

33 & 39 Davies Avenue – Zoning Amendment Application – Preliminary Report

Date: October 26, 2021

To: Toronto and East York Community Council

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

Ward: Ward 14 - Toronto-Danforth

Planning Application Number: 21 161284 STE 14 OZ

Notice of Complete Application Issued: May 27th, 2021

Designated Heritage Buildings(s) on Site: No

Current Use(s) on Site: A 2 storey office building on 33 Davies and a surface parking lot on 39 Davies.

SUMMARY

This report provides information and identifies a preliminary set of issues regarding the application located at 33 and 39 Davies Avenue for a proposed 19 storey office building on a lot with an existing 2 storey office building and surface parking lot. 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

The City Planning Division recommends that:

1. Staff schedule a community consultation meeting for the application located at 33 and 39 Davies Avenue 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

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.

THE APPLICATION

Description

This application proposes to amend the Zoning By-law for the properties at 33 and 39 Davies Avenue to permit a 19 storey office building. The proposed building is 92 metres in height and includes approximately 18,900 square metres of gross floor area with a floor space index of 15 times the coverage of the area of the lot. Two levels of below grade parking are proposed with 48 parking spaces and 86 bicycle parking spaces.

The subject lands are within a *Core Employment Area* and is within the Natural Heritage System set out in Map 9 of the Official Plan. It is located north of Queen Street East and immediately adjacent to the Don Valley Parkway to the west. The proposal has frontage on Joel Weeks Park and is adjacent to a TRCA Regulated Area.

See Attachments 1, 3 and 6 of this report, for a three dimensional representation of the project in context, a site plan of the proposal, and the Application Data Sheet, respectively. Detailed project information including all plans and reports submitted as part of the application can be found on the City's Application Information Centre at <https://www.toronto.ca/city-government/planning-development/application-information-centre/>

Reasons for the Application

The application requires a Zoning By-law Amendment to permit the office use. This application also requires zoning relief for proposed increases in height and density, and to introduce appropriate performance standards including for setbacks and building massing.

Site Plan Control

The application is subject to Site Plan Control. The Site Plan Control application submitted by the applicant is currently under review.

MCR Conversion Request

Through the City's MCR, an employment area conversion request has been submitted for the subject site. This conversion request will be reviewed within the context of the MCR currently underway. The decision history can be accessed at this link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.PH14.4>

POLICY CONSIDERATIONS/PLANNING FRAMEWORK

Provincial Policy Statement and Provincial Plans

Any decision of Council related to this application is required to be consistent with the Provincial Policy Statement (2020) (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 (2020). The PPS and all Provincial Plans may be found on the Ministry of Municipal Affairs and Housing website.

Growth Plan for the Greater Golden Horseshoe (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (the "Growth Plan (2020)") came into effect on August 28, 2020. This new plan replaces the previous Growth Plan for the Greater Golden Horseshoe, 2019. The Growth Plan (2020) 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 (2020) establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the Planning Act.

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, and better connected 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 (2020), 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 (2020) 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 (2020). Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan (2020).

On June 29, 2020, City Council approved a work plan for the Growth Plan (2019) Conformity and Municipal Comprehensive Review of the Toronto Official Plan and established August 4, 2020 as the commencement date of the City's current MCR. The Province's deadline to submit the completed MCR is July 1, 2022. Council also authorized City Planning staff to review requests to convert Employment Area lands received by the City by applying the Conversion and Removal Policies for Employment Areas in the Official Plan. The decision history can be accessed at this link: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.PH14.4>

Planning for Major Transit Station Areas

The Growth Plan (2020) as amended 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 (2020) 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 are planned for the prescribed densities.

The subject site is potentially located within an 800 metre radius of two MTSAs if the planned [Ontario Line](#) Stations at East Harbour and Leslieville are built. The MTSAs for these potential stations will be delineated in phase 2 of the MTSA prioritization work as a part of the [Official Plan Review](#).

