

## **287 Davenport Rd and 141- 145 Bedford Road - Official Plan Amendment, Zoning Amendment and Rental Housing Demolition Applications – Preliminary Report**

**Date:** January 20, 2020

**To:** Toronto and East York Community Council

**From:** Director, Community Planning, Toronto and East York District

Ward 11 - University-Rosedale

**Planning Application Number:** 19 244078 STE 11 OZ

**Planning Application Number:** 19 244085 STE 11 RH

**Deemed Complete as of:** November 1, 2019

**Current Uses on Site:** A 1-storey commercial building, including a gym, coffee shop and 165.7 square metres of office space on Davenport Road. Two 2.5-storey detached dwellings and a 2-storey fourplex dwelling fronting Bedford Road.

### **SUMMARY**

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This report provides information and identifies a preliminary set of issues regarding the application for a 15-storey mixed-use building located at 287 Davenport Road and 141 to 145 Bedford Road. Staff are currently reviewing the application. It has been circulated to all appropriate agencies and City divisions for comment. Staff will proceed to schedule a community consultation meeting for the application with the Ward Councillor.

### **RECOMMENDATIONS**

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The City Planning Division recommends that:

1. Staff schedule a community consultation meeting for the application located at 287 Davenport Road and 141 to 145 Bedford Road together with the Ward Councillor.
2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the application site, and to additional residents, institutions and

owners to be determined in consultation with the Ward Councillor, with any additional mailing costs to be borne by the applicant.

## **FINANCIAL IMPACT**

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The recommendations in this report have no financial impact.

## **ISSUE BACKGROUND**

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### **Application Description**

A new 15-storey (58 metres to the top of the roof structure including the mechanical penthouse) mixed use building is proposed for the site. The three existing residential buildings with six rental dwelling units will be demolished. A total of 105 residential units, including three grade related units on Bedford Road are proposed. Also proposed is 278 square metres of non-residential space for a possible retail unit.

A four-level underground garage with 124 parking spaces (including 110 residential, 11 visitor and 3 retail spaces) with access off Davenport Road. Also proposed are 169 bicycle parking spaces.

The proposed total floor space index (FSI) for the development is 7.3 times the area of the lot. The proposed building contains a total of 466.1 metres of amenity space (413.1 square metres of indoor and 53.0 square metres of outdoor).

Detailed project information is found on the City's Application Information Centre at: <https://www.toronto.ca/aic>

See Attachments 1 and 2 of this report, for a three dimensional representation of the project in context.

### **Provincial Policy Statement and Provincial Plans**

Land use planning in the Province of Ontario is a policy led system. Any decision of Council related to this application is required to be consistent with the Provincial Policy Statement (2014) (the "PPS"), and to conform with applicable Provincial Plans which, in the case of the City of Toronto, include: A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) and, where applicable, the Greenbelt Plan (2017). The PPS and all Provincial Plans may be found on the Ministry of Municipal Affairs and Housing website.

## **A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)**

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) (the "Growth Plan (2019)") came into effect on May 16, 2019. This new plan replaces the previous Growth Plan for the Greater Golden Horseshoe, 2017. The Growth Plan (2019) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part. The Growth Plan, 2019 establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the Planning Act that comprehensively applies the policies and schedules of the Growth Plan (2019), including the establishment of minimum density targets for and the delineation of strategic growth areas, the conversion of provincially significant employment zones, and others.

Policies not expressly linked to a MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and a vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

The Growth Plan (2019) builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the Greater Golden Horseshoe region. The policies of the Growth Plan (2019) take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

In accordance with Section 3 of the *Planning Act* all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan.

The Growth Plan (2019) contains policies pertaining to population and employment densities that should be planned for in major transit station areas (MTSAs) along priority transit corridors or subway lines. MTSAs are generally defined as the area within an approximately 500 to 800 metre radius of a transit station, representing about a 10-minute walk. The Growth Plan requires that, at the time of the next municipal comprehensive review (MCR), the City update its Official Plan to delineate MTSA boundaries and demonstrate how the MTSAs achieve appropriate densities. The site is within 800 metres of the Dupont subway station.

