

975 Danforth Avenue – Zoning By-law Amendment Application – Appeal Report

Date: February 3, 2023

To: Toronto and East York Community Council

From: Director, Community Planning, Toronto and East York District

Ward: Ward 14 - Toronto-Danforth

Planning Application Number: 22 146296 STE 14 OZ

Related Application: 22 146295 STE 14 SA

SUMMARY

On April 29, 2022, a Zoning By-law Amendment application was submitted seeking to permit a 10-storey mixed-use building with commercial uses on the ground floor and 57 dwelling units above.

On November 18, 2022, the Applicant appealed the application to the Ontario Land Tribunal ("OLT") as a result of City Council not making a decision on the application within the timeframe legislated by the *Planning Act*.

This report recommends that the City Solicitor and appropriate City staff attend the OLT hearing to oppose the applications in their current form and continue discussions with the applicant to resolve outstanding issues.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct the City Solicitor and appropriate City staff to attend the Ontario Land Tribunal in opposition to the current application regarding the Zoning By-law Amendment appeal for the lands at 975 Danforth Avenue and to continue discussions with the applicant in an attempt to resolve outstanding issues.
2. In the event that the Ontario Land Tribunal allows the appeal in whole or in part, City Council authorize the City Solicitor to request that the issuance of any Final Orders be withheld until such time as the City Solicitor advises that:

a) the final form and content of the draft Zoning By-law is to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning;

b) the owner has addressed all outstanding issues raised by Engineering and Construction Services as they relate to the Zoning By-law Amendment application to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services; and,

c) the applicant has addressed all outstanding issues raised by Urban Forestry, Tree Protection and Plan Review as they relate to the Zoning By-law Amendment application, to the satisfaction of the Supervisor, Tree Protection and Plan Review.

3. City Council authorizes the City Solicitor and City staff to take any necessary steps to implement City Council's decision.

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

No decisions have been made by Council on this zoning by-law amendment application.

The OLT has not yet scheduled a Case Management Conference for the appeal.

SITE AND SURROUNDING AREA

Description: The site is located on the south side of Danforth Avenue, between Euston Avenue and Donlands Avenue. The site is generally rectangular in shape with an approximate area of 941 square metres. The site has a frontage of 21.3 metres along Danforth Avenue and a depth of 28.3 metres. The site is generally flat and there are three city owned trees on the site or within the public boulevard.

Existing Uses: The site is currently vacant but was formerly occupied by a 1-storey non-residential building and a surface parking lot. A private laneway borders the southern limit of the site and serves this site along with the properties to the immediate east.

THE APPLICATION

Description of Application

Height: A 10-storey (35.2 metres including mechanical penthouse) mixed-use building with an 8-storey (25.8 metre) streetwall height. A total of 429.8 square metres of ground floor commercial uses are proposed.

Density: 7.53 times the area of the lot.

Dwelling Units: The proposal includes 4,076.5 square metres of residential gross floor area (GFA). Of the 57 dwelling units proposed, 12 are studio units (21.1%), 23 are one-bedroom units (40.3%), 14 are two-bedroom units (24.5%) and 8 are three-bedroom units (14.1%).

Access, Parking and Loading: Vehicular access to the development is proposed from the existing private laneway to the rear (south) of the subject site. A total of 8 vehicular parking spaces (6 residents, 2 visitors) are proposed on the ground floor at the rear of the building with traditional parking spots and a parking stacker.

Bicycle Parking: The development includes 64 bicycle parking spaces: 54 long term and 10 short term spaces. The short term spaces are located on the ground floor and the long term spaces are located within the underground parking garage.

Additional Information

See Attachments 1 through 6 of this report for a location map, Application Data Sheet, three dimensional representations of the project in context, and a site plan and ground floor plan proposal. 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:

<http://app.toronto.ca/AIC/index.do?folderRsn=KFxh9N45YdMEHucXlotWSg%3D%3D> .

Reasons for Application

The Zoning By-law Amendment application proposes to amend Zoning By-law 569-2013 to vary performance standards including: building height, building setbacks, building stepbacks and amenity space requirements. Additional amendments to the Zoning By-law may be identified as part of the ongoing application review.

Site Plan Control

The application is subject to Site Plan Control. A Site Plan Control application has also submitted on April 29, 2022 and is under review.

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 (PPS), and shall conform to provincial plans.

Official Plan Designation

The subject site is designated Mixed Use Areas in the Official Plan. The site is also designated Policy Area A in the Council-adopted but under appeal to the OLT Official Plan Amendment 573, which implemented the outcomes of the Danforth Avenue Planning Study (Segment 2).

