

4 February 2019

Committee of Adjustment
Etobicoke York Panel
2 Civic Centre Court, 4th floor
Toronto, ON M9C 5A3

Attention: Nicole Milrose, Application Technician (Nicole.Milrose@toronto.ca)

RE: 1144 DAVENPORT RD – MINOR VARIANCE APPLICATION (A0671/18EYK)

Dear Committee of Adjustment members,

We, Helena Grdadolnik and David Colussi, are the owners of 1157 Davenport Road, a mixed-use building. Since 2009 we have resided in the second floor residential unit and we run our business, Workshop Architecture, from the main floor commercial storefront.

As residents, property owners and business owners in the area we do not support the proposed minor variance to remove the commercial use on the ground floor of 1144 Davenport Road.

How this proposal will negatively impact the enjoyment of our property and neighbourhood:

We are not opposed to an increase in residential units at the site, or an increase in area for residential or commercial use at the site. What we do oppose is the proposed removal and loss of the commercial storefront and how it will break up the potential viability and vitality of the remaining commercial spaces at Davenport and Ossington now and into the future. Also, we are worried about the precedent it will set for the remaining commercial spaces in our “village” of commercial storefronts and the area’s walkability. See **Exhibits A and B** attached.

We are in plans to move our office to a larger space we purchased nearby. In our search it became obvious that commercial spaces were in high demand for purchase and rental in this part of Davenport and in Toronto. The commercial spaces in this stretch of Davenport have been left vacant not because they are not leasable (we already have received interest in leasing our space, despite not advertising), but because the owners of these building have decided not to lease them.

The current owners of 1144 Davenport gave notice for the active bike store to move out when they purchased the building in 2016 and they have left the space empty for almost two years. As the articles attached as **Exhibits E and F** demonstrate, the City has not been protecting needed commercial and retail space – there has been a lot of land rezoned to residential throughout the city. The second article about office use of commercial storefronts does not mention that one reason office spaces are moving into storefronts is because many small businesses are being pushed out of downtown office buildings due to high rents. Storefront spaces such as the one that is proposed to be removed at 1144 Davenport Road and the one at 1157 Davenport where we started our business, have been successful in providing retail, restaurant and office incubation spaces for businesses in Toronto for many years.

The proposal for 1144 Davenport Road does not pass the four tests that the Committee of Adjustment must apply to a Minor Variance application:

1. The variance requested is NOT minor.

- a) The variance requested constitutes a re-zoning from MCR (mixed-use commercial residential) to RM (multi-family residential).

2. The proposal is NOT desirable/appropriate development.

- a) The residential use, entrances and façade on the ground floor facing Davenport are inconsistent with the streetscape on Davenport at Ossington. The proposed elevation and residential use would create a break in the continuity of commercial storefronts at this location and would be detrimental to the character of the commercial village in our neighbourhood. See **Exhibit B** attached.
- b) Removing the neighbourhood-level commercial space and replacing it with Residential Unit 1 and Residential Unit 2 (which are new residential units, not existing as labeled – see **Exhibit A**) would be detrimental to maintaining the walkability of the area, both for the loss of the storefront at this site and for the precedent it will set for other MCR-zoned properties on this block.
- c) Although we support increased residential uses on site and would like to see more affordable residential options in our neighbourhood, the basement Residential Unit 4 is not desirable or appropriate residential development:
 - The sole windows to the subterranean apartment are light wells on the front façade which are located above the bedroom ceiling height. The bedroom ceiling height is below grade. There is also a window in the living room facing north to a 12'-0" deep walk-out that includes the stair access to the residential unit. See **Exhibit D** section.
 - Furthermore, the window in the living room is less than 5.5m from the far wall of the walk-out, this does not meet the zoning setback requirements.
 - There are two windowless studies with closets that are the same size as the two bedrooms in the subterranean apartment. There is worry that these may be intended to be used as illegal bedrooms.
 - The sole entrance and exit to the subterranean unit is off the 12'-0" deep walk-out that is located at the base of the Davenport hill, an area that is prone to flooding during storm events.
- d) We have no issues with the existing Residential Unit 3 on the second floor, the new Residential Unit 6 on the third floor, and the roof gardens. We support and encourage this type of appropriate residential development to bring more affordable, livable housing options to our neighbourhood.

