

654 to 668 Danforth Avenue – Zoning By-law Amendment Application – Appeal Report

Date: August 31, 2023

To: Toronto and East York Community Council

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

Ward: 14 Toronto-Danforth

Planning Application Number: 22 185127 STE 14 OZ

Related Application(s): 22 185125 STE 14 SA

SUMMARY

On August 17, 2022 the City received a Zoning By-law Amendment application seeking permission for a 49-storey mixed-use building on the site at the northeast corner of Pape and Danforth Avenues. The ground level includes a shared residential and office lobby, as well as retail and commercial uses fronting onto Danforth Avenue and a portion of Pape Avenue. Office uses are proposed from the third to fifth floors with the residential use proposed from the sixth to 49th floors. The proposal includes a total of 496 dwelling units, 29,756m² of residential gross floor area (GFA), 4,743m² of non-residential GFA, and three levels of underground parking.

On May 12, 2023 the applicant appealed this application to the Ontario Land Tribunal ("OLT") due to Council's failure to make a decision within the time frame prescribed by the Planning Act. A first Case Management Conference has been scheduled by the OLT for October 2, 2023.

This report recommends that the City Solicitor and appropriate City staff attend the OLT hearing to oppose the application in its current form and continue discussions with the applicant in an attempt 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 654-668 Danforth Avenue and to continue discussions with the applicant to resolve outstanding issues.

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 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 outstanding issues in relation to site servicing and has submitted revised Functional Servicing, Stormwater Management and Hydrogeological Reports providing confirmation of water, sanitary and stormwater capacity, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, and entered into and registered a financially secured agreement satisfactory to the Chief Engineer and Executive Director, Engineering and Construction Services to construct, provide, make operational, and warrant any necessary upgrades to existing services and facilities or new services and facilities;
 - c) the final draft Zoning By-law includes appropriate holding provisions to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning;
 - d) the owner has addressed outstanding issues in relation to the requirements of Transportation Services and Solid Waste Management as set out in the memo from Development Engineering to City Planning dated April 28, 2023, to the satisfaction of the General Manager, Transportation Services and the General Manager, Solid Waste Management Services; and
 - e) the owner has provided the City with a withdrawal letter for the appeal of Official Plan Amendment 573 (The Danforth Avenue Planning Study – Segment 2 – Don Valley to Coxwell) to be held in escrow until the Zoning By-law Amendment is in full force and effect.
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

At its meeting on April 6, 2022, City Council endorsed the Danforth Avenue Planning Study (Segment 2 – Don Valley to Coxwell Avenue) – City-Initiated Official Plan

Amendment 573 and Urban Design Guidelines (Danforth Segment 2 Study). This decision also provided direction to the Chief Planner and Executive Director, City Planning to review lands in the vicinity of the two interchange stations at Broadview Avenue and Pape Avenue as opportunities for greater intensification and to secure affordable and supportive housing and affordable retail space. That decision is available at the following link: <https://secure.toronto.ca/council/agenda-item.do?item=2022.te31.12>

SITE AND SURROUNDING AREA

Description: The site is located at the northeast corner of Pape Avenue and Danforth Avenue. It is 1,689m² in size with a frontage of approximately 34 metres along Danforth Avenue and approximately 50 metres along Pape Avenue.

Existing Uses: The site is currently occupied by a 3-storey commercial building at the northeast corner of the intersection and a 4-storey commercial building that surrounds the 3-storey building in an L-shape. Both buildings include retail/commercial at grade and offices above.

THE APPLICATION

Description of Application

Height: A 49-storey (160.7 metres including mechanical penthouse) mixed-use building, with a 5-storey base building fronting Pape and Danforth Avenues.

Density: 20.63 times the area of the lot.

Dwelling Units, Affordable Housing and Amenity Space: The proposal includes 29,756m² of residential gross floor area (GFA). A total of 496 dwelling units are proposed, comprised of 38 bachelor units (8%), 324 one-bedroom units (65%), 84 two-bedroom units (17%), and 50 three-bedroom units (10%). No on-site affordable housing is proposed. 1,011 square metres of indoor, and 973 square metres of outdoor, amenity space are proposed.

Access, Parking and Loading: Pedestrian access to the 49-storey building is proposed from a shared residential and office lobby located towards the center of the Danforth Avenue frontage. Retail and commercial uses are proposed on either side of the lobby along the remainder of Danforth Avenue and a portion of Pape Avenue. Access to loading and the underground parking ramp is proposed at the northwest corner of the subject site off Pape Avenue. A total of 84 vehicular parking spaces are proposed in 3 levels of underground parking.

Bicycle Parking: A total of 520 bicycle parking spaces are proposed. This includes 446 long-term residential bicycle parking spaces, 50 short-term residential bicycle parking

spaces, 9 long-term office/retail bicycle parking spaces and 15 short-term office/retail bicycle parking spaces. Short-term bicycle spaces would be located on the ground floor and within the P1 and P2 underground levels. Long-term bicycle parking spaces are proposed to be located within the mezzanine level.

Additional Information

See Attachments to this report for a location map, Application Data Sheet, three dimensional representations of the project in context, a site plan, a ground floor plan and elevations. 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/654DanforthAve

Reasons for Application

This Zoning By-law Amendment was submitted seeking permission to increase the permitted height and density, and to establish other provisions to accommodate the proposed development.

Site Plan Control

The application is subject to Site Plan Control and a Site Plan Control application was submitted on August 3, 2022. The Site Plan Control has not been appealed at this time.

