

## **2721 Danforth Avenue – Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision Applications – Appeal Report**

Date: April 3, 2023

To: Toronto and East York Community Council

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

Wards: Ward 19 - Beaches-East York

**Official Plan and Zoning By-law Amendment Application Number: 21 235157 STE 19 OZ**

**Draft Plan of Subdivision Application: 21 235158 STE 19 SB**

### **SUMMARY**

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On November 7, 2021, an Official Plan and Zoning By-law Amendment application was submitted to permit the construction of a mixed use building containing two towers at 35- and 55-storeys. Additionally, a Draft Plan of Subdivision application was submitted to divide the land into four blocks.

The applicant appealed the applications to the Ontario Land Tribunal ("OLT") due to Council not making a decision within the time frame prescribed in 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**

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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 applications regarding the Official Plan and Zoning By-law Amendment appeal as well as the appeal on the Draft Plan of Subdivision for the lands at 2721 Danforth Avenue and to continue discussions with the applicant in an attempt to resolve outstanding matters.

2. In the event that the Ontario Land Tribunal allows the appeals 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 Official Plan Amendment is to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning;

b) 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; and

c) the final form and content of the draft Plan of Subdivision is to the satisfaction of the City Solicitor, Chief Planner and Executive Director, City Planning, General Manager, Engineering and Construction Services, and General Manager, Transportation Services;

d) the plans and studies be revised to the satisfaction of the Chief Planner and Executive Director, City Planning, the General Manager, Engineering and Construction Services, the General Manager, Transportation Services, the General Manager, Solid Waste Management, and the Supervisor, Urban Forestry.

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

## **FINANCIAL IMPACT**

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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**

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Toronto and East York Community Council adopted a Preliminary Report on April 21, 2022 as [Item 2022.TE32.43](#).

## **THE SITE**

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**Description:** The site is a narrow deep lot and has an approximate area of 5,617 square metres. The frontage is 31.7 metres on Danforth Avenue and 147.9 metres on Guest Avenue.

**Existing Use:** One-storey commercial building.

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## THE APPLICATION

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**Description:** Three-storey base building stepping up to 6, 8 and 9-storeys away from Danforth Avenue, and two towers rising to 35-storeys (116 metres including the mechanical penthouse) and 55-storeys (177.5 metres including the mechanical penthouse).

**Density:** 13.41 times the area of the lot.

**Dwelling Units:** The proposed 1,139 dwelling units include 77 bachelor units (0.6%), 611 one-bedroom (53.6%), 334 two-bedroom (29.3%), and 117 three-bedroom units (10.2%).

**Access, Parking and Loading:** Access to the 3-level underground garage containing 360 parking spaces is proposed on Guest Avenue to the east. The proposed 1,141 bicycle parking spaces include 115 short term and 1,026 long term bicycle parking spaces, and are located at grade and within the underground garage. An internalized Type C and Type G loading space is proposed to be accessed from the east side of the building, from Guest Avenue.

### Additional Information

See Attachments 1 through 7 of this report for the Application Data Sheet, a three dimensional representation of the project in context, and a site plan of the 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 [www.toronto.ca/2721DanforthAve](http://www.toronto.ca/2721DanforthAve)

### Reason for Application

The Official Plan Amendment application was submitted before Official Plan Amendment 478, implementing the Main Street Planning Study, outcome was approved by the Ontario Land Tribunal. Further discourse on this matter is below in the Comments section of this report.

The Zoning By-law Amendment application proposes to amend the former City of Toronto Zoning By-law 438-86 to vary performance standards including: gross floor area and floor space index; building height; building setbacks; and vehicular parking space requirements. Zoning By-law 569-2013 does not currently apply to the site; however, the application proposes to bring forward a site specific zoning by-law amendment to include the site in Zoning By-law 569-2013.

### Site Plan Control

The development is subject to Site Plan Control. A Site Plan Control application has not been submitted.

## **POLICY CONSIDERATIONS**

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### **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 site is designated *Mixed Use Areas* in the Official Plan.

### **Secondary Plans/Area Specific Policies**

The site is subject to Official Plan Amendment 420 (Danforth Avenue Planning Study) and Official Plan Amendment 478 (Main Street Planning Study).

### **Zoning**

The site is zoned Mixed Use Commercial (MCR T3.0 (C2.0; R2.5)) for the north portion of the site fronting Danforth Avenue and Industrial (I1 D1 1.0) in the rear in the Former City of Toronto Zoning By-law 438-86. The site is not zoned under the City of Toronto Zoning By-law 569-2013.

