



REPORT FOR ACTION

33 and 39 Davies Avenue – Zoning By-law Amendment Application - Decision Report - Refusal

Date: May 1, 2023
To: Toronto and East York Community Council
From: Director, Community Planning, Toronto and East York District
Ward: 14 - Toronto-Danforth

Planning Application Number: 21 161284 STE 14 OZ

SUMMARY

On May 27, 2021, a Zoning By-law Amendment application was submitted to permit a 19-storey office tower within an Employment Area on the east side of the Don Valley, north of Queen Street East. In response to feedback received from the community and City Planning the application was subsequently resubmitted on January 13, 2023, with a revised massing and height reduced to 15-storeys.

This report reviews and recommends refusal of the revised application to amend the Zoning By-law, as the proposed built form is not appropriate for the site's location within a low- and mid-rise employment area adjacent to Neighbourhoods and Joel Weeks Park. The proposal does not conform with the Official Plan and should be refused.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council refuse the application for Zoning By-law Amendment at 33 and 39 Davies Avenue for the reasons set out in this report.
2. City Council authorize the City Solicitor, together with appropriate staff, to appear before the Ontario Land Tribunal in support of City Council's decision to refuse the application, in the event the application is appealed to the Ontario Land Tribunal.
3. City Council direct the City Solicitor to request that the Ontario Land Tribunal withhold its order in the event that the project is approved in some form, until the City Solicitor confirms that the following have been secured:

a) the final form of the Zoning By-law Amendment is to the satisfaction of the Chief Planner and Executive Director, City Planning, and the City Solicitor, in consultation with the Chief Engineer and Executive Director, Engineering and Construction Services, and other appropriate Divisions;

b) the owner has revised the Site Servicing and Stormwater Management Report to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services; and

c) all comments contained in the Engineering and Construction Services memorandum dated December 31, 2021 are addressed to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, and the General Manager, Transportation Services.

4. City Council authorize the City Solicitor and other appropriate staff to take any necessary steps to implement City Council's decision.

5. City council direct staff to continue to work with the applicant to resolve outstanding issues identified in this report.

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

On November 24, 2021, Toronto and East York Community Council considered a Preliminary Report for the original 19-storey proposal as item TE29.34, available at the following link: <https://secure.toronto.ca/council/agenda-item.do?item=2021.TE29.34>

THE SITE

Description: The site combines two properties, 33 and 39 Davies Avenue, covering an area of roughly 0.13 hectares with a 38 metre frontage on Davies Avenue to the West. It is located mid-block on the east side of Davies Avenue, on the larger block bounded by Matilda Street to the North, Thompson Street to the South and Carroll N Thompson Laneway to the East.

Existing Use: 33 Davies contains a two-storey office studio and 39 Davies a surface parking lot. The site is part of a larger block of older industrial buildings which vary in height from 2 to 4 storeys, mostly built to their respective lot lines.

THE APPLICATION

Description

This application proposes to amend the Zoning By-law for the properties at 33 and 39 Davies Avenue to permit a 15-storey office building. The proposed building would be 74 metres in height and includes approximately 18,343 square metres of gross floor area with a floor space index of 13.8 times the area of the lot. Two levels of below grade parking are proposed with 46 parking spaces and 94 bicycle parking spaces.

The site is within a Core Employment Area on the Official Plan Land Use Map, and is also within the Natural Heritage System. The site is located north of Queen Street East and immediately adjacent to the Don Valley Parkway to the west. The proposal is adjacent to a Toronto and Region Conservation Authority (TRCA) Regulated Area and has frontage on the laneway to the east, opposite which is Joel Weeks Park.

Joel Weeks Park was originally developed as public parkland over 45 years ago. With the redevelopment of the Rivertowne mixed-income housing community in 2011, the original park was expanded by the closure and jurisdictional transfer of a portion of Carroll Street from Transportation Services to Parks, Forestry & Recreation and a land exchange with Toronto Community Housing Corporation (TCHC). After public consultation and design, TCHC opened the present-day Joel Weeks Park to the public in September 2012.

