

The developer should be required to provide a substantial amount of new trees as this block is currently very underserved with trees – especially given the proximity to the Lake Iroquois Escarpment green space and the future Green Line Park. Also the developer should be required to minimize the negative impact on the trees and green space currently on the south side of the Habayit Shelanu seniors residence.

Policy 17. Access and enjoyment of the natural features of the City, such as the Lake Ontario shoreline, the Lake Iroquois escarpment woodlots, [emphasis added] ravines and valley lands, will be enhanced and protected by:

- a) Improving physical and visual access from adjacent public streets, parks and open spaces and by designing these into a comprehensive public realm network.
- b) Ensuring that adjacent development, including new streets, parks and open spaces, building location, height, massing and organization, will preserve and enhance access, views and vistas between these natural features and the public realm. [emphasis added]

It does not seem that this proposal does anything to enhance the natural features of the Lake Iroquois escarpment or the eventual connection between the escarpment and the Green Line hydro corridor park. Further these developments will block visual

access to the Casa Loma wood lots and set a negative precedent on Davenport for this and other sites in such close proximity to the escarpment.

Policy 23. Public works and private development will maintain views from the public realm to the skylines of the *Downtown and Central Waterfront*,,,,,, on Maps 7a and 7b. These views are dynamic and are expected to evolve over time to include new buildings constructed within the *Downtown and Central Waterfront*.....[emphasis added]

Policy 24. Views from the public realm to prominent buildings, structures, landscapes and natural features are an important part of the form and image of the City. Public works and private development will maintain, frame and, where possible through project design, create views from the public realm to important natural and human-made features as identified on Maps 7a and 7b.

Policy 25. Views from the public realm to prominent buildings, structures, landscapes and natural features identified on Maps 7a and 7b are important and are described in Schedule 4.

Casa Loma, Casa Loma wood lots, Baldwin steps and the Lake Iroquois escarpment are all specifically mentioned in the Official Plan including Maps 7a and 7b and are prominent and prominent structures and natural landscapes and are all specifically protected. Davenport along the escarpment between Spadina and Bathurst can accommodate residential intensification however the zoning height needs to be maintained at 13 or 14 meters maximum to properly protect these important protected features of our City.

Policy 46. A Heritage Impact Assessment may be required where a development application may have an impact on a view described on Schedule 4, Section A as a heritage building, structure or landscape identified on Map 7a or 7b, to the satisfaction of the City. Views identified on Maps 7a and 7b may also need to be assessed for their potential cultural heritage value. [emphasis added]

It is clear that this proposed development may have an impact on a protected view identified in numerous ways within the Official Plan. Accordingly the City should require a Heritage Impact Assessment of the potential impacts which should be conducted on behalf of the City and impacted residents as represented by recognized residents associations.

Schedule 4 – DESCRIPTION OF VIEWS

This schedule describes the views identified on maps 7a and 7b of the Official Plan. Views described are subject to the policies set out in Section 3.1.1. Described views marked with an [H] are views of heritage properties and are specifically subject to the view protection policies of section 3.1.5 of the Official Plan.

A. PROMINENT AND HERITAGE BUILDINGS.....

- A. 17 The view of Casa Loma shows much of its south facing façade and, *in particular*, (emphasis added) the towers on the property, most notably the Scottish Tower, from the east side of the intersection of Dupont Street and Spadina Road.

The proposed development would definitely impact the views of the towers from publicly accessible viewpoints including the walk from the Dupont subway station towards the Castle for those who choose to walk along Macpherson and Kendal and then Walmer to access the front entrance of the Castle on Austin Terrace. Many visitors to the Castle arrive by subway as parking is very limited and hence get their first glimpses of the impressive towers and castle and Lake Iroquois escarpment as they approach on foot. Section A17 does not ONLY protect the views of the Castle and its Towers from the east side intersection of Dupont and Spadina. Rather that view is highlighted as particularly important but not the only view corridor that is to be protected.





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VEHICLES SUBJECT TO TOWING

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B. SKYLINES

B1 Downtown / Financial District Skyline

- x. Top of Baldwin Steps (east of Casa Loma) – Buildings, including the CN Tower, which compose the Downtown / Financial District skyline, can be viewed clearly from the top of the Baldwin Steps located just east of Casa Loma.
- xi. Casa Loma (south terrace) – Buildings, including the CN Tower, which compose the Downtown / Financial District skyline, can be viewed clearly from the south terrace of Casa Loma.

The proposed development will impede the views towards the Downtown / Financial District from the south terrace of Casa Loma and therefore no height exemption should be allowed.