### **Design Guidelines**

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

- Tall Building Design Guidelines
- Danforth Avenue Urban Design Guidelines
- Growing Up Guidelines: Planning for Children in Vertical Communities;
- Pet Friendly Design Guidelines;
- Best Practices for Bird-Friendly Glass;
- 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

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On April 26, 2022, City Planning staff conducted a community consultation meeting. Approximately 30 people attended. Concerns were raised in regards to building height, density, lack of appropriate transition, shadowing, servicing capacity (including both hard and soft infrastructure), and traffic congestion.

## COMMENTS

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### Provincial Framework

Staff's review of the application has had regard for the relevant matters of provincial interest set out in the *Planning Act*. 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. The proposal does not conform with provincial policy as it relates to employment.

### Official Plan Amendment

The application was submitted before the Ontario Land Tribunal brought Official Plan Amendment 478, the result of the Main Street Planning Study, into force with modifications. The applicant's Planning Rationale report states that "should OPA 478 be approved by the Tribunal, the proposed OPA would no longer be required." As such, it is Planning staff's opinion that the applicant does not need to seek an amendment to the Official Plan and can rely upon the policies of the parent Official Plan and Official Plan Amendment 478.

### Draft Plan of Subdivision

The proposed draft Plan of Subdivision would divide the site into four blocks. Block 1 is for the north tower; block 2 is for the south tower; block 3 is for the proposed public park; and block 4 is for a proposed road widening for the Dawes Road Extension. Draft conditions for the draft Plan of Subdivision have not been drafted and the proposal remains under review.

### Land Use

Approximately 390 square metres is proposed for retail at-grade along the Danforth Avenue frontage. Generally, the land uses proposed are acceptable; however, the applicant does propose residential units on the ground floor which would face a blank wall on the neighbouring proposed development at 2681 Danforth Avenue. These units should be removed from the ground floor as they present inadequate conditions for liveability, and the retail use should be expanded. The applicant is also encouraged to explore other opportunities to provide non-residential space, such as on the second floor.

### Dwelling Unit Mix

The proposed 1,139 dwelling units include 77 bachelor units (0.6%), 611 one-bedroom (53.6%), 334 two-bedroom (29.3%), and 117 three-bedroom units (10.2%).

The unit mix meets the policy direction of the Official Plan to provide a full range of housing, and meets or exceeds the policies of Official Plan Amendment 478 that requires a minimum of 25% two-bedroom and 10% three-bedroom units within new developments.

### **Built Form**

City Planning staff have reviewed the proposed built form, including height, massing and transition, against the policies of the Official Plan as well as relevant design guidelines.

The proposal does not conform to the Official Plan policies respecting massing, including setbacks, step backs, and tower separation distances. The proposal has not demonstrated how two tall buildings can be appropriately accommodated on the site. The proposal's tower heights, base building height, and transition do not conform to Official Plan policies (including the policies of Official Plan Amendment 478).

### **Streetscape**

The proposed sidewalk width along Danforth Avenue from building face to curb meets the minimum requirement of 4.8 metres. The proposed sidewalk width along Guest Avenue is 5.1 metres which is less than the desired 6 metres as per Official Plan Amendment 478 and the Tall Building Design Guidelines. Moreover, the architectural plans do not annotate the minimum 2.1 metre pedestrian clearway.

Urban Forestry have reviewed the application and have provided comments to the applicant. The applicant proposes to remove ten existing trees on private property and retain and protect five existing trees. Urban Forestry staff have indicated that the proposal does not include enough large growing native shade trees to replace the private tree removal (at a ratio of three to one). Moreover, the proposed Silk Likac and Serviceberry trees are not considered appropriate replacements.

### **Wind**

A Pedestrian Level Wind Study shows unsafe wind conditions on the outdoor amenity on the 7th floor. Unsafe wind conditions do not meet Official Plan policies and, as such, improvements to the built form to support wind mitigation is required.

### **Shadow**

A shadow study shows shadowing on properties designated Neighbourhoods, Coleman Park, as well as significant shadowing on the north side of Danforth Avenue. Changes to the building height is required to improve these shadow conditions.

### **Parkland**

The proposal includes a public park of 551 square metres. While the provision of a public park on the lands where a Canadian Tire store currently exists (which comprises a greater land area and three landowners) is required in Official Plan Amendment 478, the park's current location is not desirable. Presently the park is proposed interior to the

site without frontage on a public street, and its proposed configuration severely limits the park's programming potential as well as access to the park for the general public.

### **Servicing**

Engineering and Construction Services have reviewed the application and have provided comments to the applicant. Revisions and clarifications are required to the Stormwater Management Report, Functional Servicing Report, Civil Plans, Landscape Plans, Architectural Plans, and Hydrogeological Assessment. Moreover, Engineering and Construction Services require the applicant to submit a Foundation Drainage Summary Form, Hydrogeological Review Summary Form, and a Groundwater Summary Form to be completed by a qualified professional. These forms and the revisions must be completed and to the satisfaction of Engineering and Construction Services in order to ensure that the proposal can be serviced.

