



STAFF REPORT ACTION REQUIRED

195 Davenport Road & 131 Hazelton Avenue Official Plan and Zoning Amendment Application Preliminary Report

Date:	August 17, 2011
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 27 – Toronto Centre-Rosedale
Reference Number:	11 196104 STE 27 OZ

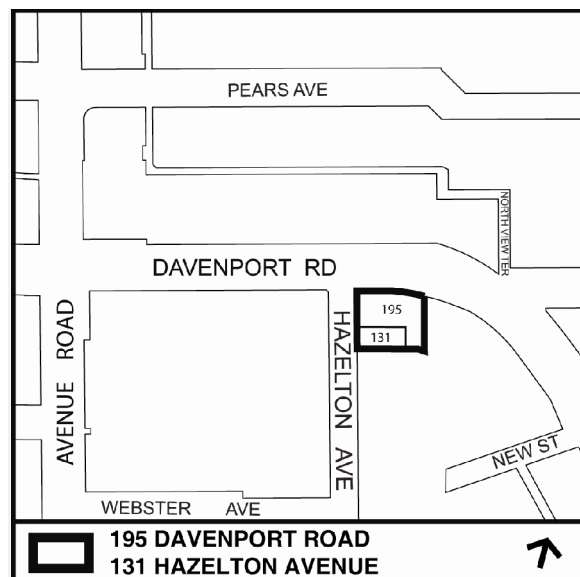
SUMMARY

This application proposes to construct a 9-storey mixed-use building (31.5 metres plus a 4-metre mechanical penthouse), with 38 residential units and one retail unit, at 195 Davenport Rd. and 131 Hazelton Ave. A total of 79 vehicular parking spaces are proposed, including 3 spaces for visitors, in 4 levels of underground parking accessible from Davenport Rd.

This report provides preliminary information on the above-noted application and seeks Community Council's direction on further processing of the application and on the community consultation process.

This application has been circulated to City departments and external agencies, where appropriate, for comment.

The next step is to hold a community consultation meeting where the community can review the application, provide comments, and ask questions of City staff and the applicant.



RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff be directed to schedule a community consultation meeting for the lands at 195 Davenport Rd. and 131 Hazelton Ave. 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 under the *Planning Act*.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

In 2004, the Committee of Adjustment approved variances with conditions, to permit a previous proposal to build a 5-storey mixed-use building with a 6th storey penthouse at 195 Davenport Rd. Specifically, amongst other variances, the height limit was varied from 14.0m to 19.5m. The decision was subject to conditions relating to environmental, building material /design, and street tree related matters. The Committee of Adjustment's decision was appealed and later dismissed by the Ontario Municipal Board as set out in their Decision/Order No. 1886 dated December 7, 2004. The proposed development was not built.

Pre-Application Consultation

A pre-application consultation meeting was held with the applicant to discuss complete application submission requirements.

ISSUE BACKGROUND

Proposal

The proposal calls for a new 9-storey mixed-use building with 38 residential units and one retail unit, located at 195 Davenport Rd. and 131 Hazelton Ave. The overall height of the proposed building is 31.5 metres plus a 4-metre mechanical penthouse, totalling approximately 35.5 metres. The overall density proposed is 5.92 times the area of the site (see Attachment No. 1).

Along Davenport Rd., the building is proposed to have a 5-storey streetwall with an entrance to the retail unit and vehicular access to the 4-level underground garage. Above the 5-storey streetwall the building is proposed to step back 1.5 metres to the 6th-8th

floors. Above the 8th floor there is another proposed stepback of 1.8 metres to the 9th floor (see Attachment No. 2).

Along Hazelton Ave., the building is set back between 0.3m and 2.5m, with the greater setback being at the south part of the Hazelton Ave. frontage. Along the Hazelton Ave. frontage there is the residential lobby at the northern end and entrances to three grade-related two-storey residential units to the south. The proposed building then steps back 0.6m above the 2nd floor to the 3rd-5th floors. Above the 5th floor, the building then steps back 1.5m to the 8th floor. Above the 8th floor, the building steps back 1.8m to the 9th floor.

Along the southern property line the building is set back 0.5 metres. The south wall of the building comprises of a 2-storey residential unit fronting onto Hazelton Ave. and a one-storey wall, behind which is the residential amenity for the building. Above the one-storey portion of the building there is a proposed step back of 4.0m to the 3rd-7th floors. Above the 7th floor there is a 4.15m stepback to the 8th floor and then another 3.5m stepback to the 9th floor.

Along the east property line there is an 8-storey wall which steps down towards the south to 1 storey. Above the 8th storey is a 1.0m setback to the 9th floor.

Cantilevered balconies are proposed along the south façade. The remaining balconies are located within the building envelope. As well, most of the stepbacks described above are proposed to be used as terraces.