Zoning

The site is zoned Commercial Residential CR 3.0 (c2.0; r2.5) SS2 (x2219), with a height limit of 14.0 metres. This zoning category permits a wide range of residential and non-residential uses including retail, office, institutional and light industrial uses. There are no maximum densities specified, rather the building envelope is guided by building height, setbacks and stepbacks.

Design Guidelines

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

- Mid-rise Building Performance Standards;
- Danforth Planning Study Segment 2 – Urban Design Guidelines;
- Growing Up Guidelines: Planning for Children in New Vertical Communities;
- Pet Friendly Design Guidelines;
- Best Practices for Bird-Friendly Glass;
- City's Complete Streets and Pedestrian Priority Guidelines;
- Best Practices for Effective Lighting; and
- 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

Due to the municipal elections, a community consultation meeting was not held prior to the applicant's appeal to the OLT. City Planning will hold a community consultation meeting on February 13, 2023.

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 have reviewed the current proposal for consistency with the Provincial Policy Statement and conformity with the Growth Plan. Staff find that while the proposed intensification and land uses are generally consistent with the PPS and conform with the Growth Plan, the proposal is not consistent with PPS policies concerning appropriate development standards and does not conform to Growth Plan policies relating to complete communities, built form and the implementation of appropriate development standards through the Official Plan and other supporting documents. All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS, and shall conform to provincial plans.

Built Form

City Planning staff are of the opinion that the proposed height and massing conflict with the direction of certain applicable Official Plan policies. The proposed development should be contextually appropriate and fit within the planned and built context. Given the site's size, configuration and location, the proposed 10-storey building (32.2 metres) exceeds the maximum height outlined in SASP 772, which is 7-storeys (24 metres excluding the mechanical penthouse).

The proposed building massing, including setbacks and stepbacks, is not acceptable and does not achieve the intent of the Council-endorsed planning framework applicable to the site. SASP 772 requires a minimum 3 metre setback on Danforth and the side street at maximum building height of 14 metres to provide pedestrian scaled streetwall heights. The proposed building massing does not provide appropriate stepbacks and setbacks for suitable transition and scale to neighbourhoods and Danforth Avenue with a proposed streetwall height of 25.8 metres along the Danforth Avenue and Euston Avenue frontages.

This is a prominent and historic main street and, as such, the proposal should be of high-quality design. The design guidelines state that new development along the Danforth should enhance the façade design through vertical articulation and textures. The proposal lacks vertical articulation and is encouraged to provide a typical pattern of 6-8 metre wide building bays.

Dwelling Unit Mix

A total of 57 dwelling units are proposed, including 12 bachelor (21%), 23 one-bedroom (40%), 14 two-bedroom (24%), and 8 three-bedroom (14%) units. The unit mix meets the policy direction of the Official Plan to provide a full range of housing, and meets the unit mix objectives of the Growing Up Guidelines to provide a minimum of 15% two-bedroom and 10% three-bedroom units within new developments.

Parkland

In accordance with Chapter 415, Article III of the Toronto Municipal Code, Parks, Forestry and Recreation staff have determined that the applicant will be required to satisfy the parkland dedication requirement through cash-in-lieu

Streetscape

The proposed streetscape plan along Danforth Avenue does not appropriately fit within the surrounding existing or planned context. The proposed plans do not provide an adequate pedestrian clearway. The proposal currently shows a 4.1 metre setback while SASP 772 requires a 4.8 metre setback from the curb to building face for an enhanced public realm.

Tree Preservation

The proposal is subject to the provisions of the City of Toronto Municipal Code. The Arborist Report submitted in support of the application indicates there are three city owned trees in respect of the development application.

Urban Forestry staff have reviewed the Arborist Report and Landscape Plan and Details, and require revisions and additional information such as reason for removing the three trees, detailed landscape plans, and indicating the soil depth and a composite utility plan prior to approval of the Zoning By-law amendment.

Amenity Space

Zoning By-law 569-2013 requires a combined indoor and outdoor amenity space of 4.0 square metres per unit. The proposal includes 114.0 square metres of indoor amenity space (2.15 square metres per unit) and 31.3 square metres of outdoor amenity space (0.55 square metres per unit). The indoor amenity space is appropriate but should be relocated from the basement to be on or above grade for better access to daylight. The outdoor amenity space should be increased to be in compliance with the zoning by-law requirement.

Transportation

Transportation Services staff has reviewed the Transportation Impact Study submitted in support of the application. Transportation Services generally accept the findings of

the Transportation Impact Study; however, Transportation Services staff request accessible and car-share parking spaces at grade.