### **Solid Waste**

Solid Waste Management have reviewed the application and request revisions to the architectural plans to ensure solid waste matters are appropriately addressed. The architectural drawings lack details and annotations required for Solid Waste Management to accept the drawings.

### **Transportation**

Transportation Services have reviewed the application and its supporting documentation pertaining to transportation matters. Transportation Services requires revisions to the development. These revisions include: providing a 0.4 metre road widening for Danforth Avenue; securing the conveyance of land for the purposes of the Dawes Road Extension; revising the proposed site driveway and curb in relation to the realigned Guest Avenue; revisions considering encroachments to Danforth Avenue right-of-way as well as the underground garage encroachment on the realigned Guest Avenue and Dawes Road Extension; and the provision of three car share spaces.

### **Indoor/Outdoor Amenity Space**

The proposal provides an adequate amount of indoor and outdoor amenity space; however, the wind conditions render the outdoor amenity space unsafe.

### **Toronto Green Standard**

The applicant is required to meet Tier 1 of Version 3 of the Toronto Green Standard (TGS), given the Site Plan submission in December of 2021. TGS version 4 came into effect in May of 2022 and requires improved building performance. This development is encouraged to achieve Tier 2 or higher to advance 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 the result of ongoing review by City commenting divisions, materials submitted in support of the proposal, and through deputations made by members of the public to Community Council. 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.

### **CONTACT**

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### **SIGNATURE**

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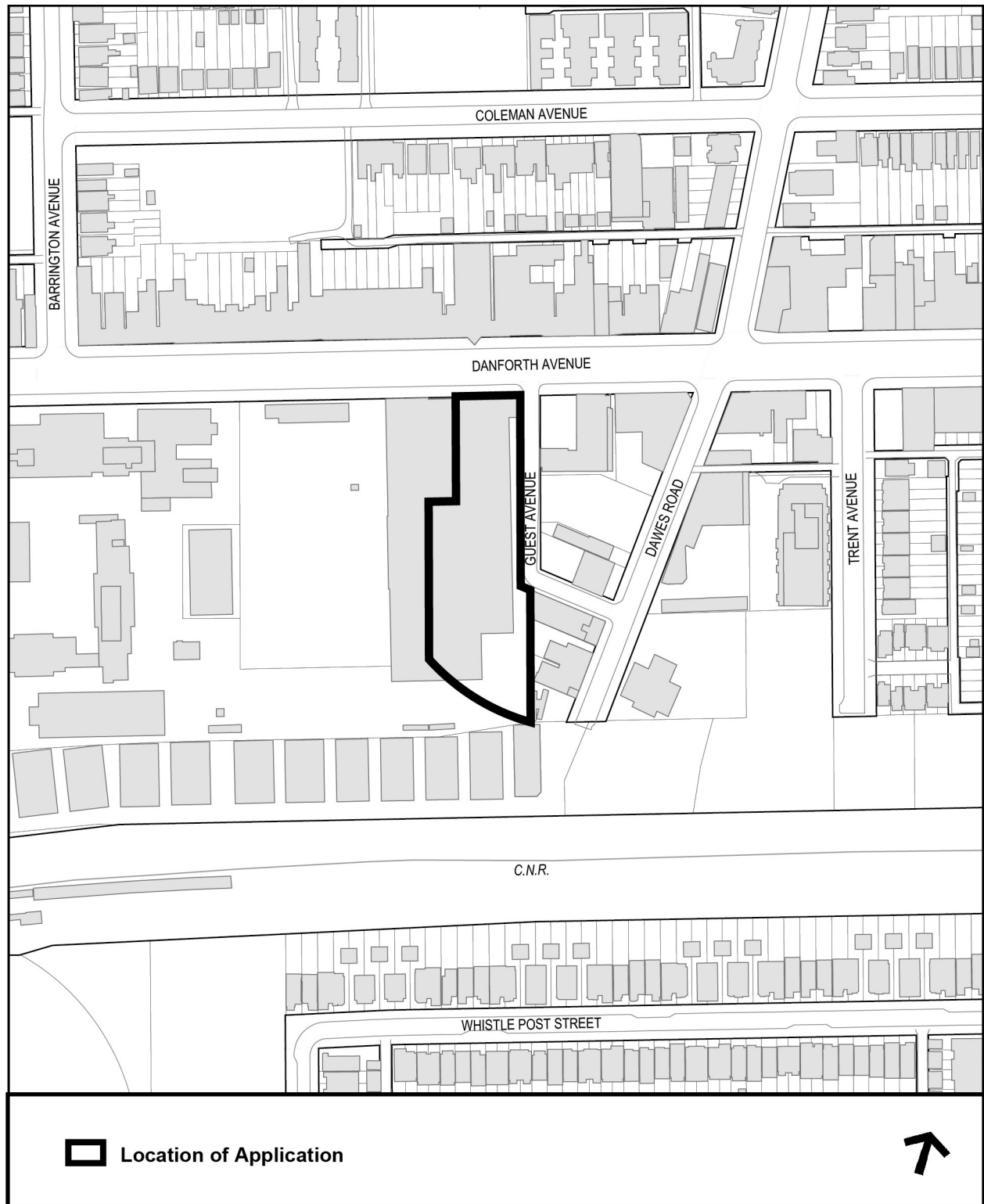
Carly Bowman, MScPI, MCIP, RPP  
Acting Director, Community Planning  
Toronto and East York District

