

287 Davenport Road and 141-145 Bedford Road – Official Plan and Zoning Amendment Application and Rental Housing Demolition Application – Request for Direction Report

Date: October 16, 2020

To: Toronto and East York Community Council

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

Ward: 11 - University-Rosedale

Planning Application Numbers: 19 244078 STE 11 OZ & 19 244085 STE 11 RH

SUMMARY

On April 21, 2020 the applicant appealed its Official Plan and Zoning By-law Amendment application to the Local Planning Appeal Tribunal (LPAT), to permit a 15-storey mixed-use building, due to Council's failure to enact the requested amendments within the time allotted by the Planning Act.

This report recommends that the City Solicitor together with appropriate City staff, oppose the proposal at the LPAT. The proposal is not appropriately massed for a building within a *Mixed Use Areas* and *Neighbourhoods* designated area and does not provide acceptable transition in height and is partially located in the East Annex HCD. The application does not conform with A Place to Grow: Growth Plan (2020) and does not conform with the Official Plan, The Downtown Plan (OPA 406), and address the City's Tall Building Design Guidelines, or the intent of those guidelines.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct the City Solicitor and City Planning Staff and other appropriate City staff, to attend the Local Planning Appeal Tribunal hearing to oppose the Official Plan amendment and Zoning By-law amendment (File No. 19 244078 STE 11 OZ) application as proposed;
2. City Council defer making a decision at this time on the Rental Housing Demolition Application (Application File No. 19 244085 STE 11 RH) under Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the City of Toronto Act, 2006 which allows for the demolition of the six (6) existing rental dwelling units at 141-145 Bedford

Road and instruct staff, if necessary, to report on the Rental Housing Demolition Application to City Council at such time as a Local Planning Appeal Tribunal decision has been issued regarding the Official Plan and Zoning By-law Amendment application appeal for the lands at 287 Davenport Road and 141-145 Bedford Road.

3. In the event that the Local Planning Appeal Tribunal allows the appeal in whole or in part, City Council authorize the City Solicitor to request the Local Planning Appeal Tribunal withhold its final Order to approve the Official Plan Amendment and Zoning By-law amendment applications until such time as:

- a) the City and the owner have presented the Local Planning Appeal Tribunal an Official Plan amendment and Zoning By-law amendment that implements the decision of the Local Planning Appeal Tribunal in a form and substance satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor, including securing rental housing matters, such as a tenant relocation and assistance plan;
- b) the owner has provided an updated functional servicing and stormwater management report, satisfactory to the Chief Engineer and Executive Director, Engineering and Construction Services, including securing (and the provision of any financial securities) for any identified and/or required improvements and/or upgrades to municipal infrastructure;
- c) the owner has provided an updated Hydrogeological Report and supporting documents addressing any on-site groundwater to the satisfaction of the General Manager, Toronto Water;
- d) community benefits and other matters in support of the development as determined appropriate, including rental housing matters, are secured in a Section 37 Agreement executed by the owner and registered on title to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor; and,
- e) City Council, or the Chief Planner and Executive Director, City Planning Division where authorized to do so, has approved the Rental Housing Demolition Application (Application File No. 19 244085 STE 11 RH) in accordance with Chapter 667 of the Toronto Municipal Code and pursuant to Section 111 of the City of Toronto Act, 2006 which allows for the demolition of the six (6) existing rental dwelling units at 141-145 Bedford Road;

FINANCIAL IMPACT

The City Planning Division confirms that there are no financial implications resulting from the recommendations included in the report in the current budget year or in future years.

DECISION HISTORY

On February 5, 2020, a Preliminary Report (dated January 20, 2020), was adopted by Toronto and East York Community Council. A copy of the report is available at: <http://www.toronto.ca/legdocs/mmis/2020/te/bgrd/backgroundfile-145123.pdf>

SITE AND SURROUNDING AREA

The subject site is located on the southeast corner of Davenport Road and Bedford Road. The 1,849 square metre site has a frontage of 48.2 metres along Davenport Road and 45.1 metres along Bedford Road. There are six residential dwelling units on the subject site, all of which are rental. The application materials identify all six rental dwelling units as higher than mid-level rental units based on their rents at the time of the application.

Uses and structures near the site include:

North: of Davenport Road is a 1.1 hectare site (181 Bedford Road) with a 27-storey apartment building and two rows of back to back townhouses currently under construction and an existing 25-storey TCHC apartment building at (250 Davenport Road). Across the street at the northwest corner of Davenport Road and Bedford Road there is an approval for a 22-storey mixed-use residential building.

South: is the East Annex Heritage Conservation District (HCD), a low-rise residential neighbourhood.

East: is a 7-storey residential apartment building (277 Davenport Road). Further east, is an 'L'-shaped 1- to 2-storey commercial building (265-267 Davenport Road), a 2-storey commercial building (263 Davenport Road), a 2-½ storey office building (261 Davenport Road) and a 3-storey mixed-use commercial/residential building (251-255 Davenport Road).

West: on the southwest corner of Davenport Road and Bedford Road, is the former Creed warehouse building – a 3-storey heritage building, converted into residential condominium units (295-299 Davenport Road), followed by three 2½- to 3½-storey converted dwellings used for commercial/office purposes (301-305 Davenport Road). Further west is the site of an approved 9-storey building with a 6-storey streetwall along Davenport Road (321 Davenport Road), followed by a pair of 2½-storey semi-detached residential dwellings (323 and 325 Davenport Road), and a single-storey car wash (333 Davenport Road).

THE APPLICATIONS

Complete Application Submission Date: November 1, 2019

Description

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

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

The proposed floor space index (FSI) 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 6 and 7 of this report, for a three dimensional representation of the project in context.

Reasons for the Applications

The application proposes to amend By-law 438-86 and 569-2013 to vary performance standards including: height, density, and setbacks.

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

A Rental Housing Demolition Permit is required because the application seeks approval to demolish six existing rental dwelling units. Chapter 667 of the Toronto Municipal Code, the Rental Housing Demolition and Conversion By-law, prohibits the demolition of all or part of a building that contains six or more dwelling units, of which at least one is a rental unit, without obtaining a permit from the City.

Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

The Provincial Policy Statement (2020) (the "PPS") provides policy direction province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- the efficient use and management of land and infrastructure;
- ensuring the sufficient provision of housing to meet changing needs including affordable housing;
- ensuring opportunities for job creation;
- encouraging a sense of place in communities, by promoting well-designed built form, and by conserving features that help define local character, including built heritage resources and cultural heritage landscapes;
- ensuring the appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs; and
- protecting people, property and community resources by directing development away from natural or human-made hazards.

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the Planning Act and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS is more than a set of individual policies. It is to be read in its entirety and the relevant policies are to be applied to each situation.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.6 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) ("Growth Plan") provides 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, 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, including the establishment of minimum density targets for and the delineation of strategic growth areas, the conversion of employment areas, 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 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 builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan 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.

Planning for Major Transit Station Areas

The Growth Plan 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.

Toronto Official Plan

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 *Neighbourhoods* and *Mixed Use Areas* on Map 17 of the Official Plan.

Chapter 2 – Shaping the City

Section 2.3.1 Healthy Neighbourhoods

Toronto's neighbourhoods are an important asset in the city and a cornerstone policy is to ensure that the new development in neighbourhoods respects and reinforces the existing physical character of the area in terms of buildings, streetscapes and open space patterns.

The Healthy Neighbourhoods policies of the Official Plan address the relationship between *Neighbourhoods* and areas with other Official Plan designations in order to ensure development is sensitive to the physically stable areas within the *Neighbourhoods* designation. The policies require development in *Mixed Use Areas* adjacent or close to *Neighbourhoods* to be: compatible with the *Neighbourhoods*; provide a gradual transition of scale and density, as necessary to achieve the objectives of the Plan through the stepping down of buildings towards and setbacks from those *Neighbourhoods*; and, maintain adequate light and privacy for residents in those *Neighbourhoods*.

Chapter 3 – Building a Successful City

Section 3.1.2 Built Form

New development in Toronto will be located and organized to fit with its existing and/or planned context. It will do this by: generally locating buildings parallel to the street or along the edge of a park or open space, having a consistent front yard setback, acknowledging the prominence of corner sites, locating entrances so they are clearly visible and providing ground floor uses that have views into and access from streets.

New development will also locate and organize vehicle parking and vehicular access to minimize their impacts on the public realm. Furthermore, new development will create appropriate transitions in scale to neighbouring existing and/or planned buildings, limit shadowing on streets, properties and open spaces, and minimize any additional shadowing and uncomfortable wind conditions on neighbouring parks to preserve their utility.

New development will be massed to define the edges of streets, parks and open spaces to ensure adequate access to sky view for the proposed and future uses. New development will also provide public amenity, enhance the public realm through streetscape improvements and ensure that significant new multi-unit residential development provides indoor and outdoor amenity space for its residents.

Section 3.1.3 Built Form – Tall Buildings

The application proposes a tall building on the subject site. Policy 3.1.3 states that tall buildings come with larger civic responsibilities than buildings of a smaller scale. In addition to specific built form characteristics, the policy states that proposals for tall

buildings should clearly demonstrate how they relate to the existing and planned context, take into account their relationship with the topography and other tall buildings and how they meet the other objectives of the Official Plan.

