

**145-185 Davenport Road
Zoning Amendment Application - Final Report**

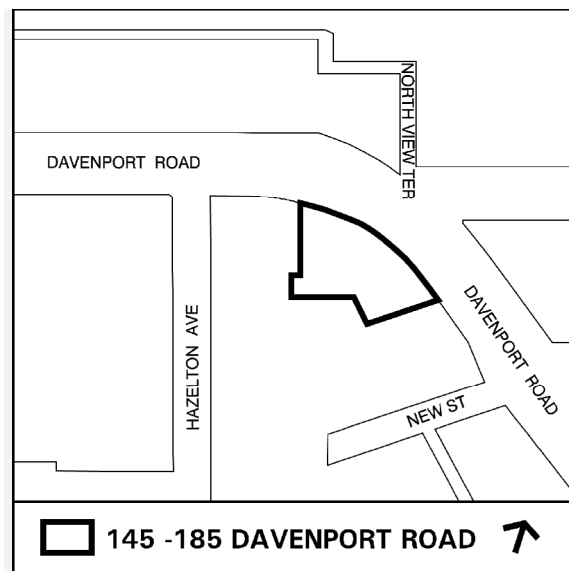
Date:	May 24, 2013
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 27 – Toronto Centre-Rosedale
Reference Number:	12 253190 STE 27 OZ

SUMMARY

The application to amend the Zoning By-law proposes to construct a new 12-storey (40-metre tall, plus elevator overrun) mixed-use building, with ground floor retail and residential units above for the property at 145-185 Davenport Road. The proposal calls for a maximum of 110 residential units with the option to provide 640 square metres of office space on a portion of the second floor. A 5-level below-grade parking garage is proposed to accommodate 124 vehicular parking spaces, including 97 spaces for residential use, 10 spaces for the office use (or additional residential if no office is built), 12 spaces for residential visitors, and 5 spaces for retail.

The proposed development complies with the development criteria for *Mixed Used Areas* and *Downtown* Official Plan policies. The development proposal also meets the applicable local policies and guidelines.

This report reviews and recommends approval of the application to amend the Zoning By-law.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 438-86 for the lands at 145-185 Davenport Road substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 8 to the report (May 24, 2013) from the Director of Community Planning, Toronto and East York District.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.
3. Before introducing the necessary Bills to City Council for enactment, City Council require the owner of the lands at 145-185 Davenport Road to enter into an Agreement pursuant to Section 37 of the *Planning Act* as follows:
 - a. The community benefits recommended to be secured in the Section 37 Agreement are as follows:
 - i. An indexed payment of \$200,000, to be paid within 30 days of the Site Specific Zoning By-law coming into full force and effect. The funds are to be used for local streetscape improvements to the satisfaction of the Chief Planner and Executive Director, City Planning Division in consultation with the local Ward Councillor, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment.
 - ii. An indexed payment of \$100,000, to be paid within 30 days of the Site Specific Zoning By-law coming into full force and effect. The funds are to be used towards capital improvements to Ramsden Park, to the satisfaction of the General Manager of Parks, Forestry and Recreation, in consultation with the Ward Councillor, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment.
 - iii. An indexed payment of \$150,000, to be paid prior to the issuance of the first above-grade building permit. The funds are to be used for local streetscape improvements to the satisfaction of the Chief Planner and Executive Director, City Planning Division in consultation with the local Ward Councillor, with such amount to be indexed upwardly in accordance with the Statistics Canada

Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment.

- iv. An indexed payment of \$450,000, to be paid prior to the issuance of the first above-grade building permit. The funds are to be used for streetscape improvements, specifically the utility burial initiative to the satisfaction of the Chief Planner and Executive Director, City Planning Division in consultation with the Ward Councillor, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment.
 - v. An indexed payment of \$100,000, to be paid prior to the issuance of the first above-grade building permit. The funds are to be used towards capital improvements to affordable housing in Ward 27 to the satisfaction of the Chief Planner and Executive Director, City Planning Division in consultation with the Ward Councillor, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment.
- b. The following matters are also recommended to be secured in the Site Plan Agreement and the Section 37 Agreement as a legal convenience to support development:
- i. The owner shall incorporate in the construction of the building, and thereafter maintain, exterior building and landscape materials, including but not limited to limestone and brick, to the satisfaction of the Chief Planner and Executive Director, City Planning Division.
 - ii. The Owner shall provide and maintain an at-grade "pet friendly" area with disposal facilities for the residents of the proposed building at 145-185 Davenport Road and the mixed-use building at 133 Hazelton Avenue.
 - iii. The Owner shall provide and maintain privacy screening and/or landscaping on the second floor patio to the satisfaction of the Chief Planner and Executive Director, City Planning Division.

Financial Impact

The recommendations in this report have no financial impact.

ISSUE BACKGROUND

Proposal

A 12-storey (40-metre tall, plus elevator overrun) mixed-use building is proposed with retail at-grade, and residential units above, with an option of office uses located on a portion of the second floor. Other than the elevator overrun, no other structures are proposed above the 12th floor (other than ventilation equipment). The mechanical room is to be located on the ground floor and other areas within the building.

The proposed building sits on an irregularly shaped lot: the north property line (Davenport Road) curves; the west property line jogs beyond the 195 Davenport Road property; the south property line is L-shaped; and, the east property line is angled. The proposed building footprint generally follows the property line pattern (see Attachment No. 2 – Site Plan).

Along Davenport Road, a 5-storey street wall is proposed, which curves along the property line, with no setback. The sidewalk width ranges between 3.8 metres and 3.7 metres. Above the fifth storey, there is a 1.5 metre stepback to the sixth, seventh, eighth and ninth floors.

The upper three floors have been reduced in size and with increased stepbacks since the original application. Above the ninth floor, the building steps back 2.0 metres (previously 1.8 metres) to the upper floors. The 11th floor is set back 1.8 metres from the north west and north east corners. The 12th floor is set back 1.8 metres above the 11th floor: along the entire north frontage; at the north west and north east corners; and the east side.

Along the west and east property lines, the building stands at 9 storeys and is generally set back 5.3 metres from the west, and 0.5 metres from the east property lines. Above the ninth floor, the building steps back 1.8 metres to the upper floors.

At the rear of the building, there is a 0.5 metres setback to a one-storey portion. Above the first storey, there is a 4.1 metre stepback to the second through ninth floors and then a 1.8 metre stepback to the tenth through to the twelfth floor (see Attachment No. 2 – Site Plan).

The proposed balconies fronting Davenport Road are recessed, while the balconies at the rear of the building will project beyond the building face above the second floor. Through the application review process, the projecting balconies have been revised. The balconies have shifted further east from the south-west corner of the building and they are no longer continuous along the entire south face of the building.

On the ground floor, the residential lobby is proposed to be located adjacent to the driveway, at the western most point of the site. East of the residential lobby is a retail space, totalling 500 square metres. If built, an office lobby will be located at the eastern most edge of the development along Davenport Road.

The proposed residential unit breakdown is as follows:

Unit Type	Office Option	No Office Option
Bachelor	1	1
1-bedroom	43	51
2-bedroom	51	51
3-bedroom	7	7
Total	102	110

The application proposes 190 square metres of indoor amenity space (including a guest suite) and 60 square metres of outdoor amenity space. The indoor and outdoor amenity space will be located on the second floor.

The proposal includes a residential gross floor area of 10,650 square metres and 1,140 square metres of non-residential gross floor area (500 square metres of retail and 640 square metres of office), with a Floor Space Index (FSI) of 7.28 times the area of the lot (including amenity space). As a result of a reduction in the floor plates on the upper three floors, the overall gross floor area was reduced by 100 square metres over the course of the application review process.

A 5-level below-grade parking garage is proposed to accommodate 124 vehicular parking spaces, including 97 spaces for residential use, 10 spaces for the office use (or additional residential if no office is built), 12 spaces for residential visitors, and 5 spaces for retail. Vehicles are proposed to access the site via a driveway from Davenport Road. One enclosed Type B/G loading space will be provided within the building.