Transportation Services staff also request clarification on the design specification and total parking supply contained with the proposed car-stackers. Further comments from staff are pending for the proposed plans that do not indicate any loading space provisions for the site.

Servicing

A Functional Servicing and Stormwater Management Report and associated plans have been submitted for the subject site and have been reviewed by Engineering and Construction Services. A number of revisions and additional information are required.

Solid Waste

Solid Waste Management Services have reviewed the application and require further details and revisions be made to the servicing and architectural plans, including servicing non-residential, commercial and institutional developments without proposed loading and a methane investigation with proper testing.

Toronto Green Standard

The applicant is striving to meet Tier 2 of the Toronto Green Standard (Version 3.0), supporting the City's objectives for resilience and achieving net-zero emissions by 2040 or sooner.

Community Infrastructure

The Official Plan establishes and recognizes that the provision of and investment in community services and facilities supports healthy, safe, liveable, and accessible communities. Community services and facilities are the building blocks of our neighbourhoods and include matters such as recreation, libraries, childcare, schools, public health, and human and cultural services. Providing for a full range of community services and facilities in areas that are inadequately serviced or experiencing growth is a shared responsibility.

Further Issues

City Planning continues to receive additional information regarding this application as a result of ongoing review by City commenting divisions, community consultation and materials submitted in response to the proposal. Planning staff may also be required to evaluate supplementary or revised plans and supporting materials submitted by the applicant after the date of this report. As a result, Planning staff may continue to identify further issues or supplement the reasons provided in this report. Where substantive changes to the proposal are made by the applicant, staff may report back to City Council as necessary.

Conclusion

The Zoning By-law Amendment application, in its current form, is not supportable by City Planning staff. The application has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), the Toronto Official Plan, and applicable City guidelines intended to implement Official Plan policies. As currently proposed, staff are of the opinion that the application is not consistent with certain policies of the Official Plan.

Staff recommend that City Council direct the City Solicitor, together with the appropriate City staff, to attend the OLT in opposition of the appeal of the application. Staff also recommend City Council authorize the City Solicitor and appropriate staff to continue discussions with the applicant to address the issues outlined in this report.

CONTACT

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SIGNATURE

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Toronto and East York District

