

250 Davenport Road - Zoning Amendment Application and Rental Housing Demolition & Conversion - Preliminary Report

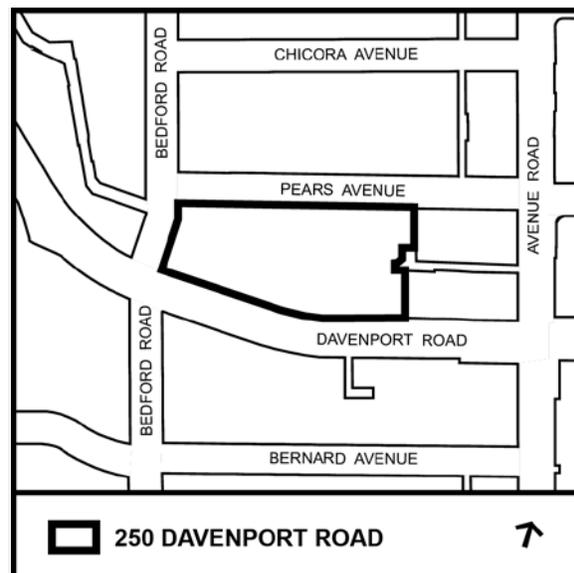
Date:	October 14, 2015
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 20 – Trinity-Spadina
Reference Number:	15 192161 STE 20 OZ and 15 192164 STE 20 RH

SUMMARY

This application proposes a 28-storey, 94 metre high (including mechanical penthouse) apartment building with 315 residential units, including 6 integrated townhouses, and 39 back-to-back townhouses in two blocks, for a total of 354 residential units. On the east portion of the site, the existing 25-storey, 67 metre high apartment building (excluding the mechanical penthouse) with 449 units will be maintained. The 11 townhouse units on Pears Avenue will be demolished and replaced in a 3-storey residential building at the northeast corner of the site. The proposed density is 5.06 times the lot area.

An application for Rental Housing Demolition and Conversion under Section 111 of the *City of Toronto Act* (Chapter 667 of the Municipal Code) has been submitted with the Zoning Amendment application, for the proposed demolition of 11 rental housing units.

This report provides preliminary information on the above-noted applications and seeks Community Council's directions on their processing and the community consultation process.



A Community Meeting is targeted for the Q1 2016. A Final Report is targeted for Q3 2016 assuming that the applicant provides all required information in a timely manner.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff be directed to schedule a community consultation meeting for the lands at 250 Davenport Road together with the Ward Councillor.
2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the site.
3. Notice for the public meeting under the Planning Act be given according to the regulations of the Planning Act.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

There have been no recent *Planning Act* applications for this site.

Pre-Application Consultation

A pre-application consultation meeting was held with the applicant on June 30, 2015 to discuss complete application submission requirements.

A series of separate pre-application community consultation meetings were held over the past year with residents of 250 Davenport Road and representatives of the Annex Residents Association. A number of concerns were raised at the meetings regarding retention of outdoor green space, tower separation distances, tower height, surface and underground parking availability, improvements to the existing apartment building, relocation of existing townhouse units, wind conditions on the site, shadow impact and sky view.

The applicant has shifted the proposed apartment building to the west end of the site to increase tower separation distances, thereby improving sunlight and sky views for west-facing units of the existing apartment building at 250 Davenport Road. In response to the resident concerns about loss of green space, the applicant has designed the parking garage to accommodate all visitor parking, allowing for greening of the existing hardscape/surface parking on the site to create a new green space. Both of these changes are reflected in the application filed with the City.

ISSUE BACKGROUND

Proposal

The application proposes a new 28-storey apartment building of 86 metres in height (excluding the mechanical penthouse). The proposed building will have a double height base, with the tower lobby and indoor amenity space on the ground and second floors, and a 27-storey tower above. (see Attachments 2-5, Elevations). Its gross floor area is 19,357 square metres.

The proposed development has a total of 354 market units, consisting of 151 one-bedroom, 157 two-bedroom and 7 three-bedroom units in the apartment building, and 39 three-bedroom units in the two back-to-back townhouse blocks.