A total of 117 bicycle parking spaces are proposed. A total of 110 bicycle parking spaces will be provided for residential use (including 22 visitor spaces), which are located on the first 4 levels of the underground parking garage. A total of 7 bicycle spaces are proposed for the retail use (1 occupant and 6 visitor) and 7 bicycle spaces for the office use (1 occupant and 6 visitor), which are located on the first level of the parking garage.

Site and Surrounding Area

The subject site is located on the south side of Davenport Road, just east of Hazelton Avenue. The site is approximately 1,532 square metres in area and is irregular in shape with a frontage of approximately 69 metres along Davenport Road. The site is comprised of two properties:

Property	Description
145-161 Davenport Road	A two-storey commercial building, with surface parking at the rear.
185 Davenport Road	A three-and-a-half storey mixed-use building with commercial office on the first and second floor and a residential unit above.

Uses and structures near the site include:

North: of Davenport Road is Davenport Terrace, which consists of 3-storey house-form buildings used for commercial office and retail uses. To the north-east are two 24-storey apartment buildings fronting onto Hillsboro Avenue.

South: is a two-storey office building at 4 New Street (Ontario Dental Association) and a private lane with no access to the subject site. To the south west of the site are low-rise residential homes fronting onto Hazelton Avenue.

East: of the site, is a three-storey City of Toronto Emergency Medical Services (EMS) station at the corner of Davenport Road and New Street. East of Davenport Road is a low-rise residential neighbourhood with dwellings fronting onto Hillsboro Avenue and Belmont Street.

West: is a recently approved 9-storey (36 metres including mechanical penthouse) mixed-use building with retail and residential/office at-grade and residential above at 195 Davenport Road and 131 Hazelton Avenue.

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.

Official Plan

The City of Toronto Official Plan designates the subject site *Mixed Use Areas* and locates the site within the *Downtown and Central Waterfront*, as shown on Map 2 of the Official Plan's Urban Structure map. The Official Plan outlines a growth strategy for the City that

highlights the importance of the *Downtown* as one of a number of locations where growth in employment and residential uses are encouraged.

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 guided by 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.

The Toronto 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

The site is located within Area Specific Policy 211, in the Official Plan. It 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. The subject site is not located within a Height Peak, Height Ridge, or Low-Rise Areas as illustrated on Map 2 in Policy 211.

Zoning

The subject site is zoned CR T2.0 C2.0 R2.0 in Zoning By-law 438-86. 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 the site is 14 metres.

On May 9, 2013 Toronto City Council enacted City-wide Zoning By-law 569-2013. Lands that were subject to a rezoning application under the former general zoning by-law were not included in By-law 569-2013 in order to avoid interfering with the approval process as contemplated when the application was made. Once building permits have been issued and the development application is complete it is the intention to bring the lands into by-law 569-2013 as part of a regularized work program for such sites. This process will be completed in collaboration with the owner of the lands.

Yorkville – Hazelton Heritage Conservation District Plan

A portion of the 145-161 Davenport Road property falls within the boundary of the Yorkville-Hazelton Heritage Conservation District (HCD). The property at 185 Davenport Road is not in the HCD. An approximate 84 square metre (south-west) portion of 145-161 Davenport Road is designated under the *Ontario Heritage Act* per By-Law 622-2002. Currently, there is no structure on the portion of the site within the HCD.

Council endorsed a set of guidelines with regard 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 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 part of the Davenport Bay Precinct.

The Urban Design Guideline is available on the City's website at:

<http://www.toronto.ca/planning/urbdesign/blooryorkville.htm>

Site Plan Control

The proposal is subject to Site Plan Control. The applicant submitted a site plan application (12 253194 STE 27 SA), which is currently under review.

Reasons for the Application

The proposal is for a 12-storey, 40-metre tall building (plus elevator overrun) with a density of 7.28 times the area of the lot. Zoning By-law 438-86, as amended, permits a building with a height of 14 metres and a density of 2.0 times the area of the lot. Relief from various performance standards is also sought. A Zoning By-law amendment is therefore required.

Community Consultation

A community consultation meeting was held in the neighbourhood to discuss this proposal on January 29, 2013. Approximately 50 members of the public attended the meeting. At this meeting, the applicant presented their original 12-storey proposal.

Following a brief presentation by Planning staff and the Applicant, a representative of the ABC Residents Association spoke in support of the application. The spokesperson explained that the Applicant and the ABC Residents Association worked together prior to the application submission to resolve their concerns.

Following the presentations there were a range of comments and questions raised from those in attendance. Comments included: concerns over the current traffic congestion in the area; the location of the vehicular driveway relative to the development to the west; concerns regarding a "height creep" in terms of impact on neighbourhoods; concerns over the City's aging infrastructure; and questions relating to the interface of the proposal and the abutting neighbourhood to the south west, in particular the projecting balconies.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate zoning by-law standards.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the Provincial Policy Statement (PPS). The PPS sets the policy foundation for regulating the development and use of land. The PPS promotes additional density through intensification and redevelopment to accommodate an appropriate range and mix of employment opportunities, housing and other land uses to meet projected needs for a time horizon of up to 20 years (Policy 1.1.2). Policy 1.1.3.4 requires development to meet appropriate standards in intensification areas, which is discussed further in this report under subsections Density, Height and Massing.

In regards to efficient use of infrastructure and transportation systems, Policy 1.6.5.4 promotes a land use pattern, density and mix of uses that minimize the length and number of vehicle trips and support the development of viable choices and plans for public transit and other alternative transportation modes, including commuter rail and bus. While this development provides a sufficient number of parking spaces to support the development, it is within walking distance to the Yonge-University and Bloor-Danforth subway lines and is serviced by the Bay Street bus route.

Policy 2.6 provides for the conservation of built heritage resources and allows for development adjacent to protected heritage properties, so long as it has been demonstrated that the significant heritage attributes of the property will be conserved.

This proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe. The Growth Plan provides a framework for managing future growth in order to build strong prosperous communities. Policy 2.2.2 directs a significant portion of new growth to built-up areas of the community through intensification to ensure and maximize the viability of existing and planned infrastructure.

Policy 2.2.3.6(c) requires municipalities to use Official Plans to identify intensification areas in order to support achievement of intensification targets. The City of Toronto Official Plan is consistent with the Growth Plan and identifies the Downtown, Centres and Avenues designations as Urban Growth Centres. This development is located within the Downtown Toronto Urban Growth Centre, and is designated to accommodate additional intensification because of the existing transit services and infrastructure available.

Policy 4.2.4(e) provides a framework for protecting cultural assets by granting Municipalities' the authority to develop and implement policies and strategies to support cultural heritage conservation as built-up areas become intensified.

Land Use

The proposed uses are acceptable for this site and comply with the Official Plan and the Zoning By-law. This site is designated *Mixed Use Areas* in the Official Plan and Zoning By-law 438-86, as amended, permits a mix of uses. The majority of the development is proposed to be residential with retail at-grade and the option of providing office use on a portion of the second floor (fronting onto Davenport Road).

Density, Height, Massing

Planning staff are satisfied that the proposed density, height and massing on this unusually configured site within this specific context meets the policies and guidelines for the articulated 40 metre tall mixed use building. The proposed 12 storey building is located in the *Downtown*, in the *Mixed Use Areas*, north of the Bay Street Height Ridge and adjacent to the Low-Rise area and *Neighbourhood* called the Yorkville Triangle, as described in the Official Plan.

The proposed mixed use building is massed to fit within the existing and planned context for the Davenport Bay Corridor as illustrated in the Bloor-Yorkville / North Midtown Urban Design Guidelines. These Guidelines call for a three to five storey street wall built parallel to the street. In response to the Guideline a five storey street-wall is proposed, matching the street-wall height of the building currently under construction immediately west of this site. The building mass continues to step back above the 9th and 11th floors.