### **Toronto Official Plan Policies and Planning Studies**

The City of Toronto Official Plan is a comprehensive policy document that guides development in the City, providing direction for managing the size, location, and built form compatibility of different land uses and the provision of municipal services and facilities. Authority for the Official Plan derives from The *Planning Act* of Ontario. The PPS recognizes the Official Plan as the most important document for its implementation. Toronto Official Plan policies related to building complete communities, including heritage preservation and environmental stewardship may be applicable to any application.

The site is designated primarily *Neighbourhoods* with a section along Davenport Road designated *Mixed Use Areas* on Map 17 of the Official Plan.

The site is subject to Official Plan Housing Policy 3.2.1.6.a. where new development that would have the effect of removing all or part of a private building or related group of buildings, and would result in the loss of six or more rental units will not be approved unless it they meet the exemption criteria. In this case the 6 rental units have rents that exceed mid-range rents at the time of application so they are exempt from being replaced.

The application is subject to *Neighbourhoods* Policy and proposes to amend it to allow a portion of a mixed-use mid-rise building in a *Neighbourhoods* designated area that is residentially zoned. The City's Official Plan, Chapter 4, 4.1(1) This policy allows for a apartment buildings with a maximum of four storeys in a *Neighbourhoods* designated area. A portion of the mid-rise building for the property at 287 Davenport Road and 141 to 145 Bedford Road are within the *Neighbourhoods* designated zone.

The site is subject to Official Plan Heritage Policies in Section 3.1.5. This section addresses the conservation of heritage resources and includes policies that state that Heritage Impact Assessments will evaluate the impact of a proposed alteration to a property on the Heritage Register, and/or to properties adjacent to a property on the Heritage Register, to the satisfaction of the City. Policy 26 identifies that new construction on, or adjacent to, a property on the Heritage Register will be designed to conserve the cultural heritage values, attributes and character of that property and to mitigate visual and physical impacts on it. Policy 33 states that Heritage Conservation Districts should be managed and conserved by approving only those alterations, additions, new development, demolitions, removals and public works in accordance with respective Heritage Conservation District plans.

The Toronto Official Plan may be found here: <https://www.toronto.ca/official-plan/>

### **The Downtown Plan**

City Council adopted OPA 406 at its meeting on May 22-24, 2018. OPA 406 included amendments to the Downtown section of the Official Plan and Map 6 of the Official Plan and brought forward a new Secondary Plan for the entire Downtown area.

On August 9, 2018 the City's application under Section 26 of the *Planning Act* was sent to the Minister of Municipal Affairs and Housing (MMAH) for approval. The Ministry issued its decision regarding OPA 406 on June 5, 2019. Since this application was submitted after June 5, 2019, OPA 406, the new Downtown Secondary Plan, applies to this application.

Policy 1.7 of the Downtown Plan states that the provisions of the Official Plan, which set out the policies applicable to *Neighbourhoods*, and development criteria within *Neighbourhoods*, will continue to apply to *Neighbourhoods* in the Downtown unless such policies are in conflict with an applicable Secondary Plan, or Site and Area Specific Policy.

The site is within the Downtown Plan and designated the *Mixed Use Area 3*.

The in-force Downtown Plan may be found here:

<https://www.toronto.ca/legdocs/mmis/2019/cc/bgrd/backgroundfile-135953.pdf>

### **Rental Housing Demolition and Conversion By-law**

The applicant submitted an application on November 1, 2019 for a Section 111 permit pursuant to Chapter 667 of the City of Toronto Municipal Code for the demolition of the six existing rental housing units, as the lands subject to the application contain six or more residential units, of which at least one is rental. Staff deemed this application complete on November 15, 2019.

As per Chapter 667-14, a tenant consultation meeting will be held to review the impact of the proposal on tenants of the residential rental property and matters under Section 111 of the *City of Toronto Act*.

