



PLANNING AND URBAN DESIGN

26 January 2024

City of Toronto  
Planning and Housing Committee  
10th Floor, West Tower, City Hall  
100 Queen Street West  
Toronto ON M5H 2N2

**Attention:** Nancy Martins, Administrator

Dear Committee Members,

**RE: PH9.1 - Ready, Set, Midtown: Zoning Review - City Initiated Zoning By-law Amendments for Select Lands Designated Apartment Neighbourhoods - Decision Report - Approval**  
**25 Davisville Avenue Site-Specific Comment Submission**  
**ZWD Developments Limited**  
WND File: 22.530

WND Associates has been retained by ZWD Developments Limited as the planning consultant for the lands municipally known as 25 Davisville Avenue in the City of Toronto (the “Subject Site”). This letter is provided with respect to the City’s Midtown Zoning Review planning study, proposing a City-initiated Zoning By-law Amendment for Midtown *Apartment Neighbourhoods*-designated lands, and further to the recommendations of Item PH9.1 contained within the Staff Report, dated 15 January 2024, being considered by Planning and Housing Committee on 29 January 2024.

On 30 November 2023, City Planning released a Draft Zoning By-law Amendment (the “Draft By-law”) relative to the *Apartment Neighborhoods* Character Areas identified by the Yonge-Eglinton Secondary Plan (the “Secondary Plan”). On 14 December 2023, we submitted detailed comments to City Planning staff as part of the public consultation for the Draft By-law, expressing our client’s concerns with the draft regulations, including proposed standards which would impose onerous restrictions with respect to landscaping, building height, upper storey setbacks, base building height and tower separation distances, among other matters.

As part of the staff-recommended Zoning By-law Amendment (the “Recommended By-law”) the zoning standards for the Subject Site remain generally unchanged since the release of the Draft By-law. In our opinion, the proposed regulations considerably limit the efficient use of land and infrastructure by restricting the appropriate redevelopment of the Subject Site in an as-of-right scenario, inadequately reflecting the site’s proximity to higher-order transit (Davisville and Eglinton Stations), including access to

surface transit, municipal infrastructure, services, and facilities. Moreover, the proposed standards do not adequately take into account the surrounding area's existing and planned context, including the direction of the Secondary Plan and City Guidelines.

### Subject Site

The Subject Site is a generally rectangular lot in the South Eglinton-Davisville neighbourhood in the City of Toronto, and is located southeast of the intersection of Yonge Street and Davisville Avenue. The Subject Site contains a 4-storey apartment building, with associated driveway, surface parking, and soft landscaping areas. The Subject Site is approximately 722 square metres in area with a frontage of 19 metres on Davisville Avenue and a depth of 38 metres (**Figure 1**).

The Subject Site is designated *Apartment Neighbourhoods* in the City of Toronto Official Plan and is currently zoned Residential R (d0.6) (x913) in City of Toronto Zoning By-law 569-2013. Building heights are permitted up to 38 metres according to the height overlay map, and apartment buildings, a range of residential building types and certain non-residential uses are permitted within the R Zone.

