

361 Davenport Road - Zoning By-law Amendment Application – Final Report

Date: May 9, 2022
To: Toronto and East York Community Council or City Council
From: Director, Community Planning, Toronto and East York District
Ward: 11 - University-Rosedale

Planning Application Number: 20 195008 STE 11 OZ and 20 195242 STE 11 SA

SUMMARY

This report reviews and recommends approval of the application to amend the Zoning By-law to permit a 7-storey mixed use building at 361 Davenport Road. The building is proposed to contain 16 dwelling units and 56 square metres of non-residential space on the ground floor. One level of underground parking is proposed with 7 vehicle parking spaces for residents and a total of 16 bicycle parking spaces.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 569-2013, for the lands at 361 Davenport Road, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 5 to the report (May 9, 2022) from the Director, Community Planning, Toronto and East York District.
2. City Council authorizes the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.

FINANCIAL IMPACT

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

DECISION HISTORY

A Preliminary Report on the application was adopted by Toronto and East York Community Council on December 2, 2020 authorizing staff to hold a Community Consultation Meeting with an expanded notification area. The Toronto and East York Community Council Decision is available here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.TE21.32>

SITE AND SURROUNDING AREA

Description: The site is located southwest of the intersection of Davenport Road and Dupont Street. It is irregular in shape, due to the angled nature of Davenport Road, and is approximately 402.6 square metres in size. The site has 18.2 metres of frontage on Davenport Road and 18.5 metres of depth at the north and 28.2 metres of depth at the south. The site gains vehicular access from a shared private east-west oriented driveway located directly north of the site off Davenport Road. The site is currently occupied by a paved surface parking lot for adjacent commercial uses.

Official Plan Designation: *Mixed Use Areas*. The site is within the Downtown and Central Waterfront and the Downtown Secondary Plan area, which designates the site *Mixed Use Area 3*.

Zoning: Commercial Residential (CR T2.0 C2.0 R1.5) with a height limit of 14.0 metres and a density limit of 2.0 times the area of the lot under Zoning By-law 438-86. It is currently not subject to Zoning By-law 569-2013. See Attachment 4 to this report for the Existing Zoning By-law Map.

Surrounding Land Uses:

North: are 1 and 2.5-storey commercial and mixed use buildings fronting Davenport Road and Dupont Street. On the north side of Dupont Street is a Gas Station.

South: is a 3-storey apartment building (359 Davenport Road), followed by a one-storey car wash, a 2.5-storey semi-detached house form residential building, a two-storey sales office at 321 Davenport Road, for an approved 9-storey 33.5 metre (36.5 metres including mechanical penthouse), and other 2-storey house form buildings. Further to the south on the west side of Bedford Road is a 3-storey apartment building.

East: are 2.5 and 3-storey semi-detached house form and commercial and residential buildings.

West: are 2.5-storey detached and semi-detached dwellings.

THE APPLICATION

Description: A 7-storey (24.7 metres, 30.1 metres, inclusive of the mechanical penthouse) mixed use building.

Density: 3.61 times the area of the lot.

Dwelling Units and Amenity Space: 16 dwelling units are proposed. As the development is less than 20 dwelling units, amenity space is not required.

Retail: A 56 square metre non-residential space is proposed to be located at grade fronting on Davenport Road.

Access, Parking, and Loading: The shared private driveway north of the site will provide vehicular access to a driveway located along the rear of the site, which leads to an automated car elevator providing access to 7 parking spaces for residents in the one-level underground parking garage

Revisions: The current proposal incorporates numerous revisions from the original application as summarized below:

- Density reduced from 3.90 to 3.61 times the area of the lot;
- Non-residential space reduced from 60 to 56 square metres;
- Parking reduced from 14 to 7 vehicle spaces;
- Long term bicycle parking is now located on the ground floor;
- The front building façade is angled diagonally inward away from the front property line above the 4th storey to provide a setback from the street;
- A landscaped seating area and pet relief area are located at the rear of the building; and,
- Opaque window treatments have been added at balconies to limit overlook to adjacent properties in areas designated *Neighbourhoods*.

Additional Information

See Attachment 1 to this report for the location map, Attachment 2 for the project data, Attachment 6 for the site plan, Attachments 7-8 for a three dimensional representation of the current proposal in context, and Attachments 9-12 for the elevations.

Detailed project information can be found on the City's Application Information Centre at: <https://aic.to/361DavenportRd>

Reasons for Application

The proposal requires an amendment to the Zoning By-law for an increase in density, and height, as well as site-specific provisions for setbacks, parking and bicycle parking to implement the development.

Site Plan Control

The proposal is subject to Site Plan Control. A Site Plan Control application has been submitted and is under review (20 195242 STE 11 SA).

Provincial Land Use Policies

The application has been reviewed to determine its consistency with the Provincial Policy Statement (2020) (PPS), conformity with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (Growth Plan), and conformity to the City's Official Plan. 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. 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 Greater Golden Horseshoe region.

Agency Circulation

The application together with the reports/studies submitted in support of the application have been 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.

COMMUNITY CONSULTATION

A virtual Community Consultation Meeting was held on January 27, 2021. At the meeting City staff and the applicant's team gave presentations on the site and surrounding area, the existing planning framework, and the proposed development. Following the presentations, City staff led a question and answer format meeting. Comments and questions provided by the meeting attendees included issues such as:

- Built form, including the height and density of the development on the lot;
- Transition, particularly regarding privacy, overlook and shadowing from the development to the properties to the west in areas designated *Neighbourhoods*;
- Public realm, including streetwall scale, and the integration of the development with the future active transportation initiatives on Davenport Road;
- Transportation, with the amount of proposed parking, and impact of traffic generated by the development on the east-west private lane, which is used by commercial businesses directly north of the site; and,
- Water issues, particularly with high water table and historic underground water flow through the site.

City staff also met with representatives from the Annex Residents Association, as well as nearby residential and non-residential neighbours, with the local Councillor, on several occasions to discuss issues relating to the proposal.

The issues raised through all of the consultation have been considered through the review of the application. The detailed building design, including proposed materials,

and the construction management plan will be addressed during the Site Plan Control review process.

Statutory Public Meeting Comments

In making their decision with regard to this application, Council members have had an opportunity to view the oral submissions made at the statutory public meeting held by the Toronto and East York Community Council for this application, as these submissions are broadcast live over the internet and recorded for review.

COMMENTS

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

The proposal has been reviewed and evaluated against the PPS and the Growth Plan. Staff have determined that the proposal is consistent with the PPS and conforms with the Growth Plan.

Built Form

City Council adopted the Avenues and Mid-rise Buildings Study and an addendum containing performance standards for mid-rise buildings. They identify a list of best practices and establish a set of performance standards for new mid-rise buildings. Key issues addressed include maximum allowable building heights, setbacks and step backs, sunlight and skyview, pedestrian realm conditions, transition to *Neighbourhoods and Parks and Open Space Areas* and corner sites.

City Council also adopted the Davenport Triangle Guiding Principles in May 2018. While this document focuses on development in the Davenport Triangle bounded by the east side of Davenport Road, the south side of Dupont Street and the west side of Bedford Road, it is informative toward development on the west side of Davenport Road in this area due to its proximity.