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 identified as an Avenue (Map 2) and designated Mixed Use Areas (Map 17) in the City Official Plan. The site is also subject to Official Plan Amendment 573 (OPA 573) and the corresponding Site and Area Specific Policy No. 772, implementing the outcomes of the Danforth Avenue Segment 2 Study (Don Valley to Coxwell). Through the decision on OPA 573, City Council directed the Chief Planner and Executive Director, City Planning to review the two interchange stations at Broadview Avenue and Pape Avenue as opportunities for greater intensification and to secure affordable and supportive housing and affordable retail space. OPA 573 is currently under appeal by the applicant and is not in effect.

The subject site is also subject to Official Plan Amendment 540 (OPA 540), implementing the City's Major Transit Station Area framework. OPA 540 includes the Protected Major Transit Station Area associated with the Pape TTC station, addressed

in Site and Area Specific Policy No. 616, which identifies target densities for this vicinity. OPA 540 is pending approval by the Ministry of Municipal Affairs and Housing and is not currently in effect.

Zoning

The City-wide Zoning By-law 569-2013 zones the subject site as Commercial Residential (CR). The southern portion of the site has a maximum permitted height of 16 metres, the maximum allowable commercial density is 2.5 times the area of the lot, and the permitted residential density is 2.5 times the area of the lot. The northern portion of the subject site has a maximum permitted height of 12 metres. The CR zone permits a broad range of residential and non-residential uses.

Design Guidelines

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

- Tall Building 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;
- Retail Design 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

A Community Consultation Meeting was held on February 15, 2023. City Planning staff, the Ward Councillor, the applicant team, and approximately 350 people attended. Following presentations by City staff and the applicant, the following comments and issues were raised by participants:

- Overall scale and height of the proposal;

- Appropriateness and organization of building massing and density on the site;
- Provision of affordable housing;
- Mitigating overlook and privacy impacts;
- Opportunities for improved setbacks, public realm and streetscaping;
- Preservation of neighbourhood character through design revision, including improved architectural quality and replacement of fine grain retail;
- Traffic impacts;
- Compounding impacts of construction, combined with adjacent transit development;
- Availability of hard and soft infrastructure capacity;
- Provision of community space; and
- Family-supportive unit sizes and mix.

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. 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.

Provincial policy directs intensification to Major Transit Station Areas, however the scale of this proposal exceeds what is appropriate for the context. The proposed development is not consistent with PPS policies concerning appropriate development standards and does not conform to Growth Plan policies relating to affordable housing, built form and the implementation of appropriate development standards through the Official Plan and other supporting documents.

Built Form

Staff consider the site suitable for some level of intensification, however 49-storeys does not transition appropriately to the lower-scale built setting and exceeds what is appropriate for this area. Additionally, tower setbacks from the east and north property lines do not conform to the City's minimum Tall Building standard of 12.5 metres from property lines. Further, the proposed base building height does not reflect new built form policy limiting the streetwall condition to 14 metres on Danforth Avenue.

City Planning staff are of the opinion that the proposed height, massing and transition to the existing neighbourhood do not conform with applicable Official Plan built form and tall building policies. The proposal should be revised to be contextually appropriate and fit within the existing and planned context.

Public Realm

The design of the new Pape Station entrance on Danforth Avenue, immediately adjacent to the subject site, proposes a larger setback area of approximately 10 metres from curb to building face to allow movement of a larger number of pedestrians going in and out of the station. The building setback along Danforth Avenue should extend this 10 metre setback along the Danforth frontage of the site.

Similarly, the proposed 4.3 metre setback along Pape Avenue does not reflect the minimum standards expressed in the Tall Building Guidelines or protect for the existing and planned pedestrian volumes in the area. The proposal should, therefore, be revised to expand and enhance the pedestrian and public realm at street level.

Tree Preservation

The intention to preserve the existing three trees along the Pape Avenue frontage is acknowledged by City staff, however, given their modest size and condition, as well as their proximity to the proposed demolition, an updated Pape Avenue streetscape is preferred, including new plantings provided pursuant to the provisions of the Danforth Urban Design Guidelines and the Toronto Green Standard.

Sun/Shadow

The applicant's shadow study shows the proposed development casting new shadow over Langford Parkette. There is limited parkland available in the area and Langford Parkette already experiences shadowing. The proposed building should be revised to limit new shadow on public parkland in accordance with the Official Plan.

Wind

The applicant's wind study shows the proposed development creating new wind conditions which are uncomfortable and, in two instances, in excess of the wind safety criterion. The design should be improved to address these wind conditions and without relying on wind screens to achieve conditions that are comfortable for sitting in the spring, summer and fall months.

Affordable Housing

Affordable Housing is a key priority for the City and City Planning staff seek opportunities for the inclusion of affordable housing units in new developments through available land use planning tools. Further, direction from City Council through approval of the Danforth Planning Study specifically directs staff to explore opportunities for the delivery of affordable housing in the vicinity of the future Ontario Line transfer station at Pape and Danforth.

Given the site's location near an existing major transit investment and a priority transit corridor, there is a significant public interest for including affordable housing units within this new development. The City is still awaiting a decision from the Province on Official Plan Amendment 540, which would enable Inclusionary Zoning to be used as a tool to secure affordable housing onsite.

The applicant will also be subject to a Community Benefit Charge (CBC) requirement at the time of Building Permit. The CBC can be satisfied by a cash payment or the City may allow for affordable housing to be provided as a CBC in-kind contribution, provided both the applicant and City agree to the proposal. At this time, the applicant has not indicated that affordable housing will be offered as a CBC contribution, however staff have requested the applicant consider this and will continue to pursue this possibility before the OLT.

Dwelling Unit Size and Mix

The proposal includes 29,756 square metres of residential gross floor area (GFA). A total of 496 dwelling units are proposed, comprising of 38 studio/bachelor units (7%), 324 one-bedroom units (65%), 84 (17%) two-bedroom units and 50 (10%) are three-bedroom units.