Planning for Employment Areas

The Growth Plan (2020) directs that municipalities will plan for all employment areas by prohibiting residential uses and prohibiting or limiting other sensitive land uses that are not ancillary to the primary employment use, and prohibiting major retail uses or establishing a size or scale threshold for any major retail uses that are permitted and prohibiting any major retail uses that would exceed that threshold. The conversion of

employment areas to non-employment uses may only be permitted through a municipal comprehensive review, if certain tests are met.

In addition, the Growth Plan (2020) provides direction for the development of major office, which are freestanding office buildings of approximately 4,000 square metres of floor space or greater, or with approximately 200 jobs or more.

For additional information on the City's Growth Plan conformity exercise and Municipal Comprehensive Review, please refer to the recommended work plan report at this link: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.PH14.4>

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. Toronto Official Plan policies may be found here:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

The current application is located on lands shown as *Employment Areas* on Map 2 (Urban Structure) of the Official Plan and *Core Employment* on Map 18 (Land Use).

Core Employment Areas are places for business and economic activities. Uses permitted in Core Employment Areas are all types of manufacturing, processing, warehousing, wholesaling, distribution, storage, transportation facilities, vehicle repair and services, offices, research and development facilities, utilities, waste management systems, industrial trade schools, media, information and technology facilities, and vertical agriculture.

The City's Official Plan contains conversion and removal policies for Employment Areas which were approved by the Local Planning Appeal Tribunal (now Ontario Land Tribunal, or "OLT") in January 2020. The redesignation of land from an Employment Areas designation to any other designation, by way of an Official Plan Amendment, or the introduction of a use that is otherwise not permitted in an Employment Area is a conversion of land within an Employment Area and is also a removal of land from an Employment Area, and may only be permitted by way of a MCR. The conversion of land within an Employment Area is only permitted through a City-initiated MCR that comprehensively applies the policies and schedules of the Provincial Growth Plan. Applications to convert lands within an Employment Area will only be considered at the time of a municipal review of employment policies and designations under Section 26 of the Planning Act and a concurrent MCR under the Growth Plan.

Zoning By-laws

The former City of Toronto 438-86 applies to the subject site. The lands are zoned I2 D3 which include a height limit of 18 metres and a floor space index (density) of 3 times the coverage of the lot. The current in-force zoning does not permit the office uses proposed in the application.

While the harmonized City-wide By-law 569-2013 does not currently apply to this site, phase 2 of OPA 231 will bring all lands designated *Employment Areas* into Zoning By-law 569-2013.

Urban Forestry/Environment

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).

Design Guidelines

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

- City Wide Tall Building Design Guidelines;
- Best Practices for Bird Friendly Glass;
- Best Practices for Effective Lighting; and
- Toronto Accessibility Design Guidelines

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

Toronto Green Standard

Climate change mitigation and resilience are key concerns of the City. On October 2, 2019, City Council declared a Climate Emergency and set a new goal to achieve net zero greenhouse gas emissions by 2050 or sooner. In 2021, an updated Transform TO Net Zero Strategy will be presented to Council, outlining the necessary climate action to reach net zero GHG emissions community-wide. In June 2019, the Resilience Strategy was published, which set out that new development should be resilient to a changing climate.

The Toronto Green Standard (the "TGS") sets out the key sustainable performance measures new developments are required to meet to address climate mitigation and resilience. The TGS is a critical component of the City's efforts to achieve zero emissions buildings by 2030, to meet 2050 citywide greenhouse gas reduction targets, Staff Report for Action - Preliminary Report - 91-101 Raglan Avenue Page 7 of 19 and to build a more resilient city. The TGS also supports other City-wide strategies related to environmental sustainability, including Transform TO, the Resilience Strategy, Ravine Strategy and Biodiversity Strategy.