The demolition application proposes to demolish the existing 11 two-bedroom townhouse units owned and rented by Toronto Community Housing Corporation (TCHC). These units would be replaced by 11 two-bedroom units in a 3-storey standalone building on the site. All the replacement units would have at-grade access. The existing 25-storey, 449 unit apartment building, also owned and rented by TCHC, is to be retained. After demolition and replacement, there will be a total of 460 TCHC units on the site, comprised of 151 bachelor, 247 one-bedroom and 51 two-bedroom apartment units, and 11 two-bedroom townhouse units.

Site and Surrounding Area

The site is generally rectangular shaped but narrows near Bedford Road due to the alignment of Davenport Road. It is 1.08 hectares in area and bounded on its north, west and south sides by public streets- Pears Avenue, Bedford Road and Davenport Road. Its frontage is 159.2 metres on Pears Avenue, 46.4 metres on Bedford Road and 155.8 metres on Davenport Road.

The east portion of the site is currently occupied by a 25-storey TCHC rental apartment building. On the east side of this existing building is a landscaped open space that includes a community garden, general outdoor space and an outdoor walled garbage and recycling storage and collection area. On the west side of the building is its main entrance, a paved outdoor parking area for some tenants and a drop off/ pickup area. Further west is a large outdoor grassed amenity space with trees on three sides used mainly for active activities including dog walking.

Land uses surrounding the site are:

North: An existing 4-storey commercial building (Designer Walk 5) at 160 Pears Avenue, which has permission for a 3-storey commercial addition. Further east is 142 Pears Avenue, a five-storey stepped residential condominium building, then 138 Pears Avenue, an 8 1/2 storey residential building. Further east is 124 Pears Avenue (The Perry) where an approved 11-storey mixed-use building is under construction.

South: Across Davenport Road at 287 Davenport Road is a large single-storey multi-tenant commercial building at the southeast corner of Bedford Road and Davenport Road. At 277 Davenport Road, a 6-storey, 10-unit building is under construction. Further east at 265 -267 Davenport Road is a 1 to 2 storey building that includes retail and restaurant uses. At 263 Davenport Road is 2-storey commercial building. A 2 1/2 storey office

building is at 261 Davenport Road and a 3-storey commercial/residential building is at 251 – 255 Davenport Road. Further east are 2 ½ -3 storey commercial and commercial/residential buildings to Avenue Road.

East: On the north side of Davenport Road is a 6-storey mixed-use building at 238 Davenport Road. To the east is a 2-storey commercial building at 234 Davenport Road. A single-storey restaurant is at 222 Davenport Road and a convenience store and restaurant are at the northwest corner of Davenport and Avenue Road, at 150 Avenue Road.

West: At the northwest corner of Davenport Road and Bedford Road at 306 Davenport Road is a 3-storey residential/commercial building, with a restaurant on the ground floor, surrounded by an L-shaped surface parking lot. To the north is Designer Walk Lane, a public laneway running northwest to Dupont Street. Further west are Designer Walk Buildings 1 and 2 which are subject to a rezoning application for a 10-storey building. Further north on the west side of Bedford Road is a 5-storey commercial/residential building (Designer Walk 3) at 160-168 Bedford Road, a 2 ½ storey commercial building (Designer Walk Building 4) at 170 Bedford Road, a converted 2 ½ storey commercial building at 174 Bedford Road and 3 ½ storey townhouses north to Dupont Street at 178-224 Bedford Road.

Planning Act

Among other matters, Section 2 (j) of the Planning Act lists "the adequate provision of a full range of housing, including affordable housing" as a matter of provincial interest that municipalities shall have regard for when making decisions under the Planning Act. City staff will review the applications within the framework of the Planning Act.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; providing for an appropriate range of housing, including affordable housing, to meet the needs of current and future residents; and protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; to provide housing options to meet the needs of people at any age; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Staff will review the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The site is within the *Downtown and Central Waterfront Area* on the Urban Structure map (Map 2) of the Official Plan.

Chapter 2- Shaping the City, identifies that the downtown area offers opportunities for substantial employment and residential growth, but that this growth is not anticipated to be uniform. Rather, it is expected that the physical setting of many areas will remain unchanged and that design guidelines specific to districts or historic or distinct character will be implemented to ensure that new development fits into the context of existing built form, streets, setbacks, heights and relationship to landmark buildings.