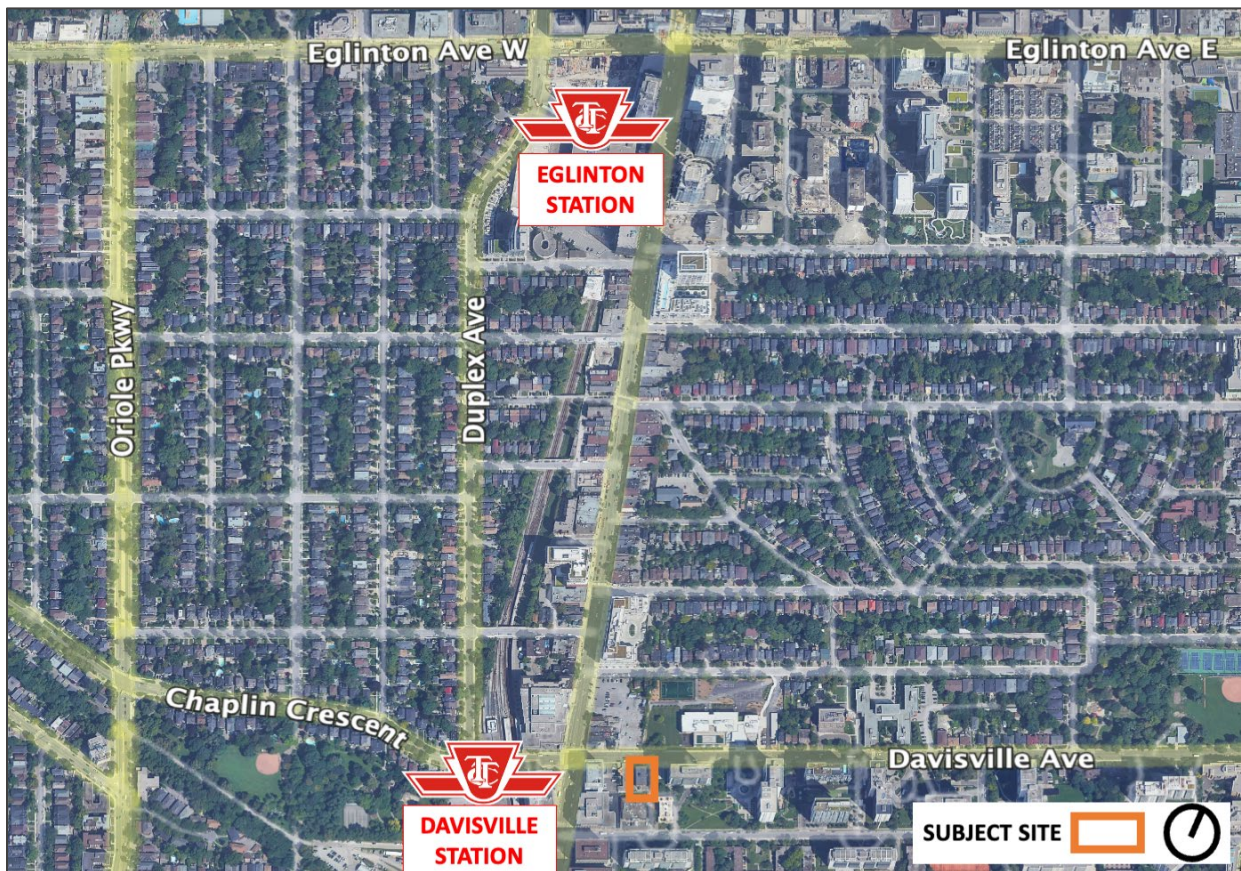


Figure 1: Aerial View of the Subject Site and distance to the nearest Major Transit Station Areas

The Subject Site is also within the boundary of the Secondary Plan, where it is designated *Apartment Neighbourhoods*, and further, within the *Davisville Character Area*, which is planned for heights of 25 to 40 storeys, with heights generally decreasing with increasing distance from the Davisville Subway Station (Figure 2).

City Council adopted Official Plan Amendment (“OPA”) 570 with respect to the implementation of 57 Protected Major Transit Station Areas (“PMTSAs”) across the City of Toronto. The Subject Site is located within the Davisville PMTSA in Site and Area Specific Policy (“SASP”) 722 of OPA 570. Map 2 of the PMTSA delineation assigns a minimum density on a site-specific basis. Properties on the south side of Davisville Avenue, and on the north and south sides of Balliol Street, are identified with a minimum FSI of 2.0 times the applicable site area (Figure 3). The PMTSA is also planned for a minimum density target of 350 residents and jobs per hectare.