The park has since received an award of Regional Merit from the Canadian Society of Landscape Architects (2013) and a Toronto Urban Design Award for Small Open Spaces (2017). The park includes a basketball court, water play area, playground, community gardens, public sculptures, water fountain, central gathering space, and passive amenities such as walkways, seating, and open lawn areas.

Additional Information

See Attachments 1, 5 and 6 of this report for the Application Data Sheet, applicant's 3D view and the ground floor plan. 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: [Application Information Centre – City of Toronto](#)

Reason 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 performance standards including for setbacks and building massing.

Site Plan Control

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

Employment Conversion Request

A request for conversion of the site from employment uses to residential uses was also submitted through the Municipal Comprehensive Review (MCR) process. A Staff Report brought forward to Planning and Housing Committee (PHC) on the MCR in April 2023 contained recommendations for the conversion request on this site to be brought forward to PHC on June 1st, 2023. Any Council decision on conversions to be implemented through the MCR will be subject to approval by the Ministry of Municipal Affairs and Housing.

POLICY CONSIDERATIONS

Provincial Land-Use Policies: All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Policy Statement, and shall conform to provincial plans.

Official Plan: Core Employment Area. See Attachment 3 of this report for the Official Plan Land Use Map. Office uses are permitted within this designation and are generally supported by City Planning as a means of regenerating employment areas. Other Official Plan policies impacting this review include those addressing built form and the protection of the City's parks and open space system.

Zoning: The former City of Toronto By-law 438-86 applies to the site. The site is zoned I2 D3 which includes a height limit of 18 metres and a floor space index of 3 times the area of the lot. See Attachment 4 for the Zoning By-law map. The zoning does not permit the office use proposed in the application.

Design Guidelines: The following design guidelines have been used in the evaluation of this application:

- Tall Building Design Guidelines;
- Toronto Accessibility Design Guidelines.

The City's Design Guidelines can be found here:
<https://www.toronto.ca/citygovernment/planning-development/officialplanguidelines/design-guidelines/>

Toronto Green Standard: 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. The TGS can be found here:
<https://www.toronto.ca/citygovernment/planning-development/official-plan-guidelines/toronto-green-standard/>

COMMUNITY CONSULTATION

A virtual community consultation meeting was hosted by city staff on March 29, 2022. Approximately 16 people participated, as well as the Ward Councillor. Following a presentation by city staff and the applicant, the following comments and issues were raised:

- the proposed height, density and massing are inappropriate for the site;
- impacts on community garden and Joel Weeks Park;
- compatibility and fit with the surrounding area;
- insufficient setbacks and stepbacks;
- wind, shadow and privacy impacts; and
- traffic generated as a result of the proposed development.

The issues raised through community consultation have been considered through the review of the application.

COMMENTS

Provincial Framework

Staff's review of this application has had regard for the relevant matters of provincial interest set out in the Planning Act. Staff has reviewed the current proposal for consistency with the Provincial Policy Statement, and conformity with the Growth Plan. Staff find the proposal is consistent with the PPS and conforms with the Growth Plan.

Height & Massing

This proposed building is considerably taller and larger than the existing and planned context of the immediate area. As a result, it would create significant shadow and wind impacts to the public realm, in particular on the adjacent Joel Weeks Park. The proposed massing also impacts the future development potential of abutting sites within this Core Employment area. The proposed lot line to lot line footprint of the tower limits

the redevelopment potential of neighbouring sites, as it does not achieve the minimum 12.5 metre tower separation distance from its property boundaries to account for future development on adjacent sites.

The proposed tall building also does not meet the City Wide Tall Buildings Design Guidelines in several key areas, including but not limited to, separation distances, tower stepbacks, sidewalk widths and impacts to the pedestrian realm.

Parks/Open Space

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Minimizing impacts of surrounding development on Joel Weeks Park is critical to maintaining its utility and allowing it to continue to serve residents from the neighbourhood and beyond, with a wide range of amenities. Based on the Sun/Shadow Study prepared by Urban Strategies (dated January 2023), the proposed development casts new shadow over Joel Weeks Park from 1:18 p.m. to 6:18 p.m. in March, June, and September, and from 12:18 p.m. to 3:18 p.m. in December.