The building proposed consists of 38 residential units. The proposed residential unit breakdown is as follows:

Residential Unit Type	Number of Units
One-bedroom	1
Two-bedroom	36
Three-bedroom	1

Given the proposed number of units, a total of 76 square metres is required for both indoor and outdoor amenity space. The applicant is proposing a total of 141 square meters of indoor amenity space and 0.0 square metres of outdoor amenity space.

A total of 79 vehicular parking spaces are provided, including 3 spaces for visitors, in 4 levels of underground parking accessible from Davenport Rd. Bicycle parking is also provided for, with 30 residential spaces and 9 visitor spaces.

A type G loading space is required when there are more than 30 dwelling units proposed in a building. No loading space is proposed.

Site and Surrounding Area

The site is made up of two properties, 195 Davenport Rd. and 131 Hazelton Ave. The lot at 195 Davenport Rd. is an irregular L-shaped lot and contains a one-storey building currently occupied by an office furniture showroom. At 131 Hazelton Ave there is a 3-storey house-form building currently used for medical offices.

North: of Davenport Rd. is Davenport Terrace, which consists of 3-storey house-form buildings used for commercial office and retail uses.

South: is 129 Hazelton Ave., a two storey detached house with a dormer, which forms part of the Yorkville-Hazelton Heritage Conservation District and neighbourhood to the south.

East: is 185 Davenport Rd., a 3-storey mixed-use building. Further east is a 2-storey commercial building.

West: of Hazelton Ave. is a 3-storey non-residential building with a mix of retail and office uses. Further west is a 5-storey mixed-use building and a 6-storey commercial building at the southeast corner of Avenue Rd. and Davenport Rd.

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; 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; 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 City of Toronto Official Plan designates the subject site *Mixed Use Areas* and *Neighbourhoods* and locates the site within *the Downtown and Central Waterfront*, as shown on Map 2, of the Official Plan's Urban Structure map. The subject site is made up of two properties, 195 Davenport Rd. and 131 Hazelton Ave. The property at 195 Davenport Rd. is designated *Mixed Use Areas*, and the property to the immediate south, 131 Hazelton Ave., is designated *Neighbourhoods*.

Mixed Use Areas

The *Mixed Use Areas* designation in the Official Plan provides for a broad range of commercial, residential and institutional uses, in single-use or mixed-use buildings, as well as parks and open spaces and utilities.

Development in *Mixed Use Areas* is subject to a number of development criteria. In *Mixed Use Areas*, developments will: 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 so as to adequately limit shadow impacts on adjacent *Neighbourhoods* particularly during the spring and fall equinoxes; provide good site access and circulation and an adequate supply of parking for residents and visitors; provide an attractive, comfortable and safe pedestrian environment; locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences; and, provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development.

Neighbourhoods

Neighbourhoods are considered physically stable areas made up of residential uses in lower scale buildings such as detached, semi-detached houses, duplexes, triplexes and townhouses, as well as interspersed walk-up apartments that are no higher than 4-storeys (Policy 4.1.1). Parks, low scale institutions, home occupations, cultural and recreational facilities and small-scale retail, service and office uses are also provided for in *Neighbourhoods*.

The Plan identifies these established areas as physically stable in which development will respect and reinforce the existing physical character of the *Neighbourhood*. Policy 4.1.5 provides a series of development criteria for development in established *Neighbourhoods*.

The Official Plan is available on the City's website at:
www.toronto.ca/planning/official_plan/introduction.htm

Area Specific Policy 211 – Bloor Yorkville/North Midtown Area

Area Specific Policy 211, in the Official Plan, recognizes that the Bloor-Yorkville/North Midtown Area comprises a broad mix of districts with differing intensities, scales and heights in a diversity of building forms. The area includes *Neighbourhoods*, *Apartment Neighbourhoods*, Areas of Special Identity, *Mixed Use Areas*, and open space provided by parks and ravines. It forms the north edge of the Downtown and provides for transition in density and scale.

A portion of the site is located within one of the *Neighbourhoods* identified in Policy 211, specifically the Yorkville Triangle neighbourhood. New development in the Yorkville Triangle will respect and reinforce the stability and existing low-rise character of the area. As well, new development will maintain and enhance the pedestrian amenity in the public realm.

Zoning

The subject site has two zoning designations under Zoning By-law 438-86, as amended. The north portion of the site (195 Davenport Rd.) is zoned CR T2.0 C2.0 R2.0 and the south portion of the site (131 Hazelton Ave.) is zoned R3 Z1.0 (See Attachment No. 7).

The Commercial Residential (CR) zoning classification permits residential and commercial uses including apartment buildings, retail, office and other commercial uses. The total density permitted is 2.0 times the area of the lot. The maximum permitted height for this portion of the site is 14 metres.