ATTACHMENTS

Attachment 1: Location Map

Attachment 2: Application Data Sheet

Attachment 3: 3D Model of Proposal in Context Looking Southwest

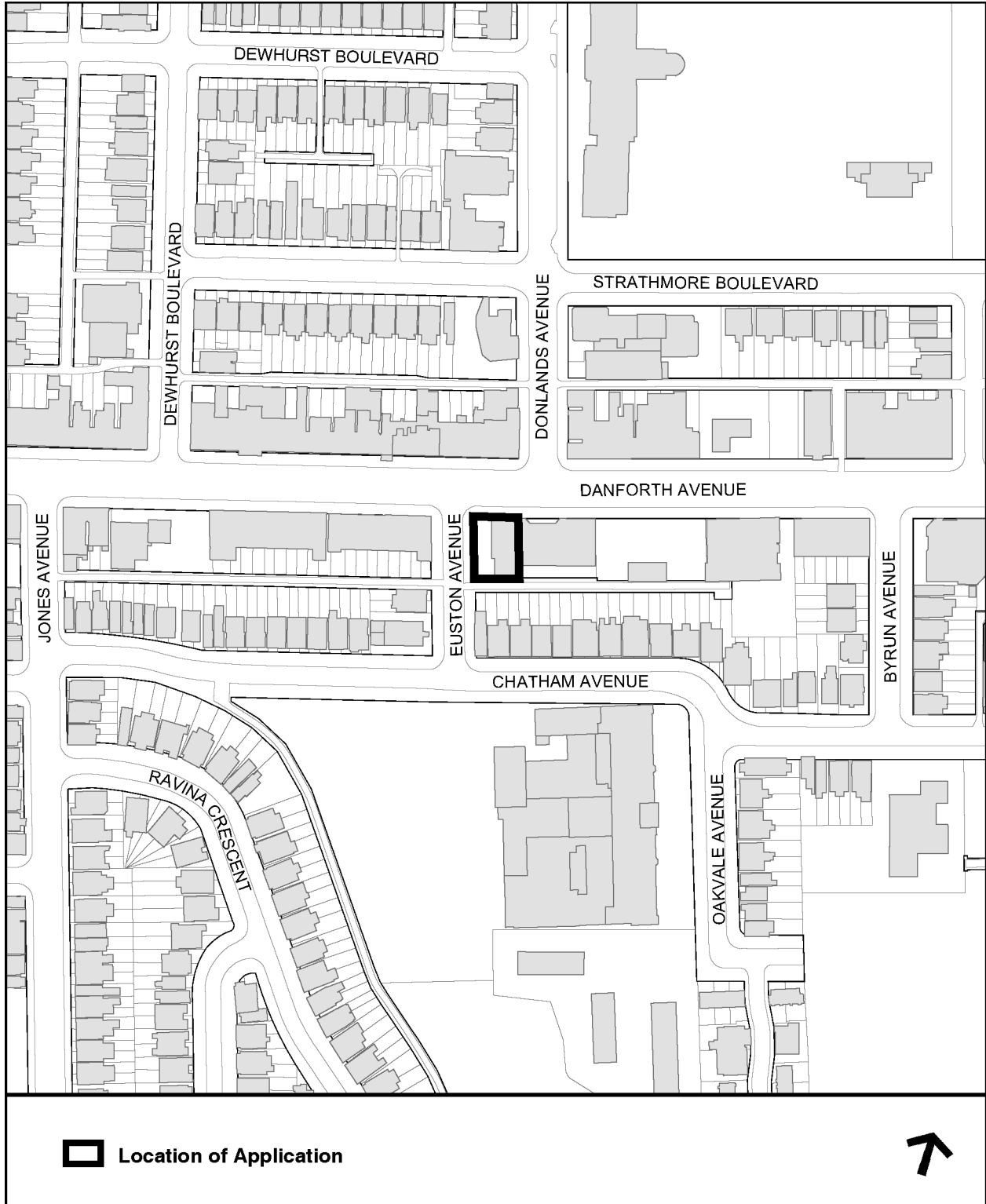
Attachment 4: Site Plan

Attachment 5: Official Plan Land Use Map

Attachment 6: Site and Area Specific Policy Map

Attachment 7: Existing Zoning By-law Map

Attachment 1: Location Map



APPLICATION DATA SHEET

Municipal Address: 975 DANFORTH AVE **Date Received:** Apri 29, 2022

Application Number: 22 146296 STE 14 OZ

Application Type: OPA / Rezoning, Rezoning

Project Description: Rezoning for proposed 10-storey mixed-use building having a non-residential gross floor area of 429.84 square metres, and a residential gross floor area of 4,076.49 square metres. 57 rental residential dwelling units are proposed.

Applicant	Agent	Architect	Owner
Bousefields Inc.	Percy Ellis Development/ Construction	Paradigm Architecture + Design	Danforth Euston Holdings Inc.

EXISTING PLANNING CONTROLS

Official Plan Designation: Mixed Use Areas Site Specific Provision: SASP 772

Zoning: CR 3.0 (c2,0;
r2.5) SS2 Heritage Designation: N
(x2219)

Height Limit (m): 14 Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq m): 598 Frontage (m): 21 Depth (m): 28

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	336		536	536
Residential GFA (sq m):			4,076	4,076
Non-Residential GFA (sq m):	336		424	424
Total GFA (sq m):	336		4,500	4,500
Height - Storeys:	1		10	10
Height - Metres:	4		32	32
Lot Coverage Ratio (%): 89.69		Floor Space Index:	7.53	

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	4,011	65
Retail GFA:	179	245
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:			57	57
Freehold:				
Condominium:				
Other:				
Total Units:			57	57

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:		12	23	14	8
Total Units:		12	23	14	8