This site is not within an *Avenues* area as set out in Map 2 of the Official Plan. While the Avenues and Mid-Rise Buildings Study provides 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 on *Avenues*. Staff assessed the height of the right-of-way (approx 27 metres), the proposed building height (40 metres with mechanical on the main floor), and the adjacent

building under construction at 133 Hazelton Avenue (36 metres including mechanical penthouse). The proposal is considered a tall building given the proposal is taller than the right-of-way. However, its built form and configuration was influenced by the mid-rise form of the recently approved building at 133 Hazelton Avenue and the curvature of Davenport Road. Staff find that given this site is located in a *Mixed Use Areas* in the *Downtown*, and given the particular context and site considerations, greater height is acceptable in a mid-rise typology.

While *Downtown* and *Mixed Use Areas* policies are specifically identified for intensification, new development is subject to a number of policies and criteria regarding appropriate building location, transition, massing, protection of adjacent *Neighbourhoods* and treatment of the public realm.

The massing of the proposed setback, stepbacks and siting is designed to transition the 12-storey building down towards and within the *Neighbourhoods* designation. *Neighbourhoods* are considered physically stable areas made up of residential uses including apartments that are no higher than 4-storeys. In this case, there are small portions of the building which abuts the *Neighbourhoods* designation.

Above the first storey the proposed building is 20 metres away from the nearest house. The siting and orientation of the building is designed to mitigate privacy concerns and provide an appropriate buffer to the *Neighbourhoods*.

The Draft Site Specific Zoning By-law restricts the distance of windows to the properties to the west and to mitigate privacy concerns. In addition, the west wall of the building is set back 5.3 and 8.4 metres from the neighbouring mixed-use building and residential lot respectively.

Overall, staff find the height and massing of the 12 storey building, within the *Mixed Use Areas* and the proposed setbacks, stepping and transitioning to the adjacent *Neighbourhoods* designation, to be acceptable for all the reasons explained above.

Heritage

The subject site is located in small portion of the Yorkville-Hazelton Heritage Conservation District. Heritage Preservation Services (HPS) staff assessed the application in consultation with Community Planning staff in terms of its compliance with the guidelines as set forth in the Yorkville-Hazelton Conservation District Plan.

Staff reviewed the Heritage Impact Assessment (HIA), dated January 31, 2013, prepared by ERA Architects Inc. The HIA concludes that "the proposed mixed-use building will not adversely affect the heritage value of the District as identified in the Yorkville Hazelton Area Heritage Conservation District Plan." With respect to the adjacency to the HCD, the report finds that the massing, style and setbacks (from the HCD) of the building proposed follows the same pattern as the adjacent building recently approved by Toronto City Council.

HPS staff are satisfied that the alteration to a small portion of the subject site that falls within the district boundaries, and the adjacency of the proposed building, does not conflict with the district plan.

Sun, Shadow, Wind

The *Mixed Use Areas* policies in the Official Plan, provide development criteria which states that development will contribute to the quality of life by locating and massing new buildings to adequately limit shadow impacts on properties in adjacent lower-scale *Neighbourhoods*, particularly during the spring and fall equinoxes. Policy 211 states that development in *Mixed Use Areas* adjacent to or near low-rise will be designed to adequately limit shadow.

The built form policies of the Official Plan also states that new development will be massed and its exterior façade will be designed to fit harmoniously into its existing and/or planned context, and will limit its impact on neighbouring streets, parks, open spaces and properties by adequately limiting any resulting shadowing of, and uncomfortable wind conditions on, neighbouring streets, properties and open spaces, having regard for the varied nature of such areas.

The applicant submitted a shadow study, with the original application, illustrating the incremental shadows for spring/fall equinoxes (March/September 21) as well as the summer and winter solstices (June/December 21). The Bloor-Yorkville/North Midtown Urban Design Guidelines, call for the review of December 21, June 21 and March/September 21 shadows for the hours of 10am, 11am, noon 2pm and 4pm.

Staff find the shadow impacts to be acceptable. Planning staff are satisfied that the proposed development adequately limits shadow on the *Neighbourhoods*. On June 21, the proposed development will not shadow any *Neighbourhoods* properties between 9:18am and 6:18pm. On March/September 21, the proposed development will not shadow the *Neighbourhood* to the south west (Yorkville Triangle) or the *Neighbourhood* north of Davenport Road on Pears Avenue between 9:18am and 6:18pm. At 4:18pm the shadow begins to reach the properties on the south side of Hillsboro Avenue and by 5:18pm the shadow begins to touch the properties on the north side of Belmont Street. On December 21, when the shadow is at its longest, the incremental shadow reaches a portion of Ramsden Park to the north at 9:18am and by 11:18am the incremental shadow is nearly off the park area. From noon and on, the incremental shadow resulting from the proposed building passes over the private open space and buildings at 30-50 Hillsboro Avenue.

A Pedestrian Level Wind Study was prepared by Gradient Microclimate Engineering Inc. dated July 10, 2012, using a physical scale model with sensors with wind tunnel testing techniques. Planning staff are satisfied with the findings and conclusions in the wind study and find the measured impacts to be acceptable. The study concludes "that the wind conditions at all tested ground level areas around the development site will be acceptable for the intended pedestrian uses on an annual basis. The results are considered comfortable over many areas; and acceptable in all areas for common pedestrian

activities classified as sitting, standing and walking." The study also found that there were no areas over the study site "found to experience conditions too windy for walking, or that could be considered unsafe for elderly persons." As such, no wind mitigations measures were recommended.

Traffic Impact, Access, Parking

Traffic Planning Staff have reviewed the Urban Transportation Considerations Report dated September 2012, by BA Group in support of the application and find the traffic impacts of this proposal are acceptable. The new site related traffic can be acceptably and appropriately accommodated on the area street network and the impacts on the operation of the area intersections are minimal.

Access to the site will be provided by a 6 metre driveway off of Davenport Road. Manoeuvring diagrams have been submitted verifying that the appropriate design vehicles can enter and exit the site without any obstructions or encumbrances, which is acceptable. The proposed garage layout is also generally acceptable.

The proposal calls for 129 vehicular parking spaces comprised of 102 resident spaces, 12 visitor spaces, 10 office spaces and 5 retail spaces. The proposed parking supply is acceptable and exceeds the minimum standards. Given that the proposed parking supply is in excess of the required parking supply, the development is required to comply with the Toronto Green Standards (TGS). When providing more than the minimum parking requirement under the Zoning Bylaw for residential uses, any additional spaces must provide roughed-in conduits to allow for future electrical outlets for plug-in electric vehicle.

The attached Draft Site Specific Zoning By-law provides the minimum standards in the city-wide Zoning By-law 569-2013 and a moderately more restrictive requirement for retail and residential visitors parking at the request of the applicant.

Servicing

One shared Type B/G loading space is being provided for the proposed development. This complies with the Zoning By-law requirement and is acceptable. Manoeuvring diagrams have been submitted demonstrating that Type B/G vehicles can enter and exit the site in a forward movement without any obstructions or encumbrances.

As per the Urban Transportation Considerations Report, prepared by BA Group, dated September 2012, the loading activities associated with the recently approved 133 Hazelton Avenue will be accommodated within the proposed loading facility at 145-185 Davenport Road. 133 Hazelton Avenue is located at the west limit of 145-185 Davenport Road and a pathway will be provided between both sites to allow for the transfer of bins. Engineering and Construction Services Staff are satisfied with the arrangement, but appropriate easements and/or rights-of-ways will have to be established between access driveways of the two developments. The coordination between these two developments will eliminate the need for curb-side waste disposal at 133 Hazelton Avenue and reduce the frequency of solid waste vehicles to both sites.

Open Space / Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0.78 to 1.55 hectares of local parkland per 1,000 people. The site is in the middle quintile of current provision of parkland. The site is in a parkland priority area, as per the City Wide Parkland Dedication By-law 1020-2010.