The height of the proposed building, is 24.7 metres, with an integrated and angled mechanical penthouse height of 5.4 metres for a total height of 30.1 metres. The right-of way width of Davenport Road is 23 metres, so while the building is slightly above the 1:1 ratio of the building height to the street, consideration has been given to the design which allows for more sunlight penetration onto its surrounding context and the Davenport Road right-of-way.

The proposed massing provides a streetwall height of 4 storeys on Davenport Road. Above the 4th storey, the front building façade is now angled diagonally inward away from the front property line to provide a setback of the massing from the street.

Given the shallow nature of the site, and its irregular shape, there are projections of the massing into both the front and rear 45 degree angular planes. The proposed building is setback a minimum of 4.8 metres from the rear lot line, which is a side lot line for adjacent residential properties on Admiral Road. Within this setback is the one-way

driveway and a landscaped area which consists of a landscaped seating area. The rear face of the proposed building is articulated with a combination of sloped roof and stepped back terraces above the 3rd floor, with proposed terrace edge planters, translucent balcony guards and window treatments, all of which are designed to minimize overlook while providing a transition to the adjacent residential properties.

The lowest point on the south-west corner of the proposed building is 3-storeys (12 metres) and transitions upward to the top of the building. This sloping component of the massing of the proposed building maintains the intent of the 45-degree angular plane. The shadow study, discussed in the next section, also indicates no shadow impact from the proposed building onto the backyards of the adjacent properties to the west.

It is noted that a recently approved 9-storey building at 321 Davenport Road, a 2019 settlement at the Local Planning Appeal Tribunal, is on a larger, irregular-shaped shallow lot that backs onto lands designated as *Neighbourhoods*. The approved building at 321 Davenport Road has a greater building height, a lesser rear yard setback, and greater front and rear angular plane penetration than the proposed development at 361 Davenport Road.

City Planning staff finds that the proposal conforms to the intent of the applicable Official Plan policies with respect to built form, massing and transition to adjacent *Neighbourhoods*, and is reflected in the draft Zoning By-law Amendment attached to this report.

Shadow Impact

The submitted Shadow Study shows the proposed building casting no new shadows on the *Neighbourhoods* west of the site after 9:18 AM on March 21st and September 21st.

City Planning staff finds the shadows generated by the proposal adequately limits shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes, and are acceptable.

Wind Impact

A Pedestrian Level Wind Study reflecting the proposed building was submitted in support of the application. The study indicates that all areas at grade will be suitable for their intended uses throughout the year and no pedestrian areas surrounding the subject site at grade level will experience conditions that could be considered dangerous.

City Planning staff have reviewed the Pedestrian Level Wind Study and are satisfied with the assessment, conclusions, and recommendations contained within the study.

Unit Mix

A total of 16 residential units are proposed, consisting of 6 one-bedroom units (37.5%), 9 two-bedroom units (56.2%), and 1 three-bedroom unit (6.3%), comprising 1,460 square metres of residential gross floor area.

The unit mix meets the policy direction of the Official Plan to provide a full range of housing, and is reflected in the draft Zoning By-law Amendment attached to this report.

Amenity Space

A total of 16 dwelling units are proposed. As the development has less than 20 dwelling units, no amenity space is required under the Zoning By-law.

A pet relief area is proposed at the rear of the building. Other provisions for households with children (Growing Up Guidelines) and pets (Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings) will be reviewed and secured through the Site Plan Control review process.

Public Realm

The proposed building is set back at 2.0 metres from the Davenport Road property line at grade, resulting in a 4.83 metre setback from ground floor building face to curb. This will allow for a minimum 2.1 metre pedestrian clearway, which will be secured through the Site Plan Approval application. The setback of the upper floors to the curb is 2.83 metres.

A Landscape Concept Plan submitted in support of the application shows two new street trees within tree pits and, bike rings within the public realm adjacent to the subject site. Further detailed design of the public realm will be addressed during the Site Plan Control review process.

Ground floor uses including non-residential (office) space and the residential lobby will be located along Davenport Road, allowing for access and views from the public realm. The first floor height will meet the recommendations in the Retail Design Manual for boutique type retail spaces.

City staff are satisfied that the proposal conforms with the applicable public realm policies of the Official Plan.

Parkland

The Official Plan contains policies to ensure that Toronto's systems of parks and open spaces are maintained, enhanced and expanded. Map 8B of the City of Toronto Official Plan shows local parkland provisions across the City.

The City of Toronto Parkland Strategy is a 20-year strategic city-wide plan that guides long-term planning for new parks, park expansions and improvements, and improved access to existing parks. The Strategy includes a new methodology to measure and assess parkland provision, using the baseline of residential population against the area of parkland available across the city. According to the Strategy's methodology, the development site is currently in an area with 12 - 28 square metres of parkland per person, which is less than the city-wide average provision of 28 square metres of parkland per person (2016).

In accordance with Chapter 415, Article III of the Toronto Municipal Code, the applicant is required to satisfy the parkland dedication requirement through a cash-in-lieu payment. The residential component of this proposal is subject to a 10% parkland dedication while the non-residential component is subject to a 2% parkland dedication.

The value of the cash-in-lieu of parkland dedication will be appraised through Real Estate Services. Payment will be required prior to the issuance of the first above grade building permit.

Tree Preservation

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

The applicant submitted an Arborist Report in support of the application indicating that there is one tree on private property to be impacted by the proposal, requiring a permit to injure. The applicant has also proposed two street trees within the Davenport Road right-of way.

The tree protection measures will be secured through the tree permit process to the satisfaction of Urban Forestry, Tree Protection and Plan Review, Parks Forestry and Recreation.

Road Widening

There is no additional land required for Davenport Road as the required 23.0 metre wide right-of-way is already achieved. In addition, there are no public lanes abutting this property.

Traffic Access, Parking, Impact and Loading

A Transportation Impact Study was submitted to assess the traffic impact, access, parking and loading arrangements for this development.

Vehicular access for parking will be from a one-way driveway loop that connects to Davenport Road at two locations. The inbound driveway is proposed via the existing private east-west laneway that intersects with Davenport Road at the northern limit of the site. There are currently easements in place to provide and/or maintain the mutual access agreement with the adjacent property at 365 Davenport Road. The outbound driveway is proposed along the southern limit of the site.

The Zoning By-law requires 13 parking spaces for the proposed building, of which, 11 parking spaces are for residents, 1 parking space is for visitors and 1 space is for non-residential use. The proposed building will have 7 parking spaces for residents through an automated parking system. No parking is proposed for visitors or the non-residential uses.

The traffic study estimates that the proposed building will generate approximately 4 two-way vehicular trips during AM peak hour, and 3 two-way vehicular trips during PM peak hour.

The Zoning By-law does not require loading spaces for development with 30 or less dwelling units.

Transportation Services staff have reviewed the Transportation Impact Study and accepted its conclusions, subject to the proposed parking rates that have been included in the draft Zoning By-law Amendment.

Servicing and Stormwater Management

Engineering and Construction Services staff have reviewed the submitted materials and have accepted its conclusions for the Zoning By-law Amendment application.