The policies in Chapter 3 of the Plan complement and support the City's growth strategy by integrating social, economic and environmental perspectives in decision-making to create an attractive City, with a strong economy and liveable communities. The application will be evaluated using the Built Form policies of Section 3.1.2 of the Plan which address how the development improves the public realm, and is massed harmoniously into the planned context of the neighbourhood and the City. New developments will be massed to define the edges of the edges of streets, parks and open spaces at good proportions. Taller buildings will be located to ensure adequate access to sky view for the proposed and future use of these areas.

The site is designated as *Apartment Neighbourhoods* in the Official Plan (Map 18). The *Apartment Neighbourhoods* designation permits apartment buildings and other uses, including parks, local institutions, and cultural and recreational facilities, as well as small-scale retail, services and office uses that serve the needs of the area residents. In addition, all uses permitted in the *Neighbourhoods* designation are permitted.

Development in *Apartment Neighbourhoods* is subject to a number of development criteria to: locate and mass new buildings to provide a transition between areas of different development intensity and scale; provide appropriate setbacks and/or stepping down of heights, particularly towards lower scale *Neighbourhoods*; locate and mass new buildings to limit shadow impacts on adjacent *Neighbourhoods* particularly during the spring and fall equinoxes; locate and mass new buildings to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians, on streets, parks and open spaces; and provide good site access and circulation and an adequate supply of parking for residents and visitors.

Section 3.2.1 of the Official Plan includes policies that encourage the provision of a full range of housing, in terms of form, tenure and affordability, and the protection of rental housing units. The application will be evaluated against the policies from the Housing Section (3.2.1).

Policy 3.2.1(5) provides that significant new development on sites containing 6 or more rental units, where the existing rental units will be kept in the new development, will secure the tenure of buildings where there are affordable or midrange rents, and may also secure improvements to

the existing buildings to maintain their viability and to provide amenity to the residents at no extra cost to the tenants.

Policy 3.2.1(7) provides that redevelopment of social housing properties, such as this TCHC property, that would have the effect of removing a social housing building or related group of buildings containing one or more social housing units, will secure the full replacement of the social housing units at similar rents and provide an acceptable tenant relocation and assistance plan addressing provision of alternative accommodation for tenants at similar rents, including rent geared-to-income subsidies, right-of-first-refusal to occupy one of the replacement social housing units and other assistance to mitigate hardships.

Policy 3.2.1 (8) provides that the severance of any building or related group of buildings, containing six or more rental housing units will not be approved unless certain conditions are met, including that the proposal will not negatively affect the supply or availability of rental housing or rental-housing sub-sectors including affordable units, units suitable for families or housing for vulnerable populations such as seniors, persons with special needs, or students, either in the City, or in a geographic sub-area or a neighbourhood of the City; and all provisions of other applicable legislation and policies have been satisfied.

Zoning

On May 9, 2013, City Council enacted city-wide Zoning By-law 569-2013, currently under appeal at the Ontario Municipal Board. Both Zoning By-law 569-2013 and former City of Toronto Zoning By-law 438-86 currently apply to the site.

In Zoning By-law 569-2013, the site is zoned R(d2.0) (x891) with a height limit of 14.0 metres, and a maximum density of 2 times the area of the lot. In Zoning By-law 438-86, as amended, the site is zoned R2 Z2.0, with the same a maximum height and density as the R zone in By-law 569-2013. The R2 (Residential) zone permits a wide range of residential uses, including apartment buildings, and a limited range of non-residential uses, including community services.

The site is also subject to site-specific By-law 22637, as amended by By-laws 22904, 23047, and 66-74. The site-specific by-law, as amended, permits a maximum gross floor area of 28,830 square metres, equivalent to a density of 2.68 times the area of the lot. The by-law permits two slab-style apartment buildings, as well as a minimum of 11 townhouse units fronting on Pears Avenue with a minimum gross floor area of 1,502 square metres and maximum height of 9.1 metres.