Section 3.1.5 Heritage Conservation

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.

Section 3.2.1 Housing

Policy 3.2.1.6 states that new development that would result in the loss of six or more rental housing units will not be approved unless all of rental housing units have rents that exceed mid-range rents at the time of application, or in cases where planning approvals other than site plan are sought, the following will be secured:

- at least the same number, size and type of rental housing units are replaced and maintained with similar rents to those in effect at the time the redevelopment application was made;
- for a period of at least 10 years, rents for replacement units will be the rent at first occupancy, increased annually by not more than the Provincial Rent Increase Guideline or a similar guideline as Council may approve from time to time; and
- an acceptable tenant relocation and assistance plan addressing the right to return to occupy one of the replacement rental units at similar rent, the provision of alternative accommodation at similar rents and other assistance to lessen the hardship of relocation.

The application materials identify the six existing rental dwelling units as having rents at the time of the application which exceed mid-range rents. Further documentation is required from the applicant to confirm the six units' status as high-end rental dwelling units.

Chapter 4 – Land Use Designations

The proposal is located on a site which is partially in a *Neighbourhoods* designated area and partially in a *Mixed Use Areas* designation.

Section 4.1 Neighbourhoods

The City's Official Plan, Chapter 4, 4.1(1) This policy allows for apartment buildings with a maximum of four storeys in a *Neighbourhoods* designated area. *Neighbourhoods* are considered stable areas made up of residential uses in lower scale building such as detached houses, semi-detached houses, duplexes, triplexes and townhouses, as well as interspersed with walk-up apartments of no higher than 4-storeys.

Section 4.5 Mixed Use Areas

Mixed Use Areas are distinguished from low-rise *Neighbourhoods* because a greater scale of buildings is permitted and different scale-related criteria guide development. Not all *Mixed Use Areas* will experience the same scale or intensity of development. Development along the Avenues will generally be at a much lower scale than in the Downtown and most often at a lower scale than in the Centres.

Development proposals in *Mixed Use Areas* are evaluated to:

- locate and mass new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of the Plan, through setbacks and stepping down of heights towards, lower scale *Neighbourhoods*;
- locate and mass new buildings to adequately limit shadow impacts on properties in adjacent lower scale *Neighbourhoods* particularly during the spring and fall equinoxes;
- locate and mass new buildings to frame the edge of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
- locate and mass new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of the Plan, through setbacks and stepping down of heights towards, lower scale *Neighbourhoods*;
- provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development; and,
- provide ground floor uses that enhance the safety, amenity and animation of adjacent streets and open spaces.

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

The Downtown Plan

The site is within the Downtown Plan and designated *Mixed Use Area 3*. Development in *Mixed Use Areas 3* will include buildings up to a mid-rise scale with good access to mid-day sunlight in the spring and fall to support a comfortable public realm.

The site is within the Annex Park District. A Park District is a cohesive local network of streets, laneways, parks and other open spaces centered on one or more community parks or open spaces that serve surrounding neighbourhoods.

The in-force Downtown Plan may be found here:

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

East Annex Heritage Conservation District

The East Annex Heritage Conservation District (EAHCD) was approved by City Council on July 26, 1994 through the passing of By-law 520-94. The EAHCD Study is the approved Heritage Conservation District Plan for this area.

At 141-145 Bedford Road are three detached houses that are within the EAHCD and have been evaluated as category "X" buildings. This means they have been altered and "their character is substantially diminished". The EAHCD Study generally discourages the demolition of buildings within the district but does not have specific policies that seek to prevent the demolition of category "X" buildings.

The EAHCD Study emphasises that new buildings within the EAHCD should:

- Not replicate existing buildings but contribute to the variety and character of the area;
- Be "in character with the neighbouring buildings" with respect to their height, depth, setback, entry level and the character of the street in question;
- Use the neighbouring buildings as a guide with respect to massing, proportion, level of detail and roof form as well as using clay brick as the predominate material on the street facing facades;
- Protect existing mature trees; and
- Include a similar level of detail as the richly textured and detailed buildings that characterise Bedford Street.

Rental Housing Demolition and Conversion By-law

Section 111 of the *City of Toronto Act, 2006* authorizes City Council to regulate the demolition and conversion of residential rental properties in the City. By-law No. 885-2007 (also known as the Rental Housing Demolition and Conversion By-law) established Chapter 667 of the Toronto Municipal Code and implements Section 111. The By-law prohibits the demolition or conversion of rental housing units in buildings containing six or more residential dwelling units, of which at least one unit is rental, without obtaining a permit from the City and requires a decision by either City Council or the Chief Planner and Executive Director, City Planning. Applications which propose to reduce the number of rental dwelling units to below six require a decision by City Council.

City Council may refuse an application, or approve the demolition with conditions that must be satisfied before a demolition permit is issued. Decisions made by City Council under By-law 885-2007 are not appealable to the Local Planning Appeal Tribunal.

On November 1, 2019, the applicant submitted an application for a Rental Housing Demolition Permit pursuant to Chapter 667 of the Toronto Municipal Code. 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 after the LPAT decision. After a further review of the rental housing tenant matter City Planning staff will report to City Council.

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 for the Residential zoned area of the site is 12 metres and the CR zone is 14 metres. The CR designation permits a range of residential uses, retail and office uses. The maximum density within the Residential designation is 1.0 times the lot area and 2.0 in the Commercial Residential CR 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/>

Avenues and Mid-Rise Building Guidelines

The Avenues and Mid-Rise Buildings Study provides design guidelines for new mid-rise buildings. The guidelines include various building performance standards including, but not limited to: angular planes; appropriate setbacks; sky-views; increased sunlight access onto the sidewalk; and appropriate location for servicing and loading uses.

At its meeting on June 7, 8 and 9, 2016, City Council adopted an addendum to the Mid-Rise Building Performance Standards dated April 20, 2016. The addendum states that the performance standards should apply to the evaluation of proposed development on sites fronting onto any major street identified on Map 3 of the Official Plan with a planned right-of-way at least 20 metres wide. The performance standards previously applied only to sites fronting onto streets shown as Avenues on Map 2 of the Plan.

Accordingly, it is appropriate to consider the Mid-Rise Buildings Guidelines in the evaluation of this proposal as it fronts onto Davenport Road, a major street identified in the Official Plan, which has a planned right-of-way width of 23 metres.

The Mid-Rise Guidelines are available on the City's website at: <http://www.toronto.ca/planning/midrisestudy.htm>

Tall Building Design Guidelines

City Council has adopted city-wide Tall Building Guidelines and directed City Planning staff to use these Guidelines in evaluation of tall buildings development applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure they fit within their context and minimize their local impacts.

Although it is more appropriate to apply the Mid-rise Guidelines for the assessment of this proposal, the Downtown Tall Building Design Guidelines was also used in the evaluation of this proposal because of the height of the building which exceeds the right-of-way width.

Official Plan Amendment 352 – Downtown Tall Building Setback Area

On October 5-7, 2016, City Council adopted Official Plan Amendment (OPA) 352 – Downtown Tall Building Setback Area (currently under appeal). The purpose of OPA 352 is to establish the policy context for tall building setbacks and separation distances between tower portions of tall buildings Downtown. At the same meeting, City Council adopted area-specific Zoning By-laws 1106-2016 and 1107-2016 (also under appeal), which provide the detailed performance standards for portions of buildings above 24 metres in height.

At its meeting on October 2-4, 2017, City Council considered the Proposed Downtown Plan and directed Staff to undertake stakeholder and public consultation on that document and its proposed policies, leading to the Downtown Plan Official Plan Amendment.

Further background information can be found at www.toronto.ca/tocore

Growing Up: Planning for Children in New Vertical Communities

The objective of the "Growing Up Guidelines" is for developments to increase liveability for larger households, including families with children, at the neighbourhood, building and unit scale. While the Final Growing Up Urban Design Guidelines are intended to address the needs of households with children are met, they can also benefit a diversity of other large household types, including multi-generational families and roommate arrangements.

Pet Friendly Design Guidelines

The Pet-friendly Design Guidelines guide new developments in a direction that is more supportive of a growing pet population, considering opportunities to reduce the current burden on the public realm, and provide needed pet amenities for high density residential communities. The Guidelines support all residents, pet-owners and non pet-owners alike, by encouraging design in new development that demonstrates a consideration for pets, as well as the impacts that they have on our parks, open spaces and the environment.

Site Plan Control

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

COMMUNITY CONSULTATION

On January 23, 2020, the applicant and representatives of the community held a project review meeting at the Sheraton Centre Toronto (Cedar Room). The purpose of the meeting was to provide more information to the community about the proposal prior to

the community meeting and provide an opportunity for the resident association and neighbourhood to provide comments.

On February 24, 2020 City staff held a community consultation meeting regarding the proposal. The meeting was attended by approximately 80 members of the community. At the meeting City staff and the applicant's team gave presentations on the site and surrounding area and the planning framework.