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.

The applicant is required to meet Tier 1 of the TGS. The applicant is encouraged to achieve Tier 2 or higher to advance the City's objectives for resilience and to achieve net-zero emissions by 2040 or sooner.

Conclusion

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), and the Official Plan. Staff are of the opinion that the proposal is consistent with the PPS (2020) and conforms with the Growth Plan (2020). Furthermore, the proposal is in keeping with the intent of the Official Plan, particularly as it relates to the provision of an appropriate mix of residential and non-residential uses, and a built form which provides an appropriate relationship to the surrounding public realm and a suitable transition to adjacent *Neighbourhoods*. Staff recommend that Council support approval of the application.

CONTACT

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SIGNATURE

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

ATTACHMENTS

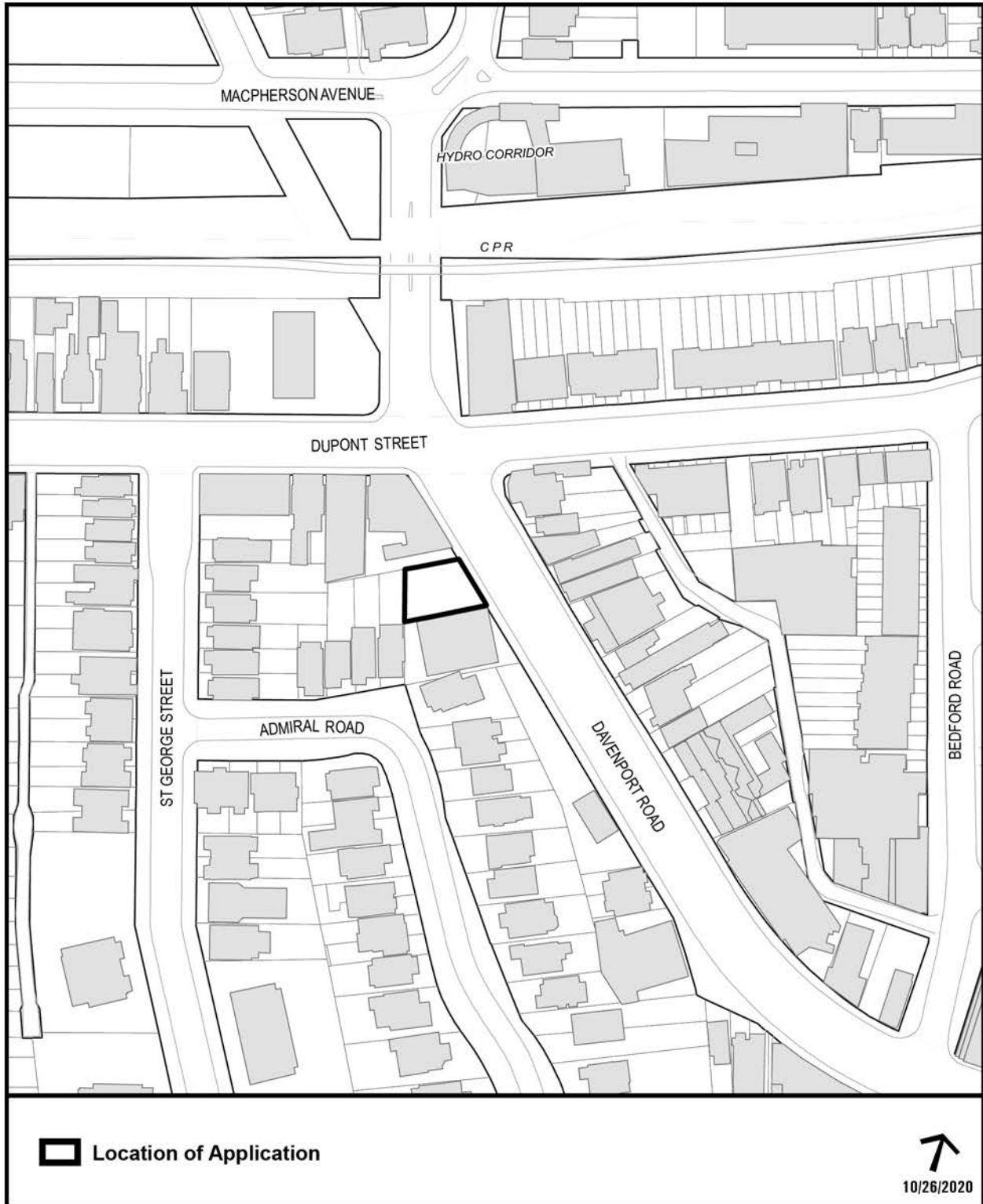
City of Toronto Data/Drawings

- Attachment 1: Location Map
- Attachment 2: Application Data Sheet
- Attachment 3: Official Plan Land Use Map
- Attachment 4: Existing Zoning By-law Map
- Attachment 5: Draft Zoning By-law Amendment

Applicant Submitted Drawings

- Attachment 6: Site Plan
- Attachment 7: 3D Model of Proposal in Context - Southwest
- Attachment 8: 3D Model of Proposal in Context - Northeast
- Attachment 9: West Elevation (front)
- Attachment 10: South Elevation
- Attachment 11: East Elevation (rear)
- Attachment 12: North Elevation

Attachment 1: Location Map



Attachment 2: Application Data Sheet

Municipal Address: 361 Davenport Road **Date Received:** September 17, 2020

Application Number: 20 195008 STE 11 OZ

Application Type: OPA / Rezoning, Rezoning

Project Description: Proposal for 7-storey mixed use building with 16 dwelling units and commercial (office) component fronting on Davenport Road.

Applicant	Architect	Owner
KFA Architects and Planners	KFA Architects and Planners and Elastico Spa	2719130 Ontario Inc

EXISTING PLANNING CONTROLS

Official Plan Designation: Mixed Use Areas Site Specific Provision: OPA 406

Zoning: CR (T2, C2.0, R1.5) Heritage Designation:

Height Limit (m): 14 Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq m): 403 Frontage (m): 17 Depth (m): 23

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	-	-	182	182
Residential GFA (sq m):	-	-	1,397	1,397
Non-Residential GFA (sq m):	-	-	56	56
Total GFA (sq m):	-	-	1,453	1,453
Height - Storeys:	-	-	7	7
Height - Metres:	-	-	25	25

Lot Coverage Ratio (%): 45.21 Floor Space Index: 3.61

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	1,397	-
Retail GFA:	-	-
Office GFA:	56	-
Industrial GFA:	-	-
Institutional/Other GFA:	-	-

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:	-	-	-	-
Freehold:	-	-	-	-
Condominium:	-	-	16	16
Other:	-	-	-	-
Total Units:	-	-	16	16

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:	-	-	-	-	-
Proposed:	-	-	6	9	1
Total Units:	-	-	6	9	1