In addition to impacts on the community garden spaces, the shadow impacts of greatest concern are those cast onto the splash pad and playground, in particular in the afternoon. These park amenities are specifically designed for children and programmed with specialized, nonmoveable equipment, meaning users cannot participate in these activities in another area of the park not under shadow. As a highly valued local community asset in an area with limited parkland available, it is critical to preserve the quality and function of Joel Weeks Park.

Wind

Based on the addendum letter prepared by RWDI (August 12, 2022), the currently proposed 15-storey development is predicted to create wind conditions in Joel Weeks Park that are similar to those modelled for the original 19-storey proposal as presented in the Pedestrian Wind Assessment prepared by RWDI (May 17, 2021). The wind conditions created by the proposal allow for strolling conditions only in the summer and uncomfortable wind conditions in the winter.

These impacts are not acceptable as they are detrimental to the comfort and enjoyment of Joel Weeks Park users. Wind conditions in Joel Weeks Park should allow for comfortable sitting in the summer and strolling in the winter. Wind conditions created by this massing also exceed the safety criterion in three main adjacent public realm spaces: Thompson Street, Matilda Street and the proposed pedestrian mid-block connection.

Public Realm

In addition to concerns related to wind impacts on the public realm, other revisions to the built form are recommended to accommodate wider sidewalks. Increasing the setback from Davies Avenue to 6 metres would support tree plantings and a more desirable pedestrian environment.

Servicing

A Functional Servicing and Stormwater Management Report and associated plans were submitted for the site and are being reviewed by Engineering and Construction Services. In the event that the matter is appealed to the OLT, staff recommend the OLT withhold the issuance of any Orders that may approve the application until such time as the owner has addressed all comments from Engineering and Construction Services contained in their December 31, 2021 memorandum, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.

Conclusion

The proposal has been reviewed against the policies of the PPS (2020), Growth Plan (2020), City of Toronto Official Plan and the Tall Building Design Guidelines. The development of office uses are supported by staff as a means of regenerating the City's Core Employment Areas, however, this proposal does not conform to relevant Official Plan directions. For the matters related to built form and impacts on the parks and open space system set out above, staff recommend that Council refuse the application. Staff continue to support ongoing dialogue with the applicant to resolve the issues identified in this report.

CONTACT

Steven Barber, Senior Planner
Tel. No. (416) 338 8567
E-mail: steven.barber@toronto.ca

SIGNATURE

Willie Macrae, BA, MES, MCIP, RPP
Acting Director, Community Planning
Toronto and East York District

ATTACHMENTS

City of Toronto Data/Drawings

Attachment 1: Application Data Sheet

Attachment 2: Location Map

Attachment 3: Official Plan Land Use Map

Attachment 4: Existing Zoning By-law Map

Applicant Submitted Drawings

Attachment 5: Applicant's 3D View Looking Northwest

Attachment 6: Ground Floor Plan

Attachment 7: Elevation (South and West)

Attachment 8: Elevation (North and East)

Attachment 1: Application Data Sheet

Municipal Address: 33 and 39 DAVIES AVE **Date Received:** May 27, 2021

Application Number: 21 161284 STE 14 OZ

Application Type: Rezoning

Project Description: Zoning by-law Amendment application to facilitate the development of the site for a 15-storey non-residential building having a gross floor area of approximately 18,343 square metres. 46 parking spaces would be provided on the lot, located within a below grade parking structure.

Applicant	Agent	Architect	Owner
URBAN STRATEGIES		QUADRANGLE ARCHITECTS LIMITED	DAVIES AVE HOLDINGS INC

EXISTING PLANNING CONTROLS

Official Plan Designation:	Employment Areas	Site Specific Provision:	N/A
Zoning:	Industrial Employment	Heritage Designation:	No
Height Limit (m):	18 metres	Site Plan Control Area:	Yes

PROJECT INFORMATION

Site Area (sq m): 1,329 Frontage (m): 38 Depth (m): 35

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	360		1,275	1,275
Residential GFA (sq m):				
Non-Residential GFA (sq m):	720		18,343	18,343
Total GFA (sq m):	720		18,343	18,343
Height - Storeys:			15	15
Height - Metres:			74	74
Lot Coverage Ratio (%): 95.94		Floor Space Index:	13.8	

