

**VIA EMAIL**

February 14, 2022

City of Toronto  
Toronto and East York Community Council  
100 Queen St. W, 2<sup>nd</sup> floor  
Toronto ON  
M5H 2N2

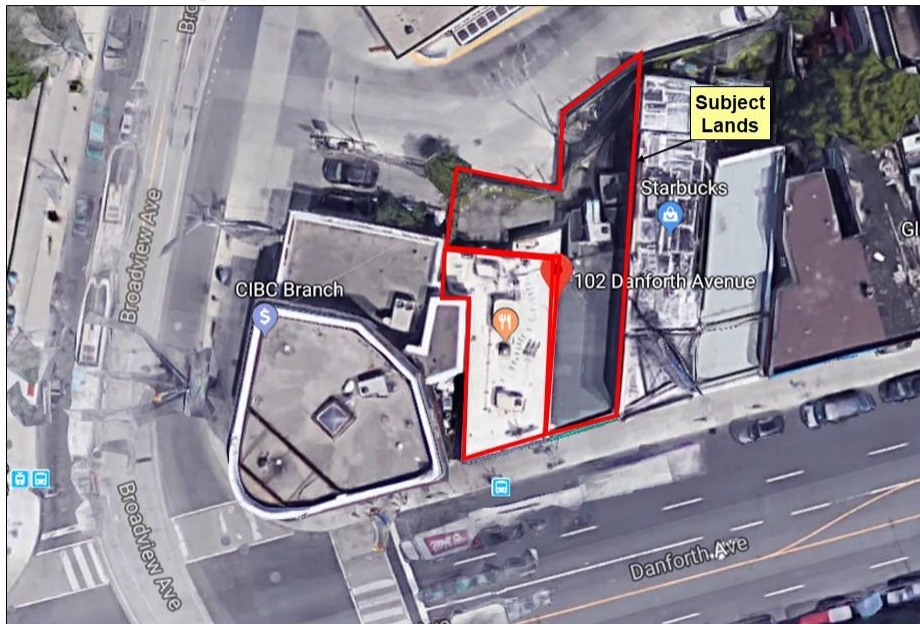
Attention: City Clerk

**Re: Draft Official Plan Amendment: No. 19 116448 SPS 00 OZ  
Danforth Avenue Planning Study  
Preliminary Comments on Behalf of 98 Danforth Avenue Inc. and 102  
Danforth Avenue Inc.  
98 and 102 Danforth Avenue  
Toronto, Ontario  
Our File: MAV/TOR/19-02**

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We are the planning consultants for 98 Danforth Avenue Inc. and 102 Danforth Avenue Inc. (referred to herein as “Maverick”) for the City of Toronto Official Plan Review related to the Danforth Avenue Area. Maverick is the landowner 98 and 102 Danforth Avenue in the City of Toronto (“Maverick Lands”). The Maverick Lands are generally shown in Figure 1 below for context, and are currently built with single storey commercial buildings. The Maverick Lands back on to Broadview subway station.

Figure 1  
Locational Setting – 98 and 102 Danforth Avenue



Location and boundaries are approximate

On behalf of Maverick, we have been monitoring the Official Plan Review process related to the Danforth Study. We have reviewed the Draft Official Plan Amendment and Staff Report dated January 31, 2022 and the available appendices in the context of the Maverick Lands and we have preliminary comments as outlined below.

### **Preliminary Comments on Draft City of Toronto Official Plan Amendment**

Based upon our review of the Draft Official Plan Amendment:

- According to Map 1 Study Area, the Maverick lands are identified as being within the Study Boundary, and also identified “For Further Study”;
- According to Map 2 Public Realm, the Maverick lands appear to be identified with “Front setback from curb – 4.8m min”; and
- According to Map 3A Policy Areas, the Maverick Lands are identified as being within Policy Area A.