### **Zoning By-laws**

The site is largely zoned Residential (R), while the site frontage along Davenport Road is zoned Commercial Residential (CR). The height limit (H) for the Residential area of the site is 12 metres and the CR designation is 14 metres. The CR designation permits a range of residential uses, retail and office uses. The maximum density within the R designation is 2.0 times the lot area.

The City's Zoning By-law 569-2013 may be found here: <https://www.toronto.ca/city-government/planning-development/zoning-by-law-preliminary-zoning-reviews/zoning-by-law-569-2013-2/>

## **Design Guidelines**

The following design guideline(s) will be used in the evaluation of this application:

- Mid-rise Buildings Guidelines 2010 & Addendum 2016.
- Draft Growing up Guidelines: Planning for Children in New Vertical Communities.
- Pet-friendly Guidelines.

The City's Design Guidelines may be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/>

## **Site Plan Control**

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

## **COMMENTS**

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### **Reasons for the Application**

The application proposes to amend By-law 438-86 and 569-2013 to vary performance standards including: height, density, and setbacks. Additional amendments to the Zoning By-law will be identified as part of the application review.

The Official Plan Amendment is required because the proposed building exceeds the maximum permitted height of 4-storeys in the *Neighbourhood Areas* portion of the site.

### **ISSUES TO BE RESOLVED**

The application has been circulated to City divisions and public agencies for comment. At this stage in the review, the following preliminary issues have been identified:

#### **Provincial Policies and Plans Consistency/Conformity**

Given the explicit link between Provincial Policy and the Official Plan, conformity with the PPS (2014) and the Growth Plan (2019) will be largely determined by conformity with the Official Plan.

Staff will evaluate:

- The application's consistency with the PPS (2014) and conformity with the Growth Plan (2019).

## **Official Plan Conformity**

Staff will evaluate:

- The appropriateness of the application's proposed amendment to the Official Plan.

## **Built Form, Planned and Built Context**

Staff will evaluate the proposal for a 15-storey mixed-use building within both a *Mixed Use Area* and *Neighbourhoods*. Staff will determine the suitability of the proposed massing and built form based on Section 2 q), and r) of *The Planning Act*, the PPS (2014) and the Growth Plan (2019), the City's Official Plan policies, the Zoning By-law, Mid-Rise Buildings Design Guidelines and the Growing up Guidelines.

Staff will evaluate:

- Whether the application is contextually appropriate and fits with the existing and planned context.
- Appropriateness of the proposed built form, siting, height, massing and scale of the proposal.
- Whether the proposed unit mix is suitable for a broad range of households, including families with children.
- The locations, adequacy and functionality of the proposed amenity spaces.
- The relationships to adjacent properties, including setbacks, step backs and the resulting separation distance between properties and buildings.
- The massing within the low-rise *Neighbourhoods* to the south and any shadow impacts.
- The impact of the proposal on the public realm, including wind and shadow impacts.
- The relationship of the proposed building to the intersection as a corner site.

Additional built form issues may be identified through the review of the application including further review from City divisions and agencies and the public consultation process.

## **Heritage Impact & Conservation**

The *Neighbourhoods* on the south portion of the subject site is included within the East Annex Heritage Conservation District, (HCD) established in July 1994. Three of the four properties of the subject site were identified in the 1993 East Annex HCD study as properties which are "not in the original character" meaning that they are so altered from the original appearance that their character is "substantially diminished". However, their location is within the context and boundaries of East Annex HCD.

The applicant has submitted a Heritage Impact Assessment (HIA).

Heritage Preservation Services staff will evaluate and assess:

- the HIA submitted with the application and whether the property is considered a significant heritage resource that should be conserved in accordance with the policies in the City's Official Plan along with its relationship to any adjacent heritage resources and the East Annex HCD.

### **Public Realm and Streetscape**

The site has frontages on both Davenport Road and Bedford Road. There is an opportunity to widen the sidewalks for improved pedestrian movement and enjoyment.