The unit mix meets the policy direction of the Official Plan to provide a full range of housing. It also 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, however unit sizes, particularly among the 2 and 3 bedroom units, should be increased with a focus on providing more family-supportive housing options.

Parkland

In accordance with Chapter 415, Article III of the Toronto Municipal Code, the Owner is required to satisfy the parkland dedication requirement through cash-in-lieu. The residential component of this proposal is subject to a cap of 10% parkland dedication while the non-residential component is subject to a 2% parkland dedication.

The value of the cash-in-lieu of parkland dedication will be appraised upon the submission of an application for the First Above Grade Building Permit and will be valid for six months. Payment will be required prior to the issuance of this permit.

Mobility

Transportation Services staff have reviewed the Transportation Impact Study submitted in support of the application and generally accept the findings, however, the width of the proposed access off of Pape Avenue must be reduced, along with the curb cut width, to a maximum of 7.2 metres and vehicle parking spaces should be outfitted with charging stations wherever possible.

A total of 520 bicycle parking spaces are proposed, Short-term bicycle spaces are located on the ground floor and within the P1 and P2 levels. Long-term bicycle parking spaces would be located on the mezzanine level, accessible by elevator. Additional parking spaces for nonconventional bikes (such as cargo bikes, e-bikes, tricycles) and bikes with accessories (like trailers and tag-along-bikes) to support individuals that choose active transportation should be provided.

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.

In the event that the OLT allows the appeal in whole or in part, staff recommend that the OLT withhold the issuance of any Order that may approve the applications until such time as the final draft Zoning By-law includes appropriate holding provisions to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning.

Solid Waste

Solid Waste Solid Waste Management Services have reviewed the application and require further details and revisions be made to the servicing and architectural plan and the loading arrangement for multi-residential and non-residential collection.

The applicant's vehicle manoeuvring diagrams illustrate trucks entering and exiting the site to use the proposed loading space via the site driveway. In general, this arrangement is acceptable, however, Transportation Services requires that the Type C space be re-located to eliminate potential conflicts. To further improve vehicular and pedestrian safety, a vehicular warning system would be required that informs people within the public laneway that trucks are on-site and a trained building maintenance person will be required to assist large vehicle operators with any turning manoeuvres to and from the loading spaces.

Toronto Green Standard

All applications are required to meet Tier 1 of the Toronto Green Standard, Version 4. City staff encourage the applicant to meet a higher tier to support the City's objectives for resilience and achieving net-zero emissions by 2040 or sooner. The proposal also needs to demonstrate Green Roof By-law compliance and information on available roof space for green roof treatments should be provided which consider details to ensure appropriate planning for landscape in the outdoor amenity area.

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 a full range of community services and facilities in areas that are inadequately serviced or experiencing growth is a shared responsibility.

Coordination with Transit Infrastructure Development

The subject site is immediately adjacent to the future Pape/Danforth Ontario Line interchange station. The applicant has not demonstrated sufficient engagement with Metrolinx and the TTC to ensure coordination with the planned station and tunnel development.

Further Issues

City 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

This 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 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 Provincial and Official Plan policies, in particular as concerns the inappropriate height and massing.

Staff recommend that City Council direct the City Solicitor, together with the appropriate City staff, to attend the OLT in opposition of the appeals. 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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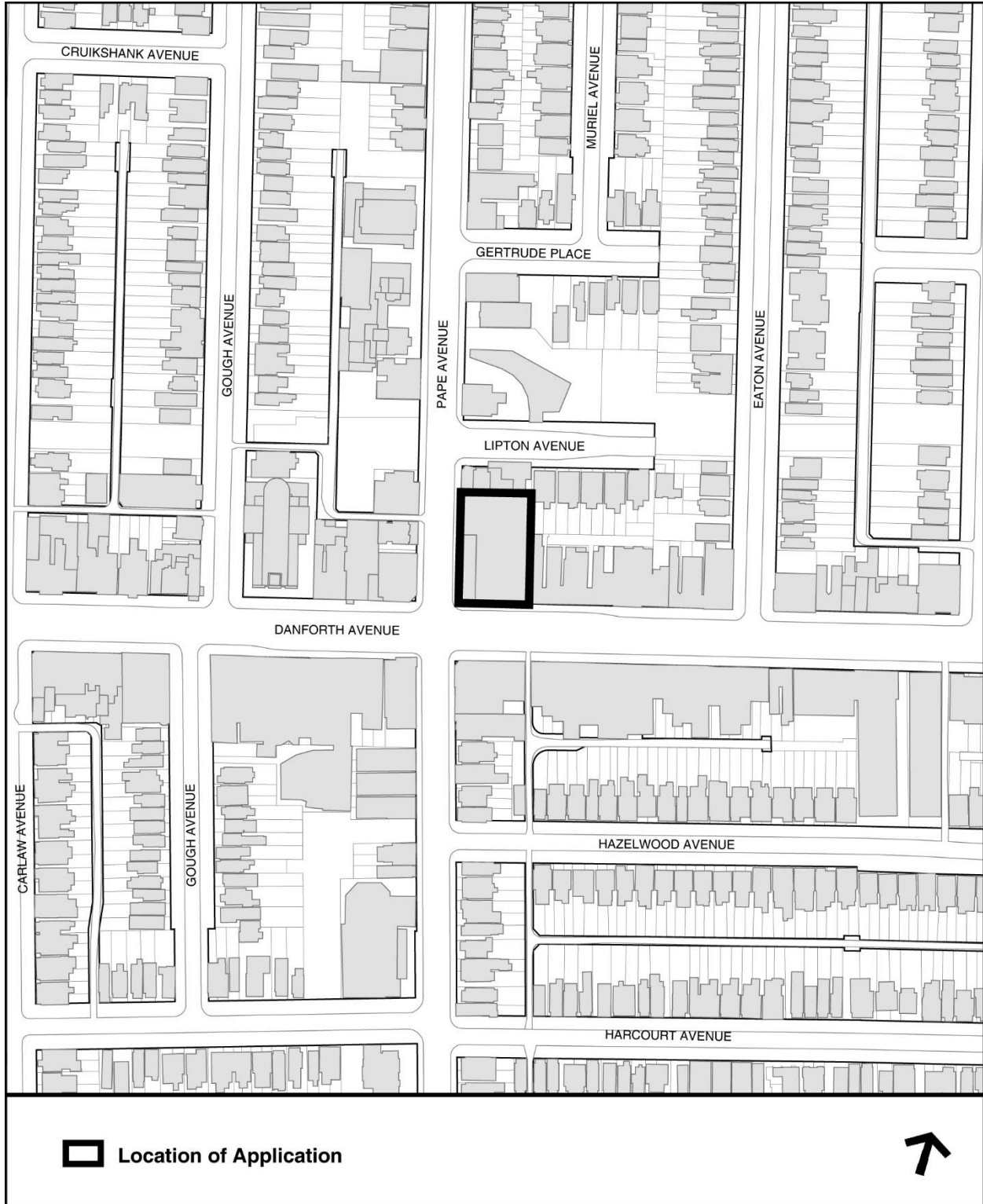
SIGNATURE