### **ATTACHMENTS**

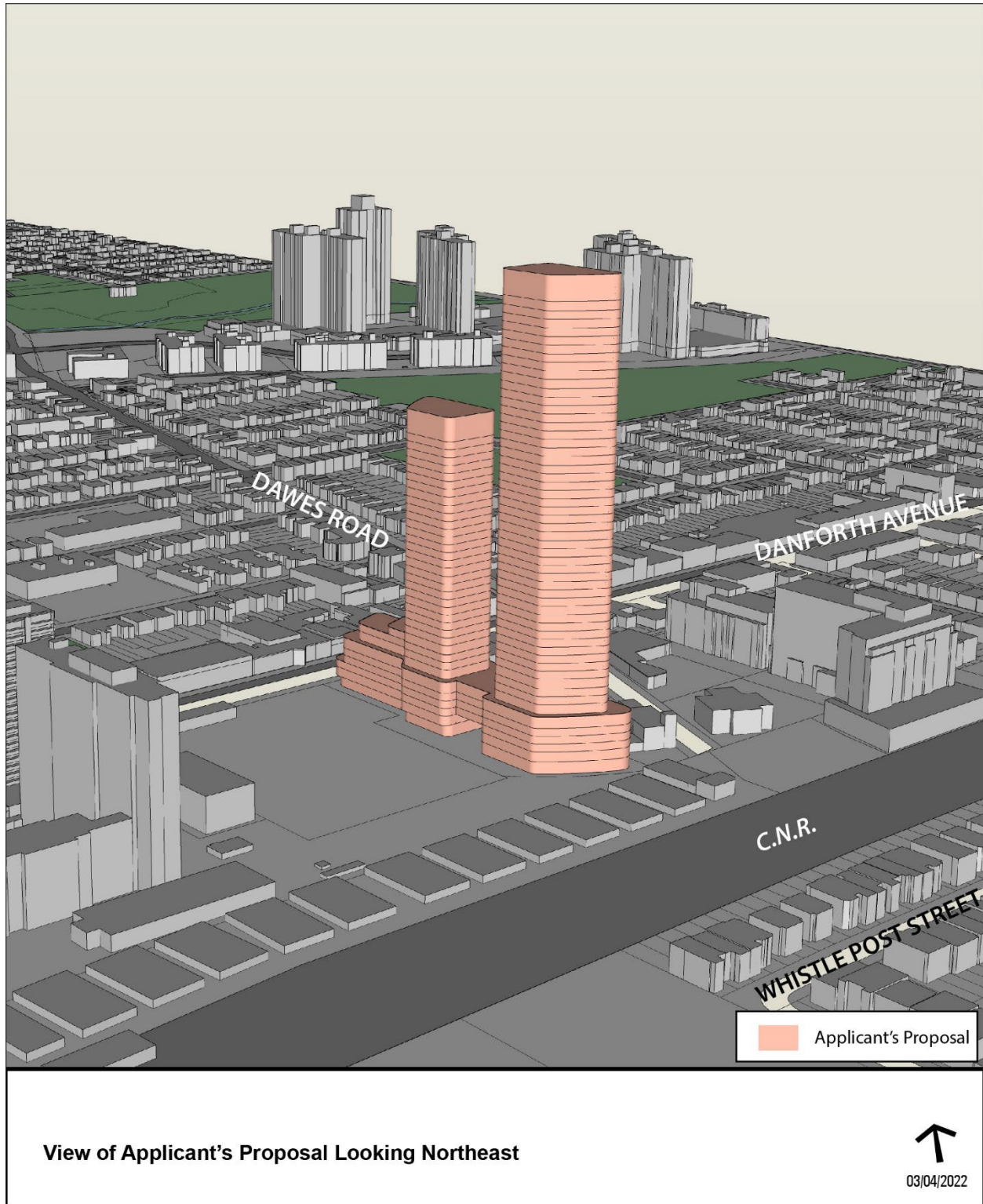
Attachment 1: Location Map  
Attachment 2: 3D Model of Proposal in Context  
Attachment 3: Site Plan  
Attachment 4: Official Plan Map  
Attachment 5: Official Plan Amendment 478 Map  
Attachment 6: Zoning By-law Map  
Attachment 7: Application Data Sheet