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 TGS. Tier 1 performance measures are secured on site plan drawings and through a site plan agreement or registered plan of subdivision. Tiers 2+ are voluntary higher levels of performance with financial incentives (post-construction development charge refunds) intended to facilitate the foregoing objectives. Applicants are strongly encouraged to pursue higher tiers of the TGS wherever possible.

Applications must use the documentation required for the version of the TGS in effect at the time of the initial site plan application. TGS Version 3.0 applies to new applications submitted on or after May 1, 2018. TGS Version 4.0 will apply to all new applications submitted on or after May 1, 2022. [The TGS may be viewed at: https://www.toronto.ca/city-government/planning-development/official-planguidelines/toronto-green-standard/tier-1-planning-application-requirements](https://www.toronto.ca/city-government/planning-development/official-planguidelines/toronto-green-standard/tier-1-planning-application-requirements)

COMMENTS

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

As the proposed office development is greater than 4,000 square metres, it meets the definition of major office in the Growth Plan (2020).

The Growth Plan (2020) directs that development of sensitive land uses, major retail uses or major office uses will avoid, or where avoidance is not possible, minimize and mitigate adverse impacts on industrial, manufacturing or other uses that are particularly vulnerable to encroachment. This site is part of a linear strip of *Employment Areas* with predominantly 2-5 storey office buildings. The *Employment Areas* to the north continue this scale with some automotive retail uses, while those to the south represent a large scale office and employment cluster at East Harbour. The application is being reviewed to confirm that it conforms with the Growth Plan.

Built Form, Planned and Built Context

This proposal is considerably taller and more dense than the existing and planned context of the immediate area. Review of this change will consider among other factors the shadow and wind impacts to the public realm, with a particular focus on Joel Weeks Park, impacts to the future development potential of abutting sites within this Core Employment area, and any impacts on surrounding residential areas. Built form and

public realm direction in the Official Plan, City-Wide Tall Building Design Guidelines and Downtown Tall Buildings: Vision and Supplementary Design Guidelines will assist in this review. A block plan level analysis will assist in evaluating the contextual fit of the proposal.

Ravine Protection

The subject lands are near the ravine system and within the Regulated Area of the Toronto and Region Conservation Authority (TRCA). As such, the Urban Forestry Division and the TRCA will be evaluating the proposal and have been circulated for comment. The proposal is not within 10 metres of top of bank and slope stability is not identified as an issue.

Natural Heritage Protection

The subject lands are in a Natural Heritage Area as identified on Map 9 of the Official Plan. Official Plan policies related to Natural Heritage Areas together with the Natural Heritage Impact Statement submitted by the applicant will inform the review of this proposal.

Tree Preservation

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

The applicant proposes to remove a number of private trees in order to facilitate the proposed building. Two trees in Joel Weeks park are also proposed to be preserved, with a likelihood of requiring permits to injure.

A review of the Arborist Report and Tree Preservation Plan has been completed by Urban Forestry and was communicated to the applicant to inform their next submission.

Archaeological Assessment

An archaeological resource assessment identifies and evaluates the presence of archaeological resources also known as archaeological sites. Whether a property has archaeological resource potential can be confirmed at the searchable database TO maps. An archaeological assessment may also be required if a property is identified on the City of Toronto's Inventory of Heritage Properties as part of the Heritage Impact Assessment process.

The subject site is not identified to have archaeological potential at this time.

Infrastructure/Servicing Capacity

Staff and commenting agencies are reviewing the application to determine if there is sufficient infrastructure capacity (roads, transit, water, sewage, hydro, community services and facilities, etc.) to accommodate the proposed development. The applicant has submitted the following studies and reports which are being reviewed by Engineering and Construction Services staff: a Functional Servicing and Stormwater Management Report; Hydrogeological Review Summary and Report; and Transportation Impact Report.