The Residential (R) zoning classification permits a number of uses, including apartments building having a gross floor area of up to 1.0 times the lot area. The maximum permitted height for this part of the site is 12 metres.

Yorkville – Hazelton Heritage Conservation District Plan

The northern boundary of the Yorkville-Hazelton Heritage Conservation District (HCD) is drawn along the north property line of 131 Hazelton Ave. Therefore, the property at 195 Davenport Rd. is not in the HCD. The property at 131 Hazelton Ave is designated under the *Ontario Heritage Act* per By-Law 622-2002.

Council also endorsed a set of guidelines with regards to alterations, demolition and new construction within the district. Section 2 of the Yorkville – Hazelton Heritage Conservation District Plan defines the Heritage District Characteristics and sets out guidance for alterations and new development that will complement the existing character.

The Conservation District Plan is available on the City's website at:

http://www.toronto.ca/heritage-preservation/pdf/hcd_yorkville_proposal.pdf

Bloor –Yorkville/North Midtown Urban Design Guidelines

The Bloor –Yorkville/North Midtown Urban Design Guidelines were approved by 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 main planning objectives of these recently adopted Design Guidelines include:

- Enhancement of Areas of Special Identity and historic buildings;
- Protection of residential areas from adverse impacts of commercial and/or higher density development;
- Improvement of public realm and publicly accessible areas; and
- Excellence in urban design, architecture, and landscaping.

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 split between the Davenport Bay Precinct and the Yorkville Triangle Precinct.

The Urban Design Guideline is available on the City's website at:
<http://www.toronto.ca/planning/urbdesign/blooryorkville.htm>

Avenues & Mid-Rise Buildings Study

On July 8, 2010, City Council adopted the recommendations contained in the staff report titled, Avenues and Mid-Rise Buildings Study and Action Plan, prepared by City Planning with modifications. Staff will use the Performance Standards for Mid-Rise Buildings in reviewing proposals for a two year monitoring period.

Although the intention of the Study is to provide performance standards and recommendations for mid-rise buildings on the *Avenues*, they may also be appropriate and useful to guide the review of proposals for mid-rise buildings in *Mixed Use Areas* not of *Avenues*.

The performance standards are guided by the objective to create healthy, liveable and vibrant main streets while protecting the stability and integrity of adjacent neighbourhoods.

The Avenues and Mid-Rise Buildings Study is available on the City's website at:
<http://www.toronto.ca/planning/midrisestudy.htm>

Site Plan Control

The proposal is subject to Site Plan Control. The applicant submitted a site plan application (11 196119 27 SA), which is being reviewed concurrently with the Official Plan and Zoning By-law Amendments application.

Reasons for the Application

The proposal calls for a 9-storey, 31.5-metre (excluding the mechanical penthouse) tall building with a density of 5.92 times the area of the subject site. The proposed density and height exceeds the permissions in Zoning By-laws 438-86. A Zoning By-law amendment is therefore required. Through the review of the application, staff may identify additional areas of non-compliance with the Zoning By-laws.

The Official Plan designates the subject site *Mixed Use Areas* and *Neighbourhoods*, as discussed earlier in this report. The proposal calls for a 9-storey mixed-use building which steps down to 7, 2 and 1-storeys within in the *Neighbourhoods* designation. The height and massing of the proposed development does not comply with the *Neighbourhoods* policies of the Official Plan, thus an Official Plan Amendment is required to permit the proposed built form. Through the review of the application, staff may identify additional areas of non-compliance with the Official Plan.

COMMENTS

Application Submission

The following reports/studies were submitted with the applications:

- Draft Official Plan Amendment including text and schedules
- Draft Zoning By-law Amendment including text and schedules
- Boundary and Topographical Survey
- Context Plan and Architectural Drawings
- 1:50 Scale Detail Colour Building Elevations
- Perspective Drawing
- 3D Views of Computer Generated Mass Models
- Incremental Shadow Study
- Landscape, Utility, Grading and Planting Plan
- Planning Rationale Report
- Heritage Impact Assessment
- Traffic Operations Assessment
- Tree Preservation Plan - Arborist Report
- Green Development Standards Checklist
- Stage 1 Archaeological Assessment

A Notification of Incomplete Application issued on June 22, 2011 identifies the outstanding material required for a complete application submission as follows:

- Site Servicing Report and Servicing Plans
- Stormwater Management Report

The outstanding materials were submitted on August 16, 2011 and a Notification of Complete Application was subsequently issued on August 17, 2011.

Issues to be Resolved

Planning staff have identified preliminary issues to be addressed, including but not limited to:

Height, Massing and Built Form

Given that the proposed development spans over two Official Plan designations, Planning staff will review the appropriateness of the proposed height and density in terms of the current guidelines, policies and the existing and planned context of both the *Mixed Use* and *Neighbourhoods* designations.