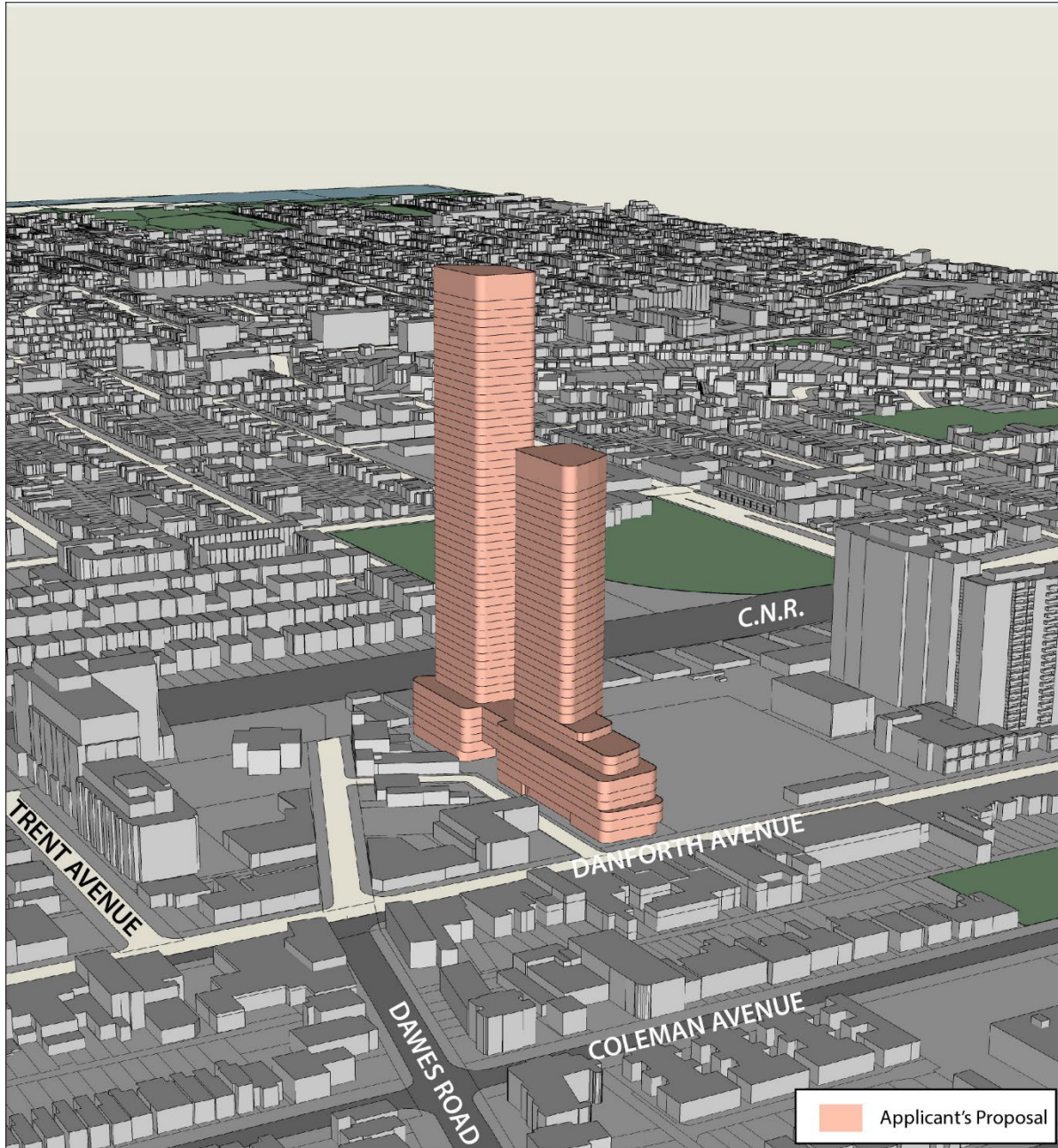


## Attachment 1: Location Map



## Attachment 2: 3D Model of Proposal in