Staff will evaluate:

- The proposed open space areas and streetscape with the aim to enhance and expand the public realm.
- The suitability of the proposed pedestrian realm and the relationship of the building to the intersection as a corner site.
- The adequacy and suitability of the amount, location and design of the proposed outdoor open spaces, and of their ability to be appropriately landscaped.

### **Sun, Shadow and Wind**

The Official Plan requires development to limit shadow impacts on streets, properties and open spaces and minimize any additional shadowing and uncomfortable wind conditions on neighbouring parks to preserve their utility. It also requires new development to maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces.

A shadow study was prepared in support of the proposal which shows the extent of the shadow from the proposed building on March 21 and September 21. A Pedestrian Wind Assessment was also submitted.

Staff will evaluate:

- The shadow impacts on the public realm including the Davenport Road sidewalk and on the townhouse development at 250 Davenport Road, and wind impacts of the proposed building on outdoor amenity spaces and adjacent sidewalks.

### **Rental Housing**

The Rental Housing Demolition Application will be assessed against the City's Rental Housing Demolition and Conversion Control By-law and rental housing demolition and replacement policy within the Official Plan.



Staff's initial review of the documentation provided by the applicant indicates that there are six residential dwelling units on the subject site, all of which are rental. This was confirmed by site visit carried out by staff. All six rental dwelling units are classified as high-end rental units based on their rents at of the time of the application. Because all six units are high-end units, replacement of the existing rental units is not required per Official Plan Policy 3.2.1.6.a.

As per the Rental Housing Demolition and Conversion Control By-law, this application requires City Council approval because there are six rental units proposed to be demolished.

- Staff will continue to work with the applicant and tenants to determine an acceptable tenant relocation and assistance plan. A meeting with the tenants will be held at a future date.

### **Tree Preservation**

The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees By-law) and III (Private Tree By-law).

The applicant has submitted an Arborist Report and Tree Preservation Plan that indicate that there are 9 trees (including 6 City-owned trees) both within and immediately adjacent to the subject site that qualify for protection. Of these, 6 City-owned trees are proposed to be removed.

Staff will continue to assess:

- The appropriateness of the removal of 6 city-owned trees and opportunities for new tree planting.

### **Infrastructure/Servicing Capacity**

The applicant has submitted the following studies and reports which are being reviewed by Engineering and Construction Services staff: a Functional Servicing Report, Stormwater Management Implementation Report, Preliminary Geotechnical Report, Preliminary Geohydrology Assessment, and Transportation Impact Study.

Staff will evaluate:

- If there is sufficient infrastructure capacity (roads, water, sewage, hydro, community services and facilities, etc.) to accommodate the proposed development.
- The effects of the development on the City's infrastructure, including the transportation system, and determine if improvements to the existing infrastructure are required.

## **Community Services and Facilities**

Community Services and Facilities report was not required as staff have already have up-to-date knowledge of community services and facilities in the area. Staff did, however, indicate interest in how the application would assist in the furthering the goals and objectives of the TOcore Secondary Plan Community Services and Facilities Strategy (the "Downtown CS&F" Strategy).

The submission indicated that financial contributions in the form of funding for community services, funding towards capital improvements to existing facilities, as well as funds to assist in achieving capital funding for new projects are ways to meet the goals and objectives of the Downtown CS&F Strategy.

## **Toronto Green Standard**

Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision. Through the review process, the applicant will be encouraged to achieve Tier 2 or higher.

The applicant has submitted the required Toronto Green Standards Checklist for Mid to High Rise Residential and all New Non-Residential Development. Staff will evaluate:

- The TGS Checklist submitted by the applicant for compliance with Tier 1 performance measures; and,
- The potential to achieve TGS Tier 2 or higher requirements.

## **Section 37 Community Benefits**

The Official Plan provides for the use of Section 37 of *The Planning Act* to pass by-laws for increases in height and/or density not otherwise permitted by the Zoning By-law in return for the provision by the applicant of community benefits in the form of capital facilities. It is standard to secure community benefits in a Section 37 Agreement which is then registered on title.