Willie Macrae, BA, MES, MCIP, RPP
Acting Director, Community Planning
Toronto and East York District

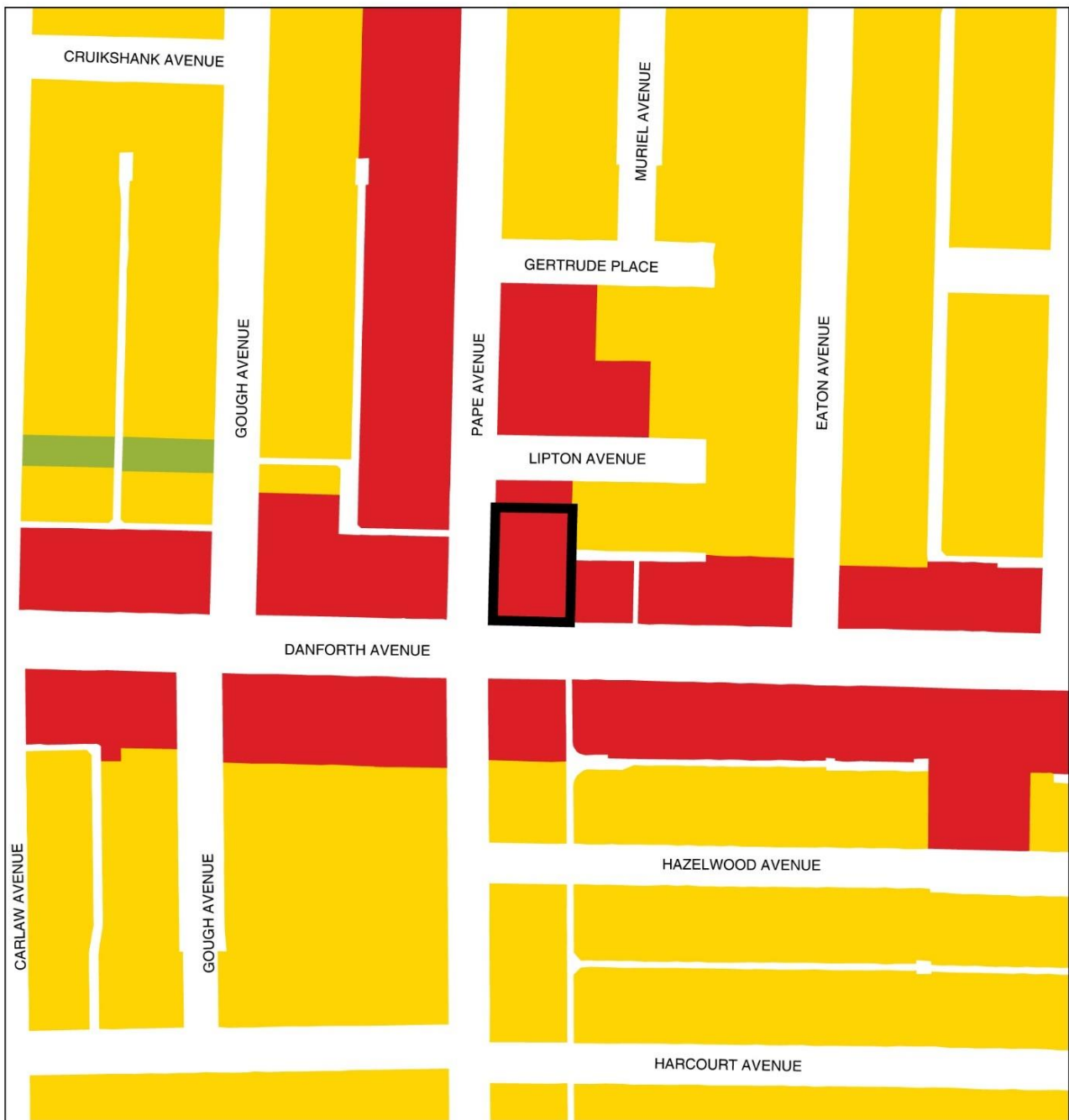
ATTACHMENTS

- Attachment 1: Location Map
- Attachment 2: Official Plan Land Use Map
- Attachment 3: Existing Zoning By-law Map
- Attachment 4: Application Data Sheet
- Attachment 5: 3D Model of Proposal in Context Looking Southwest
- Attachment 6: 3D Model of Proposal in Context Looking Northeast
- Attachment 7: Site Plan
- Attachment 8: Ground Floor Plan
- Attachment 9: South and West Elevations