3. The general intent and purpose of the City's Zoning By-law are NOT maintained.

- a) MCR is for mixed commercial residential use with residential secondary to a commercial use on the ground floor. The proposal removes the commercial use completely and replaces it with a multi-residential building.

4. The general intent and purpose of the Official Plan are NOT maintained.

- a) This property is designated *Neighbourhood* in the Official Plan. The Official Plan states, "Development in established Neighbourhoods will respect and reinforce the existing physical character of the neighbourhood" ... "No changes will be made through rezoning, minor variance, consent or other public action that are out of keeping with the physical character of the neighbourhood." The proposal is not in keeping with the physical character of the streetscape and

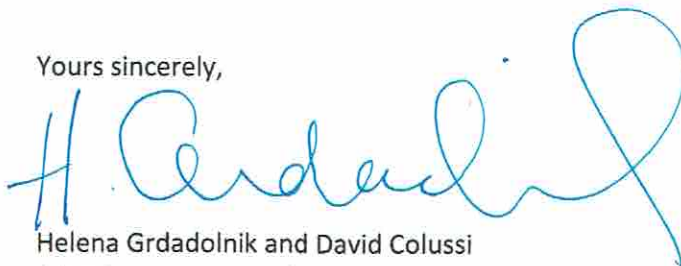
the village node on Davenport (see **Exhibit B**) and it is not in keeping with the urban form in the neighbourhood.

Furthermore I would like to point out that there is incorrect and misleading information in the application, including the following:

- A2.00 – The 12'-0" walkout and staircase was not an existing condition. See **Exhibit C**.
- A2.01 – The residential units are mislabeled. There were no existing legal residential units on the ground floor. There was only one two-bedroom residential unit on the second floor. Before the recent demolition, this was a commercial storefront on the full ground floor and basement that had operated as a retail space for bike sales and repair for many years, and at least as far back as 2009 when we moved into the neighbourhood. See **Exhibit A**.
- A4.03 – The rooms in the basement are incorrectly labelled. The three rooms labelled "storage" should be labeled "bedroom", "study" and "living room".
- A4.03 – This section does not show the light wells on Davenport, they provide the only natural light source for the bedrooms. The section does not show the north-facing walk-out which is 12'-0" below grade. This is the sole entrance/exit to the basement unit and the only source of light for the living/dining and kitchen areas. There are no other windows in this 1174 sqft residential unit, and there would be no other way to escape in the event of flooding in the 12'-0" deep walk-out at the base of the Davenport escarpment. See **Exhibit D**.

In conclusion, we are opposed to the minor variance application and request that this application be denied. Please notify us of the Decision on this file.

Yours sincerely,



Helena Grdadolnik and David Colussi
1157 Davenport Road
Toronto, ON, M6H 2G4

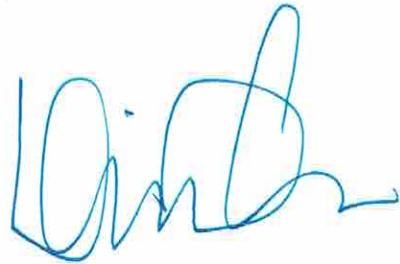


EXHIBIT A



Image A1. Google Streetview image of 1144 Davenport Road with L + J Cycle in July 2009.



Image A2. Google Streetview image of 1144 Davenport Road with L + J Cycle in July 2016

EXHIBIT B



Photo B1. Photo taken on 4 October 2018 of the northside of the commercial “village” at Davenport and Ossington. With two commercial mixed-use buildings with commercial storefronts to the west of 1144 Davenport Road and four mixed-use buildings with commercial storefronts to the east of 1144 Davenport Road.