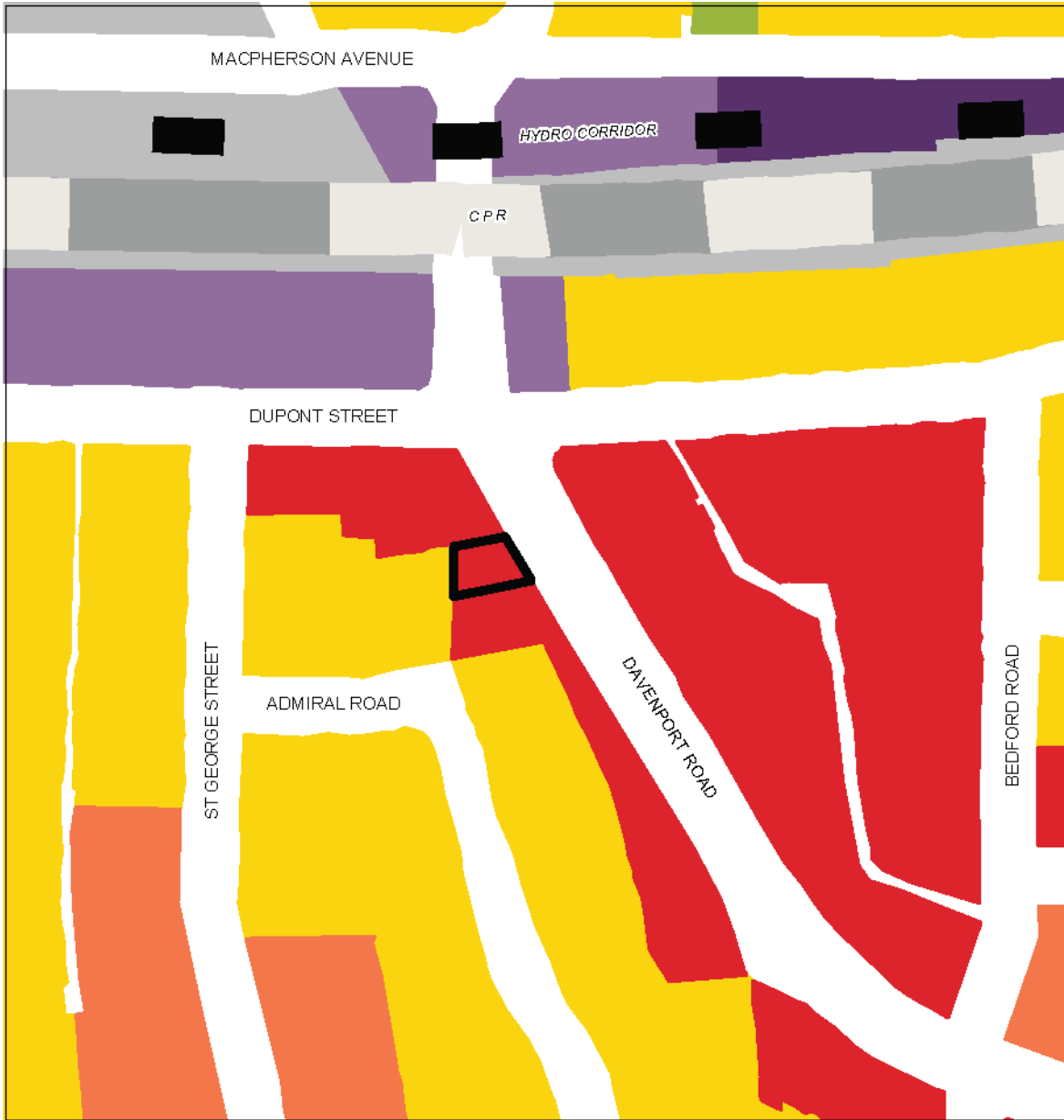
Parking and Loading

Parking Spaces:	13	Bicycle Parking Spaces:	20	Loading Docks:	0
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CONTACT:

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Attachment 3: Official Plan Land Use Map



361 Davenport Road

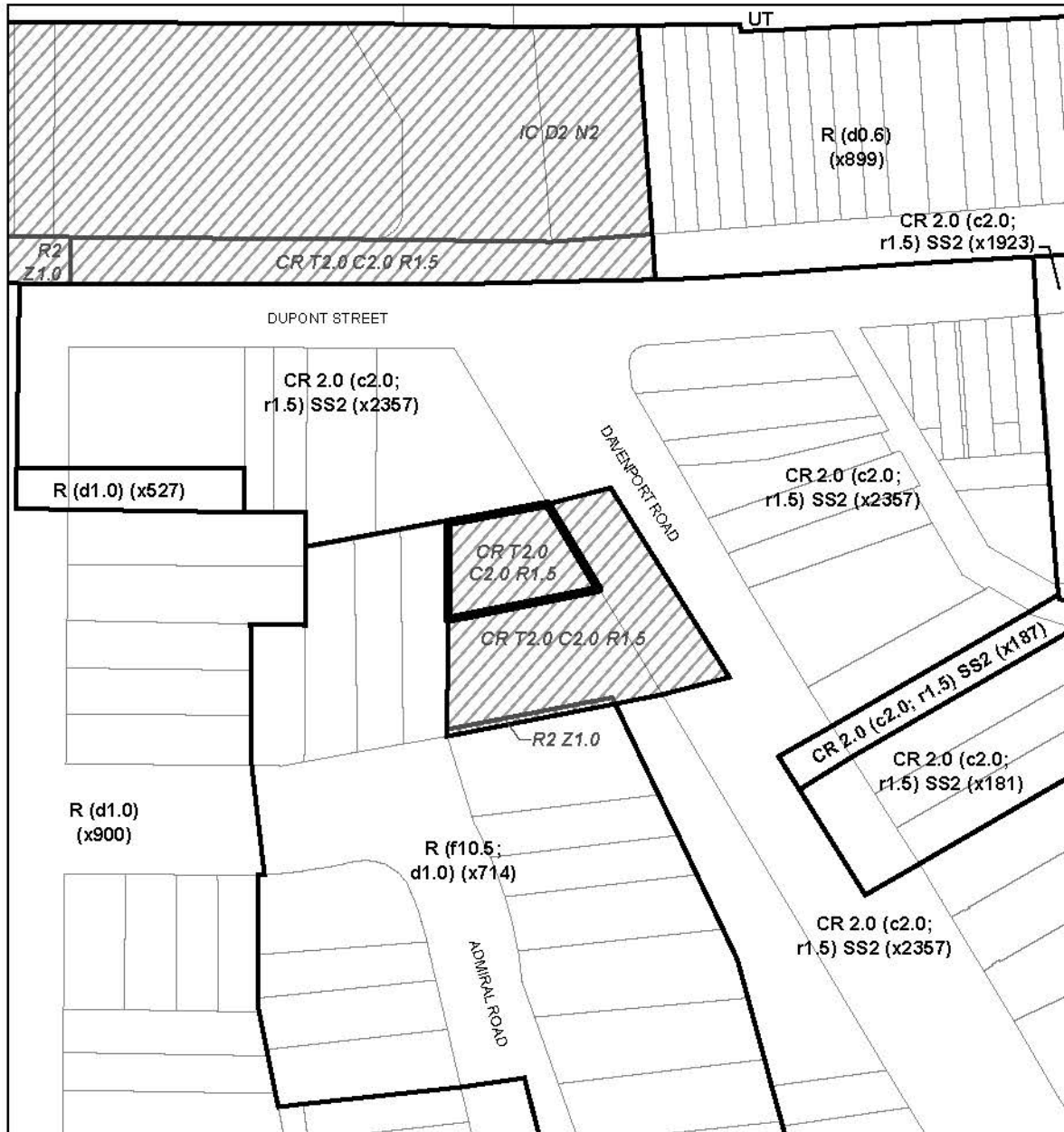
Official Plan Land Use Map 17

File # 20 195008 STE 11 OZ

- | | |
|--|--|
|  Location of Application |  Parks |
|  Neighbourhoods |  Utility Corridors |
|  Apartment Neighbourhoods |  General Employment Areas |
|  Mixed Use Areas |  Core Employment Areas |