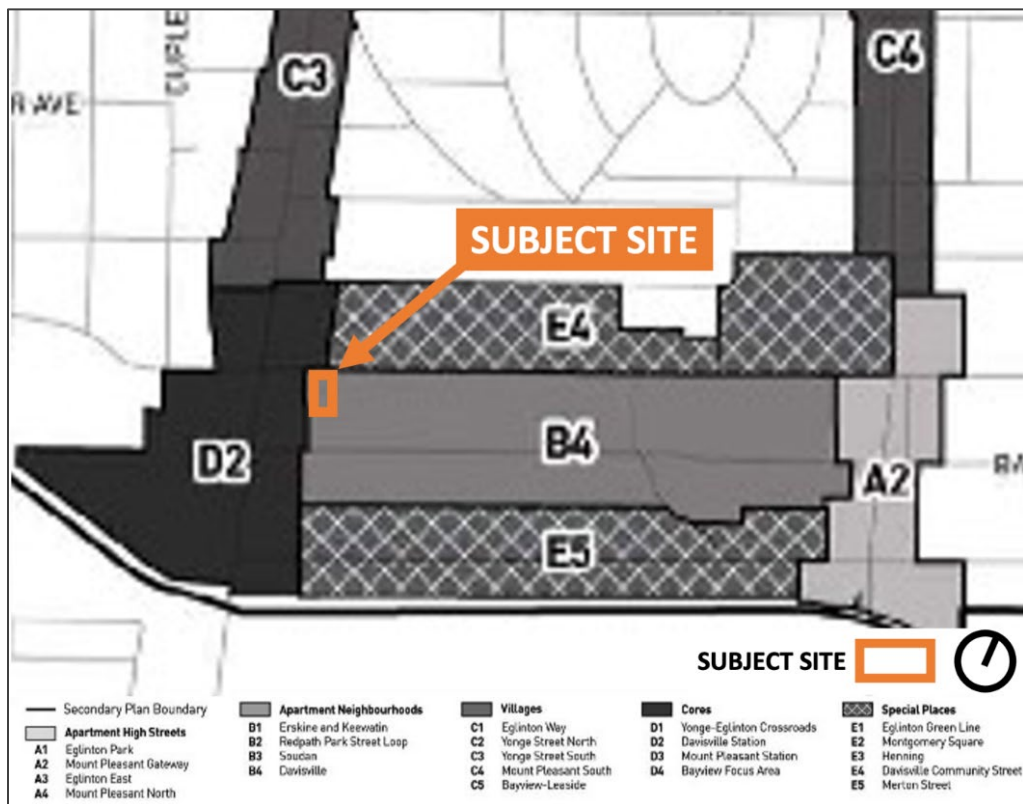


Figure 2: Location of the Subject Site on Map 21-2 Midtown Character Areas of the Yonge-Eglinton Secondary Plan



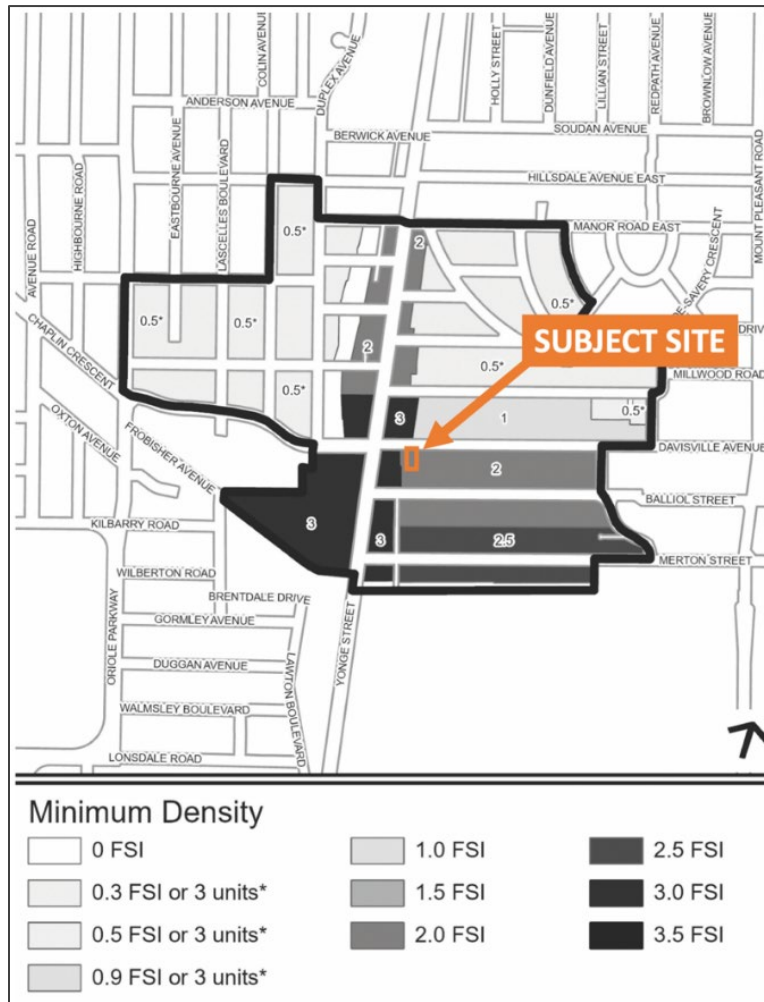
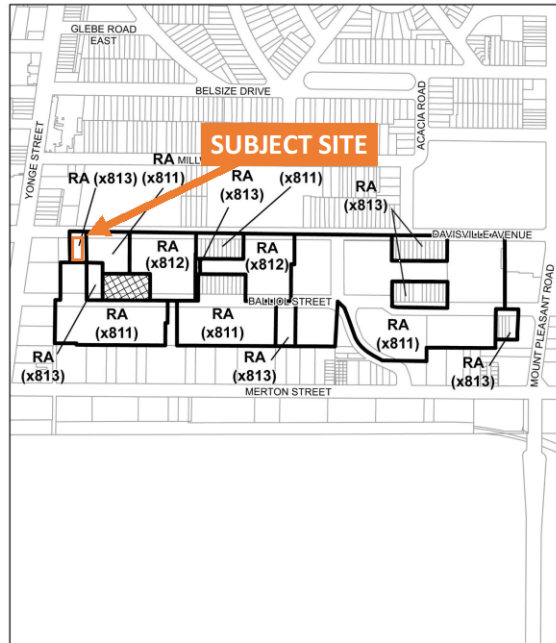