Attachment 1: Location Map



Attachment 2: Official Plan Land Use Map



Official Plan Land Use Map #18

654-668 Danforth Ave & 717-723 Pape Ave

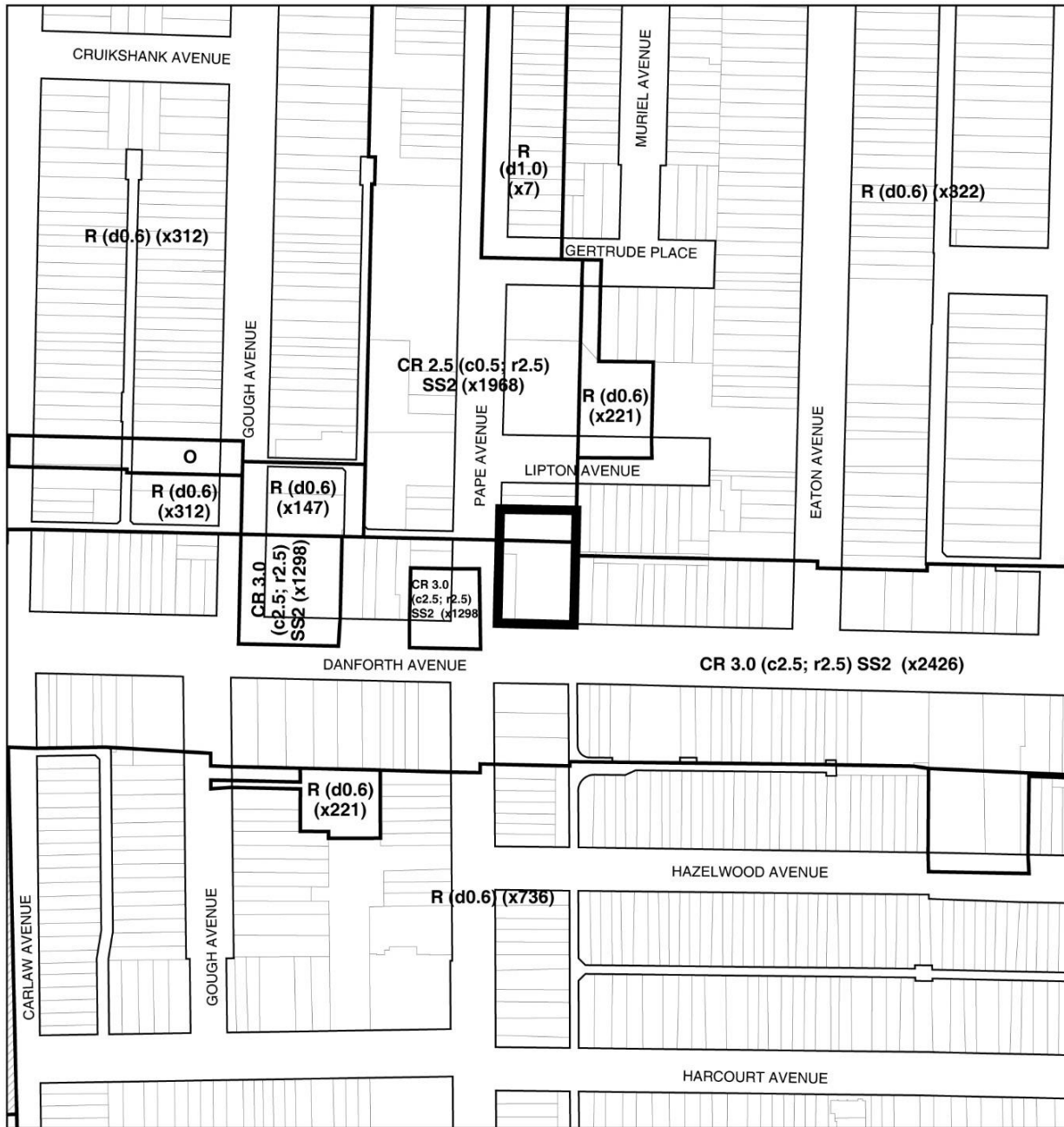
File # 22 185127 STE 14 0Z

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



Not to Scale
Extracted: 01/13/2023

Attachment 3: Existing Zoning By-law Map



Zoning By-law 569-2013

654-668 Danforth Ave & 717-723 Pape Ave

File # 22 185127 STE 14 0Z

-  Location of Application
- R** Residential
- CR** Commercial Residential
- O** Open Space

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



Not to Scale
Extracted: 01/13/2023

Attachment 4: Application Data Sheet

Municipal Address: 654-668 DANFORTH AVE **Date Received:** August 3, 2022

Application Number: 22 185127 STE 14 OZ

Application Type: OPA / Rezoning, Rezoning

Project Description: The proposal is to construct a new 49-storey mixed-use building with three levels of underground parking. The ground level includes a shared residential and office lobby as well as retail and commercial uses fronting onto Danforth Avenue and a portion of Pape Avenue. Office uses are proposed from the third to fifth floors and the residential use is proposed from the sixth to 49th floors. The proposal includes a total of 496 dwelling units, 29,756 m² of residential gross floor area (GFA) and 4,743 m² of non-residential GFA.

Applicant	Agent	Architect	Owner
GOLDBERG GROUP		Studio JCI	Del Boca Vista Properties, Inc.