↑
Not to Scale
04/28/2022

Attachment 4: Existing Zoning By-law Map



Zoning By-law 569-2013

361 Davenport Road

File # 20 195008 STE 11 OZ

Location of Application See Former City of Toronto By-law No. 438-86

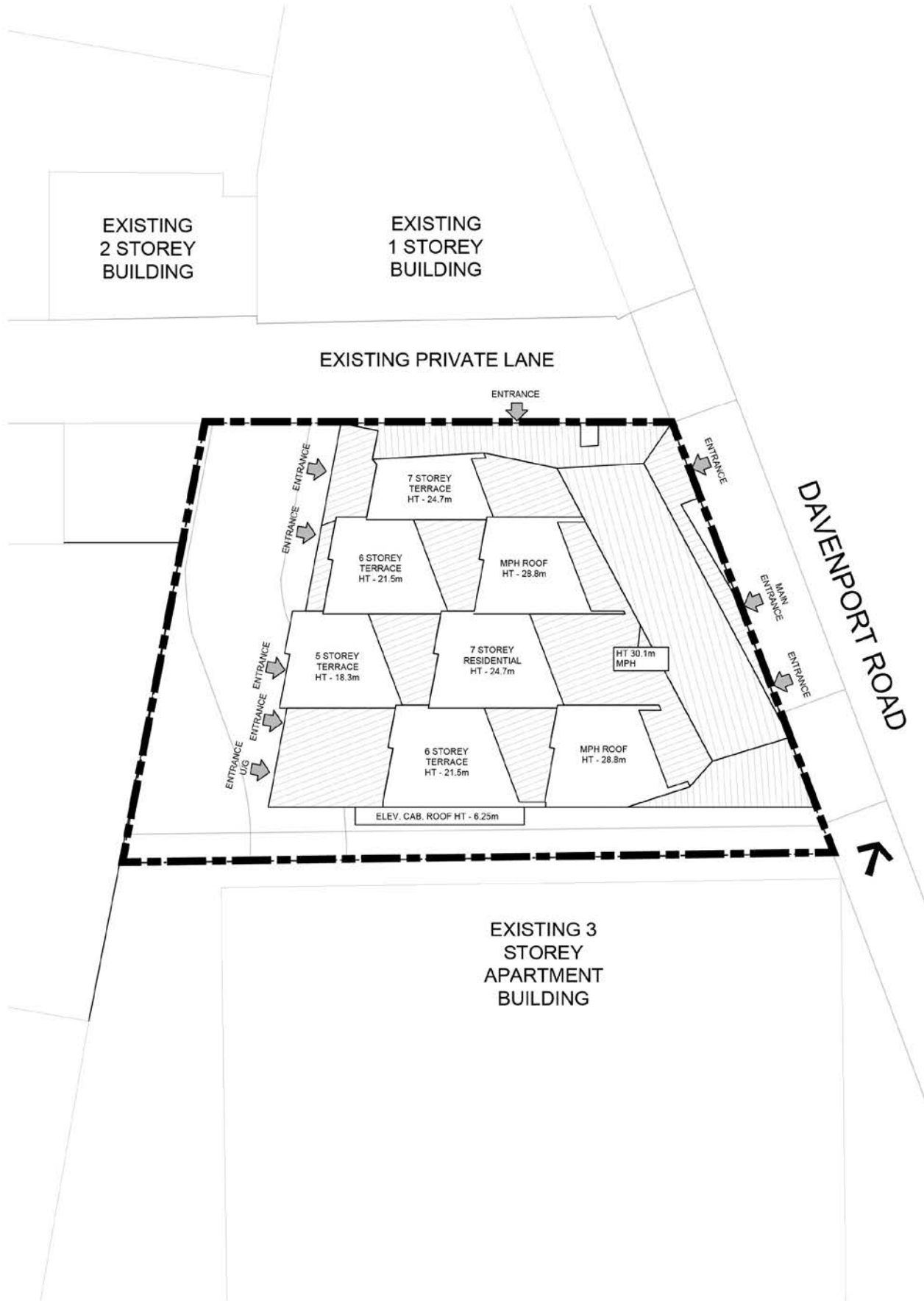
R Residential	R2 Residential District
CR Commercial Residential	CR Mixed-Use District
UT Utility and Transportation	IC Industrial District

Not to Scale
Extracted: 04/28/2022

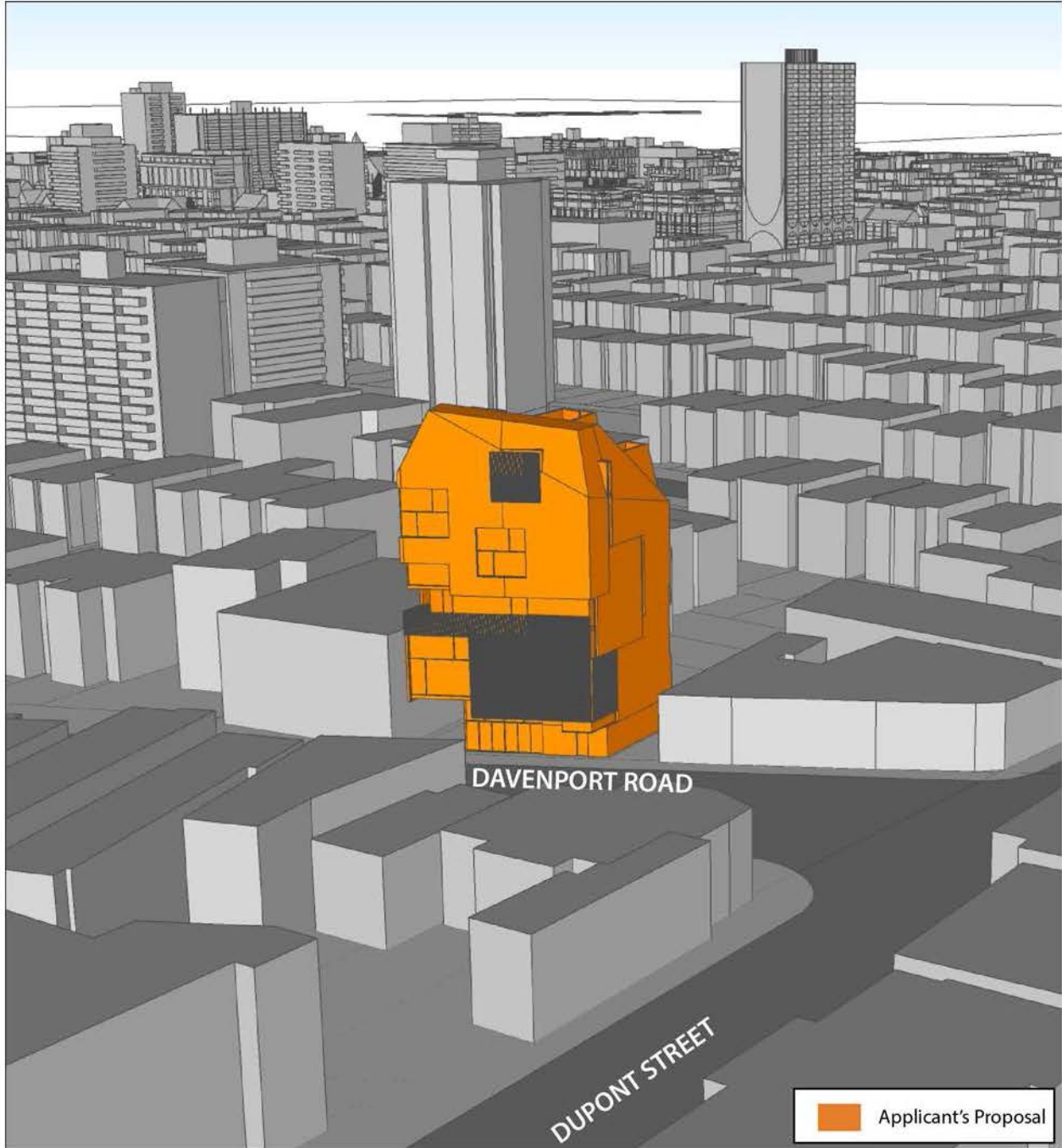
Attachment 5: Draft Zoning By-law Amendment