The proposed 9-storey (31.5m) tall building exceeds the height limit in the Zoning By-law and in particular the proposed height does not comply with the policies of the Official Plan with respect to the *Neighbourhoods* designation. Planning staff will review the proposed building in terms of its fit within and transition to the neighbourhood. Staff

may require additional reports and studies to evaluate the current or revised proposals throughout the review process.

Planning staff will also assess the proposed height and massing in terms of its relationships with the immediate area and the abutting properties. In particular Staff will review and evaluate the proposed setbacks and stepbacks, terraces and balconies. Staff will also assess the impact of the proposed terraces and projecting balconies in terms of overlook and privacy for the rear yards of the neighbourhood houses.

Indoor and Outdoor Amenity Space

The proposal does not provide for any outdoor amenity space for the proposed 38 residential units. Planning staff will review the adequacy of the proposed development's indoor amenity space and outdoor amenity space.

Heritage

The subject site is partially in a HCD. Heritage Preservation Services (HPS) staff will work with Community Planning staff in the review of the proposed development in terms of its compliance with the guidelines as set forth in the Yorkville Hazelton Conservation District Plan.

Given that 131 Hazelton Ave. is located in the HCD, the proposed development currently provides for a 2-storey feature along Hazelton Ave. The three 2-storey grade related units, as well as the entire development, will be evaluated further in terms of its scale, form and proposed materials.

The proposed demolition of the building at 131 Hazelton Ave., a Part V designated building under the *Ontario Heritage Act*, and the approval of the proposed replacement building will require a separate report to the Toronto Preservation Board.

Vehicular Access, Parking and Servicing

Planning staff will review the location of the proposed vehicular access from Davenport Rd. as well as the number of residential and visitor parking spaces to be provided. The application proposes more residential parking spaces than the Zoning By-law requires.

The applicant has not provided a Type G loading space. The Zoning By-law requires a Type G loading space for buildings with more than 30 residential units. Staff are reviewing the application and assessing any possible impacts on the pedestrian realm, with respect to vehicular access and servicing that may result from the proposed development.

Streetscape and Trees

The proposal calls for the removal of three private trees protected under the City of Toronto's Private Tree By-law and one public tree along the Davenport Road frontage, which is protected under the City of Toronto's Street Tree By-law. Staff will review the proposed removal and replacement strategy as part of the Official Plan and Zoning By-law amendment application as well as the Site Plan application.

Section 37

Section 37 of the *Planning Act* allows the City to grant a height and/or density increase that is greater than what the zoning by-law would otherwise permit in return for community benefits. The proposed gross floor area is 6,350 square metres. Notwithstanding the size of the proposal, the Official Plan policies do allow for the use of Section 37 when agreed upon by the owner.

The details of a Section 37 Agreement between the applicant and the City will be worked out, in consultation with the Ward Councillor, if project is ultimately considered to be good planning and recommended for approval.

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

Toronto Green Standard

The Toronto Green Standard (TGS) is a tool to implement the broader environmental policies of the Official Plan. Several of the natural environment policies of the Official Plan encourage green development. These policies are geared to reduce the negative impacts of development on the natural environment through practices such as improved stormwater management, water and energy efficiency, and waste reduction and recycling. These policies also promote development that enhances the natural environment and support green industry.

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

CONTACT

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SIGNATURE

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Director, Community Planning, Toronto and East York District

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ATTACHMENTS

Attachment 1: Application Data Sheet

Attachment 2: Site Plan

Attachment 3: West Elevation

Attachment 4: East Elevation

Attachment 5: North Elevation

Attachment 6: South Elevation

Attachment 7: Zoning

Attachment 8: Official Plan

Attachment 1: Application Data Sheet

Application Type	Official Plan Amendment & Rezoning	Application Number:	11 196104 STE 27 OZ
Details	OPA & Rezoning, Standard	Application Date:	May 16, 2011
Municipal Address:	195 DAVENPORT RD		
Location Description:	PLAN 411 PT LOTS 1 TO 3 RP 63R4877 PART 1 **GRID S2703		
Project Description:	OPA and Rezoning to permit the lands to redesignated as mixed use upon which a redevelopment of the lands consisting of 9-storey mixed use building containing 130m2 ground floor retail and 38 residential units above. Included in the proposal are 79 parking spaces located in a below grade parking facility, including three for visitors.		
Applicant:	Agent:	Architect:	Owner:
Sherman Brown Dryer Karol	Adam J. Brown	Page + Steele IBI Group Architects	Soaring Mizrahi Developments Inc.