The permitted tower footprints are approximately 1,360 square metres and are oriented north/south at the east end of the site (where the existing 25-storey building is located) and east/west at the west end of the site. The apartment buildings are required to be set back a minimum of 6.1 metres from Pears Avenue. No height limit is prescribed for the two apartment buildings.

Only the easterly permitted apartment building and the townhouses have been constructed.

Site Plan Control

The proposal is subject to Site Plan Control. An application has not been submitted.

Tall Building Design Guidelines

In May 2013, City Council adopted the updated city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of tall building applications. The Guidelines establish a unified set of performance measures to ensure that proposed tall buildings fit within their context and minimize their local impacts. The Guidelines are available at <http://www.toronto.ca/planning/tallbuildingdesign.htm>

Downtown Tall Buildings: Vision and Supplementary Design Guidelines

This site is also subject to the Downtown Tall Buildings: Vision and Supplementary Design Guidelines (adopted by City Council in July 2012 and consolidated with the city-wide Tall Building Design Guidelines in May 2013). This document identifies where tall buildings belong in Downtown, and establishes a framework to regulate their height, form and contextual relationship to their surroundings. The Downtown Vision and Supplementary Design Guidelines should be used together with the city-wide Tall Building Design Guidelines to evaluate Downtown tall building proposals.

This section of Davenport Road is not identified as a High Street on the High Street Map of the Downtown Vision and Supplementary Design Guidelines. The Guidelines are available at <http://www.toronto.ca/planning/tallbuildingstudy.htm#guidelines>

Tree Preservation

The applicant's arborist report states that 85 trees are affected by this project, of which 49 are private trees on the site and 16 are City-owned trees on the street rights-of-way. Some of the trees are in poor condition. There are 40 private trees proposed for removal and replacement with 32 new trees. All 16 City-owned street trees are proposed to be replaced. Permits are required for 7 of the City-owned trees. Urban Forestry will review the proposed tree replacements.

Rental Housing Demolition and Conversion

Section 111 of the *City of Toronto Act, 2006* authorizes Council to regulate the demolition, conversion and severance of residential rental properties in the City. By-law No. 885-2007 (also known as the Rental Housing Demolition and Conversion By-law), which established Chapter 667 of the Municipal Code, implements the City's Official Plan policies protecting rental housing.

The By-law makes it an offence to demolish, convert to condominium, or sever the whole or any part of a residential rental property where there are six or more dwelling units, unless approval has been granted for a Section 111 permit for the demolition, severance or conversion. City Council may refuse an application, or approve the application with conditions.

Where a planning application triggers an application under Chapter 667 for rental demolition, severance or conversion, City Council typically considers both applications at the same time. Unlike *Planning Act* applications, decisions made by the City under By-law 885-2007 are not appealable to the Ontario Municipal Board.

The applicant has submitted an application for a Section 111 permit pursuant to Chapter 667 of the City of Toronto Municipal Code for the demolition and severance of the existing rental units.

TOcore: Planning Toronto's Downtown

On May 13, 2014, Toronto and East York Community Council considered a staff report regarding 'TOcore: Planning Toronto's Downtown', along with a related background document entitled 'Trends and Issues in the Intensification of Downtown'. These reports along with additional information are available on the study website at: www.toronto.ca/tocore

TOcore is looking at how Toronto's Downtown should grow, with both a renewed planning framework and the necessary infrastructure to remain a great place to live, work, learn and play. TOcore is in its initial 'taking stock' phase, which involves an analysis of existing conditions, growth trends and priority issues in the Downtown. The study team will be reporting back to TEYCC by the end of 2015 on the results of Phase One and the priorities for Phase Two, "Planning and Analysis". The review of this application will be informed by the issues being considered under TOcore.

Reasons for the Applications

The applicant is requesting amendments to By-law 569-2013 as well as By-law 438-86, as amended, to permit the proposed building height of 89 metres and density of 5.06 times the area of the lot. Other areas of non-compliance (e.g. parking, setbacks, common outdoor space) will be determined by Toronto Building through its review of the application.