To be available at the May 26, 2022 Toronto and East York Community Council Meeting

Attachment 6: Site Plan



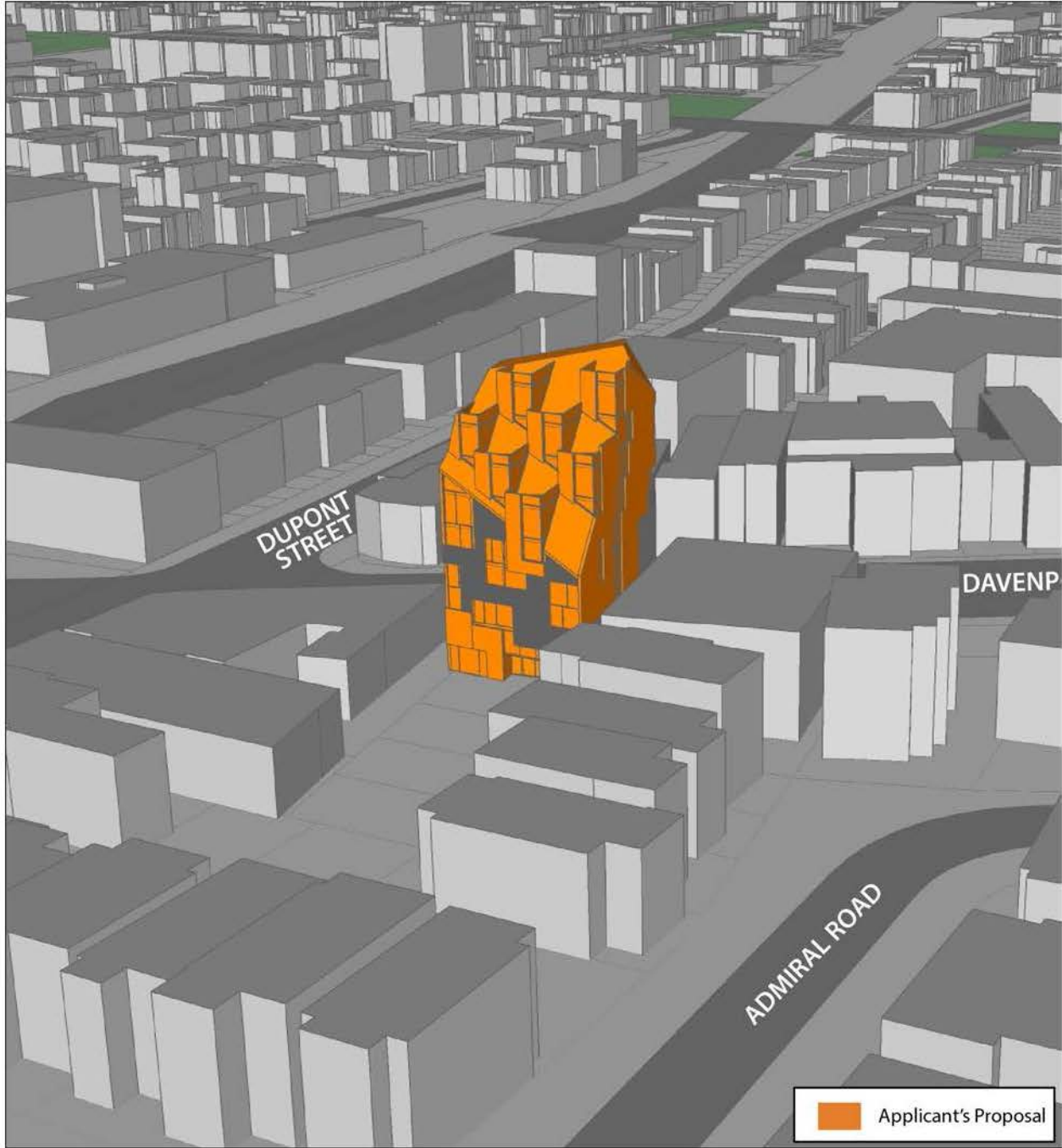
Attachment 7: 3D Model of Proposal in Context - Southwest