Specific comments related to the proposed development included:

- Proposed height and massing overwhelms the adjacent buildings
- Proposal will set a precedent for future tall buildings into the neighbourhood
- Developments on the north side of Davenport Road are a different context than the south side abutting the Annex low density neighbourhood
- Shadow impact concerns on private yards/gardens/trees, abutting primary windows and adjacent rooftop amenity space
- Project will create wind impact on surrounding properties
- Unit sizes are too small for the family friendly Annex neighbourhood
- Privacy and overlook concerns for owners to the east
- The proposed building along the Bedford Street frontage is out of character with this part of the EAHCD
- The impact of a taller building transitioning into the lower scale residential neighbourhood
- Materials and colour of the proposed building
- Community benefits for supporting this project are unclear

COMMENTS

Provincial Policies and Plans Consistency/Conformity

Section 2 of the Planning Act establishes a list of provincial interests that approval authorities, including the City of Toronto, shall have regard for when carrying out their responsibilities under the Planning Act.

The proposal, in its current form does not have regard to 2 p) and r) which speak to the appropriate location for growth and development and the promotion of built form that, (i) is well-designed, (ii) encourages a sense of place, and (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

These provincial interests and others are further articulated through Provincial Policy Statements that are released from time to time and through other area-specific Provincial Plans, such as the Growth Plan.

The proposal has been reviewed and evaluated against the PPS and the Growth Plan and have determined that the proposal is not consistent with the PPS and does not conform with the Growth Plan as described below.

Provincial Policy Statement, 2020

The PPS, and in particular policy 1.1.3.6 encourages of land new development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use service facilities land, infrastructure and public service facilities Accordingly the City of Toronto Official Plan identifies areas for intensification and provides a policy framework that encourages intensification in those areas, provided that it is respectful of the existing and planned local context.

The proposal is not consistent with the policy direction of the PPS in terms of a compact form and location of the proposed development.

Growth Plan for the Greater Golden Horseshoe, 2020

Any decision under the Planning Act must conform to the Growth Plan.

Policies 2.2.2.4(a), (b), (d) and (f) of the Growth Plan speak to delineated built-up areas and states that all municipalities will develop a strategy to achieve the minimum intensification target and intensification throughout delineated built-up areas, which will:

- a) encourage intensification generally to achieve the desired urban structure;
- b) identify the appropriate type and scale of development and transition of built form to adjacent areas;
- c) ensure lands are zoned and development is designed in a manner that supports the achievement of complete communities; and
- d) be implemented through official plan policies and designations, updated zoning and other supporting documents.

The proposal contemplates the intensification of a site within a delineated built-up area. While it is recognized that intensification is generally encouraged by the Growth Plan and in Urban Growth Centres, it must achieve the policy goals as outlined above. In this regard, the City has developed a strategy to achieve the minimum density targets through the Official Plan and in conjunction with the policies of the City's Avenues and Mid-Rise Guidelines and are further informed by the existing Zoning By-laws which provides a greater level of detail and specificity on matters such as built form, massing and scale of development within the Downtown and on Avenues.

The proposal in its current form does not represent an appropriate scale of development as set out in the City's Official Plan and Zoning By-law and as such does not achieve the desired urban structure as contemplated in the Growth Plan. The proposal in its current form does not conform with Policies 2.2.2.3(a), (b),(d) and (f) of the Growth Plan as it is not in keeping with the urban structure, does not represent an appropriate scale of development for the surrounding area, and does not appropriately transition to adjacent properties, particularly to the low-rise neighbourhood to the south.

Policy 5.2.4.5(b) of the Growth Plan states municipalities may plan for development beyond the horizon of this Plan provided that the type and scale of built form for the development would be contextually appropriate. This proposal is not contextually appropriate. Policy 5.2.5.6 of the Growth Plan states municipalities are to develop and

implement urban design and site design official plan policies and other supporting documents that direct the development of a high quality public realm and compact built form in order achieve the minimum intensification and density targets in the Growth Plan.

The City has implemented this requirement through the adoption of built form policies and design guidelines including the Avenues and Mid-Rise Building Study.

For the reasons noted above, including the proposal is not necessary to meet growth targets, the current proposal does not have regard to relevant matters of provincial interest in Section 2 of the Planning Act, does not conform to the Growth Plan. The proposal's scale, mass and height does not recognize and respect the local context, both existing and planned.

Land Use

The subject property is primarily designated *Neighbourhoods* with a portion of the site designated *Mixed Use Areas*. While the Official Plan allows for a broad range of uses for *Mixed Use Areas* there is a more limited range of uses and heights permitted in a *Neighbourhoods* area. The Zoning By-law also allows for both residential and non-residential uses in *Mixed Use Areas*, but restricts non-residential uses in *Neighbourhoods* designated areas. The proposed retail space uses fronting on Davenport Road and residential uses above and behind is acceptable.

Density, Height, Massing

The proposed height and massing are that of a tall building and not appropriate for the subject site given its location within and adjacency to *Neighbourhoods*. The proposed building does not fit within the height context of this south side of Davenport Road and does not provide a suitable transition in height and scale to the *Neighbourhoods* to the south.

The Official Plan states that development in *Mixed Use Areas* will locate and mass new buildings to provide a transition between areas of different developments intensity and scale, as necessary to achieve the objectives of this plan through means such as providing setbacks and/or stepping down of heights, particularly towards lower scale *Neighbourhoods*. In this case a large portion of the subject site is located in a designated *Neighbourhoods* area.

A mid-rise building typology would be more appropriate given the policy direction in the Downtown Plan - Mixed Use Areas 3, which is based on an exhaustive review of the entire downtown and was approved by the Minister in 2019. A mid-rise building in line with the Mid-rise Urban Design Guidelines would provide an appropriate transition in scale between a new development in a *Mixed Use Areas* and an adjacent *Neighbourhoods*, among other important contextual considerations.

While, the Planning & Urban Design Rationale Report submitted by the applicant asserts that the proposed development is more a "mid-rise building than a tall building",

it does not comply with the mid-rise guidelines regarding height, setbacks, step backs and angular planes.

Davenport Road has a right-of-way width of 23 metres and the proposed height is 53.67 metres excluding the mechanical penthouse. Performance Standard 1 in the Mid-rise Urban Design Guidelines states that the maximum allowable height "will be no taller than the width of the Avenue right-of-way," excluding a mechanical penthouse. The proposed height is more than double the guideline for maximum height and not supportable.

The front base building height does not fit with the existing context along Davenport Road. The proposed 7-storey base building (24 metres) alone is taller than the right-of-way, while the Mid-rise Urban Design Guidelines calls for the base building to be 80% of the right-of-way. This results in less than the minimum 5-hours of sunlight on the sidewalk on the north side of Davenport Road.

The planned setback from a property in a *Neighbourhoods* area is 7.5 metres. The proposed building setback from the south property line ranges from 1.1 to 7.4 metres. The setbacks gradually increase as the building gets taller, however, overall the proposed rear setbacks do not meet the performance standards in the Mid-rise Urban Design Guidelines and does not provide appropriate transition to the low-rise area to the south.

The proposed massing penetrates beyond the anticipated angular plane thresholds, demonstrating unacceptable transition in scale to an abutting *Neighbourhoods* as required by Official Plan Policies 2.3.1(2)(b) and 4.5(2)(c).

The proposed 1-metre sideyard setback up to the 8th floor and 4.88-metre stepback above the 8th floor is an inappropriate relationship to the building abutting the east property line and the public realm on Davenport Road. Greater sideyard stepbacks should be provided above the 80% right-of-way height to increase sky views and sunlight access to the sidewalk.

Overall, the proposed development diverts substantially from the Mid-rise Guidelines and does not fit within its context.

As mentioned above, it is more appropriate to apply the Mid-rise Guidelines for the assessment of this proposal. If the Downtown Tall Building Design Guidelines was used in the evaluation of this proposal it would require a 20-metre tower setback from the *Neighbourhoods* designation, 12.5 metres to the east where it abuts 277 Davenport Road and a 6 metre minimum sidewalk width. Given the dimensions of the site, this site is not a tall building site.

Heritage Impact & Conservation Strategy

The *Neighbourhoods* on the south portion of the subject site is included within the East Annex Heritage Conservation District, (EAHCD) established in July 1994. Three of the four properties of the subject site were identified in the EAHCD study as category "X" buildings. Such buildings have been so altered from their original appearance that their

character is "substantially diminished". Although the EAHCD study generally discourages the demolition of buildings within the HCD it does not seek to prevent the demolition of category "X" buildings. As such Heritage Planning Staff raise no objections in principle to demolishing the buildings at 141, 143 and 145 Bedford Road. The EAHCD study does however emphasise the need for new buildings to be in keeping with the character of the neighbouring buildings, in particular with respect to height, depth, setback, massing, roof form, materials and level of detail. The EAHCD study notes the importance of the highly textured and detailed nature of the buildings to the character of Bedford Street and the need for new buildings here to provide a similar level of detail.