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas Neighbourhoods	Site Specific Provision:	Policy 211
Zoning:	CR T2.0 C2.0 R2.0 R3 Z1.0	Historical Status:	131 Hazelton Ave. (Designated)
Height Limit (m):	14	Site Plan Control Area:	Yes

PROJECT INFORMATION

Site Area (sq. m):	1073	Height:	Storeys:	9
Frontage (m):	35.6		Metres:	31.5 (plus a 4m. mech. penthouse)
Depth (m):	30.5			
Total Ground Floor Area (sq. m):	1000			Total
Total Residential GFA (sq. m):	6220		Parking Spaces:	79
Total Non-Residential GFA (sq. m):	130		Loading Docks	0
Total GFA (sq. m):	6350			
Lot Coverage Ratio (%):	93.2			
Floor Space Index:	5.92			

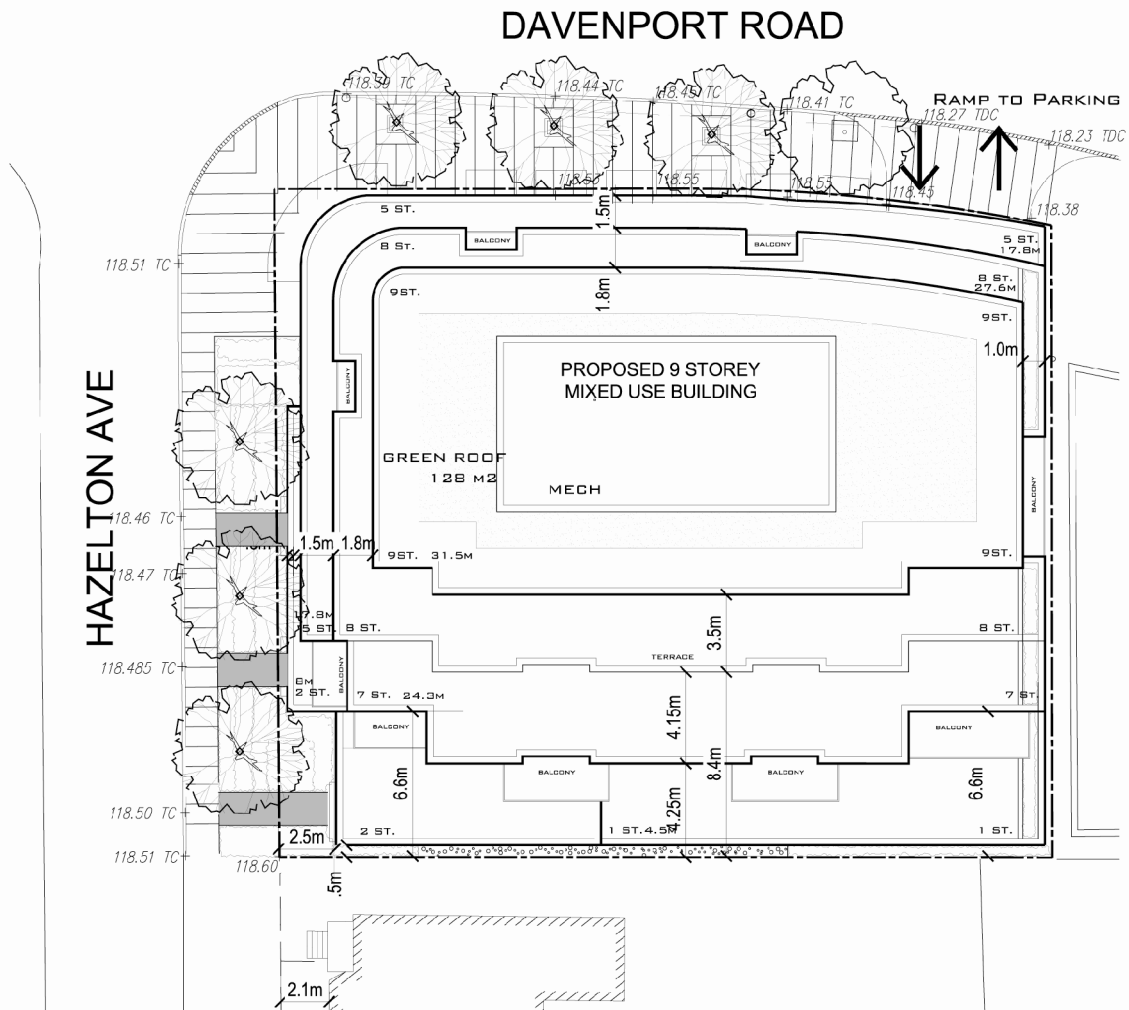
DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	0
1 Bedroom:	1
2 Bedroom:	36
3 + Bedroom:	1
Total Units:	38

FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	6220	0
Retail GFA (sq. m):	130	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