View of Applicant's Proposal Looking Southwest


04/29/2022

Attachment 8: 3D Model of Proposal in Context - Northeast

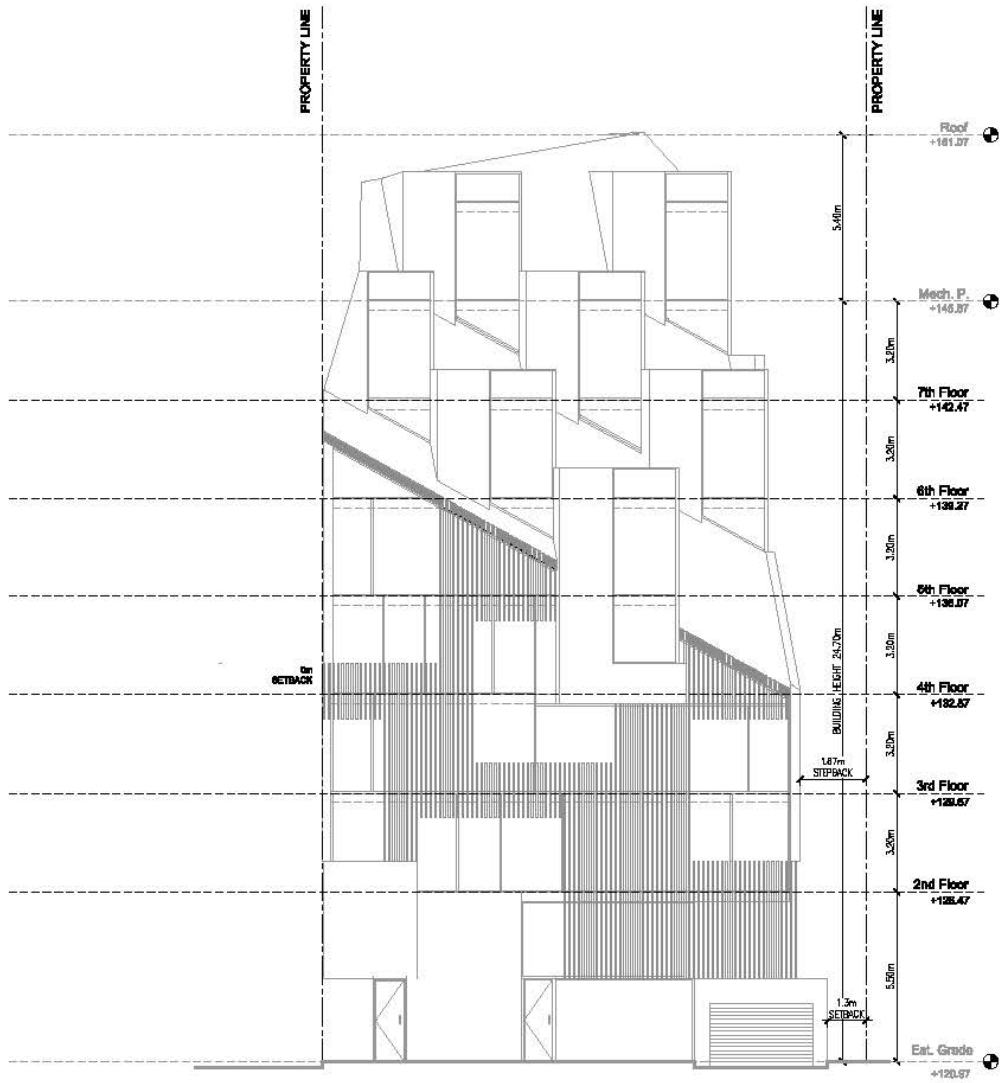


View of Applicant's Proposal Looking Northeast



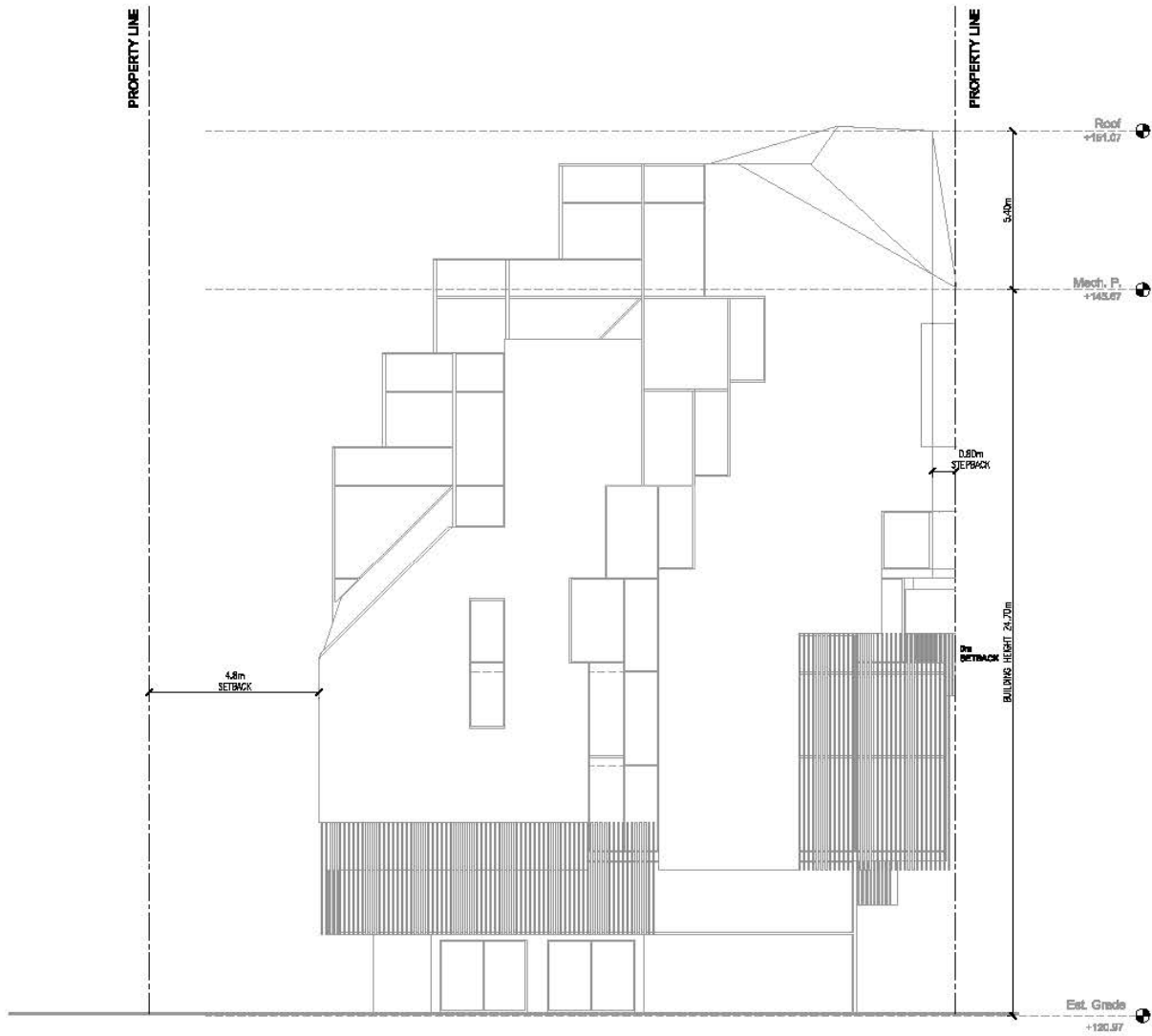
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Attachment 9: West Elevation (front)