Staff will continue to assess:

- the Servicing Report provided by the applicant, to evaluate the effects of the development on the City's municipal servicing infrastructure and identify and provide the rationale for any new infrastructure and upgrades to existing infrastructure, necessary to provide adequate servicing to the proposed development; and
- the Transportation Impact Study submitted by the applicant, to evaluate the effects of the development on the transportation system, and to identify any transportation improvements that are necessary to accommodate the travel demands and impacts generated by the development. The proposed vehicular access and circulation through the site, including the proposed POPS, will also be reviewed.

Toronto Green Standard

City Planning staff will review the TGS Checklist submitted by the applicant for compliance with the Tier 1 performance measures. Staff will encourage the applicant to pursue Tier 2, 3 or 4.

Section 37 Community Benefits

The proposal at its current height will be subject to Section 37 contributions under the Planning Act. 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.

Additional Issues

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

NEXT STEPS

City Planning staff will host a Community Consultation Meeting.

City staff will work with the applicant to resolve the preliminary issues discussed in this report and any additional issues that may be identified by staff and the public. Staff will report back at the appropriate time in the review of the application. If a Final Report is prepared, the report will proceed to the Toronto and East York Community Council meeting which will serve as the Statutory Public Meeting as required by the Planning Act, before being considered by City Council for a decision.

CONTACT

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E-mail: Colin.Wolfe@toronto.ca

SIGNATURE

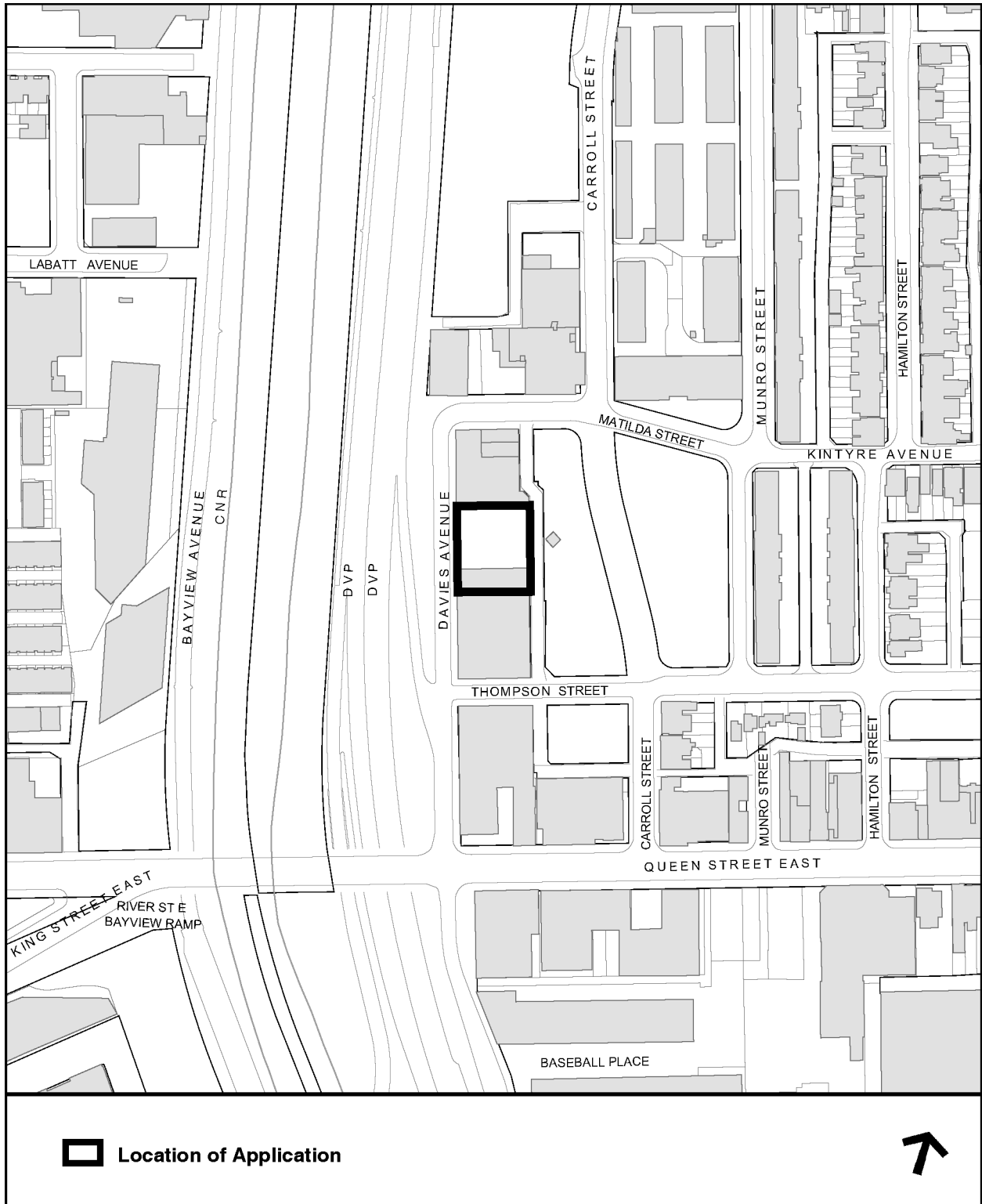
Lynda H. Macdonald, MCIP, RPP, OALA, FCSLA, Director
Community Planning, Toronto and East York District