EXISTING PLANNING CONTROLS

Official Plan Designation: Mixed Use Areas Site Specific Provision: N

Zoning: CR Heritage Designation: N

Height Limit (m): 16.0 m Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq m): 1,689 Frontage (m): 34 Depth (m): 50

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	1,624		1,452	1,452
Residential GFA (sq m):			29,756	29,756
Non-Residential GFA (sq m):	7,920		4,744	4,744
Total GFA (sq m):	7,920		34,500	34,500
Height - Storeys:	4		49	49
Height - Metres:	12		153	153

Lot Coverage Ratio (%): 85.97 Floor Space Index: 20.43

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	29,756	
Retail GFA:	666	
Office GFA:	4,078	
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			496	496
Other:				
Total Units:			496	496

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:		38	324	84	50
Total Units:		38	324	84	50

Parking and Loading

Parking Spaces: 84 Bicycle Parking Spaces: 520 Loading Docks: 2

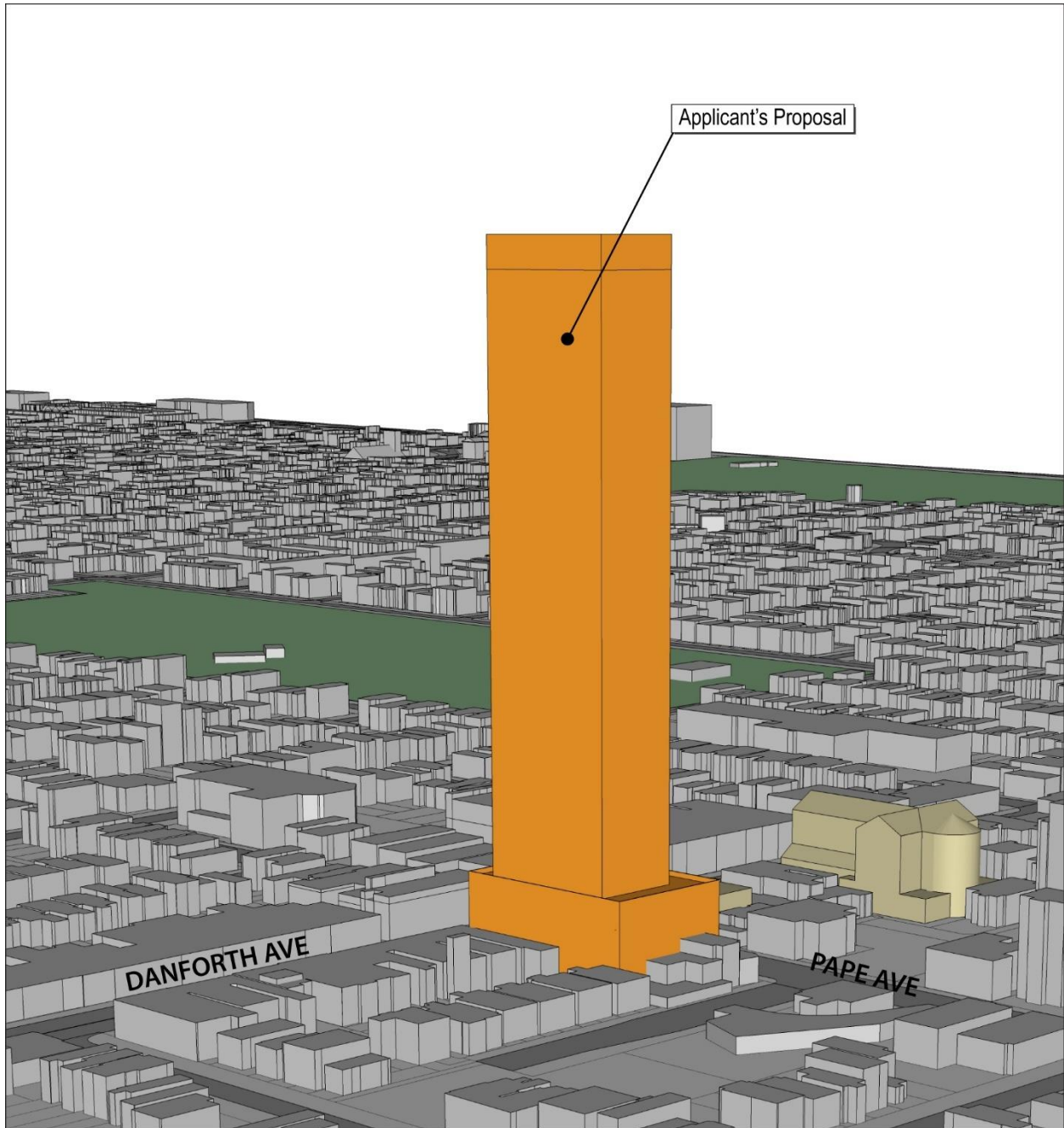
CONTACT:

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Attachment 5: 3D Model of Proposal in Context Looking Southwest