Figure 3: Location of the Subject Site on Map 2 – Site and Area Specific Policy 722

### Analysis of Recommended By-law

The Subject Site is proposed to be zoned **Residential Apartment (RA) Exception (x813)** according to Map 3E of the Recommended By-law (**Figure 4**). The Subject Site is also shown on Map 4D as having a proposed maximum permitted height of 30 storeys and 93 metres (**Figure 5**).

The following sections of this letter provide our review and analysis of the Recommended By-law.



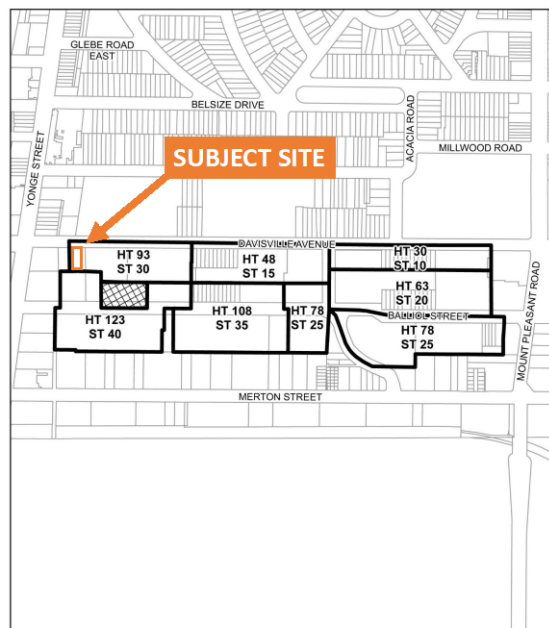
**Toronto**  
 Diagram 3E

File #: 18 244598 CPS 00 0Z

Lands not part of this by-law

City of Toronto By-law 569-2013  
 Not to Scale  
 01/12/2024

Figure 4: Location of the Subject Site on Diagram 3E



**Toronto**  
 Diagram 4D

File #: 18 244598 CPS 00 0Z

Lands not part of this by-law

City of Toronto By-law 569-2013  
 Not to Scale  
 01/12/2024

Figure 5: Location of the Subject Site on Diagram 4D

### **1. Minimum landscaping requirements**

Regulation 8.(B) of the Recommended By-law sets out the following minimum landscape requirements:

- *Despite 15.5.50.10 (1), a lot in the Residential Apartment Zone category must have:*
  - (i) *A minimum of 40% of the area of the lot for landscaping; and*
  - (ii) *A minimum of 65% of the landscaping required in (i), above, must be soft landscaping;*

It is common to expect and achieve reduced landscape standards through development applications within *Apartment Neighbourhoods*, especially in PMTSAs. A 40% landscaping requirement is onerous, does not reflect the existing or urban nature of the Subject Site and conflicts with the development potential of the site which is recognized by the Secondary Plan and the height mapping of the Recommended By-law.