The applicant has submitted a Heritage Impact Assessment (HIA) prepared by Goldsmith Borgal & Company Ltd. Architects, dated October 17, 2019, in support of the application. This states that the proposed new building has a contemporary design that does not replicate the design of buildings within the EAHCD but has a townhouse form along Bedford Street that respects the character of the neighbouring buildings. Heritage Planning staff have reviewed this report and consider that the design of the new building (in particular its height, massing and roof form) does not appropriately respond to its context within Bedford Street or within the EAHCD. Considerable parts of the proposed 15-storey building extend into the HCD which is characterised by two and three storey houses. Although a townhouse form is included along Bedford Road the fifteen storey massing would be visually prominent within the EAHCD particularly given the limited stepbacks that are proposed above the third floor level. It is also unclear how the detailed design of the new building relates to the adjacent richly textured and detailed buildings within this part of the EAHCD.

Separate approval under S.42 of the Ontario Heritage Act will also be required for the proposals as they involve the demolition and erection of buildings within a Heritage Conservation District.

Sun and Shadow

The shadow impact from the proposed development is unacceptable. The proposed development casts net-new shadow over the entrance to the new Joseph Tough Park (246 Davenport Road) at 4:18 p.m. during the spring and fall equinox.

The Built Form policies require that new buildings limit impacts on neighbouring streets, parks, open spaces and properties by providing adequate light and privacy, and limiting resulting shadowing of those areas. The *Mixed Use Areas* policies state that new buildings are to be located and massed to frame the edge of streets with good proportion and maintain sunlight for pedestrians on adjacent streets and open spaces. The Public Realm policies recognize City streets as significant public open spaces that provide amenities such as sky view and sunlight, and serve as public gathering places.

Based on the Mid-rise Guidelines front angular plane, the building envelope should allow for a minimum of 5-hours of sunlight onto the *Avenues* sidewalks from March 21st - September 21st. The proposal casts shadows on the opposite sidewalk of Davenport Road that does not allow for this minimum amount of sunlight.

Wind

The applicant needs to submit a wind study with data from a wind tunnel test so that City Planning staff can determine the full wind impact on pedestrians adjacent to the building and future building residents utilizing any outdoor amenity space. To date the applicant has only provided a qualitative pedestrian level wind assessment.

Streetscape and Trees

The Official Plan requires that development will provide amenity for adjacent streets to make these areas attractive, interesting, comfortable and functional for pedestrians by providing improvements to adjacent boulevards and sidewalks. The *Mixed Use Areas* policies further reinforce the importance of the public realm.

The Downtown Plan states that development in *Mixed Use Areas 3* will be encouraged to include setbacks that allow for optimal landscaping conditions and provide adequate space for tree infrastructure. The policies, and the Mid-rise Urban Design Guidelines state that curb to building setbacks of greater than 4.8 metres may be appropriate where high pedestrian volumes exist or the population generated by the development requires additional space for pedestrian circulation and access. Currently, the proposal provides less than 4.8m of clear sidewalk width as there cantilevered architectural element encroach into the sidewalks.

Rental Housing

Based on the information submitted by the applicant and identified through a staff site visit, the site contains a total of six (6) rental dwelling units. The application materials identify all rental dwelling units as having higher than mid-end rents. The applicant is to provide further documentation, such as rent rolls, to confirm the higher than mid-end rent status of all six (6) rental dwelling units.

Should the applicant provide documentation confirming the higher than mid-end rents of the existing rental dwelling units, replacement of the existing rental dwelling units in accordance with Official Plan Policy 3.2.1.6 will not be required. However, a tenant relocation and assistance plan will be sought for the impacted tenants.

In the event that the LPAT allows the appeal in whole or in part, it is recommended that City Council direct the City Solicitor to request that LPAT withhold its final Order until the owner has submitted a tenant relocation and assistance plan to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor; until City Council, or the Chief Planner and Executive Director, City Planning where authorized to do so, has approved the Rental Housing Demolition Application; and until the owner has entered into and registered on title a Section 37 Agreement with the City securing the rental matters.

Infrastructure/Servicing Capacity

A Functional Servicing and Stormwater Management Report has been submitted for this site. A number of deficiencies have been identified and the report must be revised and

resubmitted to the satisfaction of the Executive Director of Engineering and Construction Services.

In the event that the LPAT allows the Official Plan Amendment and Zoning By-law Amendment appeal in whole or in part, the final Order should be withheld pending the confirmation of water, sanitary and stormwater capacity from the Chief Engineer and Executive Director, Engineering and Construction Services, or the determination of whether holding provisions are required in the Zoning By-law amendment.

Parking

The application proposes a total of 124 residential vehicular parking spaces for the 106 residential dwelling units. The vehicular parking spaces would be located in a 3-level underground parking garage.

The proposed parking supply is greater than what is required in the Zoning By-law (569-2013). The By-law requires a total supply of parking spaces of between 80 and 118 parking spaces, compared to the proposed 124 parking spaces.

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 will be secured through a Site Plan Agreement and the applicant will be encouraged to achieve Tier 2 or higher.

Section 37

The Official Plan contains policies pertaining to the provision of community benefits in exchange for increases in height and/or density pursuant to Section 37 of the Planning Act. Planning staff has not met with the applicant or Ward Councillor regarding Section 37 contributions due to staff's concerns with the proposed development as addressed in this report. A Section 37 contribution should be secured in the event of approval in some form by the LPAT.

Conclusion

The application does not conform with the Growth Plan. The proposal development does not fit within the planned context along the south side of Davenport Road, and does not conform with the Built Form and, *Neighbourhoods, Mixed Use Areas* policies of the Toronto Official Plan, and the Downtown Plan, (OPA 406), transition to the EAHCD. The Rental Housing application will still require approval of City Council if some form of this project is approved by the LPAT. Further, the proposed development does not adequately address the Mid-Rise Guidelines, or the intent of those guidelines.

Staff recommend that City Council direct the City Solicitor, and appropriate City Staff, to oppose the application in its current form at the LPAT.

CONTACT

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SIGNATURE

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

ATTACHMENTS

City of Toronto Data/Drawings

Attachment 1: Application Data Sheet
Attachment 2: Context Map
Attachment 3: Official Plan Land Use Map
Attachment 4: Existing Zoning By-law Map

Applicant Submitted Drawings

Attachment 5: Site Plan
Attachment 6: 3D Proposal Model in Context - Southeast View
Attachment 7: 3D Proposal Model in Context - Northwest View
Attachment 8: North Elevation
Attachment 9: South Elevation
Attachment 10: East Elevation
Attachment 11: West Elevation

Attachment 1: Application Data Sheet

Municipal Address: 287 Davenport Rd and 141 to 145 Bedford Rd
Application Number: 19 244078 STE 11 OZ
Application Type: OPA & Rezoning
Project Description: 15-storey mixed-use building. 106 residential dwelling units.

Applicant	Architect	Owner
Bousfields Inc.	AUDAX Architecture Inc.	Burnac Enterprises Inc.

EXISTING PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods, Mixed Use Areas	Site Specific Provision:	N/A
Zoning:	CR T2.0 C2.0 R1.5	Heritage Designation:	East Annex HCD
Height Limit (m):	12, 14	Site Plan Control Area:	Yes

PROJECT INFORMATION

Site Area (sq m):	1,849	Frontage (m):	48	Depth (m):	38
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Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	970		913	913
Residential GFA (sq m):	383		13,204	13,204
Non-Residential GFA (sq m):	587		278	278
Total GFA (sq m):	970		13,482	13,482
Height - Storeys:	3		15	15
Height - Metres:			54	54

Lot Coverage Ratio (%)	49.37	Floor Space Index:	7.29
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Floor Area Breakdown Above Grade (sq m) Below Grade (sq m)

Residential GFA: 12,913 291

Retail GFA: 278

Office GFA:

Industrial GFA:

Institutional/Other GFA:

**Residential Units
by Tenure Existing Retained Proposed Total**

Rental: 6 0 0 0

Freehold: 0 0 0 0

Condominium: 0 0 106 106

Other: 0 0 0 0

Total Units: 6 0 106 106**Total Residential Units by Size**

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
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
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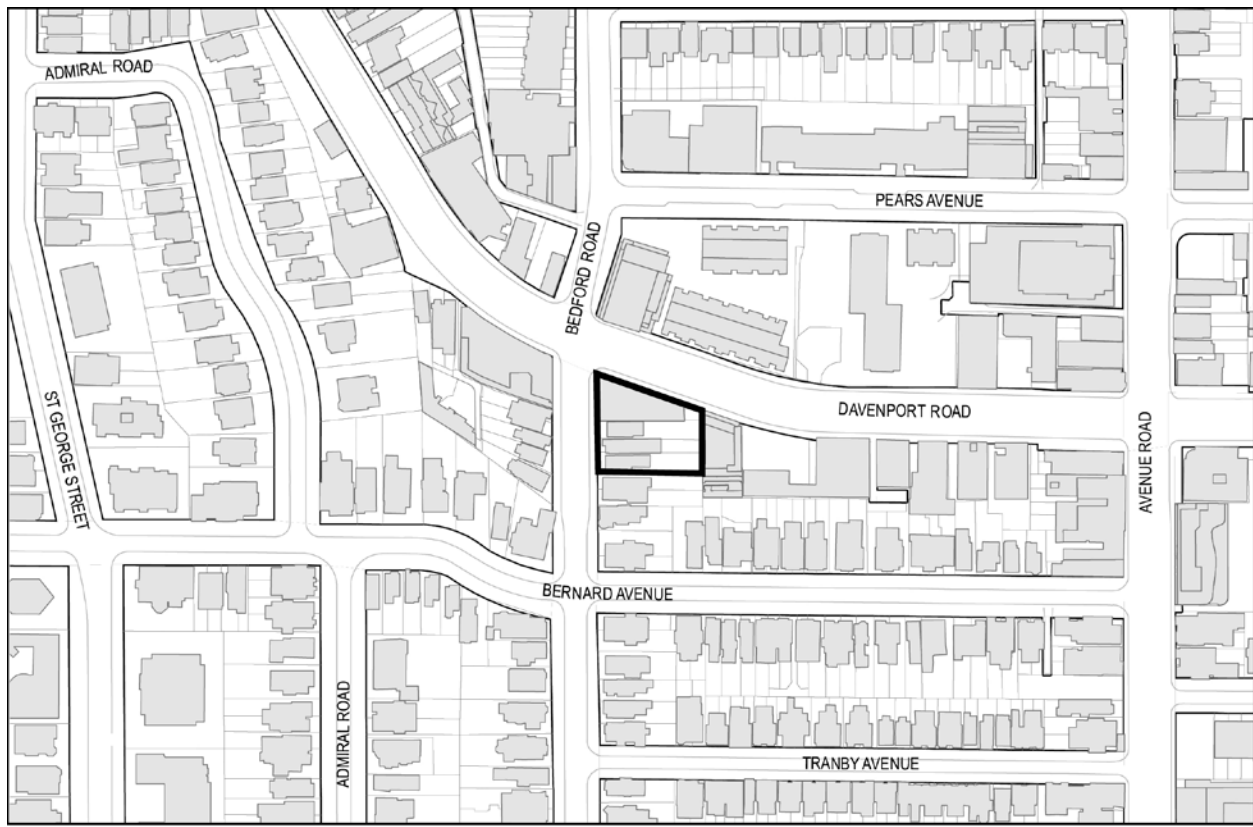
CONTACT:

Barry Brooks, Senior Planner

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Barry.Brooks@toronto.ca

Attachment 2: Context Map



Context Map

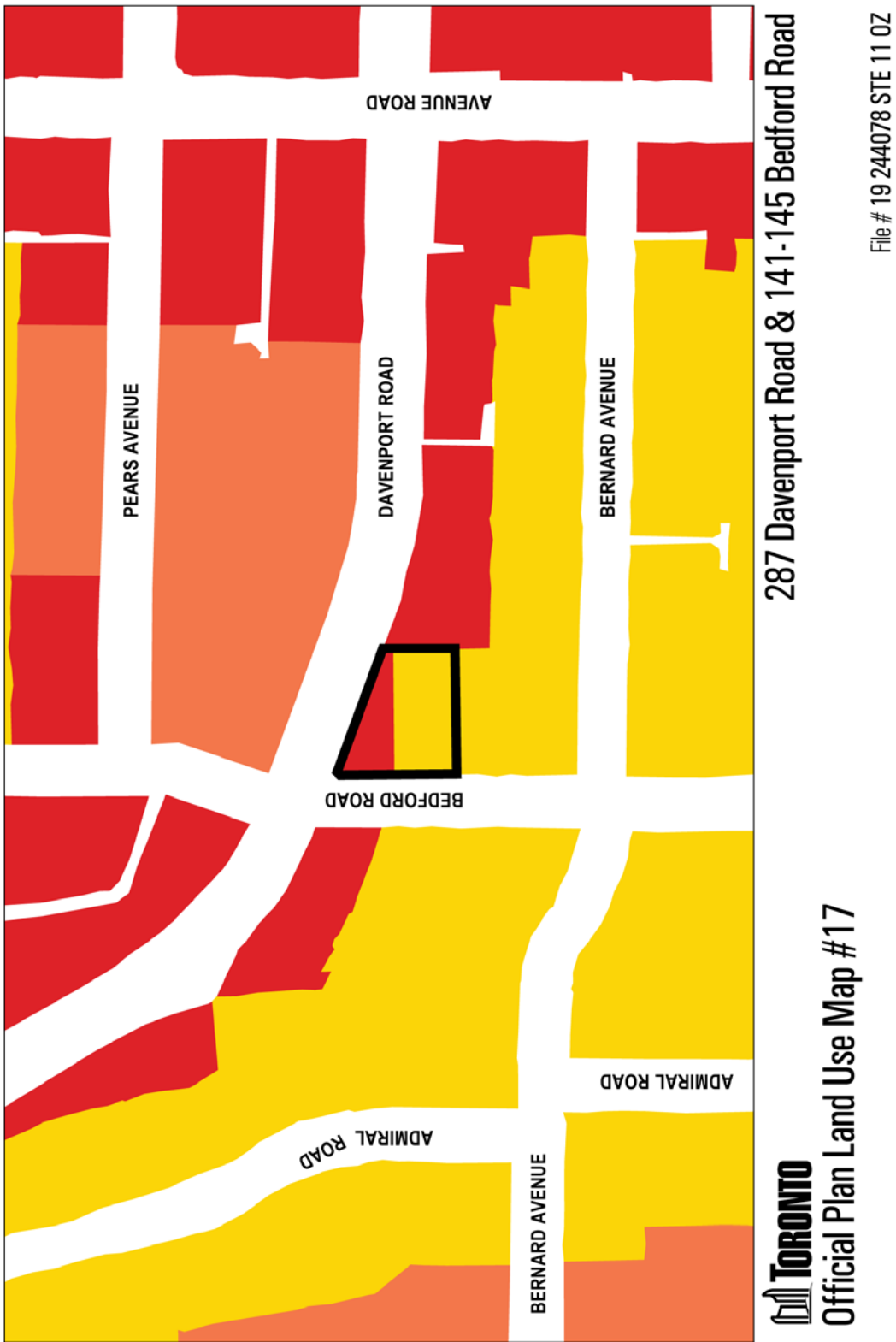
287 Davenport Road & 141-145 Bedford Road