Attachment 2: Site Plan



Site Plan

Applicant's Submitted Drawing

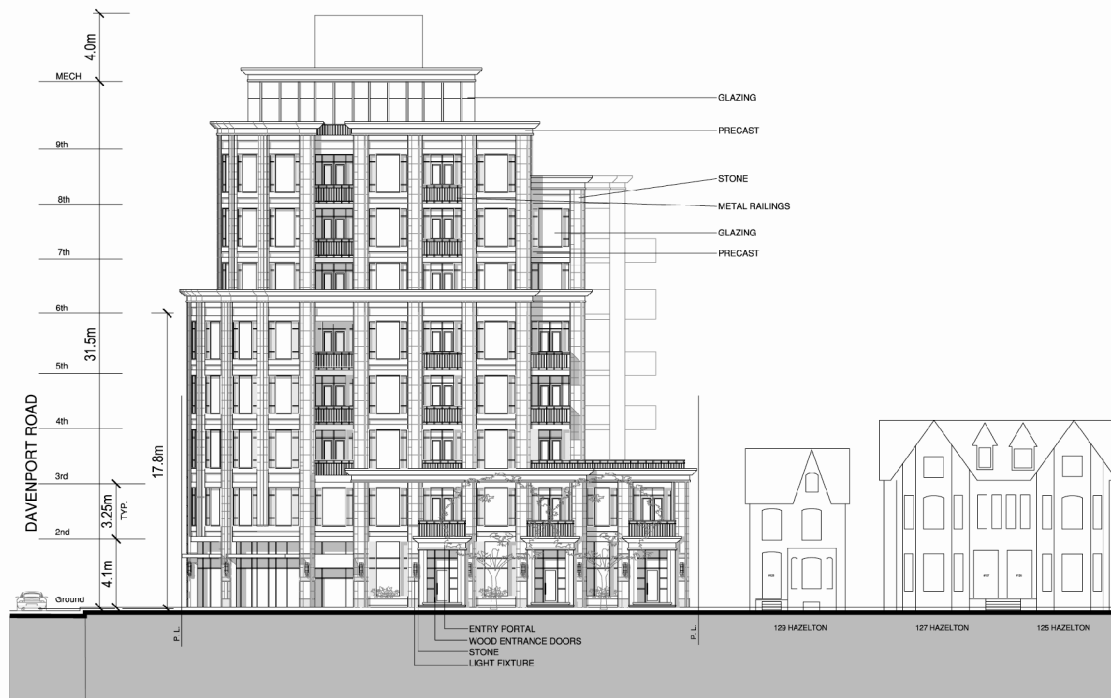
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195 Davenport Road
131 Hazelton Avenue