The application proposes 110 residential units and 500 square metres of non-residential uses on a site with a net area of 1,532 square metres. At the alternative rate of 0.4 hectares per 300 units specified in By-law 1020-2010, the parkland dedication requirement is .146 hectares or 95 percent of the site area. However, for sites that are less than 1 hectare in size, a cap of 10 percent is applied to the residential use while the non-residential use is subject to a 2 percent parkland dedication. In total, the parkland dedication requirement is 148 square metres.

The applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as an on-site parkland dedication of 148 square metres would not be of a sufficient size and the site would be encumbered with below-grade parking.

The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

Streetscape

The application is proposing a 5-storey street-wall which is appropriate for this site. The street-wall follows the curved property line and is proposed to be clad with the same limestone treatment secured for the adjacent development to the west. In the public realm, the proposal currently illustrates 6 new public trees and 1 private tree. Bicycle rings are also shown between the street trees along the entirety of the Davenport Road sidewalk frontage.

While the sidewalk width is narrower than preferred at approximately 3.7 metres, the presence of retail, the design of the landscaping and proposed curved street-wall along the property line provide for an acceptable condition.

The at-grade landscaped space at the west end of the property is designed to be a "pet friendly" area with waste disposal facilities. This space is intended to be used by the residents of both the approved development at 133 Hazelton Avenue and the subject proposal.

The applicant has responded to the requests of Urban Forestry and applied for the removal of two privately owned trees to accommodate the proposed development, in accordance with the City's Private Tree By-law. The applicant has also illustrated the details of the continuous soil trench which will be provided for the six street trees shown on the Landscape Plans.

Toronto Green Standard

On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment. The applicant is required to meet Tier 1 of the TGS.

Section 37

The Official Plan contains policies pertaining to the provision of community benefits for increases in height and/or density pursuant to Section 37 of the *Planning Act*. While the proposed development exceeds the height and density limits of the Zoning By-law, the application is consistent with the objectives and policies of the Official Plan, and thus constitutes good planning.

The community benefits recommended to be secured in the Section 37 agreement are as follows:

1. An indexed payment of \$200,000, to be paid within 30 days of the Site Specific Zoning By-law coming into full force and effect. The funds are to be used for local streetscape improvements to the satisfaction of the Chief Planner and Executive Director, City Planning Division in consultation with the local Ward Councillor, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment.

The ABC Residents Association has requested that the said streetscaping work be considered for the revitalization of Pears Avenue.

2. An indexed payment of \$100,000, to be paid within 30 days of the Site Specific Zoning By-law coming into full force and effect. The funds are to be used towards capital improvements to Ramsden Park, to the satisfaction of the General Manager of Parks, Forestry and Recreation, in consultation with the Ward Councillor, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment.

The ABC Residents Association has identified the need to revitalize and resurface the tennis courts in Ramsden Park, excluding the tennis courts which are part of the skating rink.

3. An indexed payment of \$150,000, to be paid prior to the issuance of the first above-grade building permit. The funds are to be used for local streetscape improvements to the satisfaction of the Chief Planner and Executive Director, City Planning Division in consultation with the local Ward Councillor, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-

Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment.

The ABC Residents Association has requested that the said streetscaping work be directed towards the north side of Davenport Road, Pears Avenue and Ramsden Park.

4. An indexed payment of \$450,000, to be paid prior to the issuance of the first above-grade building permit. The funds are to be used for streetscape improvements, specifically the utility burial initiative to the satisfaction of the Chief Planner and Executive Director, City Planning Division in consultation with the Ward Councillor, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment.

The Yorkville Triangle Utility Burial Initiative is a project initiated by the ABC Residents Association to improve the streetscape along Hazelton Avenue (north of Scollard Street, Berryman Street, Webster Avenue, Bishop Street and New Street) by eliminating the hydro poles and overhanging wires.

5. An indexed payment of \$100,000, to be paid prior to the issuance of the first above-grade building permit. The funds are to be used towards capital improvements to affordable housing in Ward 27 to the satisfaction of the Chief Planner and Executive Director, City Planning Division in consultation with the Ward Councillor, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment.

The following matters are also recommended to be secured in the Site Plan Agreement and Section 37 agreement as a legal convenience to support development:

6. The owner shall incorporate in the construction of the building, and thereafter maintain, exterior building and landscape materials, including but not limited to limestone and brick, to the satisfaction of the Chief Planner and Executive Director, City Planning Division.
7. The Owner shall provide and maintain an at-grade "pet friendly" area with disposal amenities for the residents of the proposed building and the mixed-use building to the immediate west.

8. The Owner shall provide and maintain privacy screening and/or landscaping on the second floor patio to the satisfaction of the Chief Planner and Executive Director, City Planning Division.

CONTACT

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Fax No. (416) 392-1330
E-mail: otamir@toronto.ca

SIGNATURE

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

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ATTACHMENTS

Attachment 1: Application Data Sheet
Attachment 2: Site Plan
Attachment 3: North Elevation
Attachment 4: East Elevation
Attachment 5: West Elevation
Attachment 6: South Elevation
Attachment 7: Zoning Map
Attachment 8: Draft Zoning By-law Amendment

Attachment 1: Application Data Sheet

Application Type	Rezoning	Application Number:	12 253190 STE 27 OZ
		Application Date:	September 25, 2012
Municipal Address:	145-185 DAVENPORT RD		
Location Description:	PLAN E689 LOT 5 LOT 6 PT LTS 7 AND 8 PLAN 401 PT LOT K PLAN 411 PT LT 4 **GRID S2703		
Project Description:	The application to amend the Zoning By-law proposes to construct a new 12-storey mixed-use building, with ground floor retail and residential units above for the property at 145-185 Davenport Road. The proposal calls for a maximum 110 residential units with the option to provide 640 square metres of office space on a portion of the second floor. A 5-level below-grade parking garage is proposed to accommodate 124 vehicular parking spaces.		

Applicant/Agent:	Architect:	Owner:
Sherman Brown Dryer Karol C/O Adam J. Brown	Page + Steele IBI Group Architects	Mizrahi Soaring Developments Inc.

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	211 - Bloor Yorkville/ North Midtown Area
Zoning:	CR T2.0 C2.0 R2.0	Historical Status:	Yorkville –Hazelton HCD
Height Limit (m):	14	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	1,532	Height:	Storeys:	12
Frontage (m):	69.1		Metres:	40
Depth (m):				
Total Ground Floor Area (sq. m):	1,200			Total
Total Residential GFA (sq. m):	10,650		Parking Spaces:	124
Total Non-Residential GFA (sq. m):	1,140		Loading Docks	1
Total GFA (sq. m):	11,150			
Lot Coverage Ratio (%):	78.3			
Floor Space Index:	7.28			