Floor Area Breakdown Above Grade (sq m) Below Grade (sq m)

Residential GFA:

Retail GFA:

Office GFA: 18,343

Industrial GFA:

Institutional/Other GFA:

Residential Units by Tenure	Existing	Retained	Proposed	Total
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Rental:

Freehold:

Condominium:

Other:

Total Units:

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
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Retained:

Proposed:

Total Units:

Parking and Loading

Parking Spaces: 46 Bicycle Parking Spaces: 94 Loading Docks: 2

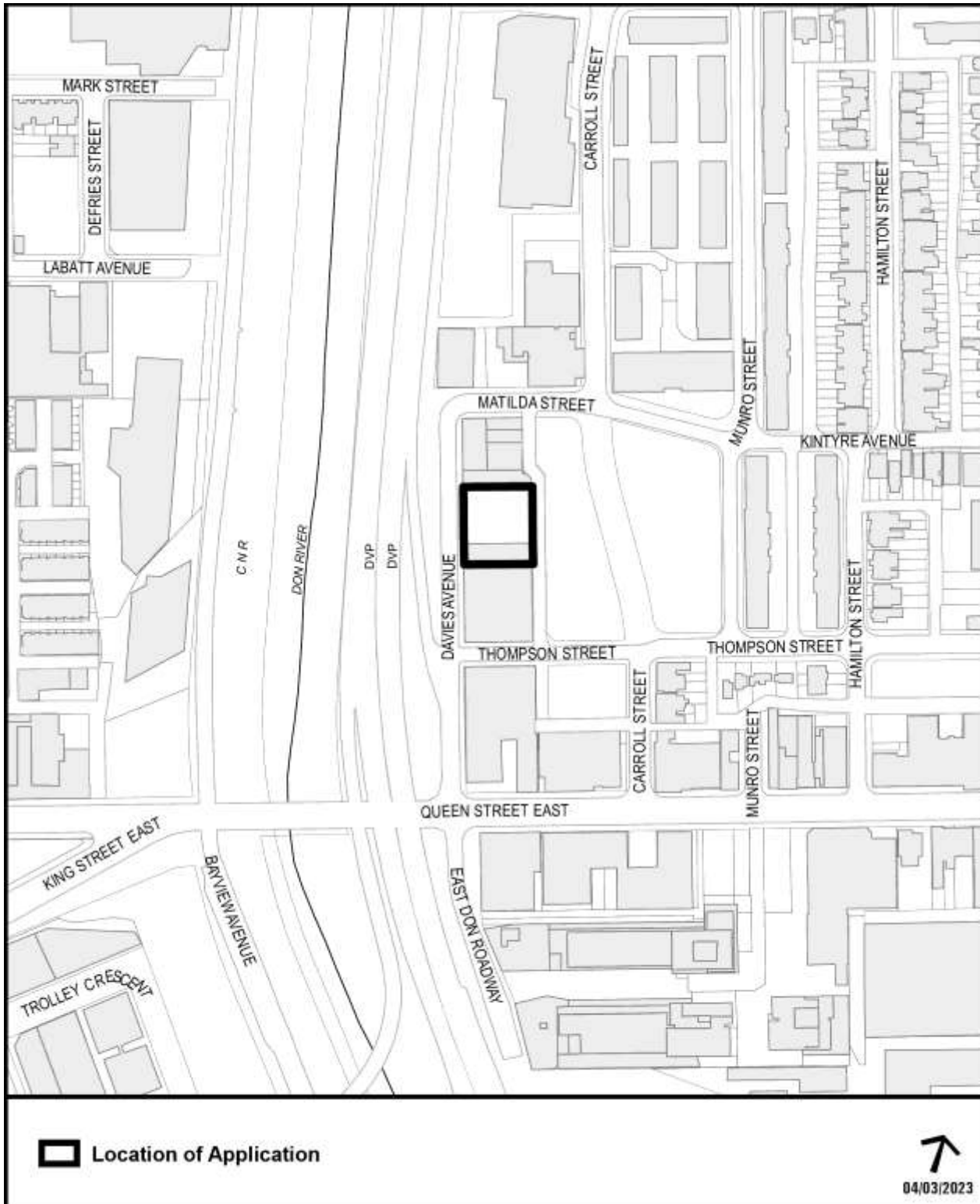
CONTACT:

Steven Barber, Senior Planner

416-338-8567

Steven.Barber@toronto.ca

Attachment 2: Location Map



Attachment 3: Official Plan Land Use Map



33 & 39 Davies Avenue

Official Plan Land Use Map 18

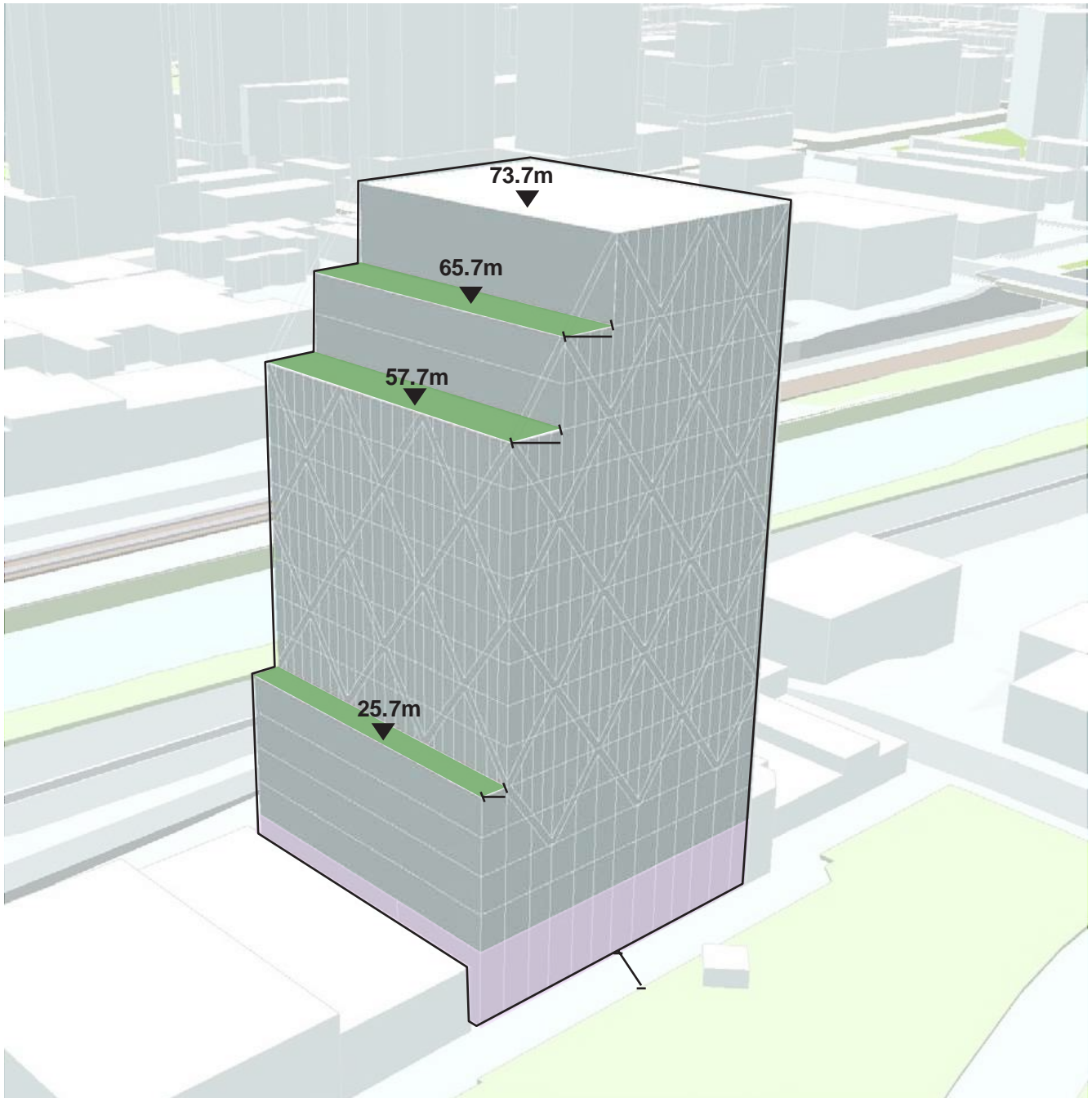
File # 21 161284 STE 14 0Z

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

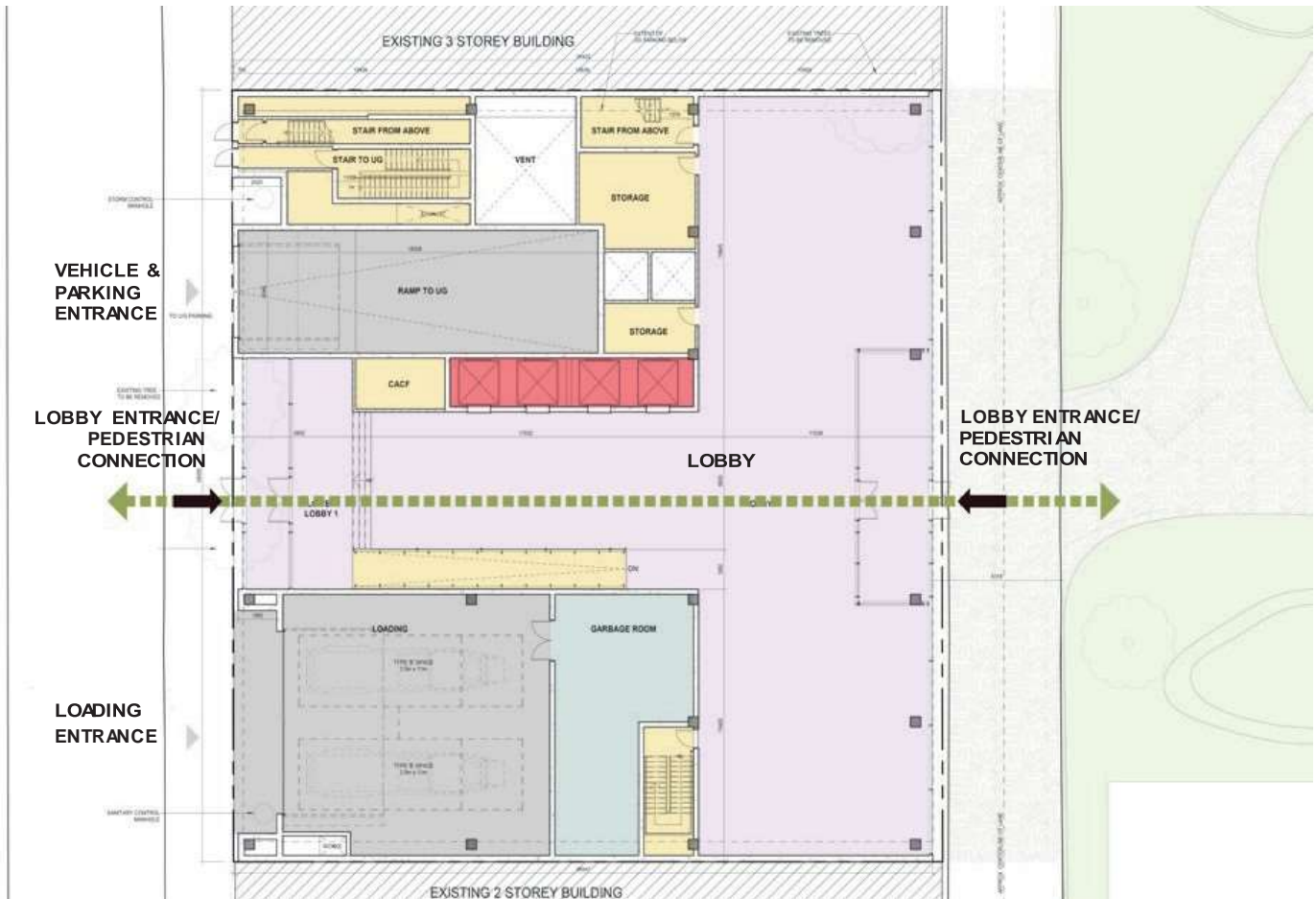