COMMENTS

Application Submission

The following reports/studies were submitted with the application:

- Architectural Plans including Landscape Master Plan and Survey
- Tree Protection and Removal Plan
- Arborist Report
- Sun/Shadow Study
- Planning and Urban Design Rationale Report
- Draft Zoning By-law Amendments (By-law 438-86 and 569-2013)
- Pedestrian Wind Study
- Community Services and Facilities Study
- Toronto Green Standards Checklist for Mid-High Rise
- Toronto Green Standards Checklist for Low Rise
- Urban Transportation Considerations Report
- Function Servicing Report

- Phase Two Environmental Site Assessment
- Computer Generated Building Mass Model
- Rental Housing Demolition and Conversion Application Form
- Rental Housing Demolition and Conversion Declaration of Use and Screening Form
- Housing Issues Report
- Confirmation Letter of Eligibility for Non-Profit Housing Fee Exemption for New Affordable Rental Housing at 250 Davenport Road

A Notification of Complete Application was issued on September 11, 2015.

Issues to be Resolved

Prior to submitting a Final Report to Toronto and East York Community Council, the following issues as well as any others which may be identified through the application review, agency circulation and public process will need to be reviewed and satisfactorily addressed by the applicant:

- Consistency with the PPS and the Growth Plan for the Greater Golden Horseshoe Area;
- Conformity with the Official Plan policies, including the development criteria for *Apartment Neighbourhoods*;
- Conformity with the Tall Buildings Guidelines and the Downtown Tall Buildings: Vision and Supplementary Design Guidelines;
- Total height and density of the proposed building;
- Impact on adjacent mixed-use townhouses on Bedford Road to the west and the houses on Chicora Avenue north of Pears Avenue;
- Lack of a base for the proposed tower building in relation to the character of the Bedford Road low-rise townhouses and the character of Davenport Road;
- Green space provided for the existing TCHC building, and the possibility of City park space being created on a portion of the existing open space at the east end of the site;
- Shadow impact on Bedford Road, Pears Avenue and *Neighbourhoods* on the south side of Chicora Avenue;
- Wind impact on adjacent streets and open spaces (submitted opinion letter is not acceptable);
- Pedestrian sidewalks and streetscape adjacent to the proposed tall building;
- Number of trees to be removed and replaced;

- Demolition and replacement of existing affordable rental housing units on the site and improvements to the existing site and amenities for tenants.

The Toronto Green Standard Checklist has been submitted by the applicant and is currently under review by City staff for compliance with the Tier 1 performance measures.

Additional issues may be identified through the review of the applications, agency comments and the community consultation process.

Section 37

Section 37 of the *Planning Act* allows the City to enter into an agreement with an applicant to grant a height and/or density increase for a particular project that is greater than the zoning by-law would otherwise permit in return for community benefits. Details of a Section 37

Agreement between the applicant and the City will be considered, in consultation with the Ward Councillor, once the project is ultimately considered to be good planning and recommended for approval.

CONTACT

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SIGNATURE

Gregg Lintern, MCIP, RPP
Director, Community Planning
Toronto and East York District

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ATTACHMENTS

- Attachment 1: Site Plan
- Attachment 2: South Elevation
- Attachment 3: North Elevation
- Attachment 4: East Elevation
- Attachment 5: West Elevation
- Attachment 6: Artist Rendering
- Attachment 7: Zoning Map 569-2013
- Attachment 8: Application Data Sheet