Context

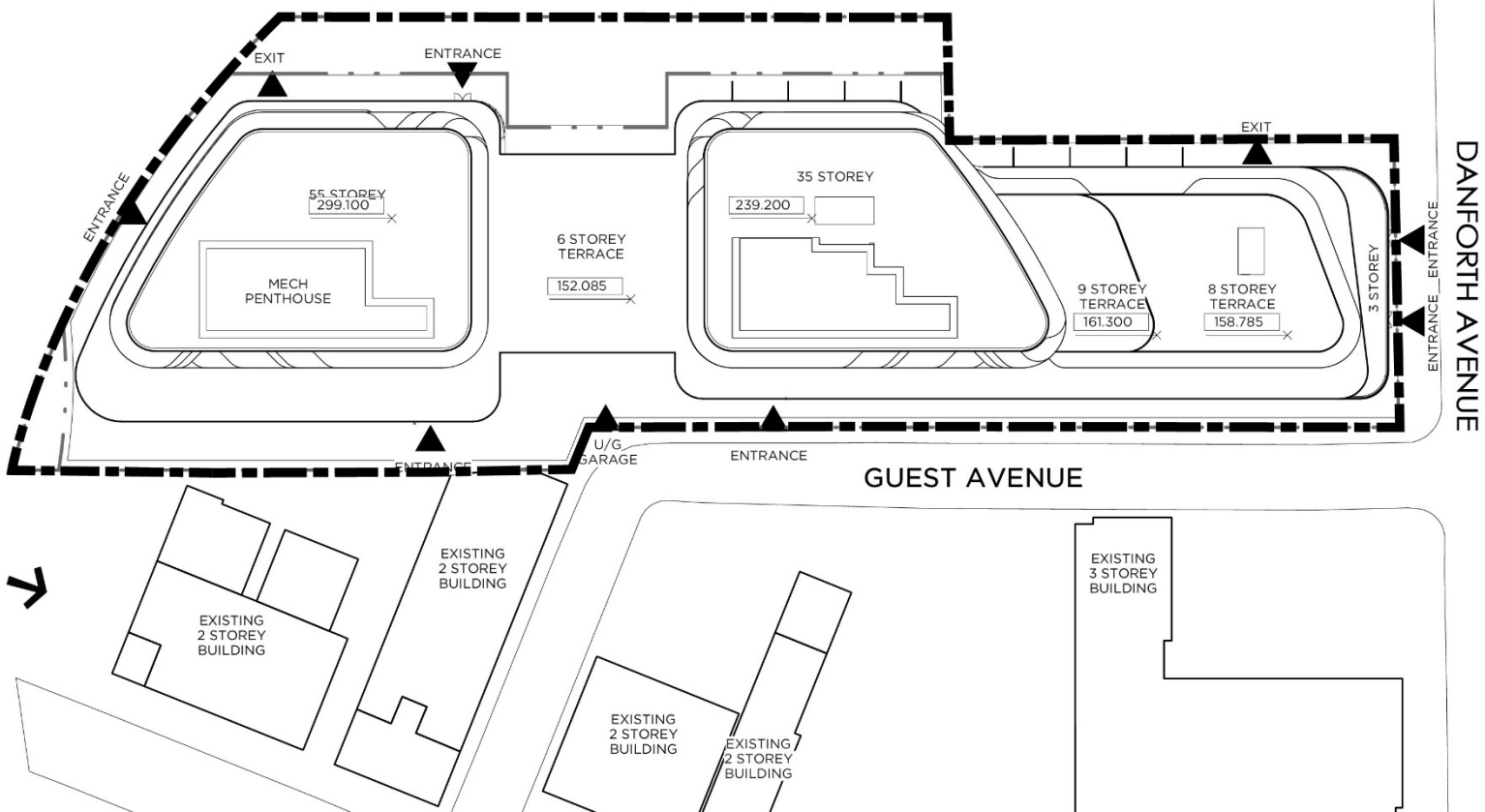




View of Applicant's Proposal Looking Southwest