At this time our preliminary comments for the Draft Official Plan Amendment are as follows:

- Lands are identified as being “For Further Study”, due to their adjacency to Broadview subway station, and as a result being identified within a Major Transit Station Area (MTSA). We understand that a separate planning study is ongoing to inform the lands within the MTSA. We seek clarification as to how these planning processes are intended to align, and whether the Danforth Avenue OPA will be applicable to the lands long term, or if the MTSA planning context will supersede the proposed policy. Additionally, it is unclear if the Danforth Study and draft policies are intended to inform the policies of the MTSA for Broadview Station. It is unclear how these processes do or do not align, and the vision for the Maverick Lands, given the overlapping planning studies;
- Draft Policy 4.3 states that “Developments in Policy Area A will not cast net-new shadow on sidewalks on the north side of Danforth Avenue and on parks and open spaces as measured from 12:00 noon – 5:00 p.m. from March 21st to September 21st to enhance thermal comfort and preserve their utility.” We are concerned with the implications of this policy for redevelopment of the Maverick Lands, considering their existing context as 1 storey buildings. We are concerned that such a policy may be overly prescriptive considering the Maverick Lands context, and are reviewing this policy in further detail;
- Draft Policy 6.1 requires that, amongst other matters, development be setback 4.8m from the curb to the building face, the inclusion of a minimum 7.5m rear yard setback (can include a lane where one exists), and would require setbacks of between 1.5 and 3m at both the front and rear yards, for development above 14m in height. We suggest revisions to remove specific numerical setback and setback requirements in the draft Official Plan Amendment. We have concerns with the draft Official Plan policy related to setbacks and setbacks, for the following reasons:
  - In our submission, the draft OPA provisions are overly prescriptive as it relates to site design matters. Such specific built form matters and numerical standards are in our professional opinion, better suited as Zoning Standards or Urban Design Guidelines. Indeed, the draft Urban Design Guidelines contain identical built form standards as is outlined by the draft policy;

- An amendment to the Official Plan would be required to modify setbacks or stepbacks requirements, which, in our professional opinion, is onerous to be proposed for such an expansive area;
- The proposed Official Plan built form standards significantly impact any redevelopment feasibility on the Maverick lands, where otherwise redevelopment could be considered appropriate. At its shallowest point, the Maverick lands have a depth of approximately 20m. A 7.5m setback to the rear lot line represents over a third of the land area. When considering the setback to the curb face, and stepbacks of 3m at the front and rear of the building, we estimate approximately 14.5m of space on upper storeys to be undevelopable (to be confirmed based on sidewalk width). This results in a developable footprint of approximately 5.5m for the shallowest portion of the Maverick Lands, or approximately 27.5% of the site. Such standards would render redevelopment potential of the Maverick Lands as effectively nonexistent;
- We note that the draft policy requires a stepback at a maximum height of 14m and 17m under certain instances. In our interpretation of the draft policy, the stepbacks would be required, regardless of the height of the building. A two storey building, for example, would be required to provide both a front and rear stepback. We assume the intent would be to provide a stepback for building of a certain height, however the policy is not clear in this regard;
- In some instances, including the Maverick Lands, the rear of the building extends to (or approaches) the rear property line. It is unclear why such an onerous 7.5m setback is required for rear yards;
- The lands along Danforth Avenue are primarily identified as Avenues under the Official Plan, whereby we understand that the mid-rise guidelines would be applicable. We seek clarification as to how the draft OPA aligns with the mid-rise guidelines, and whether or not those guidelines would continue to apply. Many of the provisions under the Draft OPA do not directly align with the mid-rise guidelines and may conflict. For example, the front façade alignment standard differs, stepback provisions differ, and how rear yard transitions are to be accommodated differs.

### **Preliminary Comments on Draft Urban Design Guidelines**

At this time our preliminary comments for the Draft Urban Design Guidelines are as follows:

- The built form standards are too onerous a standard for all instances, for the reasons noted above related to setbacks and stepbacks. We suggest further consideration of the standards and ensuring that the proposed guidelines are considered as guidelines, and not Official Plan policy; and
- Diagrams 3 and 4 depict a mid-rise building cross section that implements the urban design guideline setbacks and stepbacks, however Diagram 4 does not include the 3m stepback above the 17m line for the rear yard, as is contemplated by the draft guideline.

We will continue to review the draft Official Plan Amendment and will review the Urban Design Guidelines in further detail, and may provide further comments as required.

Given the concerns raised above, we would welcome the opportunity to meet with Staff to discuss our comments further.

Please kindly ensure that the undersigned is notified of any further meetings with respect to this matters as well as Notice of any decision.

Yours very truly,

**ZELINKA PRIAMO LTD.**



Rob MacFarlane, MPL, MCIP, RPP  
Senior Planner

cc. 98 Danforth Avenue Inc. and 102 Danforth Avenue Inc.  
Nader Kadri, Senior Planner, City of Toronto