Attachment 1: Site Plan



1 - Site Plan
A103 1/300

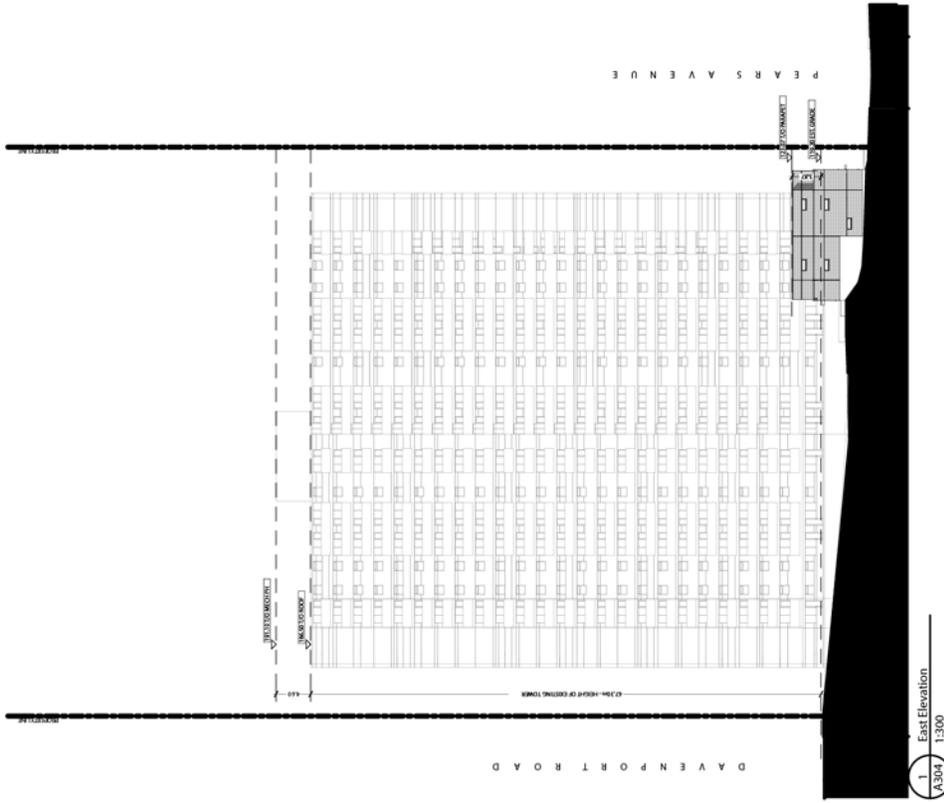
250 Davenport Road

Site Plan
Applicant's Submitted Drawing

File # 15 192161 STE 200Z

Not to Scale
10/08/2015

Attachment 4: East Elevation

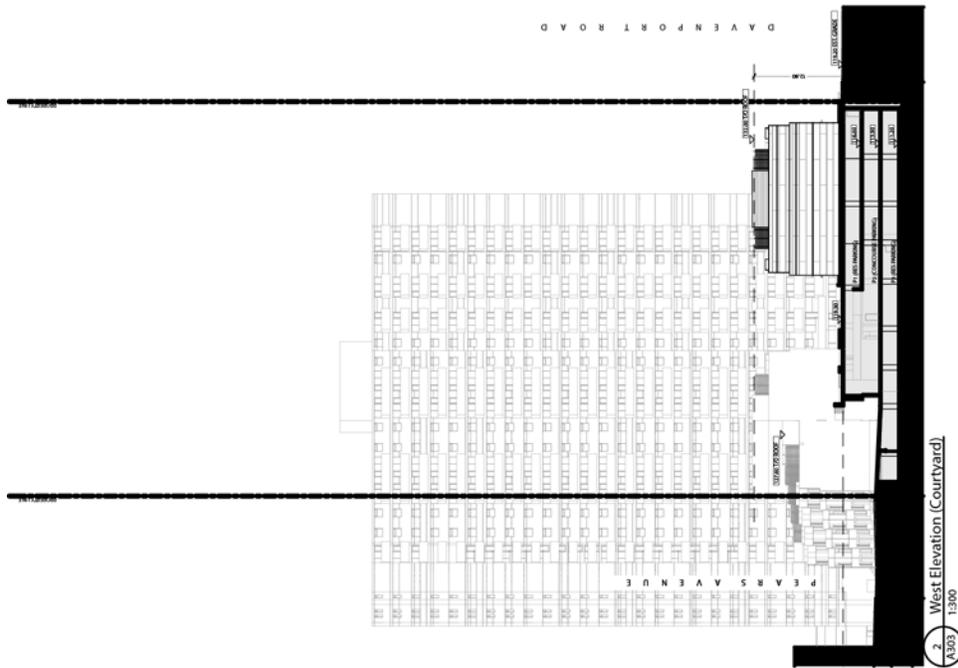
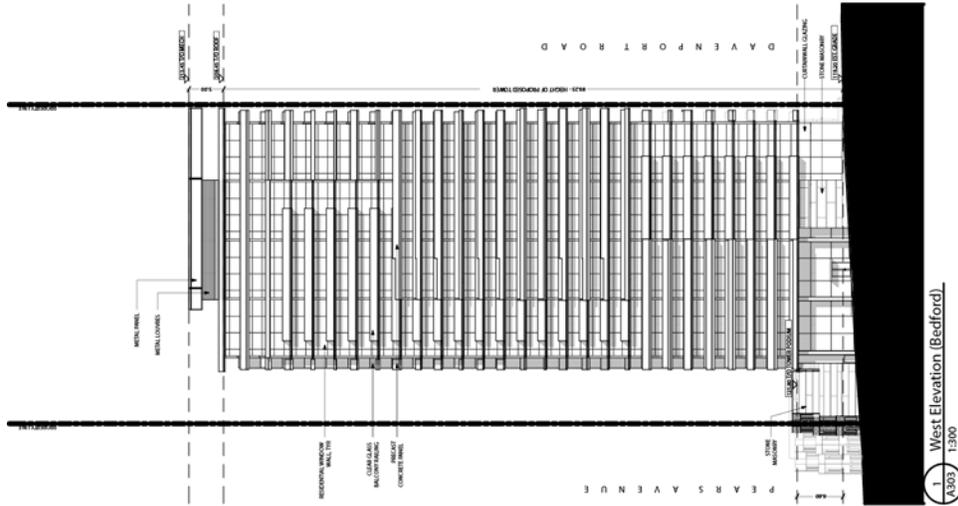