- Further discussion with the Ward Councillor, City staff, residents, and the applicant will be required to determine the extent and nature of the required Section 37 community benefits should the application be approved in some form.

## **Other Matters**

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

## **CONTACT**

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## **SIGNATURE**

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Lynda H. Macdonald, MCIP, RPP, OALA, FCSLA,  
Director, Community Planning  
Toronto and East York District

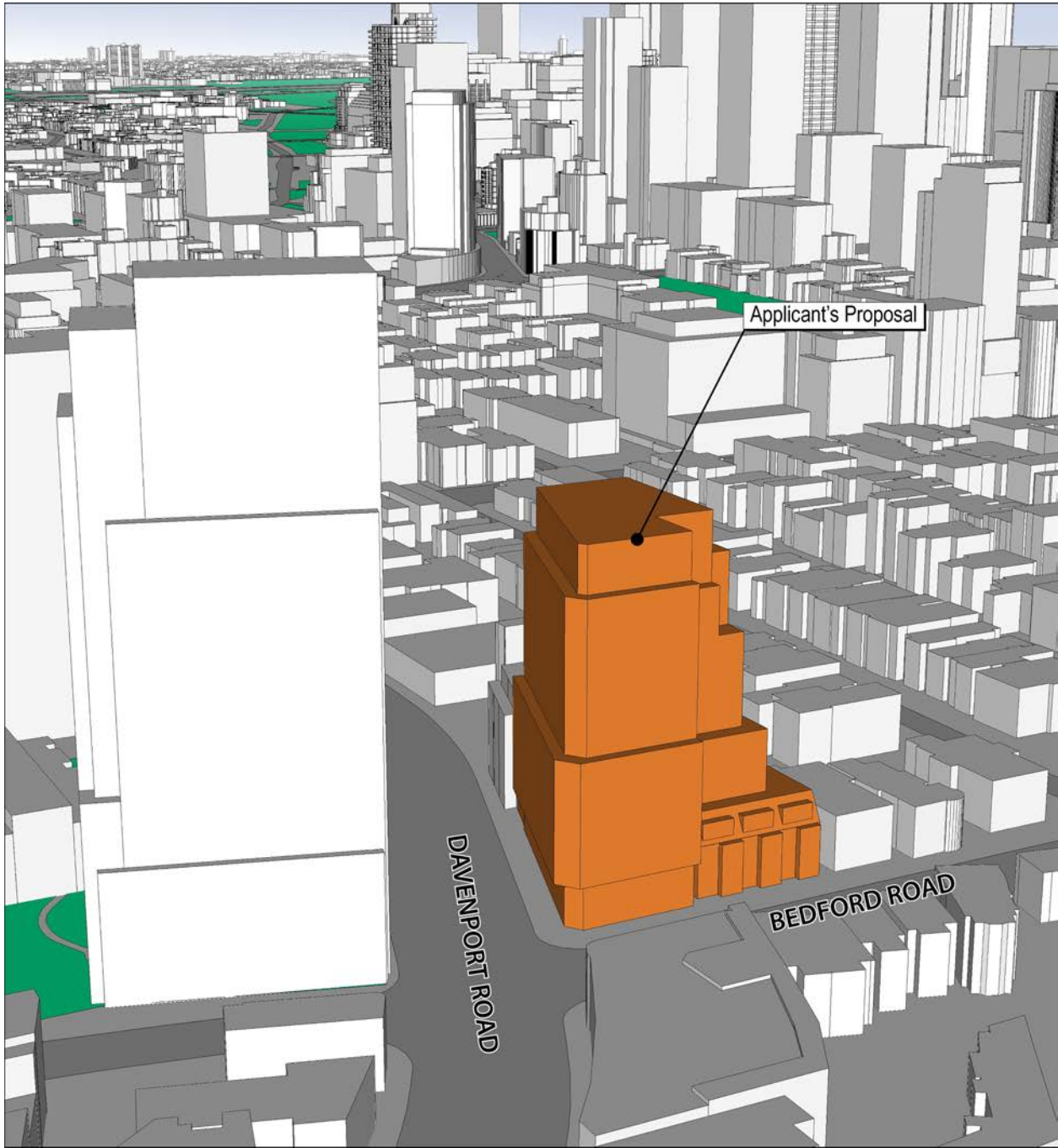
## **ATTACHMENTS**

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### **City of Toronto Drawings**

