

Community Planning Department - Toronto and East York District
18th Floor East, Toronto City Hall
100 Queen Street West
Toronto, ON, M5H 2N2

May 19, 2023
File# 11102

ATTN: The Chair and Members of the Toronto and East York Community Council
TE5.10

Weston Consulting is the Planning Consultant for the owner of the properties municipally known as 43 – 47 Davies Avenue in the City of Toronto (herein referred to as the “Dempsey Lands”). The Dempsey lands are located to the immediate north of the properties known as 33-39 Davies Avenue, (herein referred to as the ‘subject lands’) which are subject to Zoning By-law Amendment Application 21 161284 STE 14 OZ. We have reviewed the supporting materials associated with the application as well as the Staff Recommendation Report Dated 1 May, 2023. We agree with concerns outlined in the Staff Recommendation Report related to setbacks and tower setbacks, with detailed comments provided below.

The subject lands are currently zoned *I2 D3 – Industrial 2, Density 3*, by City of Toronto Zoning By-law 438-86, which permits various employment and service uses typical of a low-rise built-form, and allows for a density of 3.0 FSI, and a maximum height of 18 metres. The current zoning does not allow for office or retail uses. The applicant is proposing to rezone the property to permit office uses, increase the maximum height from 18 metres to 75 metres, with a maximum non-residential gross-floor area (GFA) of up to 19,000 sq.m. We are very concerned that permitting office uses, as well as the requested increase in height and density on the subject lands, without the implementation of a limiting spatial separation distance that conforms with the Ontario building Code would severely and unfairly limit our client’s ability to redevelop their property for higher-density uses in the future. A tall building with openings facing the property line with a zero-metre setback would unfairly require any future development on the Dempsey Lands to bear the onus of providing the entirety of the distance of spatial separation adjacent to the windowed portion of the proposed structure, thus unfairly reducing the potential future optimal use of the Dempsey Lands.

The applicant within their Addendum Planning Report, dated January, 2023, provides a claim on page 6 of the report that *“the properties to the north, individually or combined, are too small to allow for office floor plates, and are not likely to develop significantly beyond current permissions and therefore do not require the same setback.”* We wish to note that this claim is the opinion of the applicant, that the applicant does not reference any report or study in making this claim, and that the applicant is making assumptions regarding the marketability of office floor-plates smaller than that which they are proposing. This statement also fails to acknowledge the potential of the properties to the north being redeveloped for a use other than office, or that which is currently permitted in the future. This assumption fails to acknowledge that land use planning contexts, policies, methodologies and communities change and evolve over time. It is the opinion of the landowner and Weston that the site has development potential and refute the applicant's claims.

Weston Consulting supports the proposed use of the subject property, however the proposed zero-metre minimum interior side-yard setback, and lack of tower setbacks along the north property line fails to consider external impacts on the future development potential of the Dempsey Lands. Due to the concerns outlined above, Weston Consulting opposes the Applicant’s proposed development, and kindly request the Zoning By-law Amendment Application be refused in accordance with the Staff Report dated 1 May, 2023. We kindly request our comments be provided to staff and members of the Toronto and East York Community Council in advance of the meeting scheduled for May 24th, 2023. Should you have any questions about the comments

outlined above, please do not hesitate to contact the undersigned at extension 335, or Jacob Lapointe at extension 209.

Yours truly,
Weston Consulting
Per:



Katie Pandey, MAES, MCIP, RPP
Associate

c. Jacob Lapointe, Weston Consulting
Frank Dempsey, Dempsey Corporation
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