East Elevation
Applicant's Submitted Drawing
Not to Scale
10/08/2015

250 Davenport Road

File # 15 192161 STE 20 0Z

Attachment 5: West Elevation



250 Davenport Road

File # 15 192161 STE 20 0Z

West Elevations

Applicant's Submitted Drawing

Not to Scale
10/08/2015

Attachment 6: Artist Rendering



250 Davenport Road

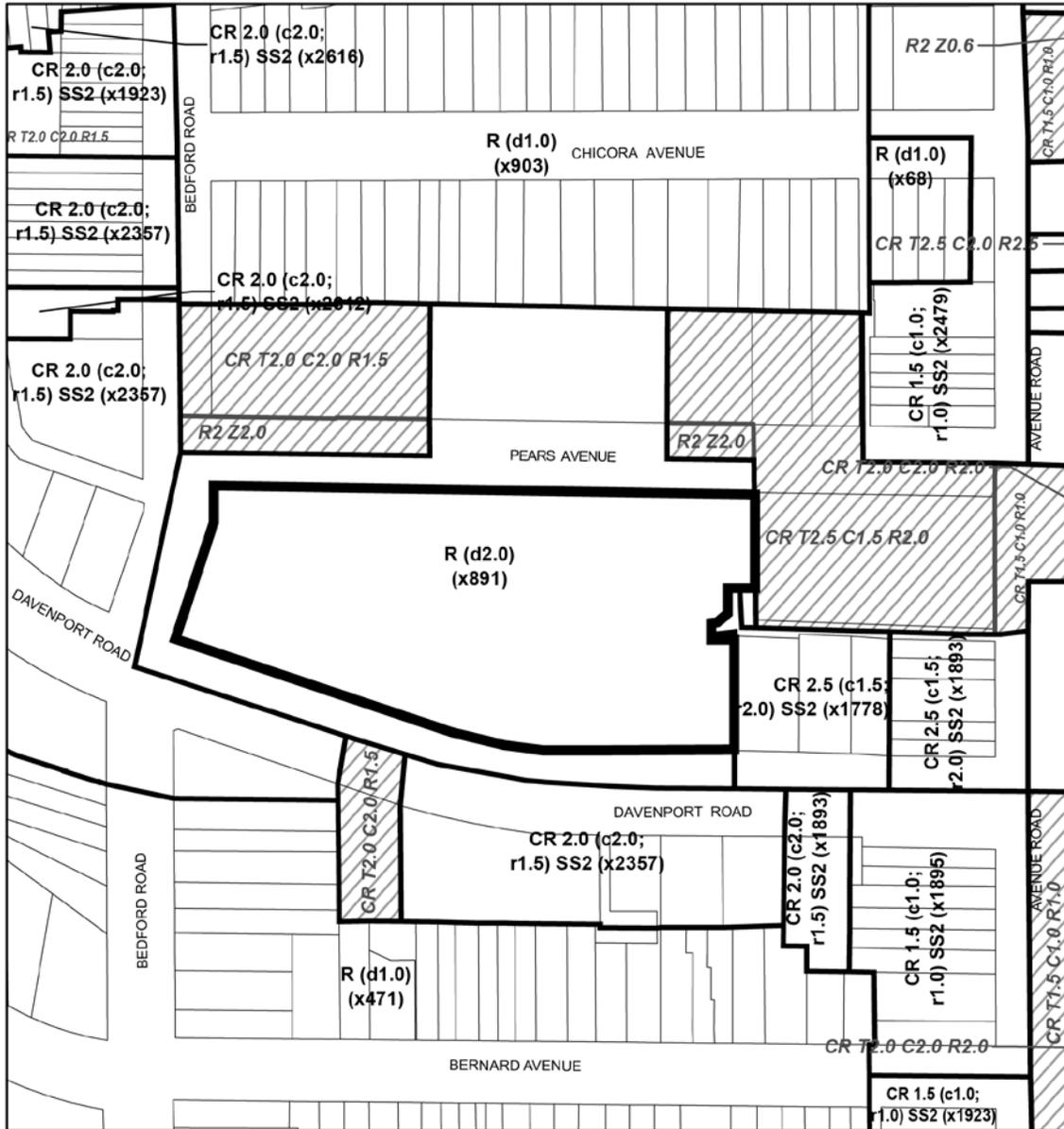
File # 15 192161 STE 20 0Z

Applicant's Rendering - Looking South

Applicant's Submitted Drawing

Not to Scale
10/08/2015

Attachment 7: Zoning Map 569-2013



Zoning By-Law No. 569-2013

250 Davenport Road
File # 15 192161 STE 20 02

Location of Application

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

R Residential CR Commercial Residential
OR Open Space Recreation

R2 Residential District
CR Mixed-Use District



Not to Scale
Extracted: 10/08/2015

Attachment 8: Application Data Sheet

Application Type	Rezoning	Application Number:	15 192161 STE 20 OZ
Details	Rezoning, Standard	Application Date:	July 16, 2015
Municipal Address:	250 DAVENPORT RD		
Location Description:	PLAN 903 LOTS 6 TO 11 PLAN E120 BLK A & LOTS 32 TO 38 PLAN M52 LOTS 1 TO 6 63 PT64 LOT 63 PT LOT 64 **GRID S2003		