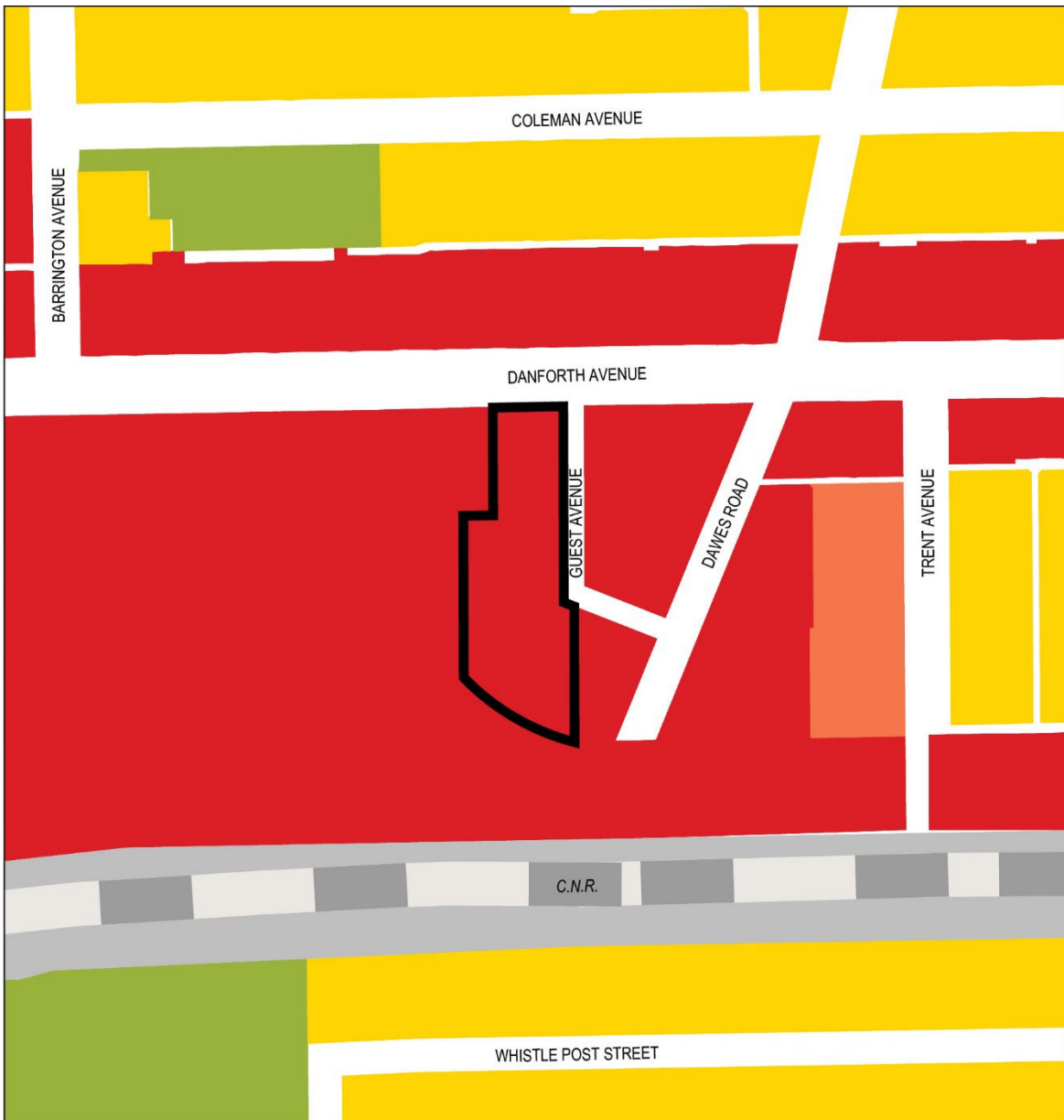


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## Attachment 4: Official Plan Map