### **2. Minimum and maximum building heights**

Map 4D of the Recommended By-law proposes to introduce new maximum height permissions. The Subject Site is within an area where the proposed permitted height is a maximum 30 storeys (93 metres).

Although it is generally positive that the site is being recognized as having potential for tall building development, the proposed height does not align with the Secondary Plan's anticipated height range for the *Davisville Character Area*, and generally speaking, is also inconsistent with the policies of the Secondary Plan which contemplate a transition of buildings heights down as distance increases from Davisville Station (with no such policy from north to south). As noted above, the Subject Site is located in close proximity to Davisville Station and at the western edge of the Davisville Character area; therefore, at a minimum the Recommended By-law should reflect the upper height range of the Secondary Plan at 40 storeys. Based on approved buildings in the character area, the height values that are currently proposed in the Recommended By-law indicate that the proposed height limits would not implement the built form transition that is envisaged by the Secondary Plan.

### **3. Setting minimum setbacks**

Regulation 8.(J) sets out the following minimum street yard setbacks in the RA Zone as follows:

- (ii) *6.0 metres for lots abutting Keewatin Avenue, Davisville Avenue, Balliol Street, Soudan Avenue, Holly Street, Dunfield Avenue, Lillian Street, Redpath Avenue, and Brownlow Avenue;*

Similarly, Regulation 8.(L) provides a minimum rear lot line setback requirement of 7.5 metres.

There are recently approved Zoning By-law Amendment applications within the *Davisville Character Area* which provide permissions for minimum street yard setbacks below 6.0 metres. These examples also

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provide minimum rear yard setback distances of less than 7.5 metres. When taking the proposed street and rear yard setbacks together, and the Recommended By-law's proposed tower stepbacks from the podium, tower separation distances, and tower setbacks from the side property lines, the Subject Site's potential to accommodate meaningful redevelopment would be severely impacted.

In our opinion, it is inappropriate to enforce rear and street yard setback distances that will enable an incohesive building pattern along the streets within the *Davisville Character Area*, while at the same time unnecessarily limiting meaningful development on sites in close proximity to a subway station.

#### **4. Regulating building entrances**

Regulations 8.(O) of the Recommended By-law set out regulations requiring pedestrian entrances to lobbies and residential units to "*face and be directly accessible from*" public streets and pedestrian walkways. In our opinion, this level of detailed design control is not necessary, may not reflect the best design solution for individual sites, and is subject to unpredictable interpretation by City Planning and Building staff.

#### **5. Setting minimum building step backs**

Regulations 8.(Q), (T), (V) of the Recommended By-law sets out the following regulations requiring the tower portion of a tall building to be stepped back from its base building:

- *Every building with a height greater than 20.0 metres plus the required front yard setback must comply with the requirements of (R) to (U) below for the portions of a building which collectively enclose the entirety of a storey above the following heights:*
  - (i) *above the 4th storey of a building; or*
  - (ii) *a height of 15.0 metres, whichever is less;*
- *Any part of a building identified in (Q) must be set back:*
  - (i) *at least 3.0 metres from the building setback of the highest storey of the building located below that point;*
- *Every building on a lot located west of Mount Pleasant Avenue with a height less than 20.0 metres plus the required front yard setback must comply with the following:*
  - (i) *any part of a building, located above a height of 19.5 metres, must be set back at least 3.0 metres from the building setback of the highest storey of the building located below that point;*

The proposed zoning standards would seek to secure a uniform four-storey base building on the Subject Site with greater tower step backs than the values associated with recently approved, and staff-supported, applications in the same Character Area which deviate from these proposed standards. Additionally, Policy Section 5.3.38 of the Secondary Plan sets out that base building heights may exceed the four storeys generally considered for the *Apartment Neighbourhoods* Character Area. These step back requirements are onerous and do not provide for design flexibility on a site-specific basis.