Project Description:	28-storey condominium apartment building with six integrated townhouses plus two back-to-back townhouse blocks at grade, with 3 levels of underground parking. 354 residential units (315 in new apartment building) are proposed on the west portion of the site. The existing 25-storey rental apartment building (449 units) will be retained. The 11 existing townhouses will be demolished and rebuilt.		

Applicant:	Agent:	Architect:	Owner:
250 DAVENPORT INC	Caitlin Willcocks Diamond Corp.	Prishram Jain TACT Architects	TORONTO COMMUNITY HOUSING CORPORATION

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	By-law 22637
Zoning:	R (d2.0) (x891)	Historical Status:	N/A
Height Limit (m):	14	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	10757	Height:	Storeys:	28
Frontage (m):	156		Metres:	94.25
Depth (m):	47			
Total Ground Floor Area (sq. m):	0			Total
Total Residential GFA (sq. m):	54390		Parking Spaces:	333
Total Non-Residential GFA (sq. m):	0		Loading Docks	2
Total GFA (sq. m):	54390			
Lot Coverage Ratio (%):	0			
Floor Space Index:	5.06			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

			Above Grade	Below Grade
Tenure Type:	Rental, Condo			
Rooms:	0	Residential GFA (sq. m):	54390	0
Bachelor:	151	Retail GFA (sq. m):	0	0
1 Bedroom:	398	Office GFA (sq. m):	0	0
2 Bedroom:	219	Industrial GFA (sq. m):	0	0
3 + Bedroom:	46	Institutional/Other GFA (sq. m):	0	0
Total Units:	814			

CONTACT:	PLANNER NAME:	Barry Brooks, Senior Planner
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