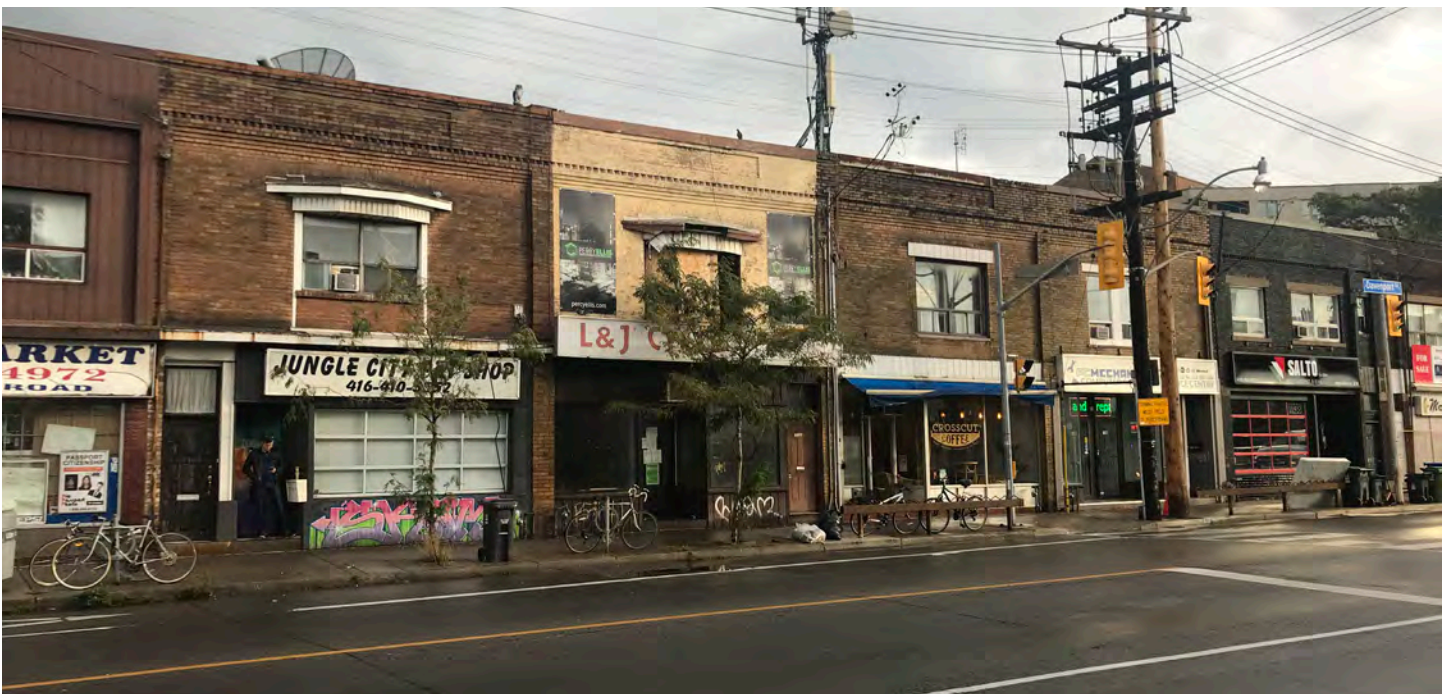


Photo B2. Photo taken on 4 October 2018 of the northside of the commercial “village” at Davenport and Ossington with 1144 Davenport Road in the centre (formerly L + J Cycles).