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## **6. Setting minimum building separation distances between tall buildings**

Regulations 8.(R) and (S) set out the following proposed standards for minimum tower setbacks and separation distances:

- *Despite regulations 15.10.40.70(2), (3), and (4), the required minimum side yard setback and rear yard setback for the portion of the building specified in (Q) is 15.0 metres;*
- *Despite regulations 15.10.40.80(1) and (2), if a line projected at a right angle from a main wall of a building intercepts another main wall, the required minimum above-ground separation distance between the main walls for the portion of the building specified in (Q) above is 30.0 metres from:
  - (i) *another building on the same lot; and*
  - (ii) *another main wall of the same building.**

In our view, this proposed standard for 30-metre minimum tower setbacks is inconsistent with: i) the policy intent of the Secondary Plan to intensify underutilized *Apartment Neighborhoods* sites with new compact development forms; ii) the Tall Building Design Guidelines which generally recommend tower setbacks of 12.5 metres for 25 metres of tower separation (on the same site); and, iii) many recent pre- and post-OPA 405 development approvals in the Secondary Plan's *Apartment Neighborhoods* which have established tower setbacks less than what is being proposed by the Recommended By-law. In our opinion, it is inappropriate to seek to apply new standards that are not based on any policies or guidelines, and not generally achieved on most development across the City for new tall buildings.

## **7. Setting a maximum floorplate size for tall buildings**

Regulation 8.(U) proposes the following regulation with respect to maximum tower floorplate size:

- *The permitted maximum floor area for each storey of a building containing residential uses, as specified in (Q) above, is 750 square metres, measured from the exterior of the main wall of each floor level and inclusive of the entire floor, excluding inset and projecting balconies;*

The Secondary Plan provides flexibility for floorplate areas to exceed 750 square metres without an amendment to the plan when other urban design considerations are satisfied. Moreover, there are many examples of floorplates which exceed 750 square metres within the same *Apartment Neighborhoods* area.

## **8. Setting minimum requirements for 2- and 3-bedroom units and unit size**

Regulation 8. (X) seeks to secure the following:

- *A building containing 80 dwelling units or greater must comply with the following:
  - (i) *a minimum of 15 percent of the total number of dwelling units in a building on the lot must contain two bedrooms;**



- (ii) *a minimum of 10 percent of the total number of dwelling units in a building on the lot must contain three or more bedrooms;*
- (iii) *in addition to the requirements of (i) and (ii) above, an additional 15 percent of the total number of dwelling units in a building on a lot must include a minimum interior floor area of 87 square metres; and*
- (iv) *for the purposes of applying i), ii), and iii), dwelling units that are required to be replaced, including pursuant to Section 3.2.1.6. of the City of Toronto Official Plan and/or secured through s.111 of the City of Toronto Act, are excluded from the above calculation;*

The Province has eliminated the minimum unit size requirement from the Downtown Secondary Plan (OPA 406) which it has approved with modifications in June 2019. Additionally, securing a minimum unit size for a certain amount of units is, in our opinion, inconsistent with the directives of the Secondary Plan's housing policies (Section 7.1) which sets out the following policy direction that supports the use of design measures as opposed to securing minimum unit areas: *7.1.c. an additional 15 per cent of the total number of units will be a combination of 2-bedroom and 3-bedroom units, or units that can be converted to 2-bedroom and 3-bedroom units through the use of adaptable design measures.*

### Conclusion

When taken together, in our opinion the above regulations create onerous restrictions for the appropriate redevelopment of the Subject Site in an as-of-right scenario, and limit intensification of a property in close proximity to Davisville Station and existing transit, municipal infrastructure and other amenities.

The standards proposed by the City with respect to landscaping, building height, upper storey setbacks, base building height and tower separation distances do not adequately take into account the surrounding area's existing and planned context, including the Secondary Plan and City Guidelines.

We would be pleased to meet with City staff to discuss alternative site-specific standards for the Subject Site that more fulsomely recognize its potential to accommodate intensification commensurate with the Yonge-Eglinton Secondary Plan, PMTSA identification, the existing and planned context, and to mutually achieve a zoning outcome for the property which reinforces an efficient pattern of high-rise development within the block context.

We trust that the information included within this comment letter is complete and comprehensive, and sufficient to allow for further review of the Recommended By-law prior to advancing the project to Council. Should you have any questions, please do not hesitate to contact the undersigned. We request that the undersigned of our office be circulated on any Notice(s) of Decision with respect to this matter.

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Yours very truly,

**WND associates**

planning + urban design

A handwritten signature in black ink, appearing to read 'Tyler Peck', with a long horizontal flourish extending to the right.

Tyler Peck, MCIP, RPP  
Senior Associate

cc. Matt Armstrong, Senior Planner, Strategic Initiatives, City Planning