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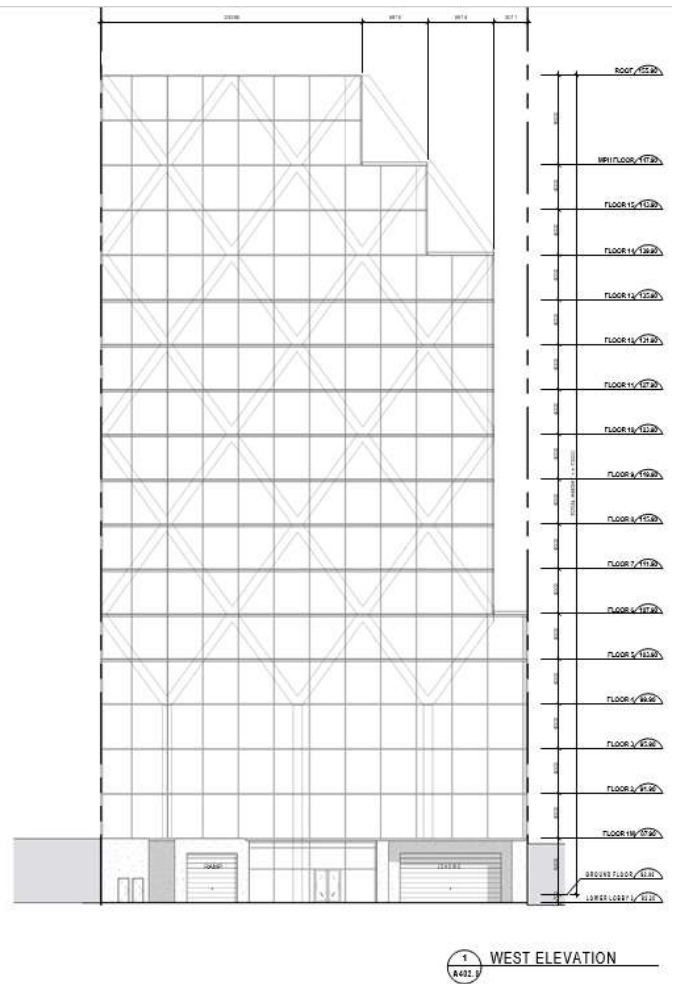
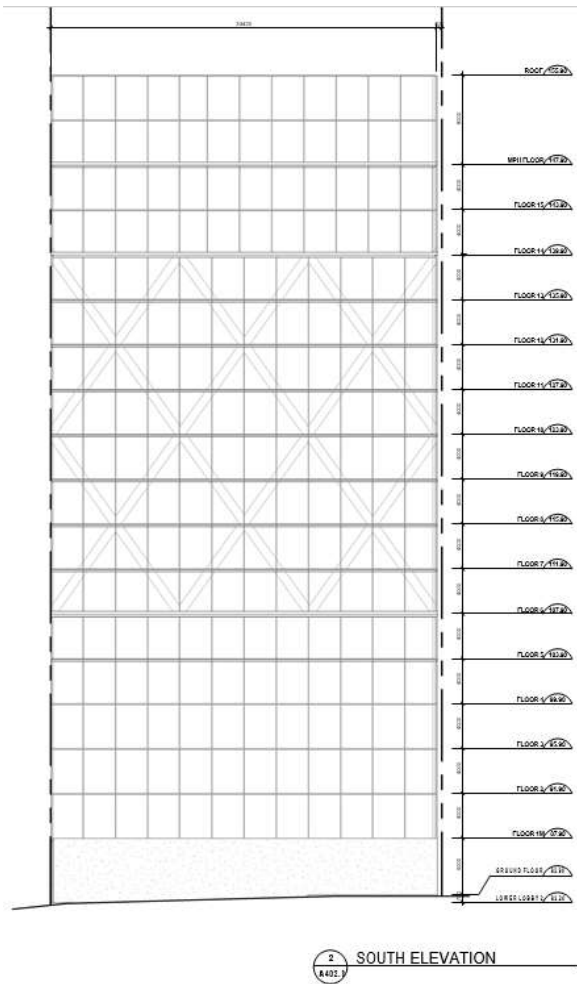
Attachment 5: Applicant's 3D View of the Proposal Looking Northwest