ATTACHMENTS

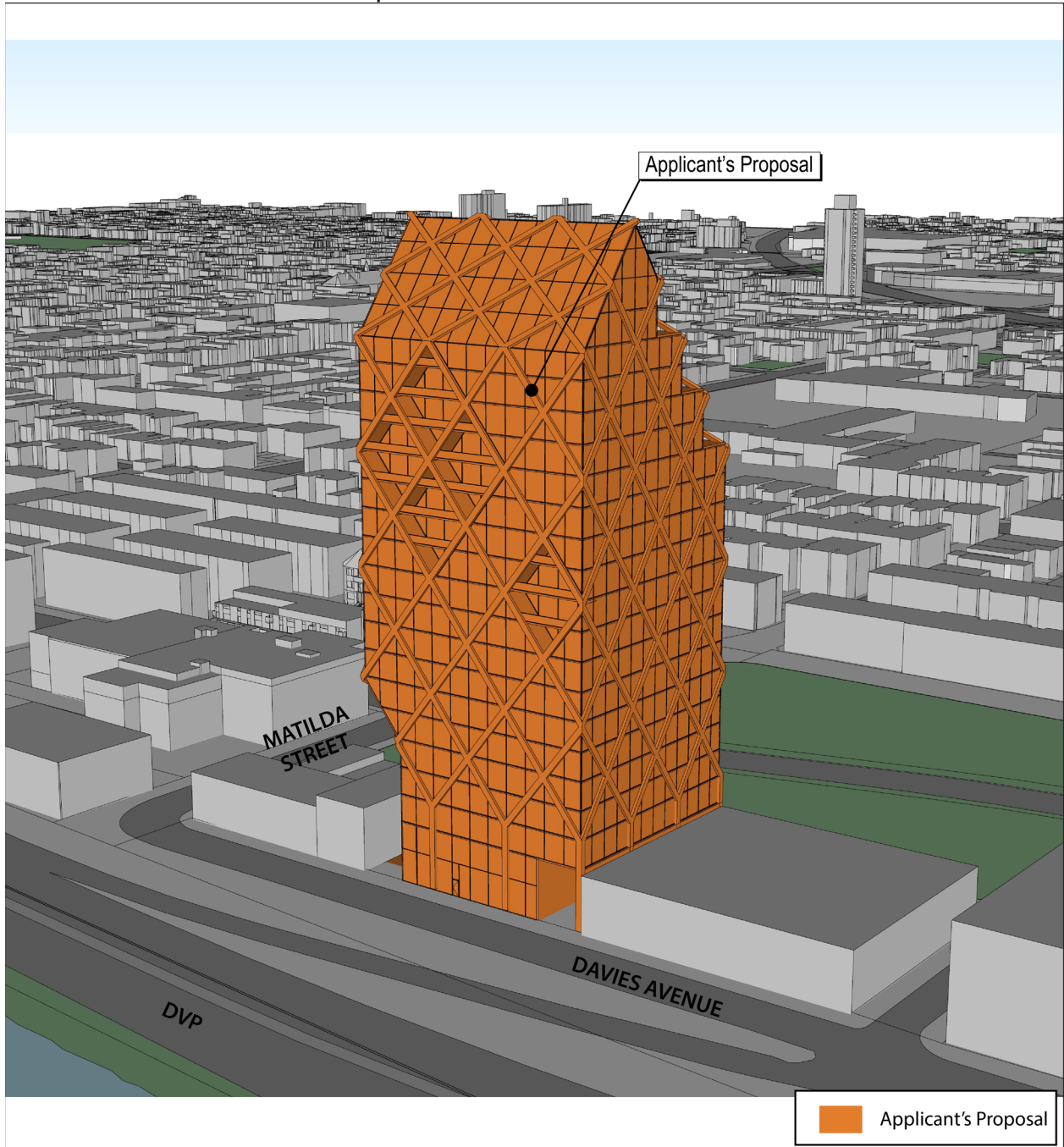
City of Toronto Drawings

- Attachment 1: Location Map
- Attachment 2: 3D Model of Proposal in Context
- Attachment 3: Site Plan
- Attachment 4: Official Plan Map
- Attachment 5: Zoning By-law Map
- Attachment 6: Application Data Sheet