Official Plan Land Use Map 21

2721 Danforth Avenue

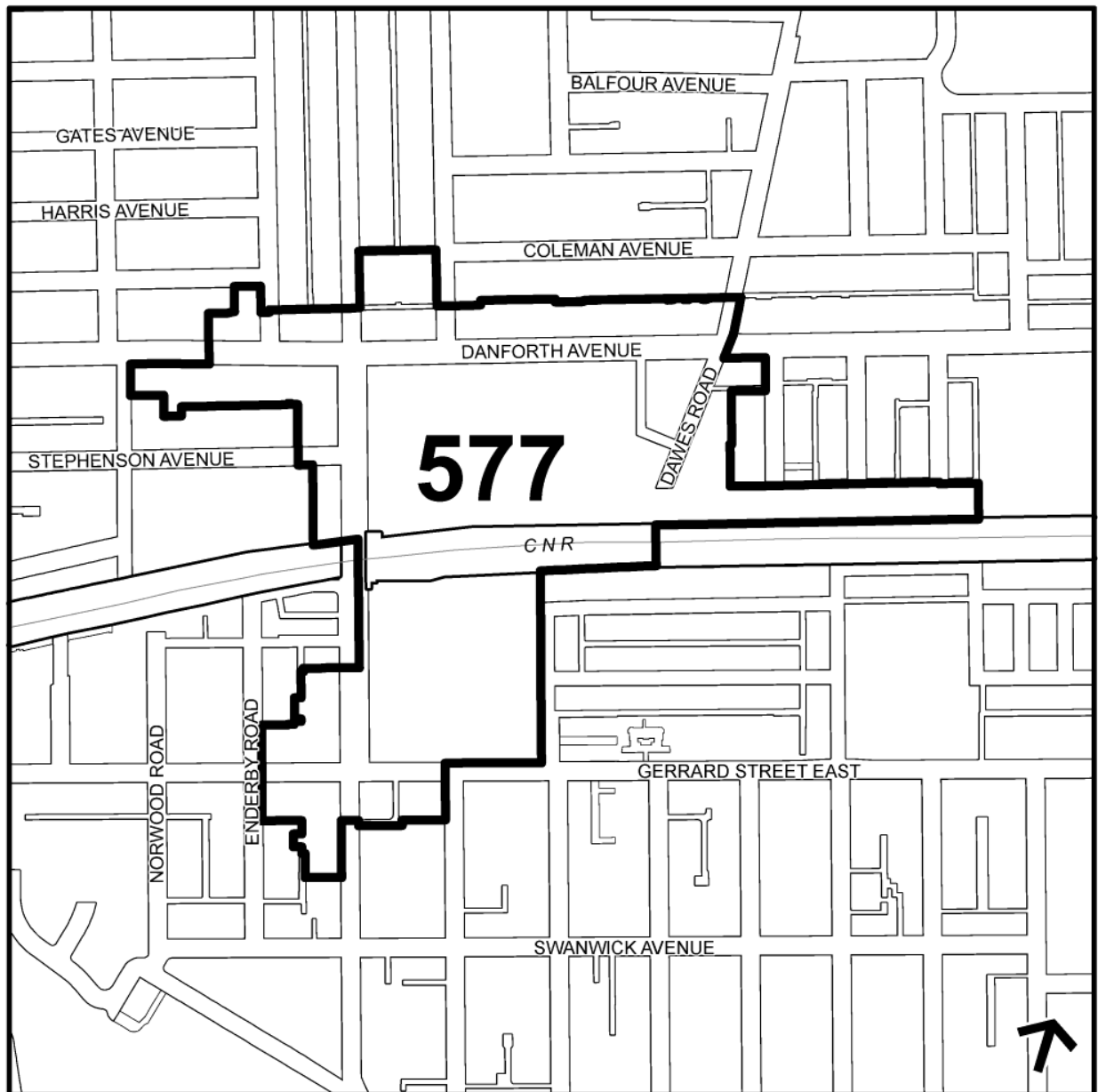
File # 21 235157 STE 19 OZ

-  Location of Application
-  Neighbourhoods
-  Apartment Neighbourhoods
-  Mixed Use Areas

-  Parks
-  Utility Corridors

  
Not to Scale  
Extracted: 11/08/2021

Attachment 5: Official Plan Amendment 478 Map



## Attachment 6: Zoning By-law Map



**Zoning By-law 438-86**

**2721 Danforth Avenue**

**File # 21 235157 STE 19 0Z**



Location of Application

<b>R2</b>	Residential	<b>I1</b>	Employment Industrial
<b>R4</b>	Residential	<b>T</b>	Employment Industrial Commercial
<b>R4A</b>	Residential	<b>MCR</b>	Commercial
<b>G</b>	Open Space		



Not to Scale  
Extracted: 02/28/2022

## Attachment 7: Application Data Sheet

### APPLICATION DATA SHEET

Municipal Address: 2721 DANFORTH AVE Date Received: November 7, 2021

Application Number: 21 235157 STE 19 OZ

Application Type: OPA / Rezoning, OPA & Rezoning

Project Description: Official plan and Zoning By-law Amendment to facilitate the redevelopment of the site for two mixed-use towers having heights of 35 and 55-storeys. The proposed non-residential gross floor area is 390 square metres, and the proposed residential gross floor area is 74,940 square metres. A total of 1139 residential dwelling units are proposed.

Applicant	Agent	Architect	Owner
MHBC PLANNING LTD		RAW DESIGN INC	TRI-METRO INVESTMENTS INC

### EXISTING PLANNING CONTROLS

Official Plan Designation: Mixed Use Areas Site Specific Provision:

Zoning: MCR T3.0 (C2.0; R2.5); I 1.0 Heritage Designation:

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

### PROJECT INFORMATION

Site Area (sq m): 5,617 Frontage (m): 31 Depth (m): 87

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	4,000		3,864	3,864
Residential GFA (sq m):			74,940	74,940
Non-Residential GFA (sq m):	4,000		390	390
Total GFA (sq m):	4,000		75,330	75,330
Height - Storeys:	1		55	55
Height - Metres:			169	169



Lot Coverage Ratio 68.79 Floor Space Index: 13.41  
(%):

Floor Area Breakdown Above Grade (sq m) Below Grade (sq m)

Residential GFA: 74,940

Retail GFA: 390

Office GFA:

Industrial GFA:

Institutional/Other GFA:

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			1,139	1,139
Other:				
Total Units:			1,139	1,139

#### Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:		77	611	334	117
Total Units:		77	611	334	117

#### Parking and Loading

Parking Spaces:	360	Bicycle Parking Spaces:	1,141	Loading Docks:	2
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