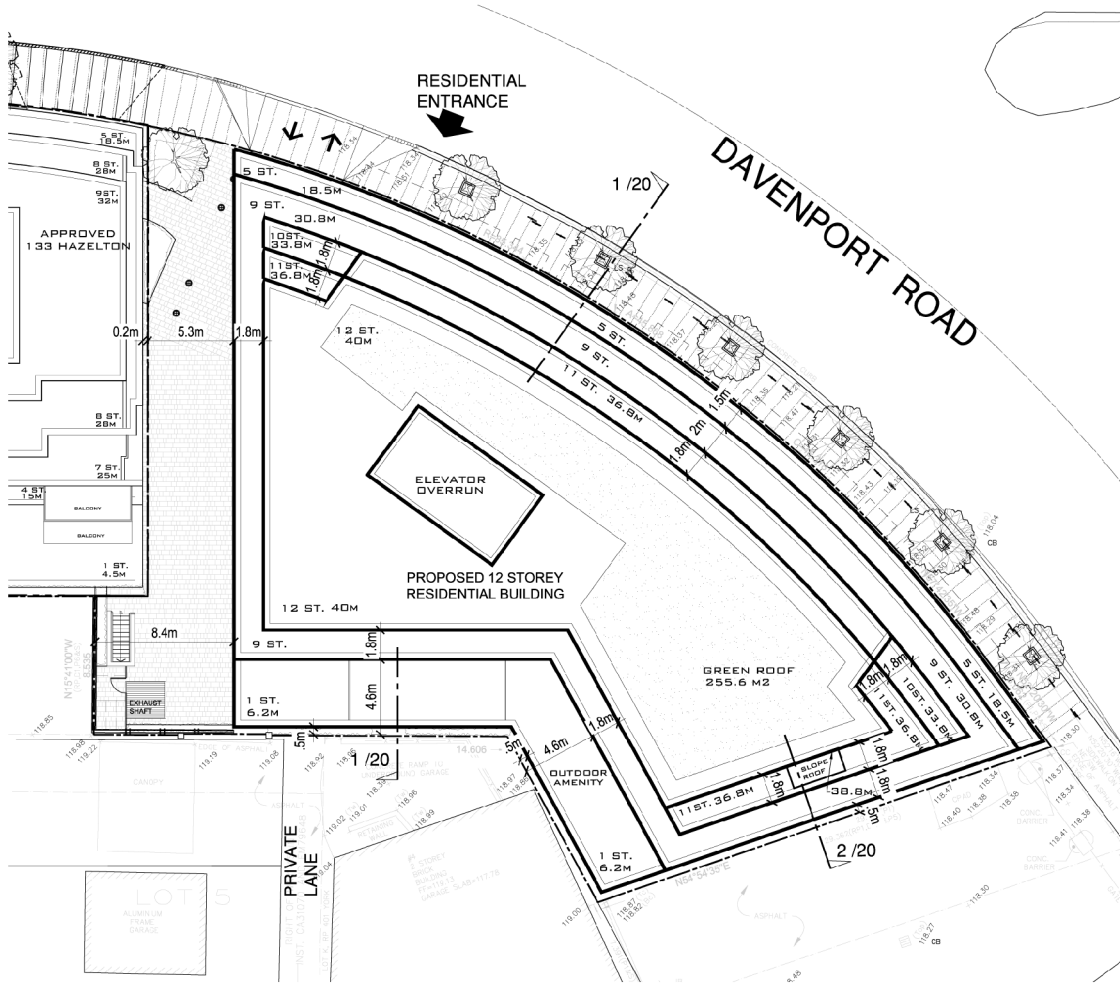
DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	1
1 Bedroom:	51
2 Bedroom:	51
3 + Bedroom:	7
Total Units:	110

FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	10,650	0
Retail GFA (sq. m):	500	0
Office GFA (sq. m):	640	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