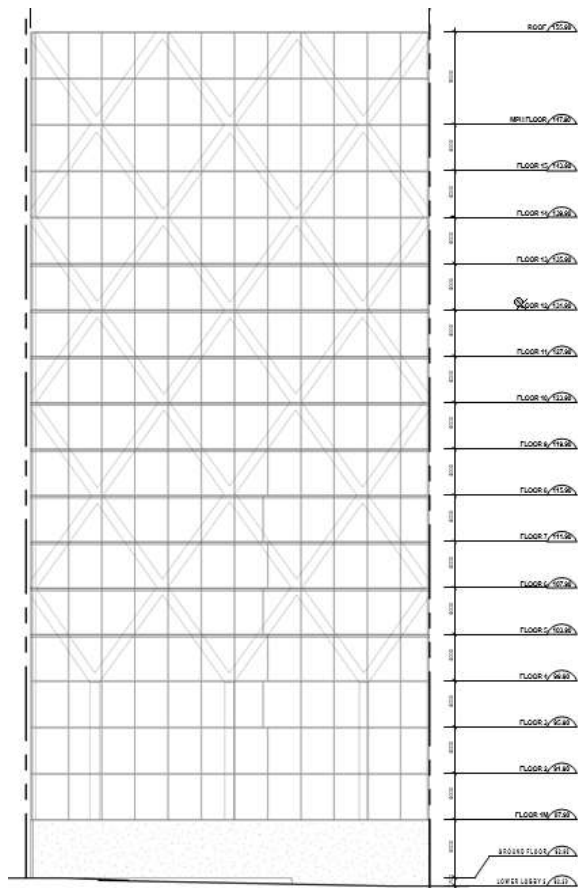
Attachment 6: Ground Floor Plan



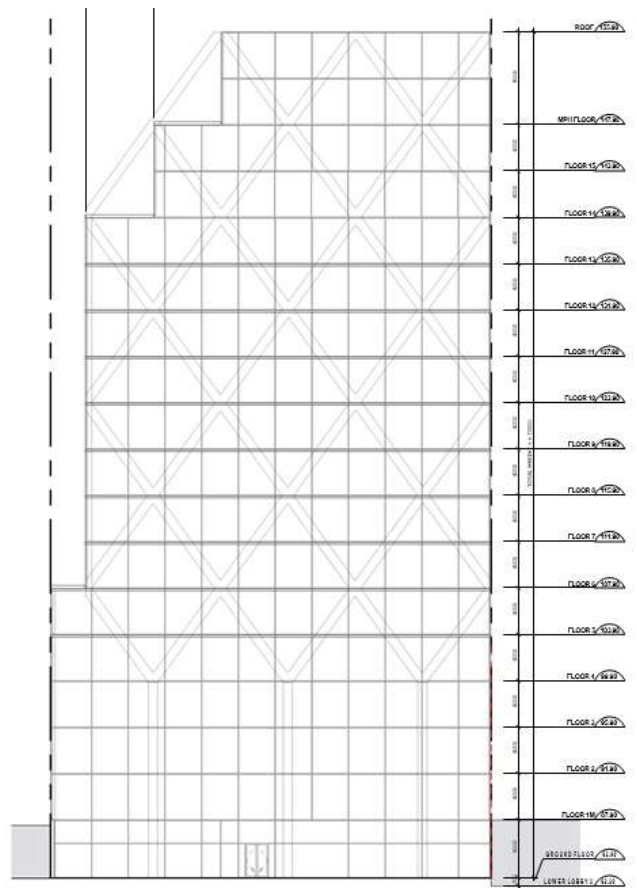
Attachment 7: Elevation (South and West)



Attachment 8: Elevation (North and East)



2 NORTH ELEVATION



1 EAST ELEVATION