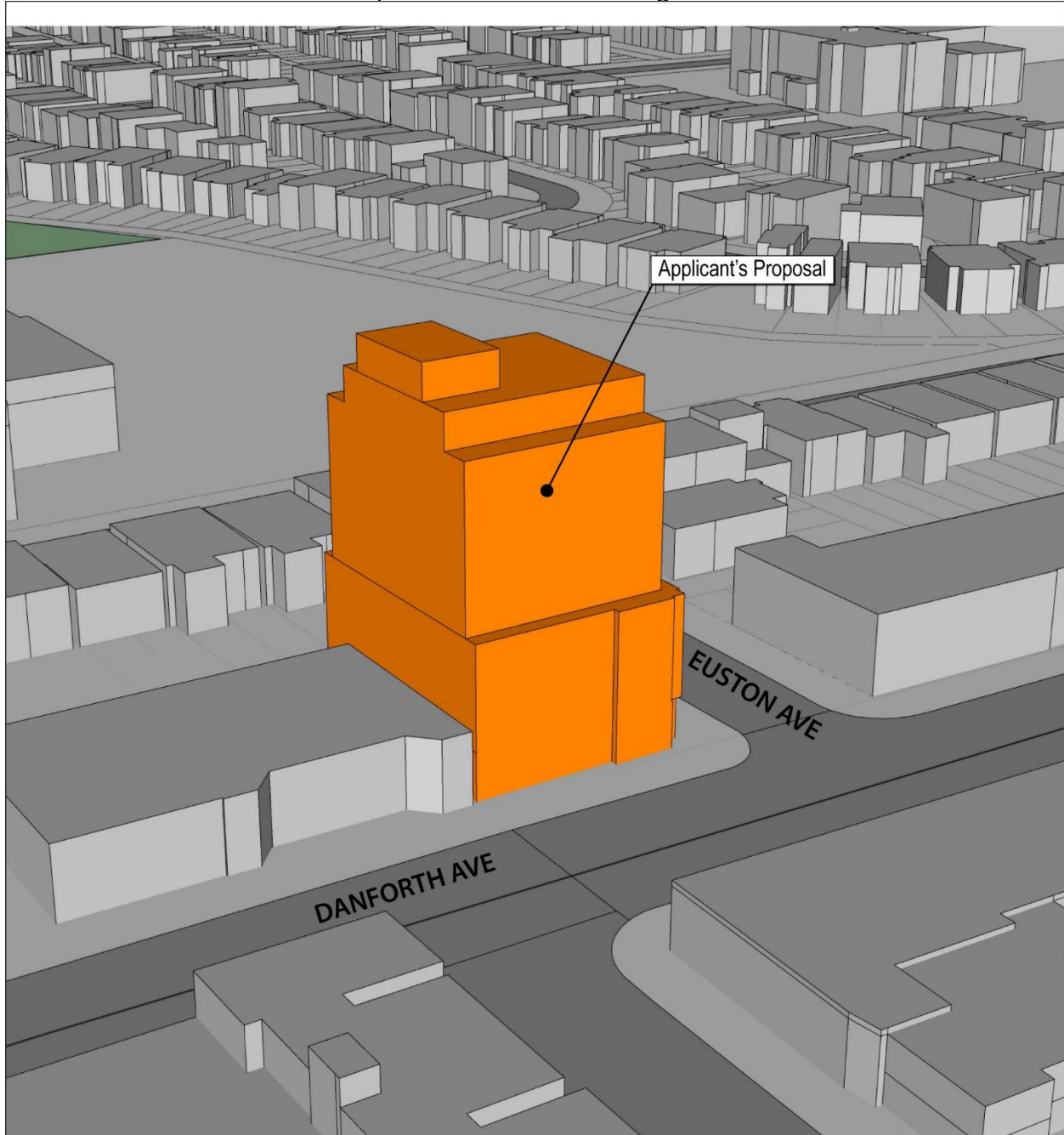
Parking and Loading

Parking Spaces: 8 Bicycle Parking Spaces: 64 Loading Docks: 0