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09/01/2020

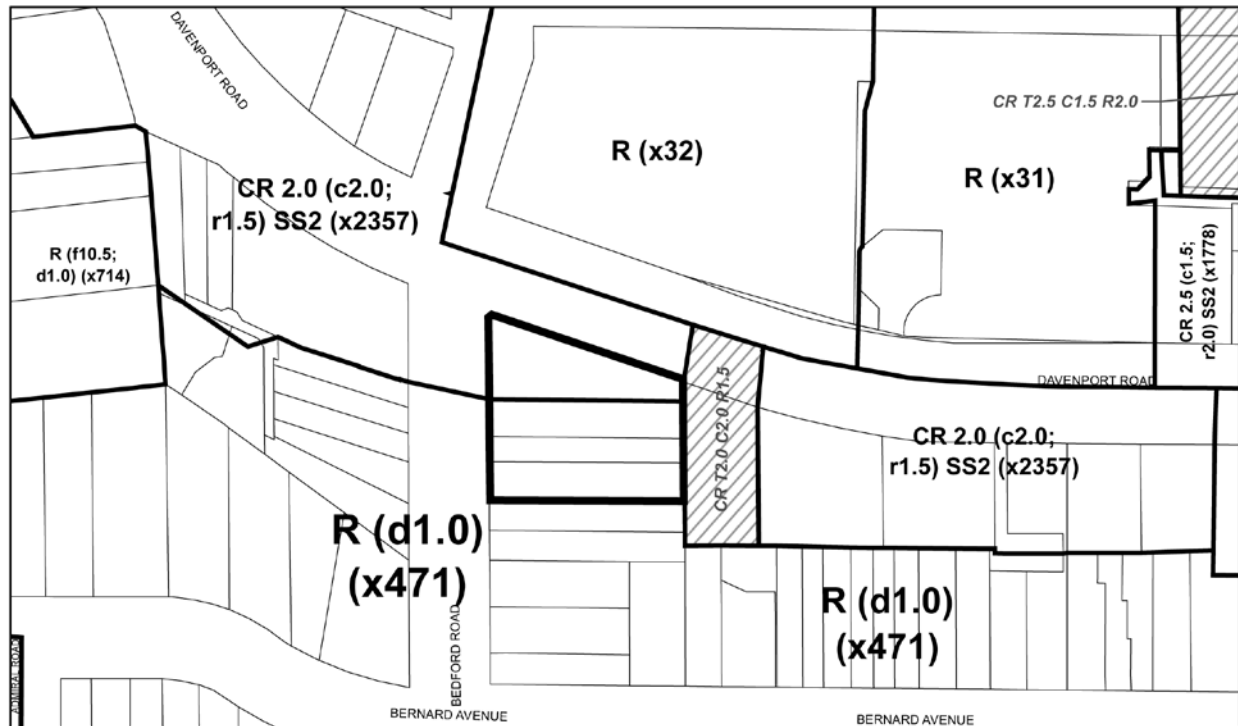


File # 19 244078 STE 11 0Z

Attachment 3: Official Plan Land Use Map



Attachment 4: Existing Zoning By-law Map



Zoning By-law 569-2013

287 Davenport Road & 141-145 Bedford Road

File # 19 244078 STE 11 OZ



Location of Application

R Residential CR Commercial Residential