- Attachment 1: 3D Model of Proposal in Context Southeast View
- Attachment 2: 3D Model of Proposal in Context Northwest View
- Attachment 3: Location Map
- Attachment 4: Site Plan
- Attachment 5: Official Plan Map
- Attachment 6: Application Data Sheet

# Attachment 1: 3D Model of Proposal in Context - Southeast View



View of Applicant's Proposal Looking Southeast

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01/09/2020

## Attachment 2: 3D Model of Proposal in context Northwest View



View of Applicant's Proposal Looking Northwest



01/09/2020

### Attachment 3: Location Map



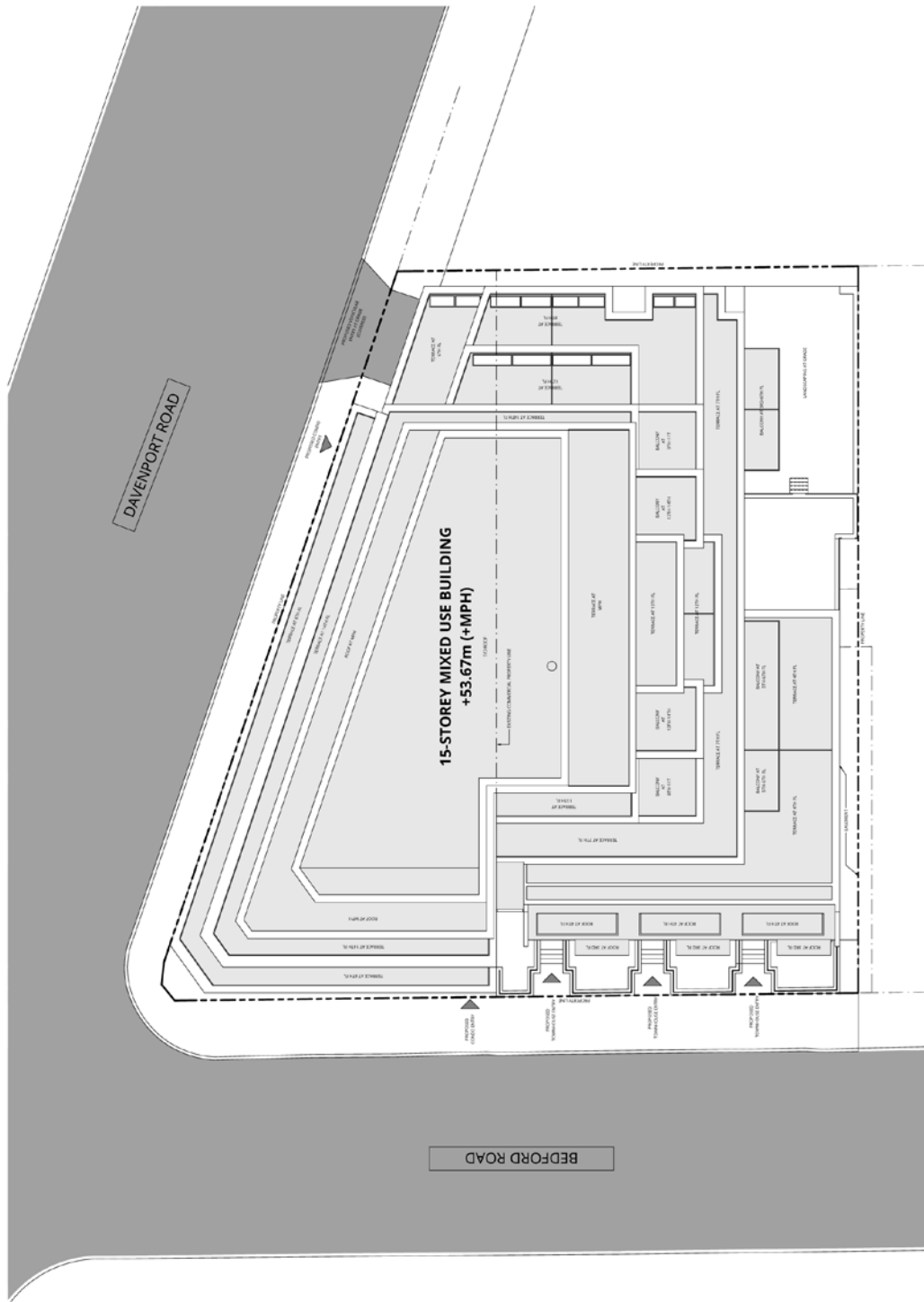
287 Davenport Road & 141-145 Bedford Road