EXHIBIT C

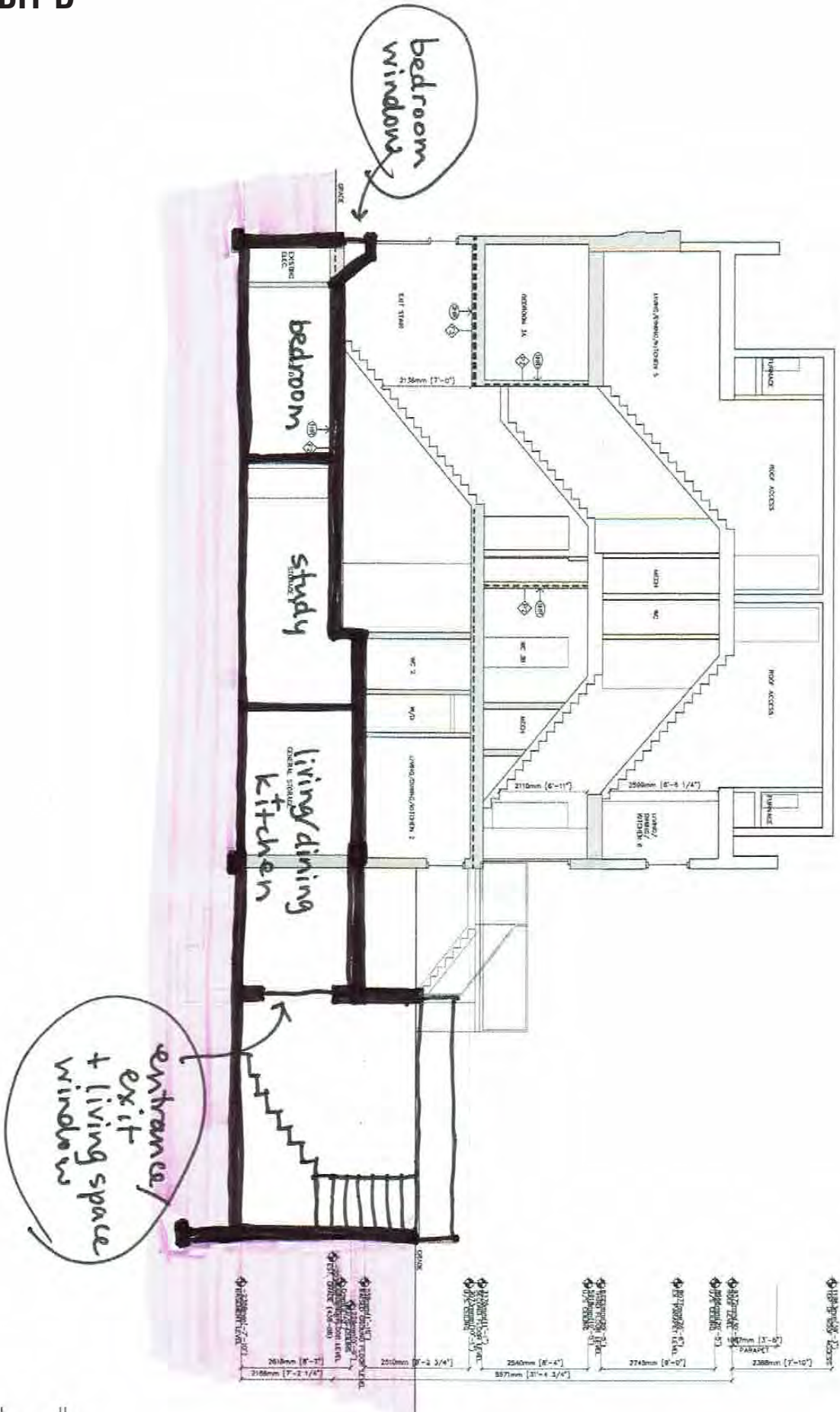


Photo C1. Photo taken on 4 October 2018 of the current state of 1144 Davenport Road construction.



Photo C2. Photo taken on 4 October 2018 of the current state of 1144 Davenport Road construction.

EXHIBIT D



THE LISTING

Toronto land zoned for employment use is shrinking

SHANE DINGMAN >

TORONTO

PUBLISHED SEPTEMBER 28, 2018



The downtown Toronto skyline on June 15, 2018.

MARTA IWANEK/THE GLOBE AND MAIL

In the past 12 years, the city of Toronto has boomed in population, jobs and property values, but one key measure in the city has been shrinking: the amount of land zoned purely for employment has shrunk by almost 10 per cent.

The key driver of this erosion has been the creeping encroachment of residential development on some of the land protected for employment use only. According to the city's planning department, in 2006, there was 8,941 hectares of land devoted to commercial uses such as factories, retail, warehouses and office buildings; by 2018 that number had slipped to 8,063 hectares (9.8 per cent less).



While roughly 900 hectares seems like a postage stamp in a city spread across 63,000 hectares, it's the equivalent of six High Parks or four Downsview Parks converting from just employment to other uses.

STORY CONTINUES BELOW ADVERTISEMENT

According to Kerri Voumvakis, director of strategic initiatives, policy and analysis at Toronto's City Planning Division, it's almost always a one-way street. In fact, she can only recall one instance in her 30-year career where land zoned for residential was converted back to commercial use (a 2012 case where pharmaceutical-maker Sanofi Pasteur Ltd. was able to rezone an empty lot next to its Steeles Avenue West facility).

Even though the city has strong official plan standards that mandate any mixed-use rezoning must make space to replace the same number of jobs that existed on the site previously, it's also clear that not all jobs need the same amount of space. Simply put, there may be fewer factory or warehouse jobs in the city, but they require much more land.