Attachment 2: Site Plan



Site Plan

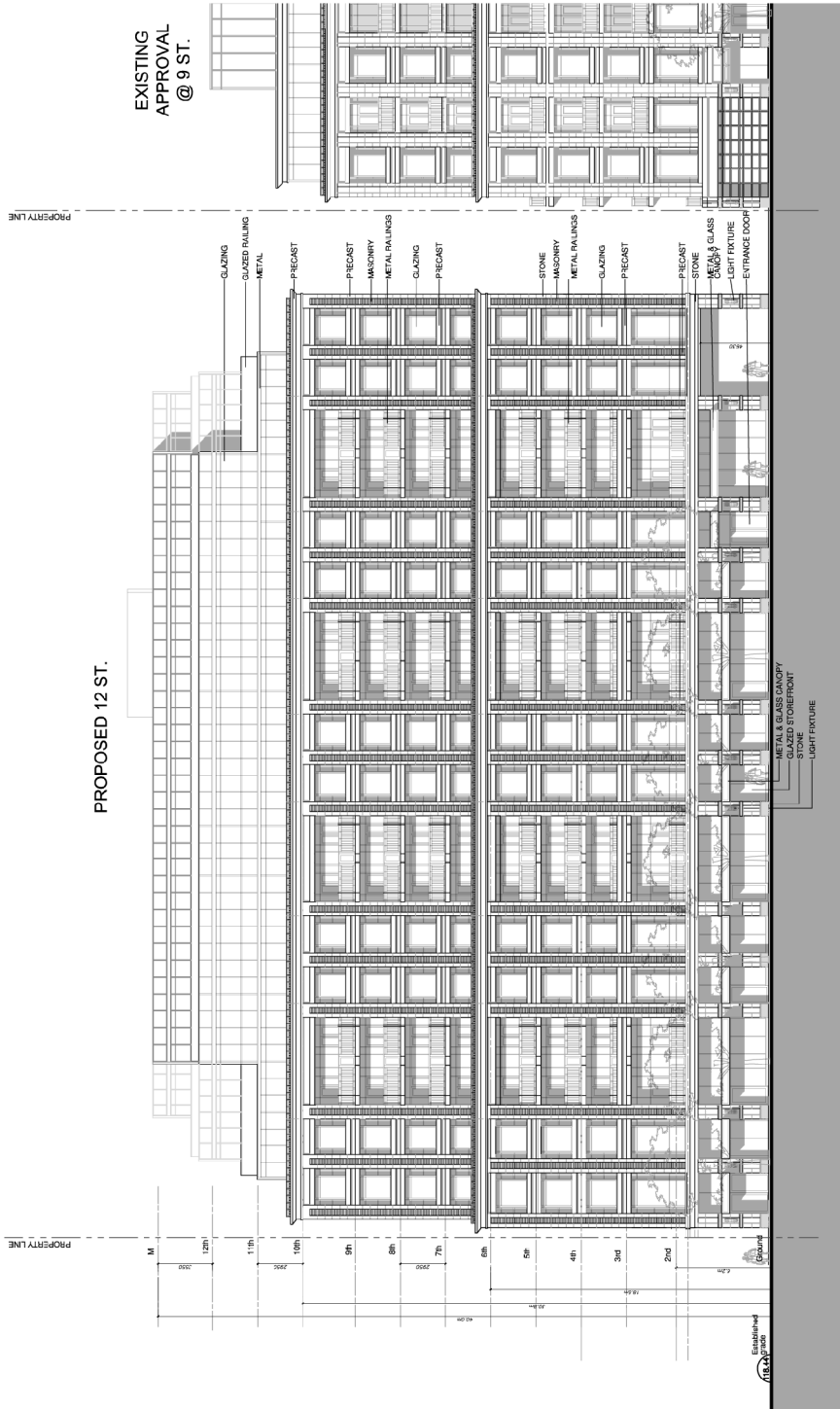
145-185 Davenport Road

Applicant's Submitted Drawing

Not to Scale 05/24/2013

File # 12 253190 0Z

Attachment 3: North Elevation



North Elevation

Elevations

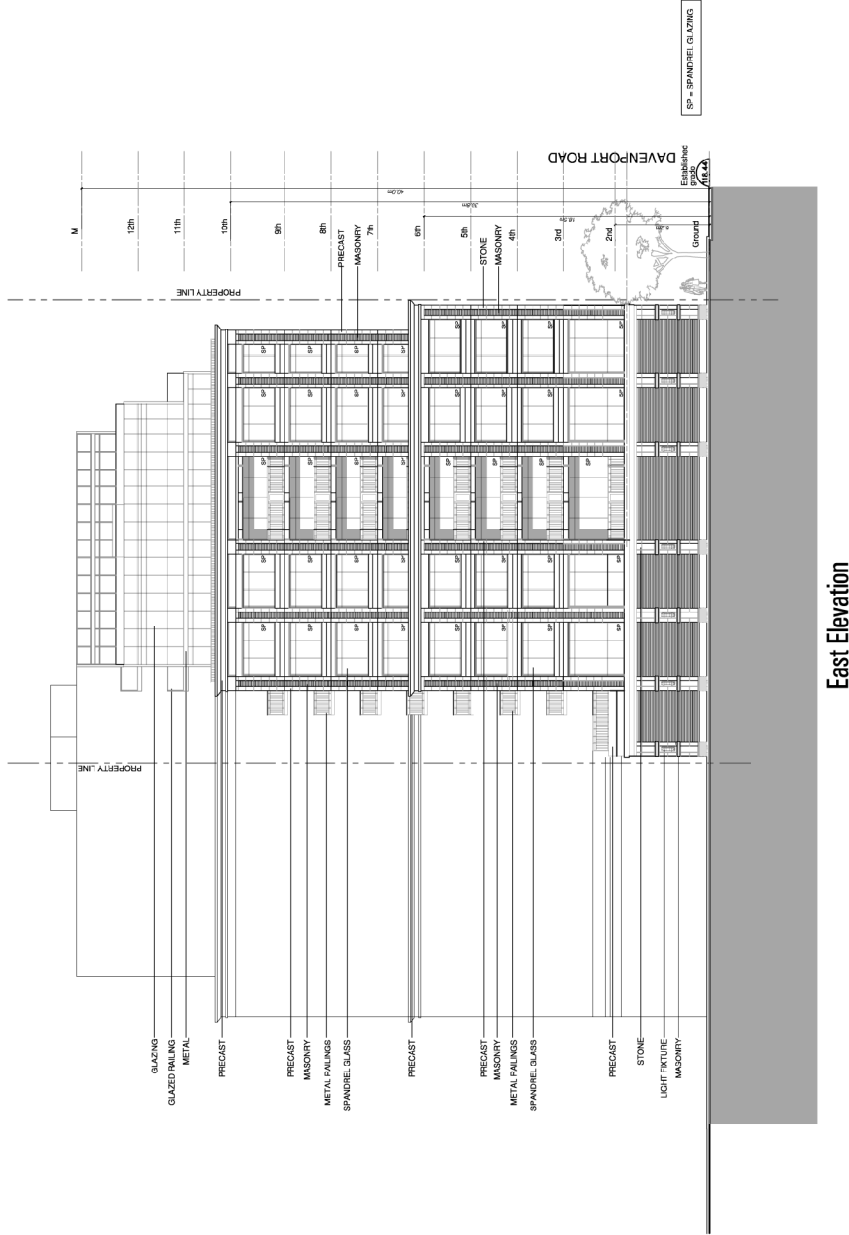
Applicant's Submitted Drawing

Not to Scale
05/24/2013

145-185 Davenport Road

File # 12 253190 0Z

Attachment 4: East Elevation



East Elevation

145-185 Davenport Road

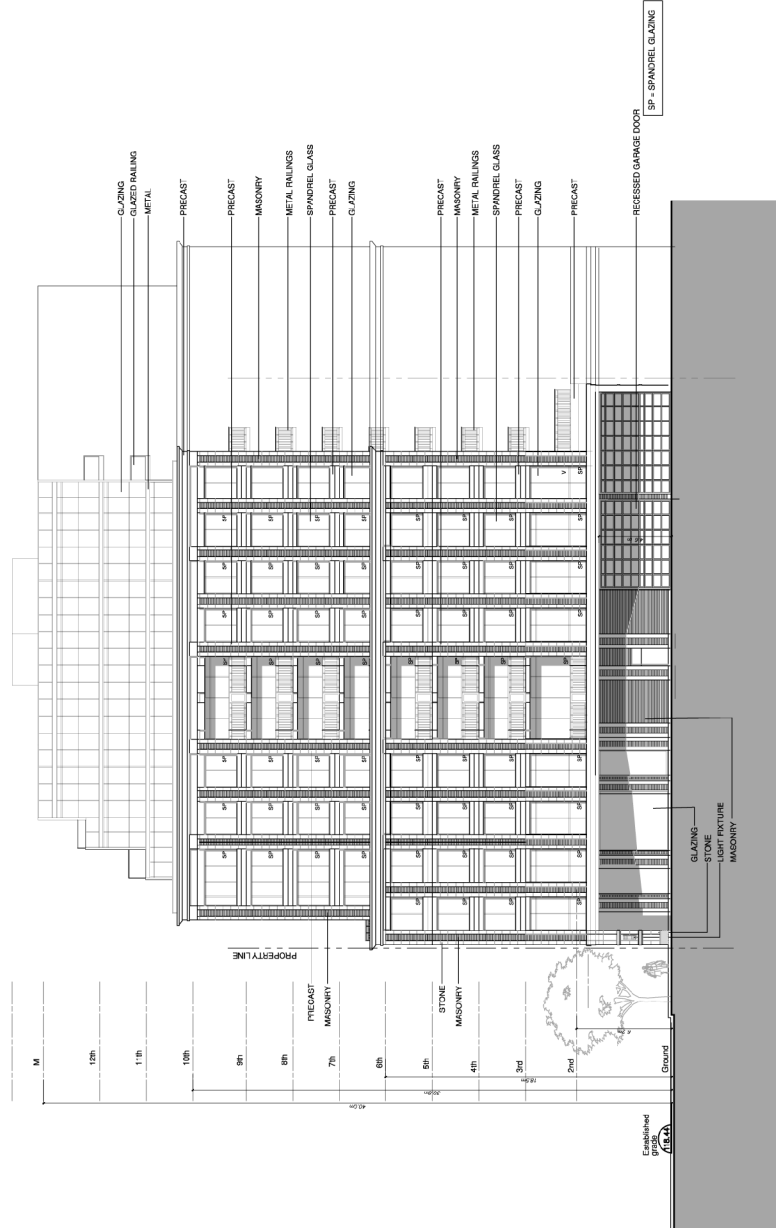
Elevations

Applicant's Submitted Drawing

Not to Scale
05/24/2013

File # 12 253190 02

Attachment 5: West Elevation



West Elevation

145-185 Davenport Road

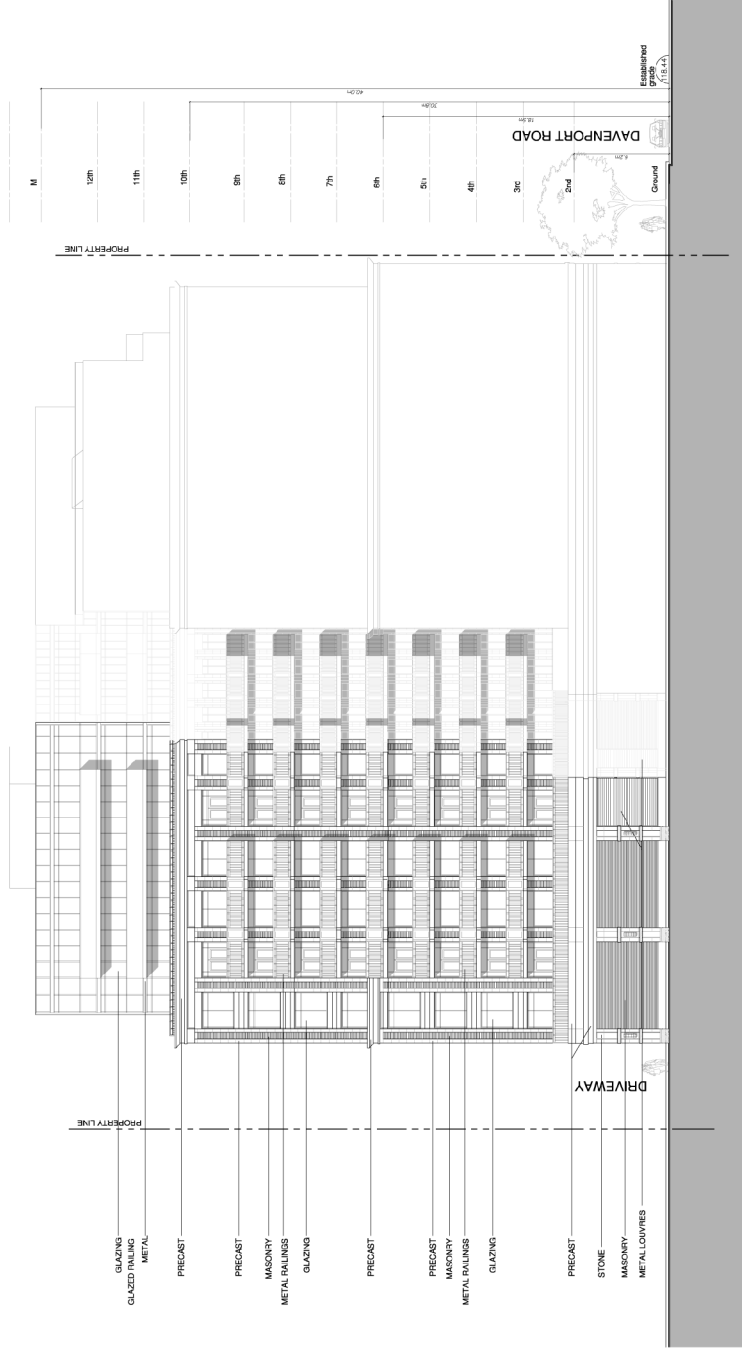
Elevations

Applicant's Submitted Drawing

Not to Scale
05/24/2013

File # 12 253190 02

Attachment 6: South Elevation



South Elevation

145-185 Davenport Road

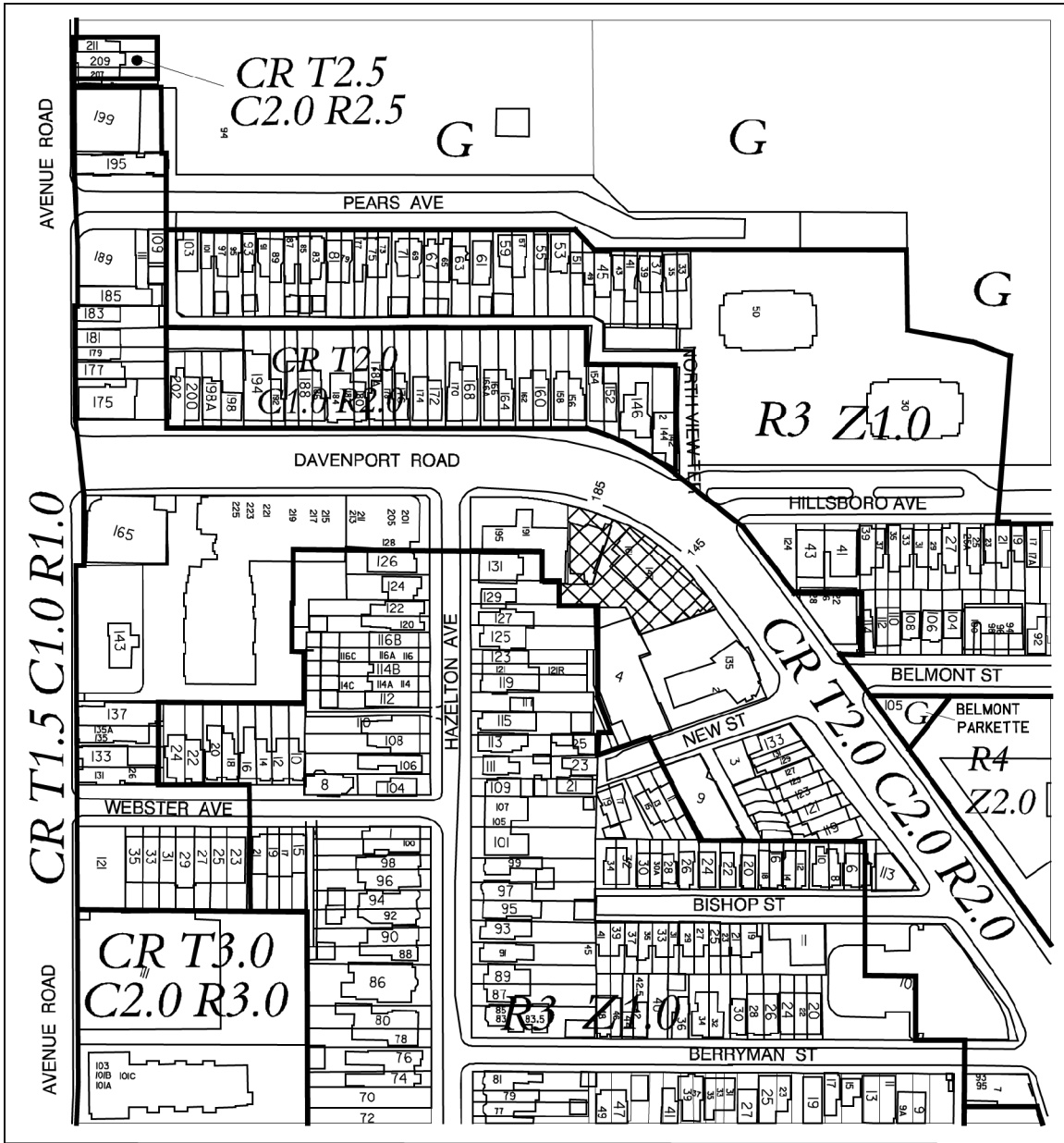
Elevations

Applicant's Submitted Drawing

Not to Scale
05/24/2013

File # 12 253190 02

Attachment 7: Zoning Map



145-185 Davenport Road
File # 12_253190_0Z

- G Parks District
- R3 Residential District
- R4 Residential District
- CR Mixed-Use District



Not to Scale
Zoning By-law 438-86 as amended
10/25/2012

Attachment 8: Draft Zoning By-law Amendment

CITY OF TORONTO

BY-LAW No. XXX-2013

To amend the General Zoning By-law No. 438-86 of the former City of Toronto, as amended, with respect to lands known municipally as 145 and 185 Davenport Road.

WHEREAS authority is given to Council of the City of Toronto by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this by-law; and

WHEREAS Council has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*; and

The Council of the City of Toronto HEREBY ENACTS as follows:

1. This By-law applies to the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law.