Attachment 1: Location Map



Attachment 2: 3D Model of Proposal in Context

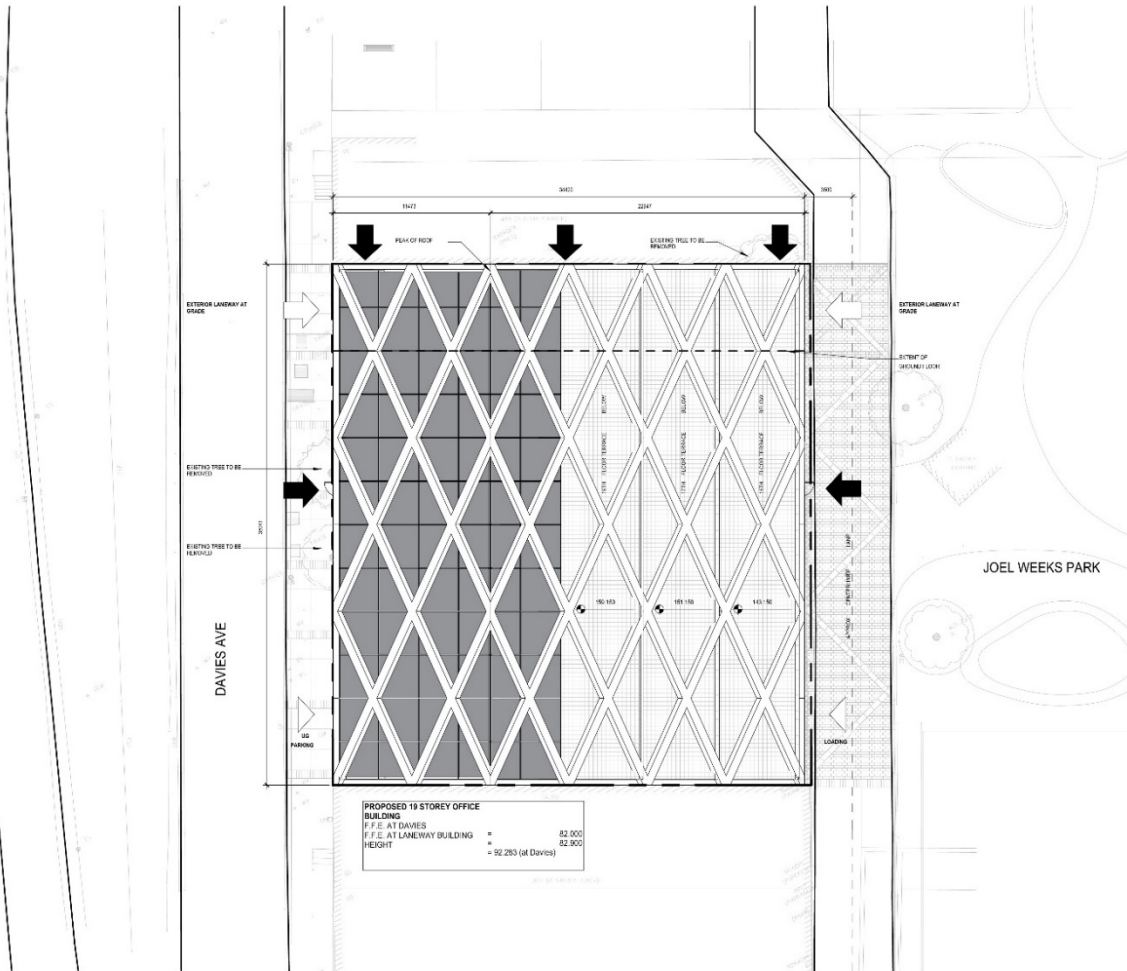


View of Applicant's Proposal Looking Northeast



10/26/2021

Attachment 3: Site Plan



Site Plan



Attachment 4: Official Plan Map



33 & 39 Davies Avenue

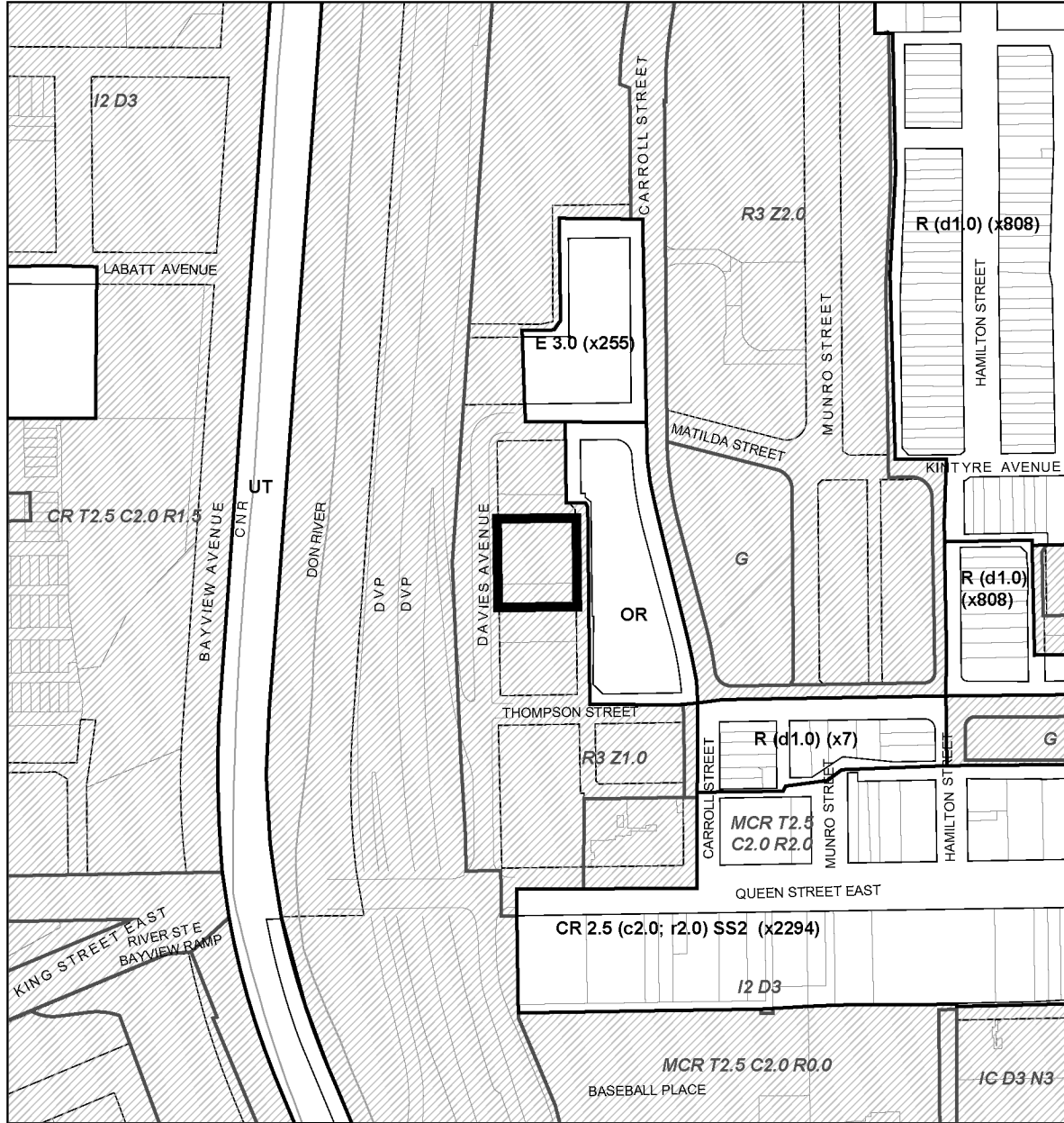
Official Plan Land Use Map #18

File # 21 161284 STE 14 0Z

	Location of Application		Parks
	Neighbourhoods		Core Employment Areas
	Apartment Neighbourhoods		Regeneration Areas
	Mixed Use Areas		Utility Corridors


Not to Scale
10/27/2021

Attachment 5: Zoning By-law Map



Zoning By-law 569-2013

33 & 39 Davies Avenue

File # 21 161284 STE 14 0Z

-  Location of Application
- R** Residential
- CR** Commercial Residential
- E** Employment Industrial
- OR** Open Space Recreation
- UT** Utility and Transportation