"Not everyone's going to work in an office environment," Ms. Voumvakis said. "Having a broad-based economy, where Toronto has warehousing various manufacturing clusters of employment, it provides a better array of employment opportunities within the city's boundaries."

There's no question that Toronto is an office-worker town: Out of 1.5 million jobs categorized in the city's 2017 employment survey, about half – 740,180 – were office work (up 3.7 per cent from 2016). By comparison, only 132,250 jobs were in manufacturing, but the category actually grew faster: 6.7 per cent in 2017 adding 8,260 jobs after years of decline (about 16,910



drawbacks.

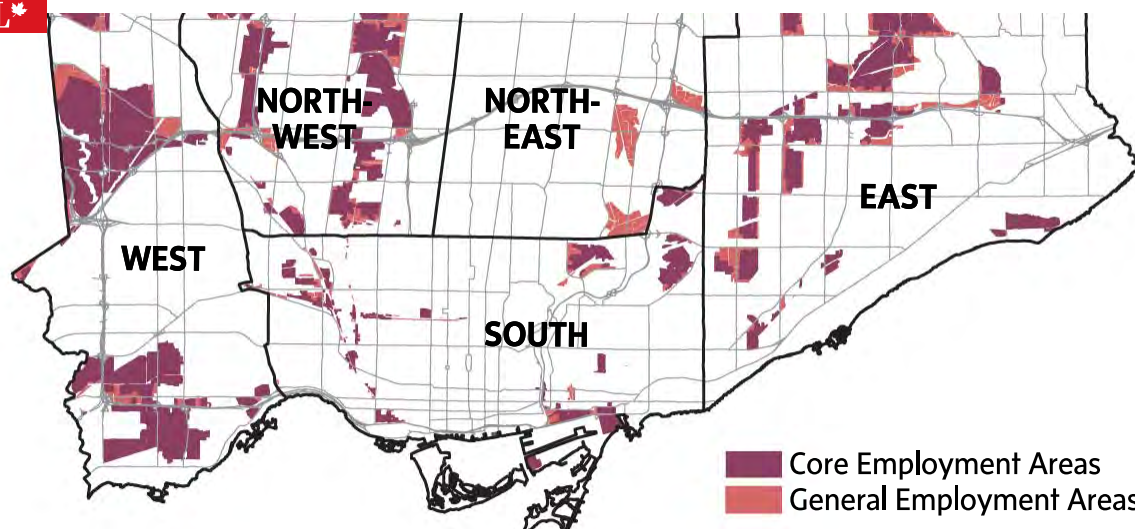
“It’s a growing city. Part of making space for more people means building more residences, but what if we develop a place that has far more residents than employment? That’s a very inefficient way to create space,” Ms. Brail said.

Oftentimes, Ms. Voumvakis said, residential transformations tend to sneak up on employment-only zones in a multistage process. “When you have retail at the edges of employment areas, historically what you started to see was pressure for those retail areas to become residential,” she said. “When the residential areas exist, you get pressure on the interior employment lands [to convert].”

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The Toronto Board of Trade recently published a report calling for better protection of these employment lands noting that time and again “employment areas ... are crowded-out by residential, and residentially focused, mixed-use development in growing cities like Toronto.”

The Board called for a better defining of what these lands are for and who should promote them, and also a harmonizing of Toronto’s employment zone planning with those in nearby municipalities.



THE GLOBE AND MAIL / TORONTO CITY PLANNING
RESEARCH AND INFORMATION; NOVEMBER, 2016

If the city doesn't move fast, the report warns, the city's existing vacant industrial land could be absorbed by 2031, "after which time, any new industrial production would be dependent on the redevelopment of existing properties."

One example of the kind of slow residentialization of manufacturing lands can be found at a 2.76 hectare site at 1001 Ellesmere Rd., which until 2008 was home to a 17,744 square-metre metal-stamping factory. As part of the formulation of the city's 2013 official plan, the owner, The Goldman Group, applied to make the whole site mixed use. The city allowed only half the land to convert to mixed use. The developer appealed to the Ontario Municipal Board to turn the site 75 per cent residential and, in 2015, succeeded in getting a ruling from the quasi-judicial tribunal to allow for 95 townhouses (under construction now by Mattamy Homes) and employment requirements that would be met by a four-storey office building squeezed onto the edge of the lot.