File # 11_196104

Attachment 3: West Elevation



WEST Elevation

Elevations

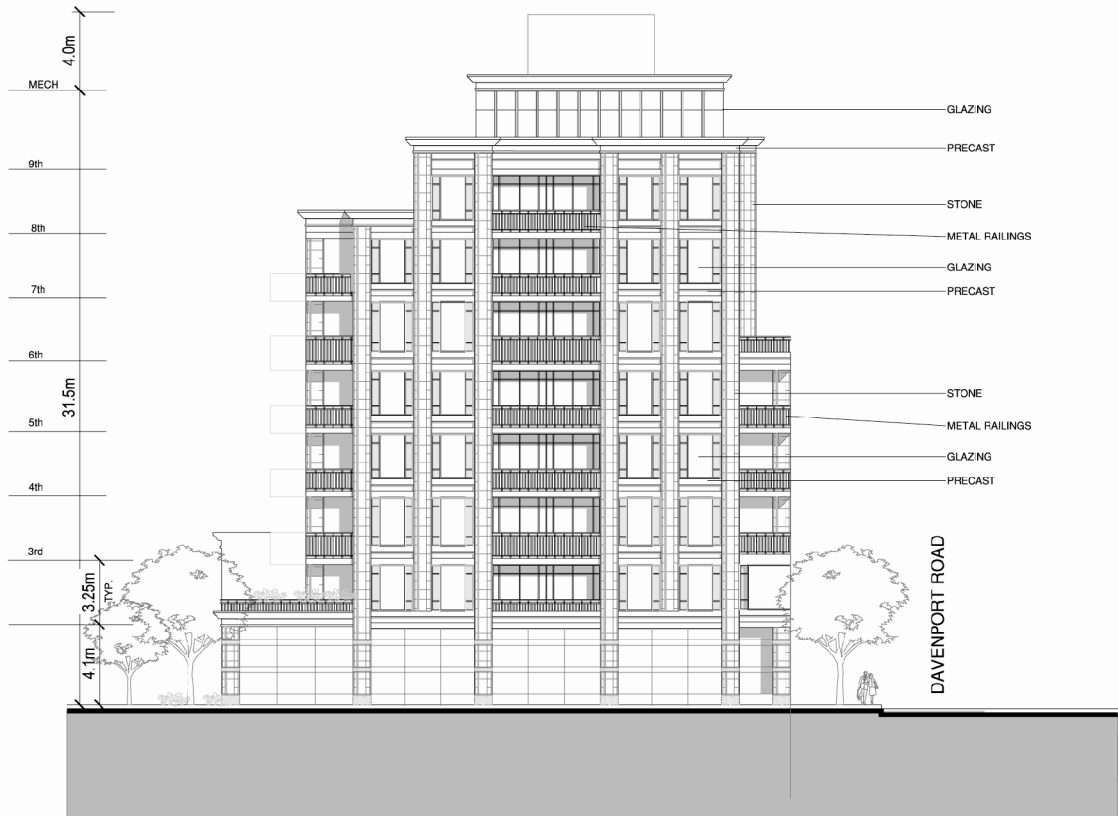
Applicant's Submitted Drawing

Not to Scale
08/03/11

195 Davenport Road
131 Hazelton Avenue

File # 11_196104

Attachment 4: East Elevation



EAST Elevation

Elevations

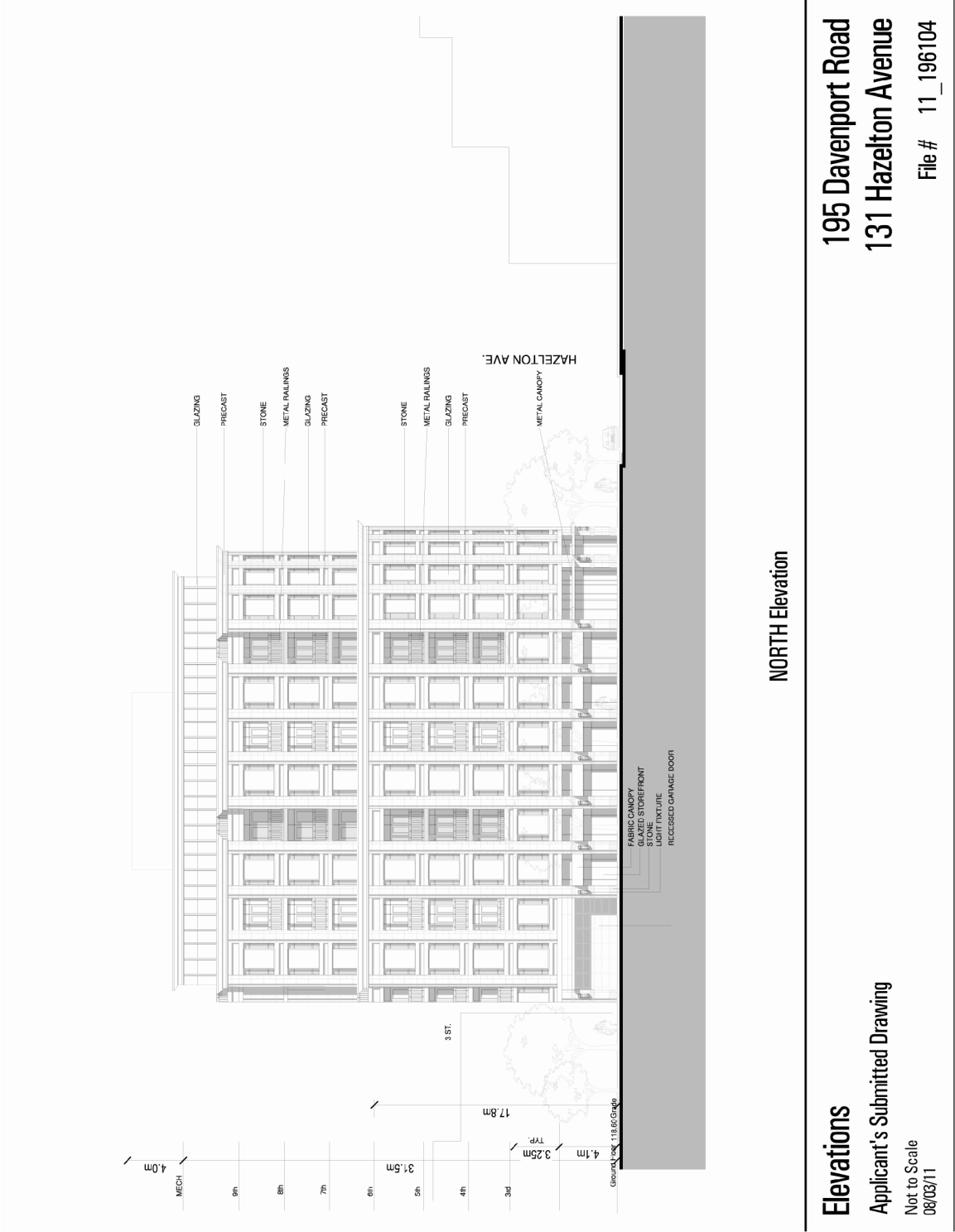
Applicant's Submitted Drawing

Not to Scale
08/03/11

195 Davenport Road
131 Hazelton Avenue

File # 11_196104

Attachment 5: North Elevation



Attachment 6: South Elevation



SOUTH Elevation

Elevations

Applicant's Submitted Drawing

Not to Scale
08/03/11

195 Davenport Road
131 Hazelton Avenue

File # 11_196104



Zoning City of Toronto By-law 438-86

G Parks District
R2 Residential District
R3 Residential District
CR Mixed Use District