C. IMPORTANT NATURAL FEATURES

C11. Lake Iroquois Escarpment.

The Lake Iroquois escarpment ridge can be viewed clearly from Avenue Road just north of the gatekeeper's house and from Oaklans Avenue through the stone gates and across the De La Salle College playing fields.

Lake Iroquois escarpment is mentioned specifically on numerous occasions within the Official Plan. The proposed development would negatively impact the views of the Casa Loma Lake Escarpment woodlot and therefore should not be allowed to increase height beyond the permitted 13 meters.

D. Potential heritage building that should be reviewed for possible listing and designation by Toronto Preservation Board

There are potentially architecturally and historically important features to the building located at 555 Davenport (corner Davenport and Kendal). The CLRA has requested that Toronto Heritage Preservation services research whether they believe the property should be added to the Heritage Properties list of buildings that should be afforded heritage protection.







This process should be given the time it needs to be completed.

- E. There needs to be a large setback from the Habayit Shelanu Seniors Residence located at Kendal Rd – the residents depend on natural light that currently comes from the south for

natural light in residence apartments, natural light filtering into windows in their corridors (especially important as many seniors have mobility issues and can't easily leave the residence to get outside) and the garden that has been developed for residents.

F. Removal of parking lots for George Brown will add additional stress to the neighbourhood because of a high percentage of George Brown faculty, contractors and students driving to the campus. Going back to the last major expansion of the campus, there was a commitment made to the nearby community to increase parking capacity if warranted. This obligation continues. Before covid, the available parking lots have often filled to capacity. As these are pay lots, many of the campus population first seek and fill any free street parking. Tarragon community residents with overnight permits and their day visitors typically cannot find street parking until the students leave for the day. The sale of the lots on Kendal would be contrary to the primary infrastructure needs of George Brown and catastrophic for nearby residents.

G. The intersection of Kendal-Bridgeman-Macpherson is a blind corner for drivers and has a very high pedestrian load. It has previously been identified as dangerous and has had frequent near misses. The re-aligning of the streets could be the solution. A traffic study is warranted and if it recommends changing the footprint of the building, this is the time to act.

The concept drawings that were presented by the applicant showing that this would result in a seriously overbuilt and inappropriate massing given the neighbourhood context.

Bousfield Report dated April 2022

2. SIGNIFICANT GAPS IN THE BOUSFIELD PLANNING AND URBAN RATIONALE

A preliminary examination of the Bousfield report supporting the developer's application discovers a number of serious apparent misrepresentations and omissions that question the

overall completeness of the application and also questions in our opinion the integrity of the recommendations from Bousfield.

P63 Bousfield Report

View Impacts

“With respect to views, there are a number of policies and guidelines that address views to and from Casa Loma and the Lake Iroquois Escarpment. In this regard, both SASP 264 and the Bathurst – St. Clair Urban Design Guidelines direct that development in the area south of the Lake Iroquois Escarpment will have a scale 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 views to these features from the public realm in areas to the south and views from these features, and particularly accessible areas to them, to the downtown skyline.”

We have shown that significant views from the public realm and to and from Casa Loma, the Baldwin Steps will be impacted and the proposed development will significantly detract from the views that are protected within the Official Plan.

“On Map 7b of the Official Plan, the identified view of Casa Loma is from the east side of the intersection of Dupont Street and Spadina Road. The proposed buildings would not be visible from that location and, in any event, would be located well to the west of the view corridor”

This statement in the Bousfield report is misleading and incorrect as Schedule 4 A 17 makes it clear that the whole south façade including the towers are significant and any proposed development should not detract from the views of the Castle and its towers. The reference to the Map does not override the clear expansive provisions within the Schedule of the Official Plan which is conveniently omitted from the Bousfield report.

“With respect to views from Casa Loma and the top of the Baldwin Steps of the Financial District skyline, both Casa Loma and the Baldwin Steps are located to the northeast of the subject site, while the Financial District is located further east and south. As a result, the proposed buildings will not be located within the identified views looking southeast toward the skyline”

This statement in the Bousfield report is misleading and incorrect as Policies 23 and 24 make it very clear that the protected views are of the Downtown and Central Waterfront and not just of the Financial District and that these views are dynamic and expected to evolve over time. Further Schedule 4 Section B dealing with Skylines – paragraphs x and xi make it very clear that the views are of the Financial District AND Downtown skylines and not just of the Financial District skyline. This is a serious and material omission and material

misrepresentation of the provisions of the Official Plan within the Bousfield report. The downtown skyline has evolved significantly over the past 10 years and now extends much further West and the proposed development would detract from the downtown/ skyline views from Casa Loma and the Baldwin Steps.

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