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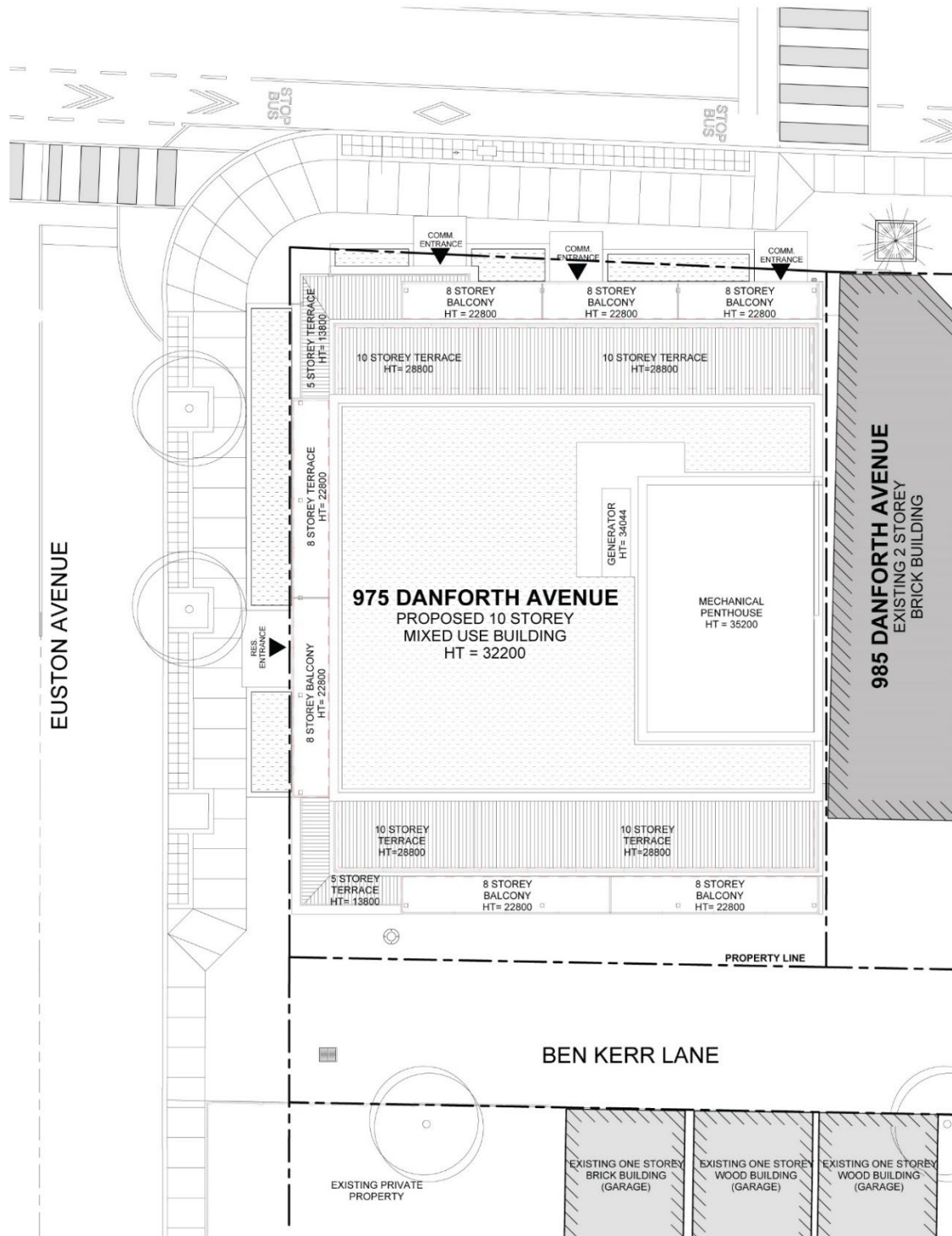
Attachment 3: 3D Model of Proposal in Context Looking Southwest