2. Pursuant to Section 37 of the *Planning Act*, the *heights* and density of development permitted in this By-law are permitted subject to compliance with all of the conditions set out in this By-law including the provision by the *owner* of the *lot* of the facilities, services and matters set out in Appendix 1 hereof, to the City at the *owner's* sole expense and in accordance with and subject to the agreement referred to in Section 3 of this By-law.
3. Upon execution and registration of an agreement or agreements with the *owner* of the *lot* pursuant to Section 37 of the *Planning Act* securing the provision of the facilities, services or matters set out in Appendix 1 hereof, the *lot* is subject to the provisions of this By-law. Building permit issuance with respect to the *lot* shall be dependent upon satisfaction of the provisions of this By-law and in the Section 37 Agreement relating to building permit issuance, including the provision of monetary payments and the provision of financial securities.
4. Wherever in this By-law a provision is stated to be conditional upon the execution and registration of an agreement entered into with the *City* pursuant to Section 37 of the *Planning Act*, then once such agreement has been executed and registered, such conditional provisions shall continue to be effective notwithstanding any subsequent release or discharge of all or any part of such agreement.
5. None of the provisions of Sections 2(1) with respect to the definition of *grade* and *height* and Sections 4(2)(a), 4(5)(b), 4(5)(i), 4(12), 4(16), 8(3) PART I 1, 2 and 3,

8(3) PART II 1(a), 8(3) PART II 2(a), 8(3) PART III 1(a), 12(2) 132, 12(2) 137 of Zoning By-law No. 438-86, as amended, being “A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto”, as amended, shall apply to prevent the erection and use on the lands shown delineated by heavy lines on Map 1 attached hereto of a *mixed use building* and *accessory* uses thereto on the lands shown delineated by heavy lines on Map 1 (hereinafter referred to as the *lot*), provided that:

- a) the *lot* on which the building is to be located comprises at least those lands within the heavy line on Map 1, attached to and forming part of this By-law;
- b) the total aggregate *non-residential gross floor area* and *residential gross floor area* of any building or structure erected on the *lot* is not permitted to exceed 11,150 square metres;
- c) the *residential gross floor area* of any building or structure erected on the *lot* is not permitted to exceed 10,650 square metres;
- d) the *non-residential gross floor area* of any building or structure erected on the *lot* is not permitted to exceed 1,140 square metres;
- e) no portion of any building or structure on the *lot* is permitted have a *height* in metres greater than the *height* limits specified by the numbers following the symbol H on Map 2 attached to, except for:
 - (i) parapets, railings, roof drainage, thermal insulation and roof ballast terraces, terraces, terrace or balcony guards and dividers, planters, stairs, stair enclosures, wall or structure enclosing such elements and railings extending to a maximum vertical projection of 1.2 metres above the *height* limits shown on Map 2; and
 - (ii) window washing equipment, stair towers, partitions, landscape elements, green roof elements, lighting fixtures, vents, flues, pipes, access roof hatch, outdoor furniture, heating, cooling or ventilating equipment or a fence, and structures located on the roof used for outside or open air recreation, safety or wind protection purposes may extend above the *height* limits shown on Map 2;
- f) no portion of any building or structure erected and used above *grade* on the *lot* is located otherwise than wholly within the areas delineated by heavy lines shown on Map 2 attached to and forming part of this By-law, subject to the following:

- (i) cornices, canopies, terraces, entry portals, eaves, guardrails, landscape elements, ornamental elements, trellises, retaining walls, lighting fixtures, stairs and railings, ramps, window washing equipment and vents may project beyond the heavy lines shown on Map 2; and
 - (ii) balconies may project beyond the heavy lines shown on Map 2 into the shaded areas identified as Zone A, Zone B, Zone C, Zone D and Zone E on Map 3, attached to and forming part of this By-law, to a maximum horizontal projection of 1.6 metres;
- g) *residential amenity space* is provided in accordance with the following:
- (i) a minimum of 190 square metres of indoor *residential amenity space* is provided, of which 30 square metres of indoor *residential amenity space* may be provided in the form of a guest suite; and
 - (ii) a minimum of 60 square metres of outdoor *residential amenity space* is provided in a location adjoining or directly accessible from the indoor *residential amenity space*;
- h) *parking spaces* must be provided and maintained below *grade* on the *lot* in accordance with the following:
- (i) 0.3 *parking spaces* for each *bachelor dwelling unit*;
 - (ii) 0.5 *parking spaces* for each one *bedroom dwelling unit*;
 - (iii) 0.8 *parking spaces* for each two *bedroom dwelling unit*;
 - (iv) 1.0 *parking spaces* for each three or more *bedroom dwelling unit*;
 - (v) a minimum of 12 *parking spaces* shall be provided for residential visitor use;
 - (vi) a minimum of 3 *parking spaces* shall be provided for *non-residential gross floor area* used for retail purposes;
 - (vii) a minimum of 0.35 *parking spaces* shall be provided for each 100 square metres of *non-residential gross floor area* used for office purposes;
- i) a *commercial parking garage* is permitted on the *lot*;

- j) *parking spaces* required for residential visitors and *non-residential gross floor area* are permitted to be located within a *commercial parking garage*;
 - k) on walls parallel to the south *lot* lines, east *lot* line and west *lot* lines as identified on Map 2, windows for *dwelling units* are not permitted to be located closer than:
 - (i) 4.6 metres of the south *lot* lines;
 - (ii) 2.3 metres of the east *lot* line; and
 - (iii) 7.1 metres of the west *lot* lines;
 - l) notwithstanding the definition of *bicycle parking space – occupant* in Section 2(1) of Zoning By-law No. 438-86, as amended, a *bicycle parking space* for visitors may be provided outside of a secured room;
 - m) notwithstanding the definition of *bicycle parking space – visitor* in Section 2(1) of Zoning By-law No. 438-86, as amended, a *bicycle parking space* for visitors may be provided within a secured room;
6. For the purpose of this By-law, the terms set forth in italics have the same meaning as such terms have for the purposes of By-law 438-86, as amended, except that the following definitions shall apply:
- (a) "*grade*" means 118.44 metres Canadian Geodetic Datum; and
 - (b) "*height*" means the vertical distance between *grade* and the highest point of the building or structure, excluding permitted projections identified in section 1(d) of this By-law;
7. Despite any existing or future severance, partition or division of the lot, the provisions of this by-law apply to the whole lot as if no severance, partition or division occurred.

ENACTED AND PASSED this day of , A.D. 2012.

FRANCES NUNZIATA,
Speaker

ULLI S. WATKISS
City Clerk

(Corporate Seal)

Appendix 1: Section 37 Provisions

The facilities, services and matters set out herein are the matters required to be provided by the *owner* of the *lot* at its expense to the *City* in accordance with an agreement or agreements, pursuant to Section 37(3) of the *Planning Act*, in a form satisfactory to the *City* with conditions providing for no credit for development charges, indexing escalation of both the financial contributions and letters of credit, indemnity, insurance, taxes, termination and unwinding, and registration and priority of the agreement:

1. Prior to the introduction of Bills in City Council, City Council require the owner of the lands at 145-185 Davenport Road to enter into an Agreement pursuant to Section 37 of the *Planning Act*, to be registered on title, to the satisfaction of the City Solicitor, to secure the following:
 - a. An indexed payment of \$200,000, to be paid within 30 days of the Site Specific Zoning By-law coming into full force and effect. The funds are to be used for local streetscape improvements to the satisfaction of the Chief Planner and Executive Director, City Planning Division in consultation with the local Ward Councillor, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment.
 - b. An indexed payment of \$100,000, to be paid within 30 days of the Site Specific Zoning By-law coming into full force and effect. The funds are to be used towards capital improvements to Ramsden Park, to the satisfaction of the General Manager of Parks, Forestry and Recreation, in consultation with the Ward Councillor, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment.
 - c. An indexed payment of \$150,000, to be paid prior to the issuance of the first above-grade building permit. The funds are to be used for local streetscape improvements to the satisfaction of the Chief Planner and Executive Director, City Planning Division in consultation with the local Ward Councillor, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment.
 - d. An indexed payment of \$450,000, to be paid prior to the issuance of the first above-grade building permit. The funds are to be used for streetscape improvements, specifically the utility burial initiative to the satisfaction of the Chief Planner and Executive Director, City Planning Division in

consultation with the Ward Councillor, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment.

- e. An indexed payment of \$100,000, to be paid prior to the issuance of the first above-grade building permit. The funds are to be used towards capital improvements to affordable housing in Ward 27 to the satisfaction of the Chief Planner and Executive Director, City Planning Division in consultation with the Ward Councillor, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment.
 - f. The owner shall incorporate in the construction of the building, and thereafter maintain, exterior building and landscape materials, including but not limited to limestone and brick, to the satisfaction of the Chief Planner and Executive Director, City Planning Division.
 - g. The Owner shall provide and maintain an at-grade "pet friendly" area with disposal facilities for the residents of the proposed building and the mixed-use building to the immediate west.
 - h. The Owner shall provide and maintain privacy screening and/or landscaping on the second floor patio to the satisfaction of the Chief Planner and Executive Director, City Planning Division.
2. The *owner* of the *site* entering into and registering on title to the *lot* one or more agreements with the *City* pursuant to Section 37 of the *Planning Act*, to the satisfaction of the *City* Solicitor, in consultation with the Chief Planner and Executive Director, *City* Planning Division, to secure the facilities, services and matters set forth in this Appendix 1.
 3. Notwithstanding the foregoing, the *owner* and the *City* may modify or amend the said agreement(s), from time to time and upon the consent of the *City* and the *owner*, without further amendment to those provisions of this zoning by-law which identify the facilities, services and matters to be secured.