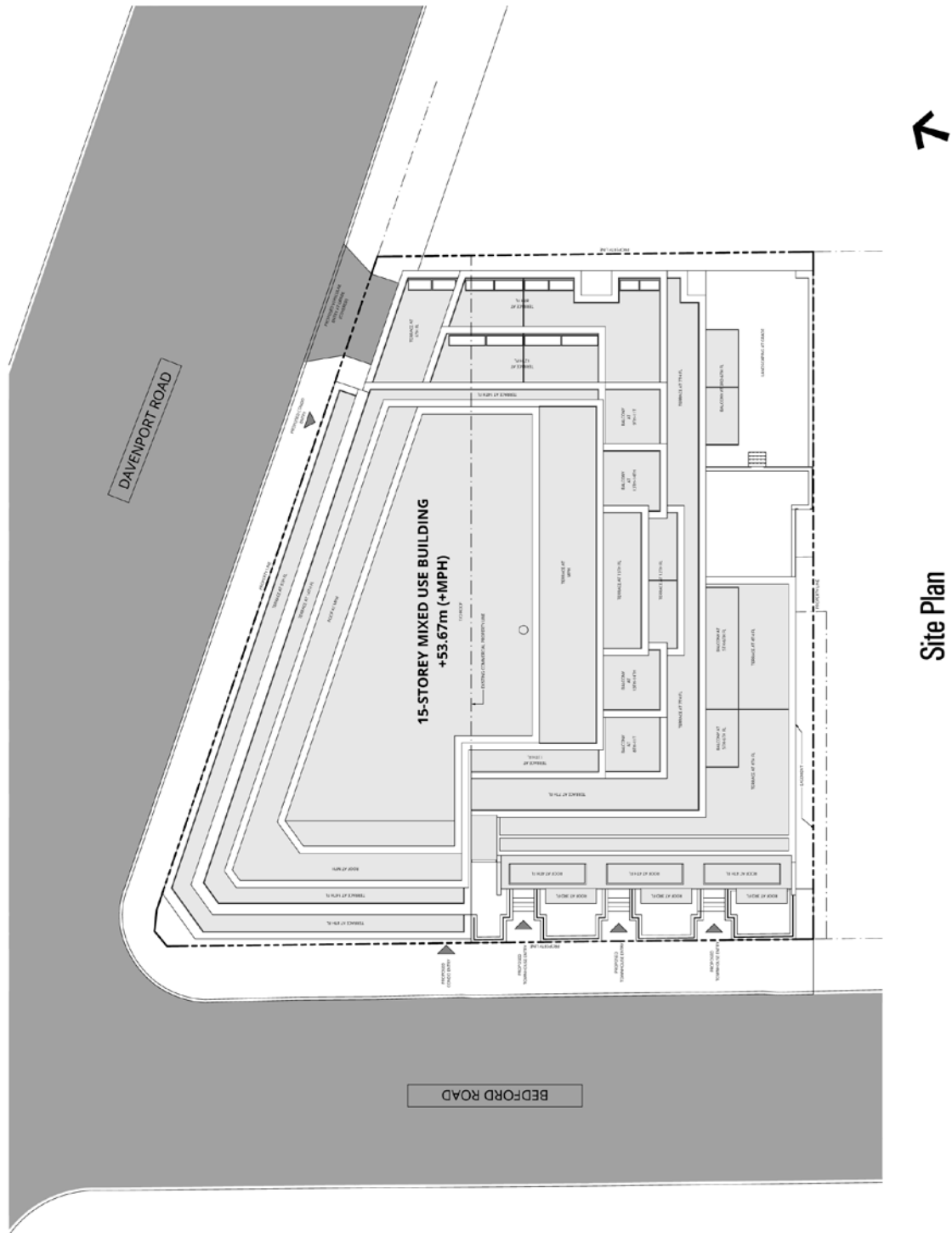


See Former City of Toronto By-law No. 438-86
CR Mixed-Use District

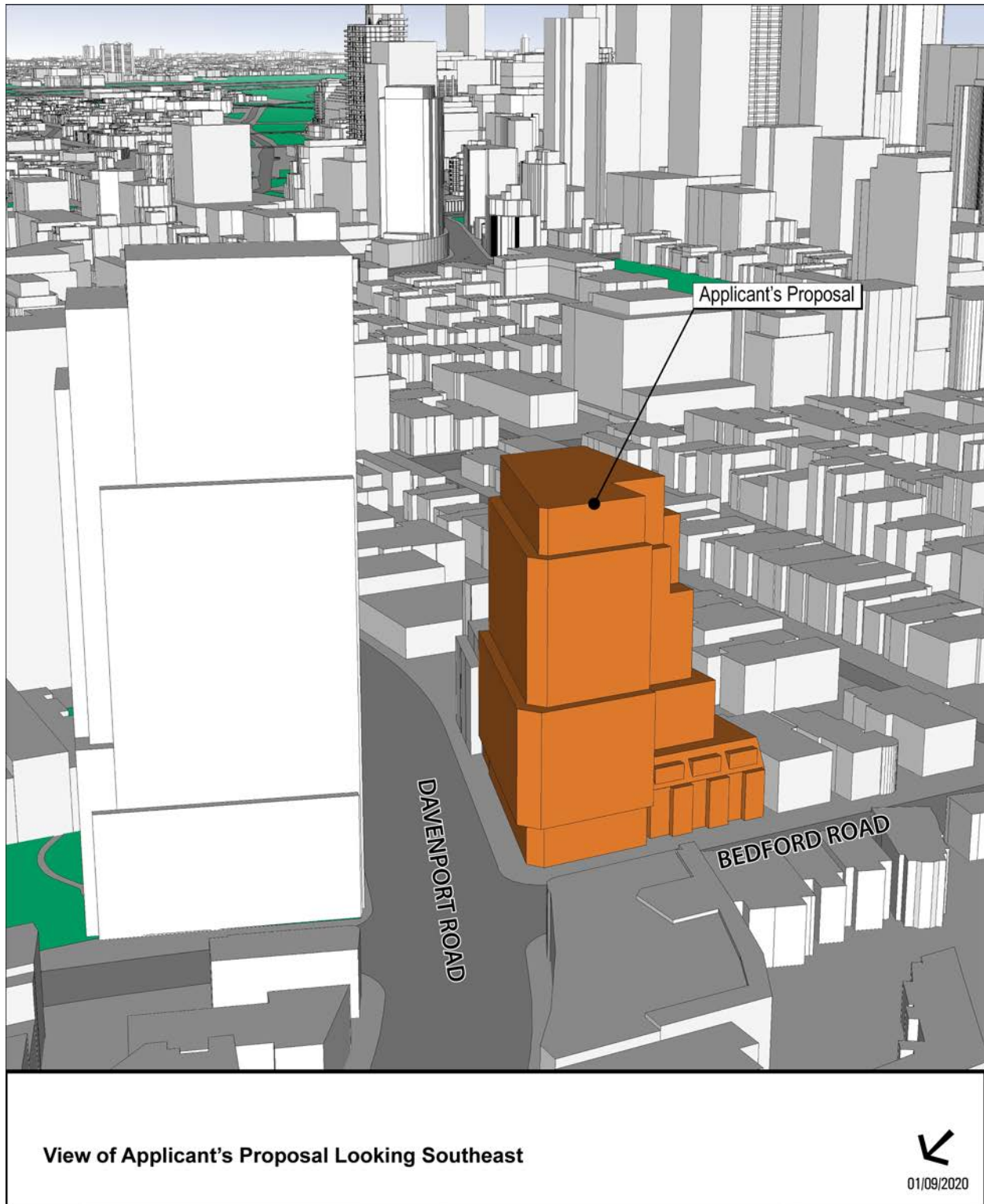


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Extracted: 11/20/2019

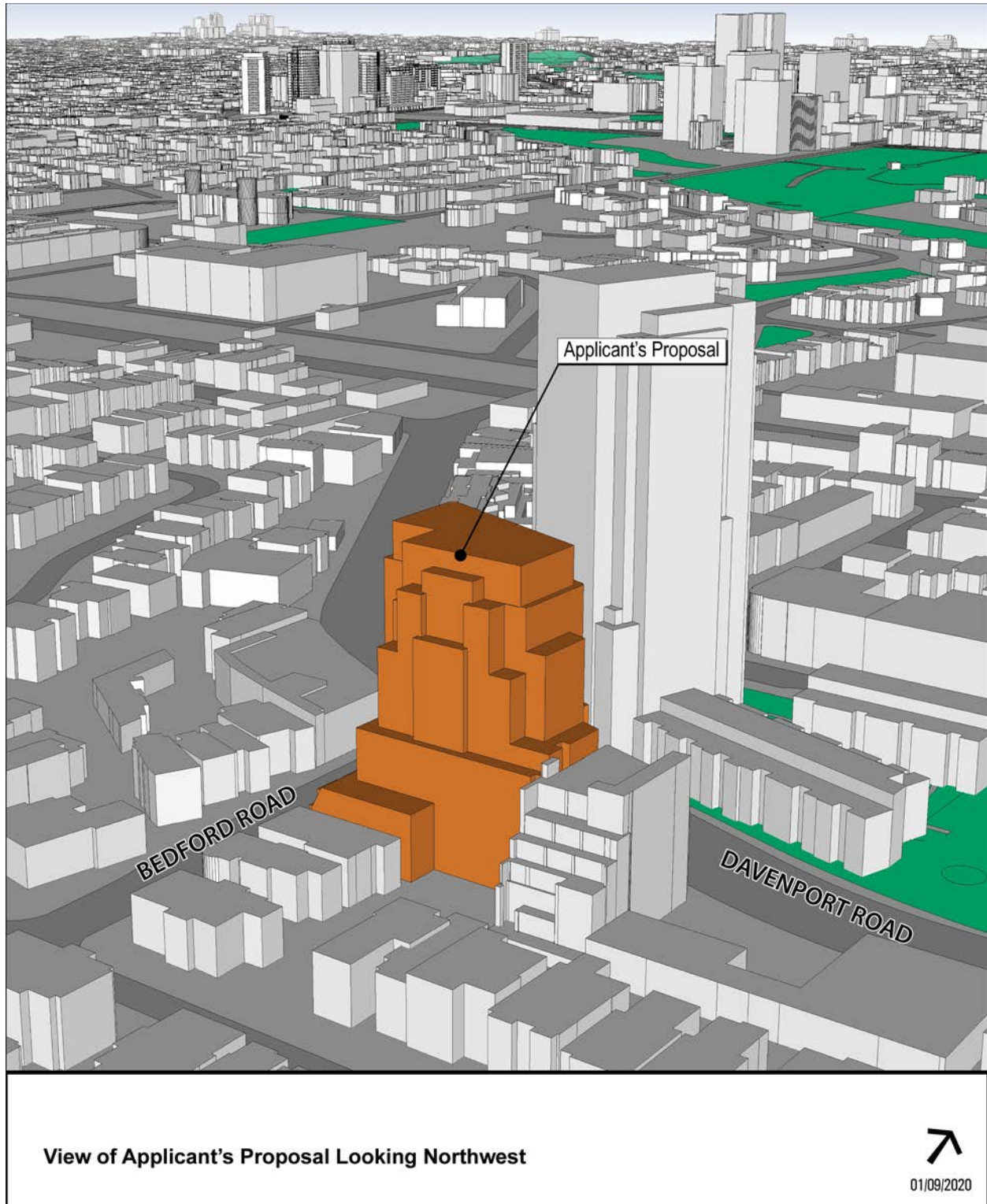
Attachment 5: Site Plan



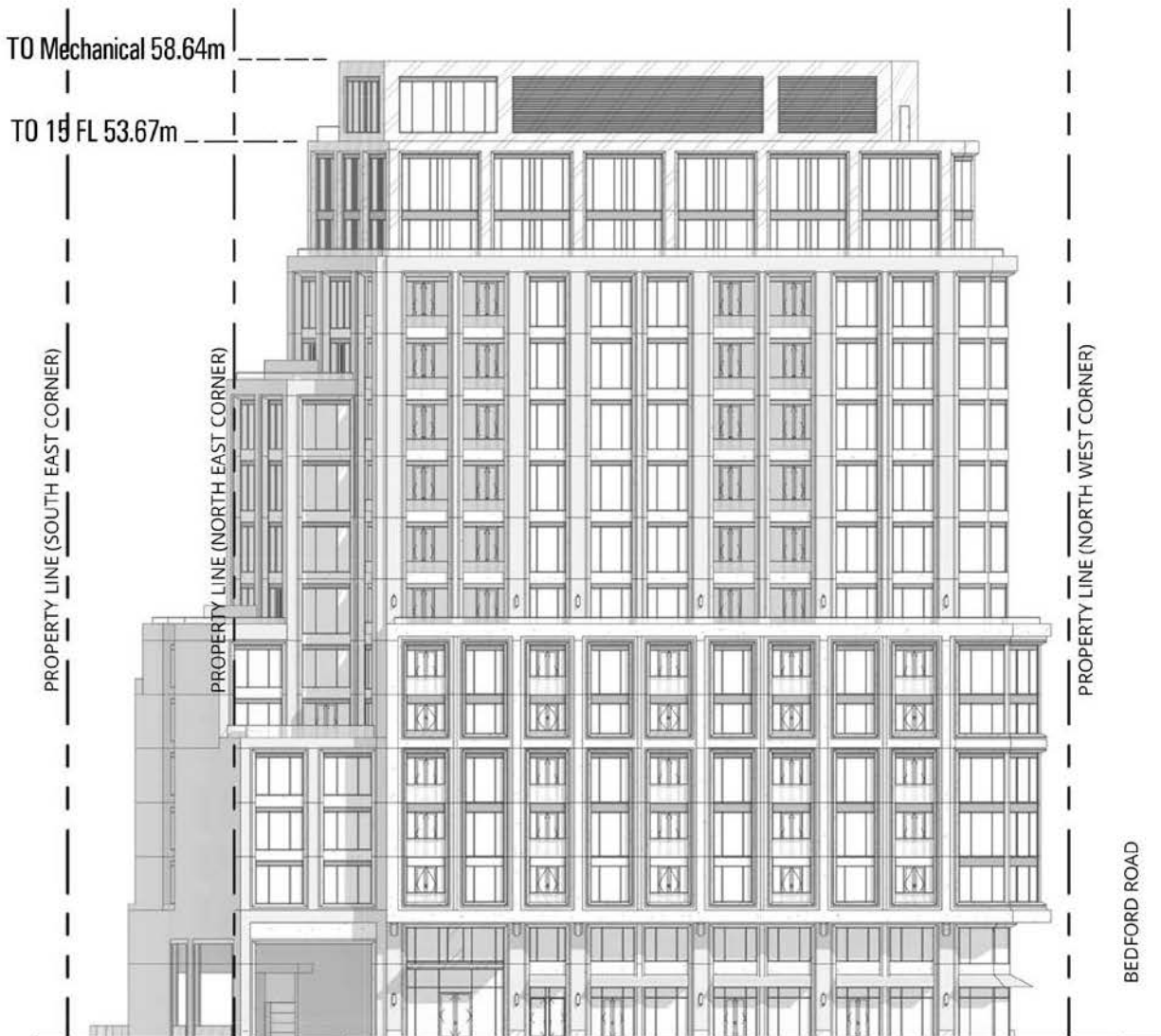
Attachment 6: 3D Proposal Model in Context - Southeast View