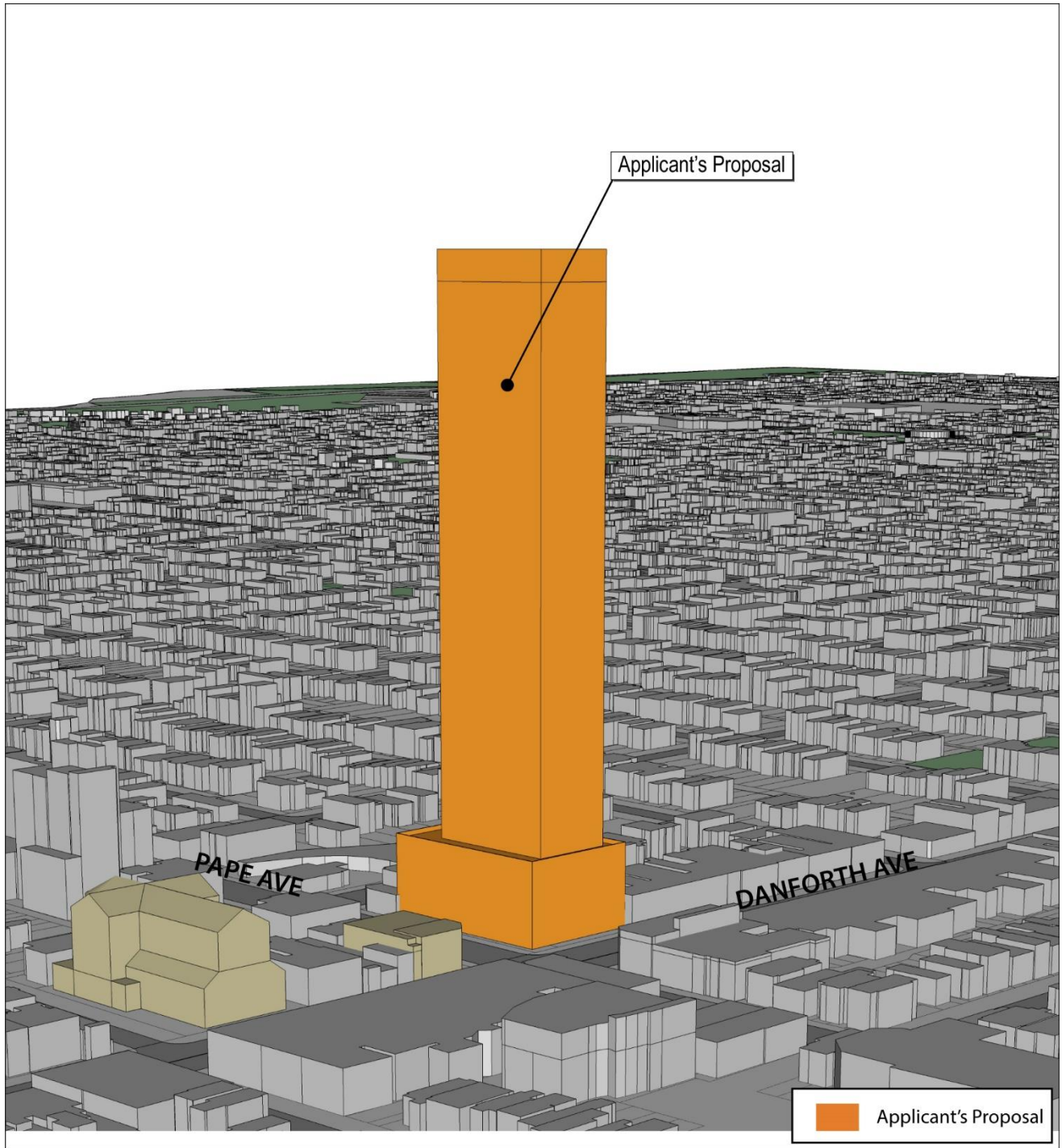


View of Applicant's Proposal Looking Southwest



01/13/2023

Attachment 6: 3D Model of Proposal in Context Looking Northeast

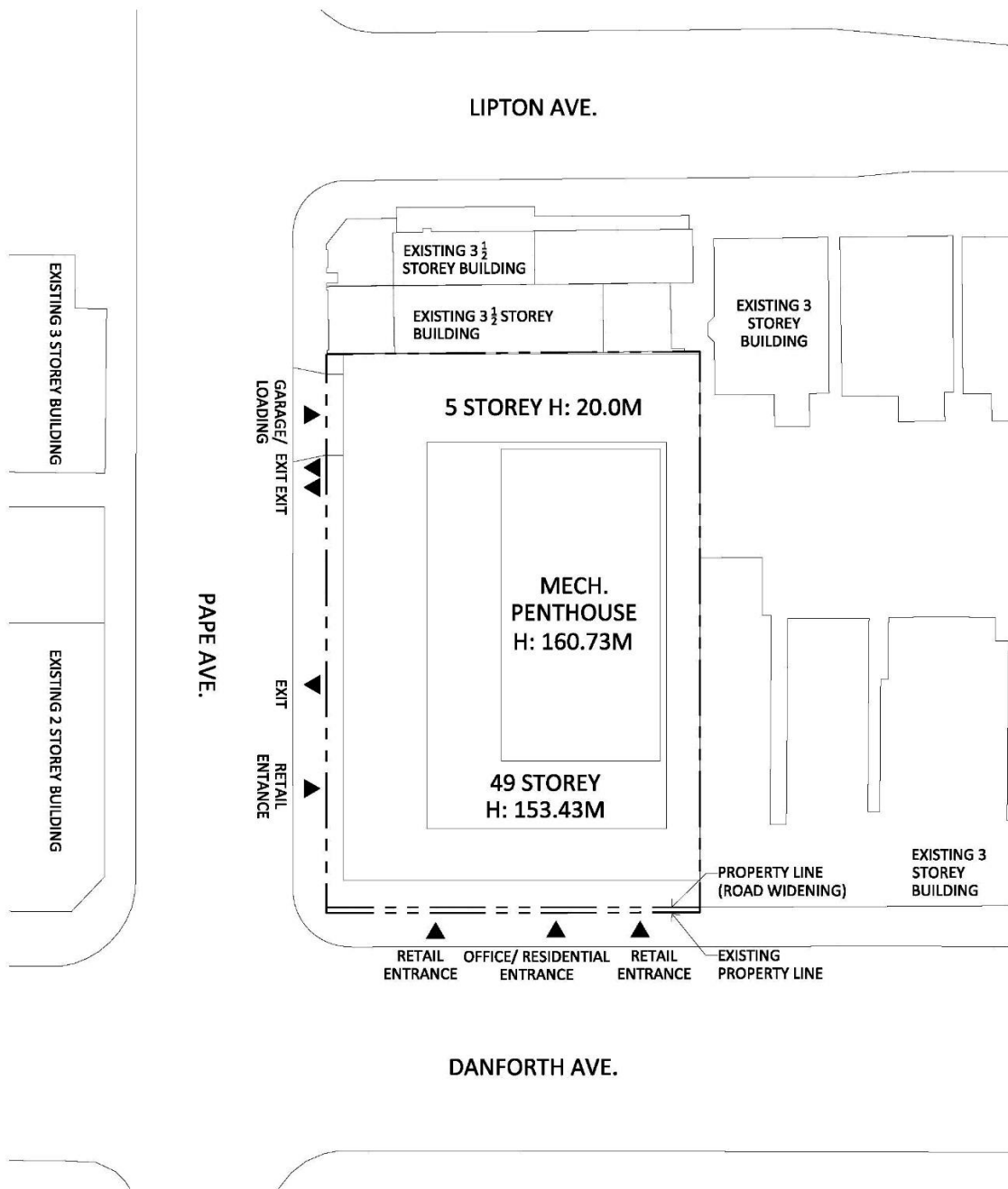


View of Applicant's Proposal Looking Northeast