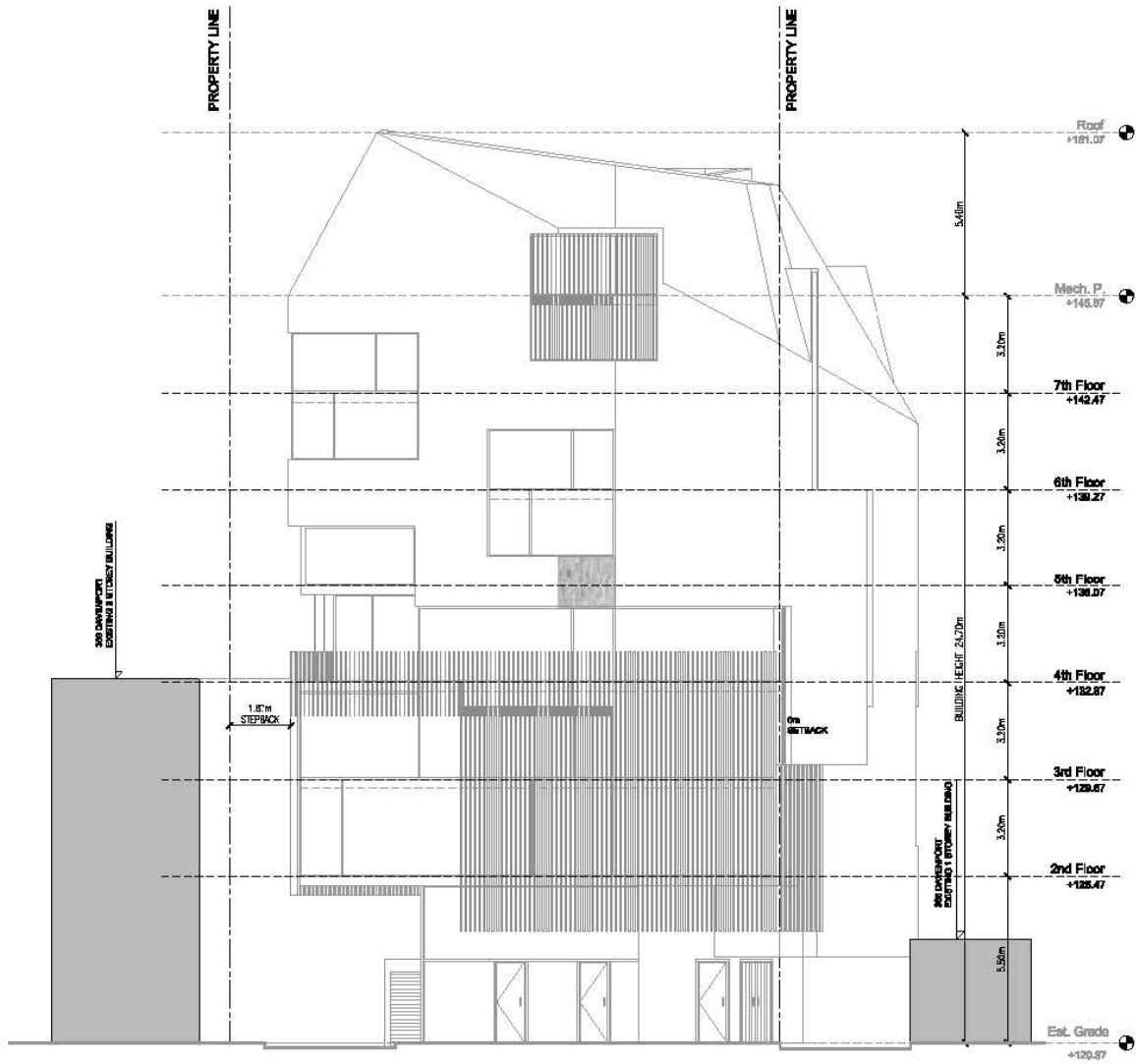
West Elevation

Attachment 10: South Elevation



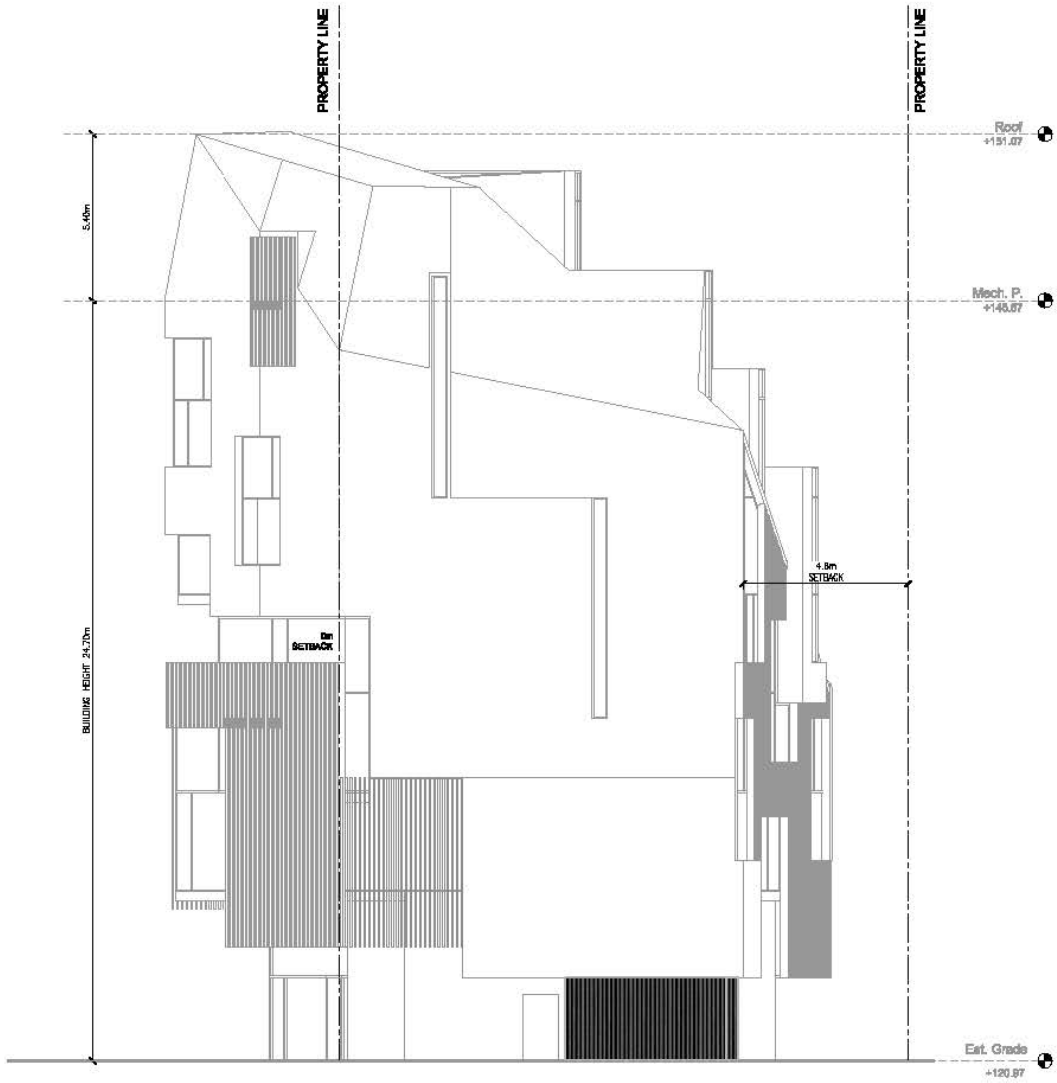
South Elevation

Attachment 11: East Elevation (rear)



East Elevation

Attachment 12: North Elevation



North Elevation