Attachment 7: 3D Proposal Model in Context - Northwest View

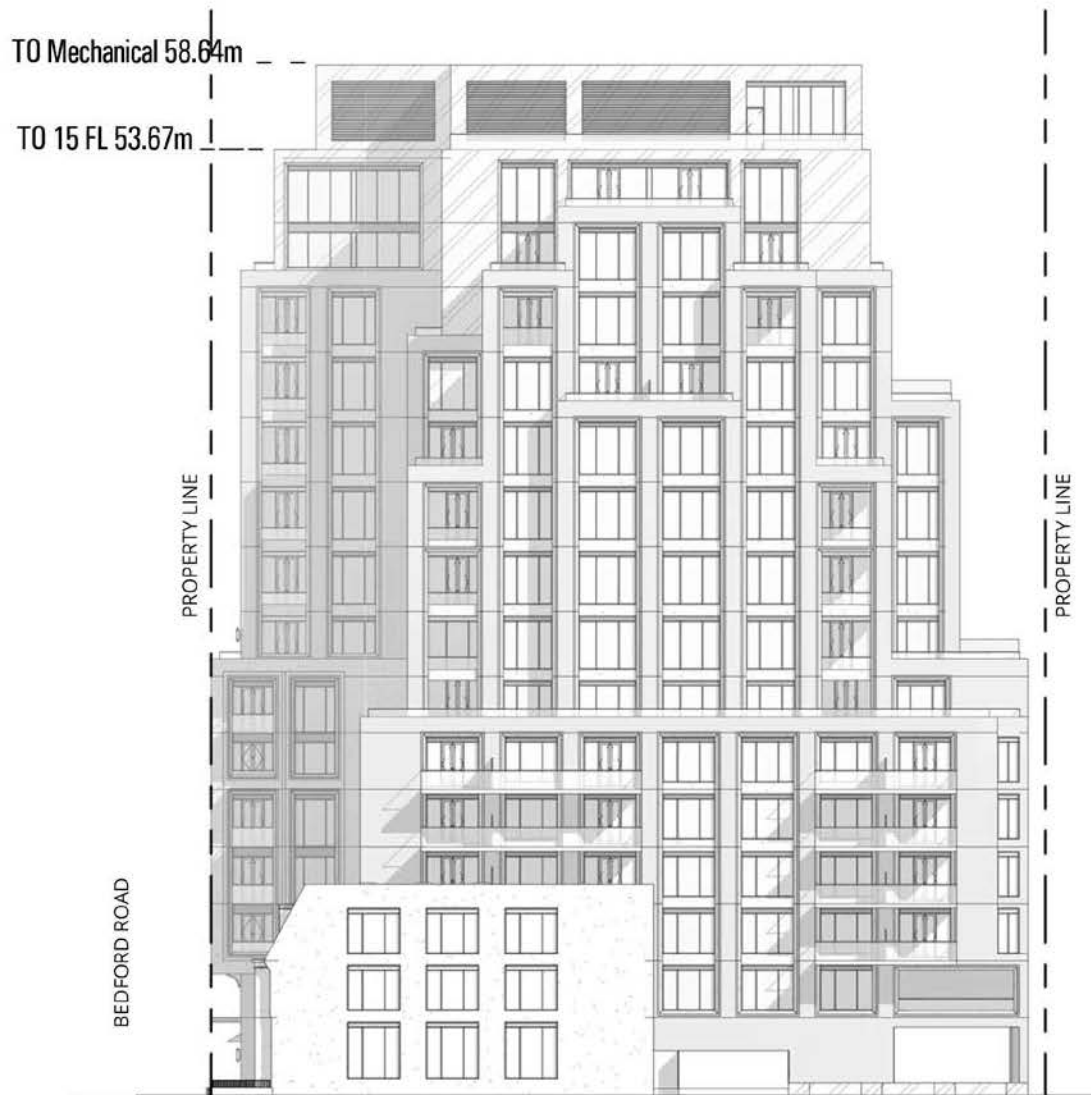


Attachment 8: North Elevation



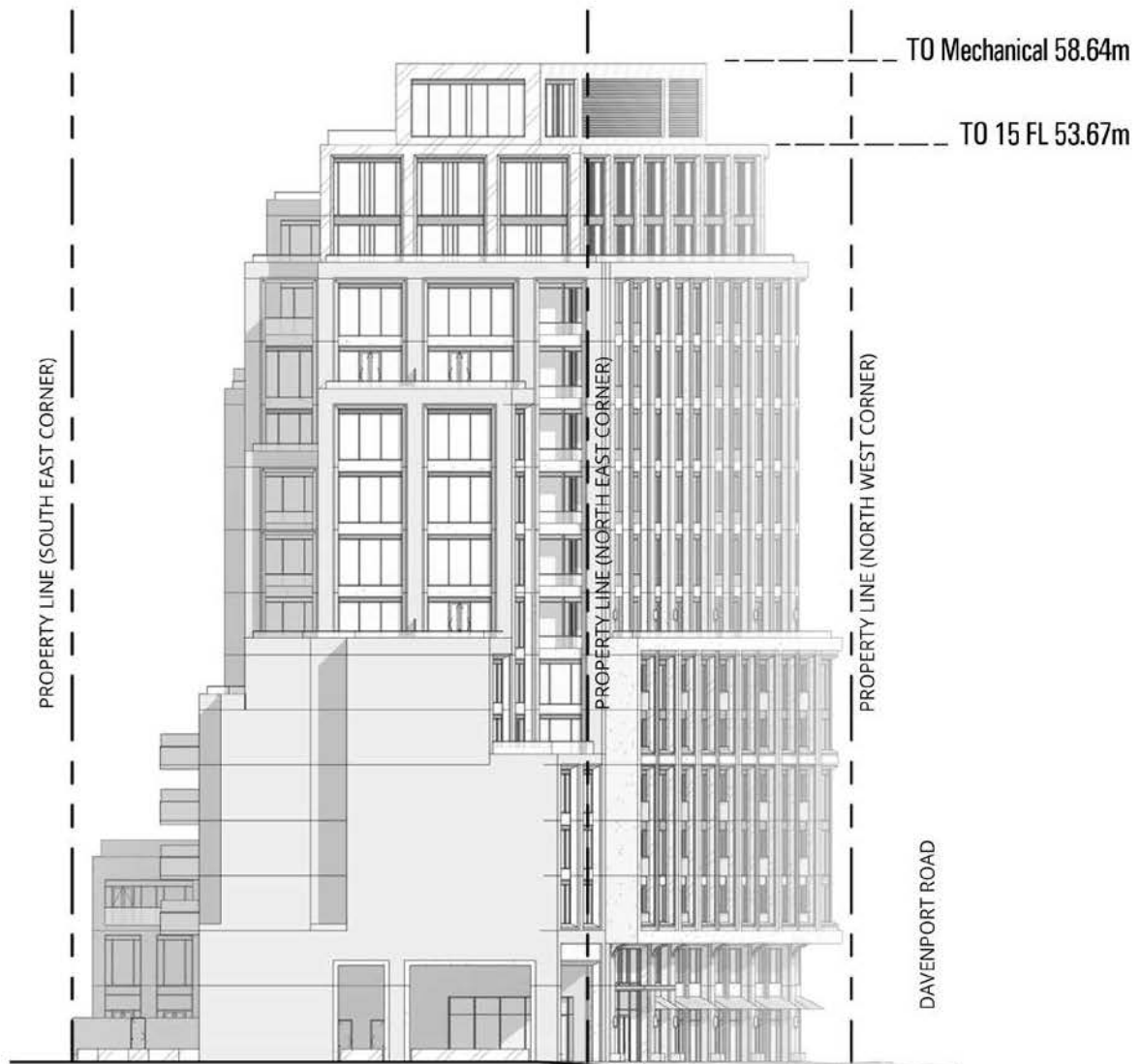
North Elevation

Attachment 9: South Elevation



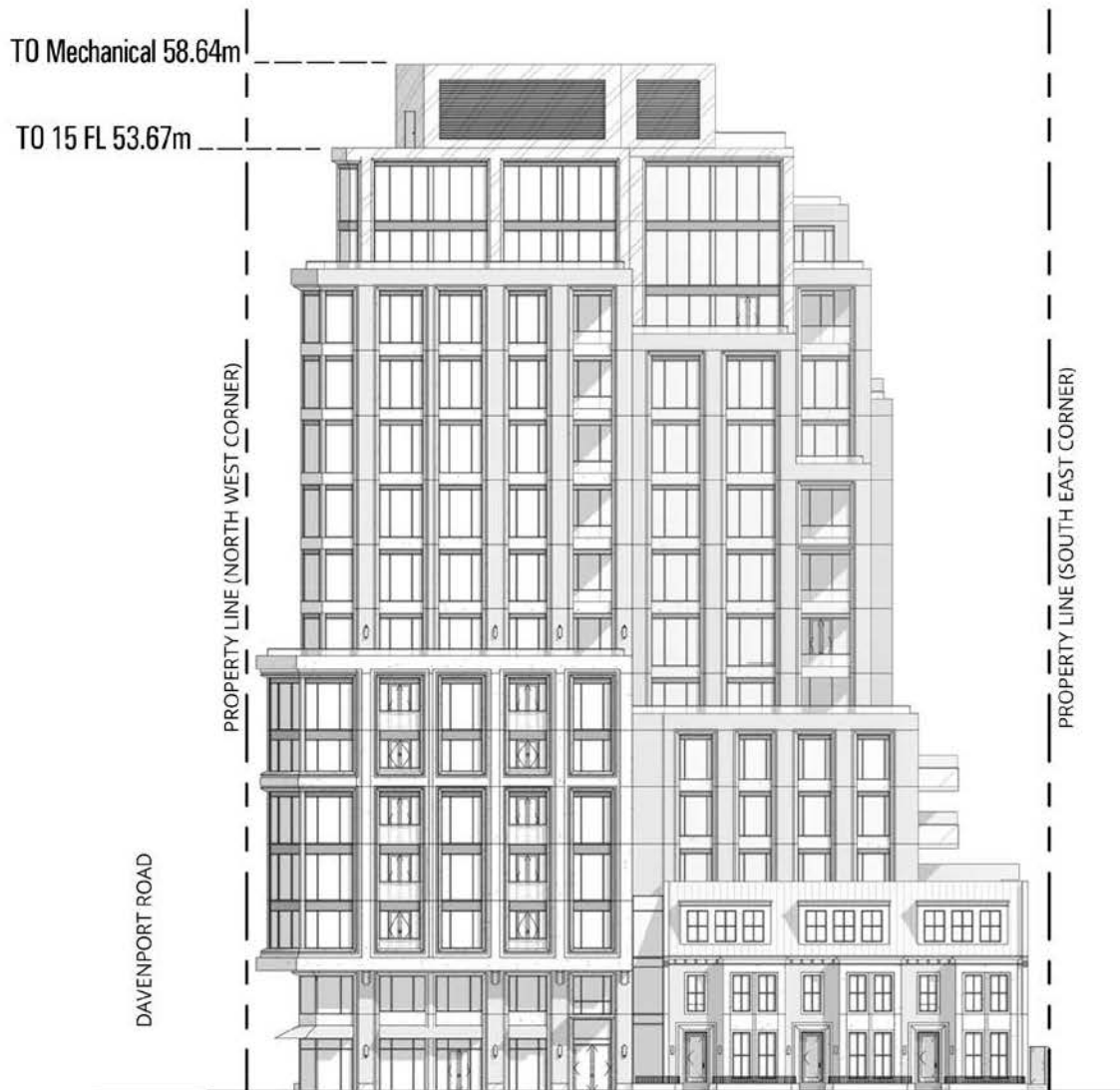
South Elevation

Attachment 10: East Elevation



East Elevation

Attachment 11: West Elevation



West Elevation