Context Map

File # 19 244078 STE 11 0Z

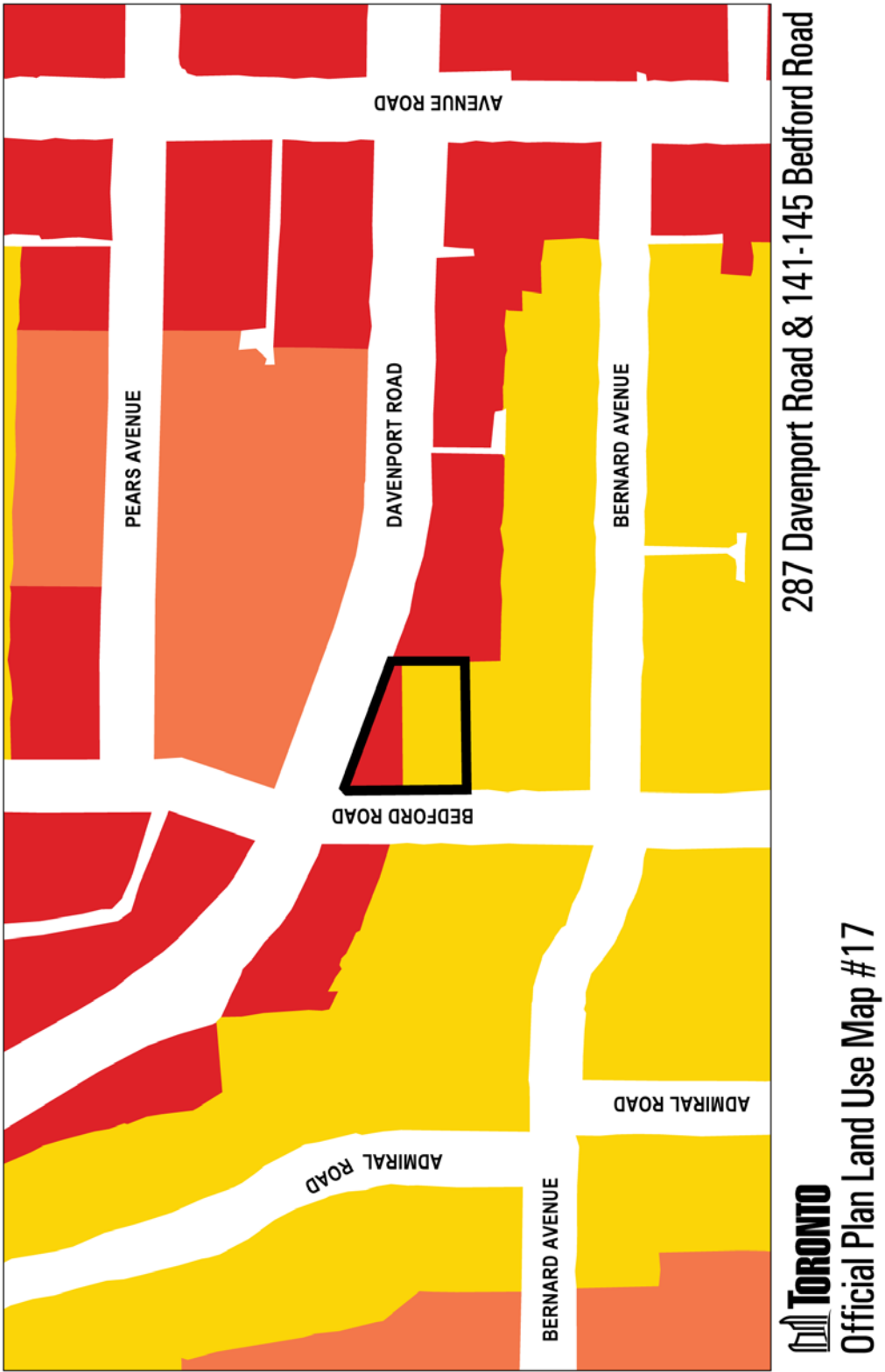
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# Attachment 4: Site Plan