-  See Former City of Toronto By-law No. 438-86
- R3** Residential District
- RA** Mixed-Use District
- I2** Industrial District
- G** Parks District



Not to Scale
Extracted: 05/31/2021

Attachment 6: Application Data Sheet

Municipal Address: 33 DAVIES AVE Date Received: May 27, 2021

Application Number: 21 161284 STE 14 OZ

Application Type: OPA / Rezoning, Rezoning

Project Description: Zoning by-law Amendment application to facilitate the development of the site for a 19-storey, plus mezzanine non-residential building having a gross floor area of approximately 18,994.80 square metres. 48 parking spaces will be provided on the lot, located within a below grade parking structure.

Applicant	Agent	Architect	Owner
URBAN STRATEGIES			DAVIES AVE HOLDINGS INC

EXISTING PLANNING CONTROLS

Official Plan Designation: Employment Areas Site Specific Provision:

Zoning: Heritage Designation:

Height Limit (m): Site Plan Control Area:

PROJECT INFORMATION

Site Area (sq m): 1,329 Frontage (m): Depth (m):

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	360		1,091	1,091
Residential GFA (sq m):				
Non-Residential GFA (sq m):	720		18,994	18,994
Total GFA (sq m):	720		18,994	18,994
Height - Storeys:				
Height - Metres:				

Lot Coverage Ratio (%) : 82.09 Floor Space Index: 14.29

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:		
Retail GFA:		
Office GFA:	18,994	
Industrial GFA:		
Institutional/Other GFA:		

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

Total Residential Units by Size

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

Parking and Loading

Parking Spaces:	48	Bicycle Parking Spaces:	86	Loading Docks:	2
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