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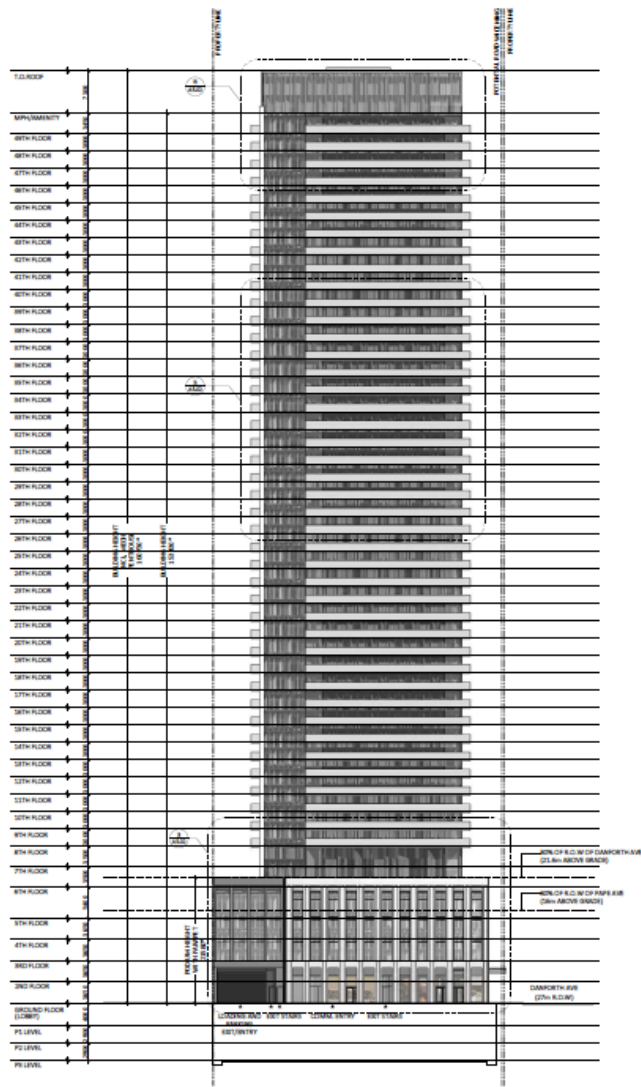
Attachment 7: Site Plan



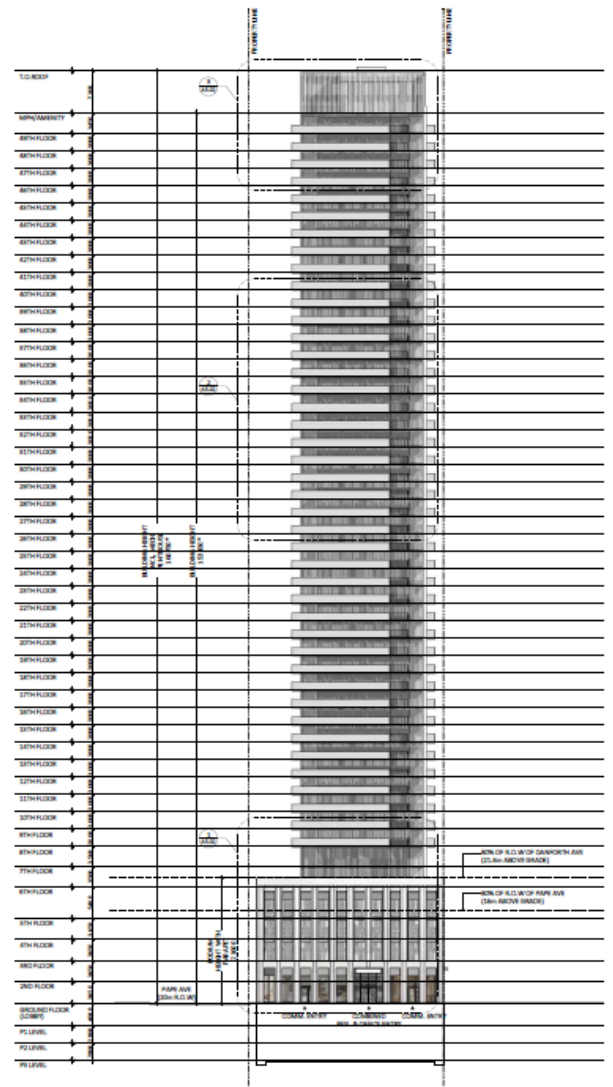
Site Plan



Attachment 9: South and West Elevations



2 WEST ELEVATION
Scale: 1:400



1 SOUTH ELEVATION
Scale: 1:400

NOTE: * BASED ON ESTABLISHED GRADE (24.56)