Site Plan

# Attachment 5: Official Plan Map



File # 19 244078 STE 11 0Z

 Location of Application  
 Neighbourhoods  
 Apartment Neighbourhoods  
 Mixed Use Areas

 Not to Scale  
 11/20/2019



## Attachment 6: Application Data Sheet

**Municipal Address:** 287 Davenport Road      **Date Received:** November 1, 2019

**Application Number:** 19 244078 STE 11 OZ

**Application Type:** OPA & Rezoning

**Project Description:** 15-storey mixed-use building comprised of 278 square metres of non-residential gross floor area and 105 residential dwelling units.

<b>Applicant</b>	<b>Architect</b>	<b>Owner</b>
Bousfields Inc.	Audax	Burnac Enterprises Inc.

### EXISTING PLANNING CONTROLS

<b>Official Plan Designation:</b>	Mixed Use Areas	<b>Site Specific Provision:</b>	
<b>Zoning:</b>	CR T2.0 C2.0 R1.5	<b>Heritage Designation:</b>	East Annex HCD
<b>Height Limit (m):</b>	14	<b>Site Plan Control Area:</b>	Yes

### PROJECT INFORMATION

**Site Area (sq m):** 1,849      **Frontage (m):** 48      **Depth (m):** 38

<b>Building Data</b>	<b>Existing</b>	<b>Retained</b>	<b>Proposed</b>	<b>Total</b>
<b>Ground Floor Area (sq m):</b>	970		913	913
<b>Residential GFA (sq m):</b>	383		13,204	13,204
<b>Non-Residential GFA (sq m):</b>	587		278	278
<b>Total GFA (sq m):</b>	<b>970</b>		<b>13,482</b>	<b>13,482</b>
<b>Height - Storeys:</b>	3		15	15
<b>Height - Metres:</b>			54	54

**Lot Coverage Ratio (%)**: 49.37      **Floor Space Index:** 7.29

<b>Floor Area Breakdown</b>	<b>Above Grade (sq m)</b>	<b>Below Grade (sq m)</b>
Residential GFA:	12,913	291
Retail GFA:	278	0
Office GFA:	0	0
Industrial GFA:	0	0
Institutional/Other GFA:	0	0

<b>Residential Units by Tenure</b>	<b>Existing</b>	<b>Retained</b>	<b>Proposed</b>	<b>Total</b>
Rental:	6	n/a	n/a	n/a
Freehold:	n/a	n/a	n/a	n/a
Condominium:	n/a	n/a	106	106
Other:	n/a	n/a	n/a	n/a
<b>Total Units:</b>	<b>6</b>		<b>106</b>	<b>106</b>

#### **Total Residential Units by Size**

	<b>Rooms</b>	<b>Bachelor</b>	<b>1 Bedroom</b>	<b>2 Bedroom</b>	<b>3+ Bedroom</b>
Retained:	0	0	0	0	0
Proposed:	0	0	57	38	11
Total Units:	0	0	57	38	11

#### **Parking and Loading**

Parking Spaces: 124      Bicycle Parking Spaces: 169      Loading Docks: 1

#### **CONTACT:**

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