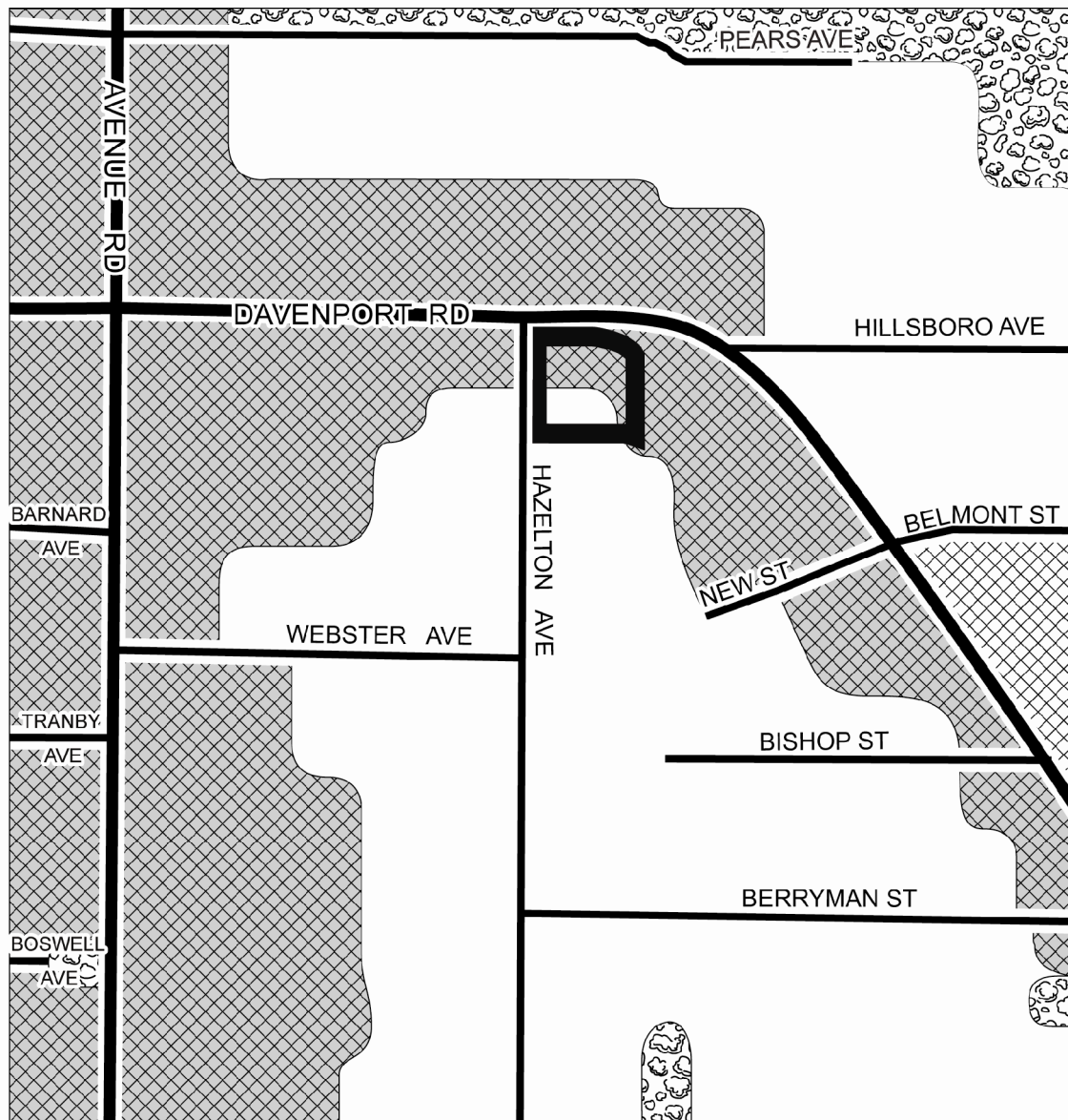
131 Hazelton Avenue

File # 11 196104 0Z



Not to Scale
Zoning By-law 438-86 as amended
Extracted 08/03/2011

Attachment 8: Official Plan



Toronto City Planning
Official Plan

195 Davenport Road
131 Hazelton Avenue

File # 11_196104



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