View of Applicant's Proposal Looking Southwest



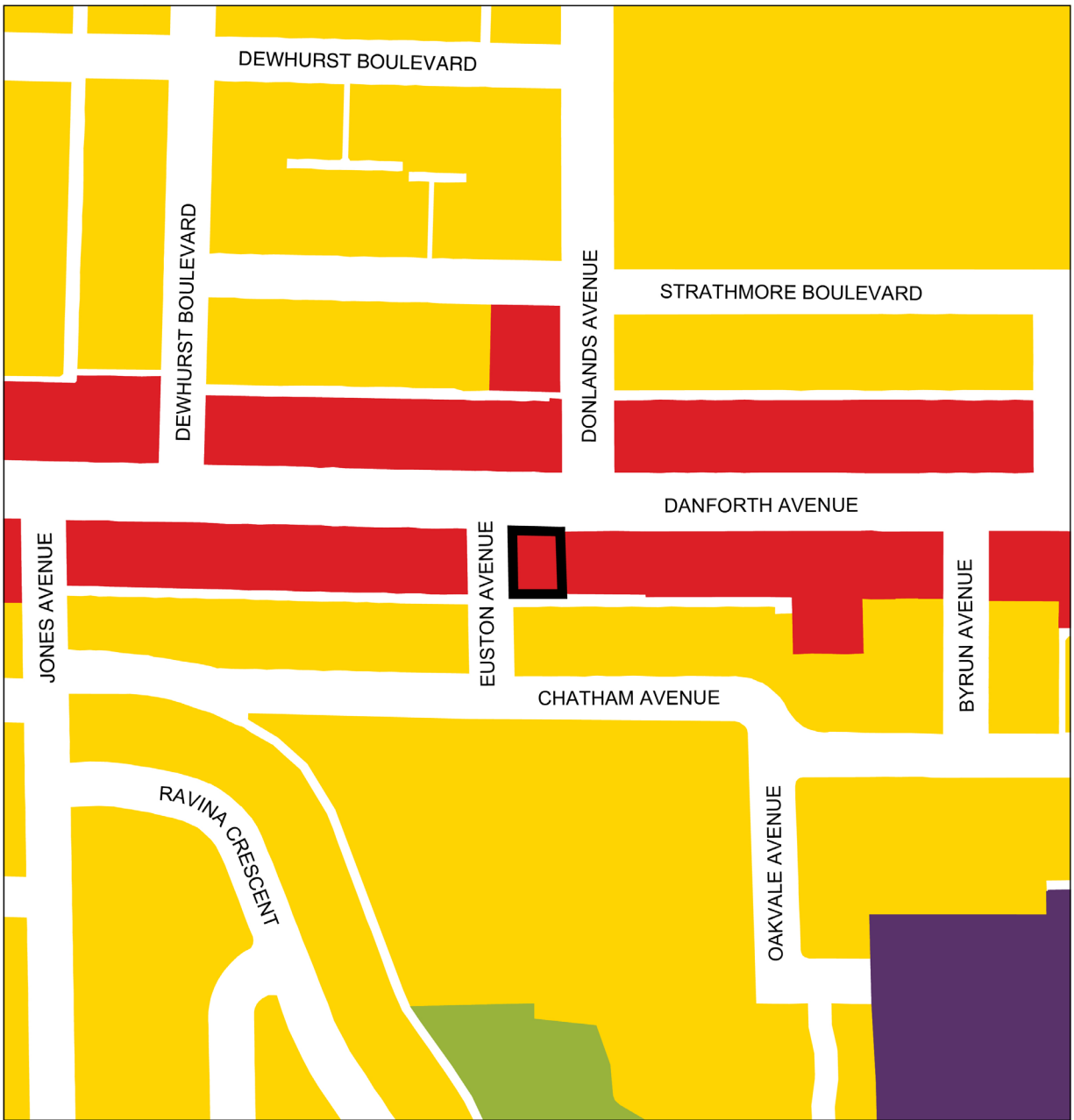
Attachment 4: Site Plan



Site Plan



Attachment 5: Official Plan Land Use Map



Official Plan Land Use Map #21

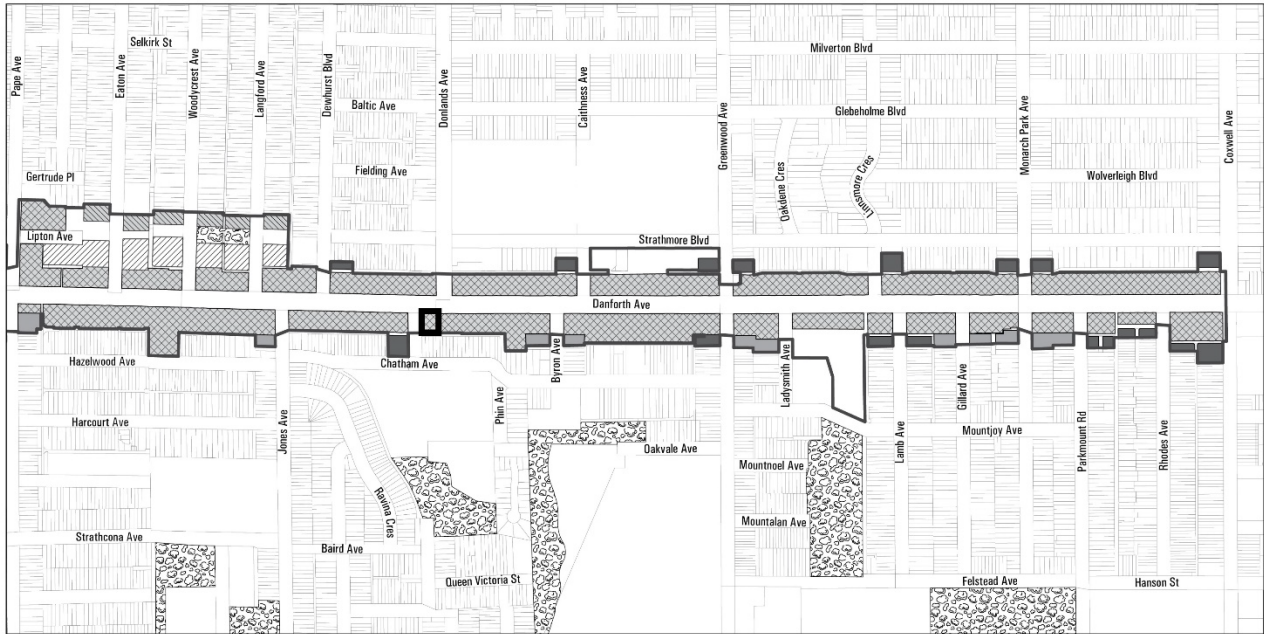
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Attachment 6: Site and Area Specific Policy Map