A similar process played out at another Goldman-owned property at 743 Warden Ave., although in that case the city settled at the OMB in part because it had already consented to



from residents.

WORKSHOPARCH

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“The type of manufacturing and companies that are moving into the ward are high tech,” Ms. Holland said. “They could set up shop next to a residential area. It’s a live, work and play environment: You want areas of growth, and to do that you need local employment so they aren’t having to travel long distances.”

Dr. Brail agrees, and said that, as the city works on its next update to the official plan, it needs to focus not just on the historic uses of commercial land, but build in some flexibility for an uncertain future.

“We’re currently in a period of unprecedented rapid change in the types of jobs we have in automation and retail,” Dr. Brail said. “You need to be thinking about how we transform employment lands that enables [Toronto] to transition into a 21st-century city.”

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Dentists on Queen West in Toronto? Worries mount about professional offices replacing retailers on main streets

SARAH EFRON > SMALL BUSINESS EDITOR
PUBLISHED SEPTEMBER 9, 2018

Keen observers have noticed an unexpected trend in the ultra-hip West Queen West area of Toronto – a proliferation of dentists' offices.

"Right across from the Drake Hotel there's a dentist's office and half block south another one just opened," says Antonio Carvallo, a realtor with Re/Max Hallmark Bibby Group. He says there are two other dentist offices moving in on nearby Sudbury Street, just off the main retail strip. "It just doesn't look good. It takes away from the whole culture of the neighbourhood."

According to John Kiru, executive director of the Toronto Association of Business Improvement Areas, Mr. Carvallo's observation is part of a bigger trend. In recent years, Mr. Kiru has noticed service businesses are replacing small retailers on main streets across the Greater Toronto Area. While there has always been some service businesses and professional offices at ground level in retail strips, Mr. Kiru says the trend is accelerating as independent retailers face pressure from rising property tax assessments and online retailers such as Amazon.

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"The doctors and dentists who traditionally occupied second storeys, and some of the other professionals, such as accountants and lawyers, are seizing on the opportunity to move to the



Mr. Kiru points to Etobicoke's Lakeshore Blvd. West, Leslieville, east of downtown and the Jane and Annette streets neighbourhood north of High Park as examples of areas where he's seen street-front retail space converted to offices or daycare centres. Glenn Miller, senior associate at the Canadian Urban Institute, says he's noticed the same thing happening in his midtown neighbourhood, on Yonge Street north of Eglinton Avenue. "Over time, it tends to take away from what makes the street attractive in the first place," he says.

Most of the time, switching from retail to a professional office or service use on a property doesn't require a rezoning in the City of Toronto. Mike Williams, the city's general manager of economic development and culture, says the issue of retail shops being converted to office space will be looked at as part of an upcoming study on retail trends.

The city has also been looking at ways to reduce the burden that soaring property assessments are having on small businesses. The property tax issue will undoubtedly surface again next year after a new City Council is in place following this fall's municipal election.

However, not everyone sees the loss of retail space on main streets as a negative. James McKellar, a professor at the Brookfield Centre in Real Estate and Infrastructure, says professionals aren't forcing out retailers, but are filling in vacant space, particularly in newly built condos.

"The City requires you to put retail at grade in all new condos and there's just not enough retail demand," says Mr. McKellar. "Retail is based on location, and if someone builds condo for residential, it might be a lousy location for retail. When developers put it in, they factor in zero rent because they know it will just be a bonus if they can get someone to move in there."

STORY CONTINUES BELOW ADVERTISEMENT



Mr. McKellar says we need to accept that online shopping is making permanent changes to retail. “These business organizations are looking at the past, when neighbourhoods depended on local retailing. You can’t make the city look like something it was in the 1930s and ’40s. You have to recognize the demand for that kind of retail is diminishing and figure out how to animate sidewalks in a different kind of way.”

Tinkering with zoning or regulations to try and save a city shaped by forces in place decades ago is not the answer, according to Mr. McKellar.

“If you want to animate the streets, why not put schools, daycares and libraries there? I think we have to change our whole attitude towards how we actually occupy the space and figure out a different way to build the city.”

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