SASP # 772, Map 3B Policy Areas

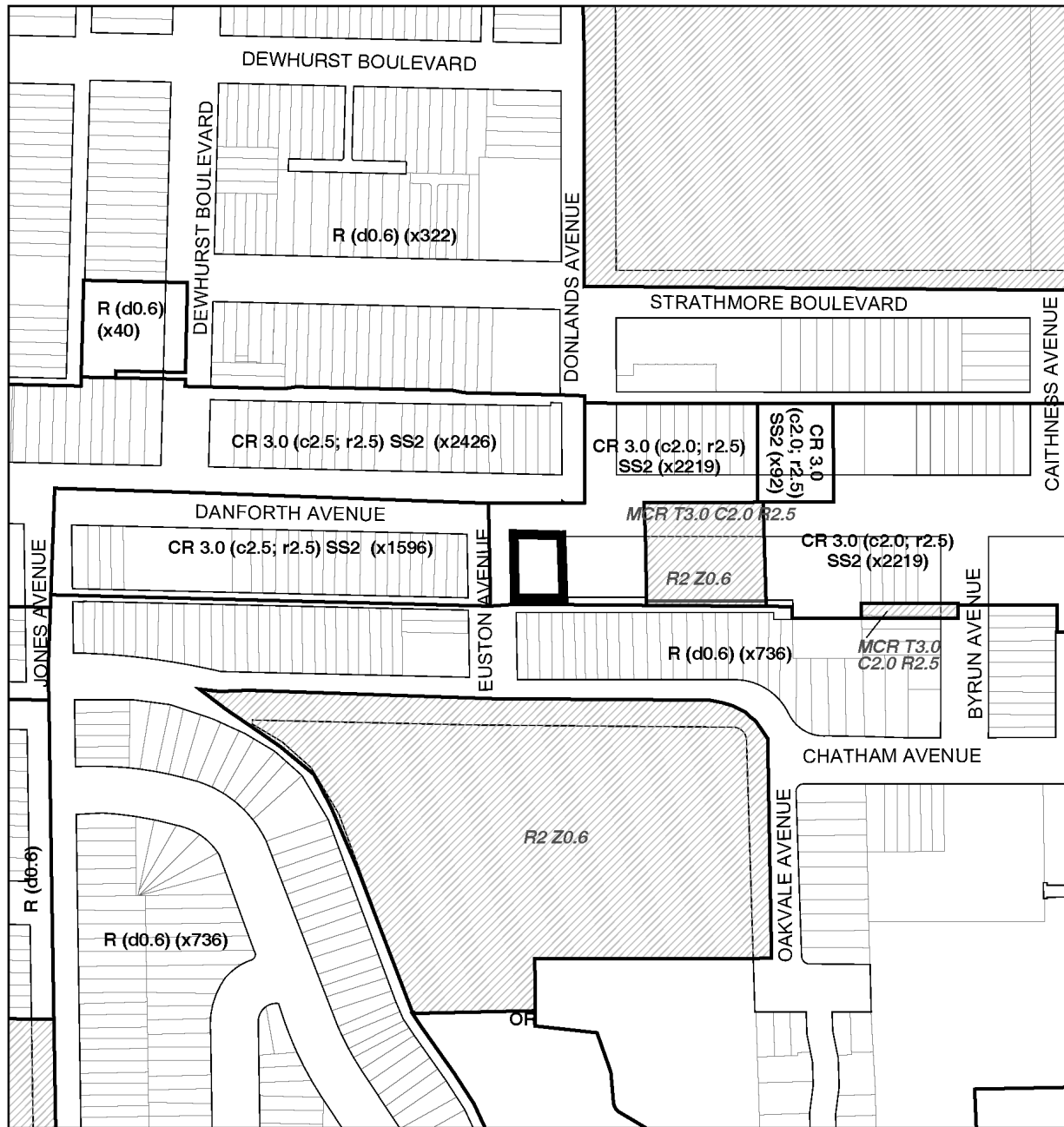
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File # 22 146296 STE 14 0Z

- Location of Application
- Study Boundary
- Policy Area A
- Policy Area B
- Policy Area C
- Policy Area D
- Policy Area E
- Parks and Open Spaces

Not to Scale

Attachment 7: Existing Zoning By-law Map



Zoning By-law 569-2013

975 Danforth Avenue

File # 22 146296 STE 14 0Z

-  Location of Application
- R** Residential
- CR** Commercial Residential
- OR** Open Space Recreation

-  See Former City of Toronto By-law No. 438-86
- R2** Residential District
- MCR** Mixed-Use District



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Extracted: 05/16/2022