

8 Dawes Road – Zoning By-law Amendment Application – Appeal Report

Date: January 8, 2024

To: Toronto and East York Community Council

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

Wards: 19 - Beaches-East York

Planning Application Number: 22 225744 STE 14 OZ

Related Application: 22 225743 STE 14 SA

SUMMARY

On November 3, 2022, a Zoning By-law Amendment application was submitted seeking to permit a 38-storey mixed-use building with commercial uses on the ground and second floor and 399 residential dwelling units above.

On September 15, 2023, the applicant appealed the Zoning By-law Amendment application to the Ontario Land Tribunal (OLT) due to Council not making a decision within the statutorily prescribed time frame in the Planning Act.

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 to resolve outstanding issues.

RECOMMENDATIONS

The Director, Community Planning, Toronto and East York District 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 8 Dawes Road 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 Tribunal withhold any Order until such time as the City Solicitor advises that:
 - a. the final form and content of the draft Zoning By-law Amendment is to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning;

- b. 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

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

On December 17, 2019, City Council adopted Official Plan Amendment 478 (OPA 478) as the result of the Main Street Planning Study. OPA 478 allows for intensification, including tall buildings, within the study area through the achievement of a new road network, new parks and open spaces, and new and improved community services and facilities. The final report and OPA 478 can be found at the following link: [Agenda Item History - 2019.TE11.4 \(toronto.ca\)](#)

There were eight appeals of OPA 478 to the Ontario Land Tribunal. On October 1, 2021, City Council adopted a Request for Direction Report in respect of OPA 478. The City Council decision is available at: [Agenda Item History - 2021.CC36.7 \(toronto.ca\)](#)

The Ontario Land Tribunal issued a Final Order for OPA 478 on June 27, 2022.

No decisions have been made by Council on this zoning by-law amendment application. The Ontario Land Tribunal has held a Case Management Conference on December 14, 2023.

On July 19, 2022, City Council adopted the Major Transit Station Area (MTSA) and Protected Major Transit Station Area (PMTSA) Official Plan Amendments pursuant to Sections 16(15) and 26 of the *Planning Act*, including Official Plan Amendment 540 (OPA 540) which would amend Chapter 8 of the Official Plan. Taken together, these OPAs add a combined total of 115 MTSAs and PMTSAs to Chapter 8 of the Official Plan. These OPAs are awaiting a decision by the province and not yet in force. The final report and OPA can be found at the following link: [Agenda Item History - 2022.PH35.16 \(toronto.ca\)](#)

SITE AND SURROUNDING AREA

Description: The site is located south of Danforth Avenue with frontage on the east side of Dawes Road. Adjacent the site on the south side is the Metrolinx GO Transit railway line servicing the Lakeshore East GO transit line and Via Rail. The site is generally flat and rectangular in shape with an approximate area of 2,510 square metres. The site has a frontage of 45 metres along Dawes Road and a lot depth of 65.5 metres.

Existing Uses: The site is currently vacant.

THE APPLICATION

Description: One mixed-use building of 38 storeys (123.68 metres including mechanical penthouse) with an 8 storey (25.8 metres) streetwall height. A total of 451 square metres of ground floor commercial uses are proposed.

Density: 11.25 times the area of the lot.

Dwelling Units: The proposal includes 27,793 square metres of residential gross floor area (GFA). A total of 399 dwelling units are proposed, comprised of 251 one-bedroom units (63%), 109 two-bedroom units (27%) and 39 three-bedroom units (10%).

Access, Parking and Loading: The applicant proposes pedestrian access to the building entrance from Dawes Road towards the north side of the site.

Vehicular access to the site is also proposed from Dawes Road. Parking is proposed in a three level above-grade parking garage containing 126 parking spaces. A total of 115 residential spaces and 11 non-residential shared visitors are proposed to be accessed by parking elevators. An internalized Type G loading space is proposed adjacent to the parking elevators on the ground floor.

Bicycle Parking: The development includes 450 bicycle parking spaces: 360 long term and 80 short term residential spaces as well as 10 short-term non-residential spaces. The short term spaces are located on the ground floor and the long term spaces are located within the above-grade parking garage with access from a bicycle elevator.

Additional Information

See the Attachments to this report for a location map, Application Data Sheet, three dimensional representations of the project in context, and a site plan. 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/8DawesRd.

Reasons for Application

The Zoning By-law Amendment proposes to create site specific 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 application is subject to Site Plan Control. A Site Plan Control application was submitted on November 3, 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 site is designated Mixed Use Areas in the Official Plan.

Secondary Plans/Area Specific Policies

The site is subject to Official Plan Amendment 478 (Main Street Planning Study) and implemented by Site and Area Specific Policy 577 (SASP 577). The proposed development is within Character Area C and the Employment Priority Area within SASP 577 which accommodates transit-supportive development in the form of new tall buildings and mid-rise buildings, where appropriate.

Zoning

The site is zoned Residential Districts (R2 Z2.0) 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 Buildings 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;
- Privately-Owned Publicly Accessible Spaces (POPS) Urban Design Guidelines
- Best Practices for Effective Lighting; and
- Toronto Accessibility Design Guidelines.

The City's Design Guidelines can be found here: [Design Guidelines – City of Toronto](#)

Toronto Green Standard

The Toronto Green Standard (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 TGS. The TGS can be found here: <https://www.toronto.ca/citygovernment/planning-development/official-plan-guidelines/toronto-green-standard/>

COMMUNITY CONSULTATION

On March 8, 2023, City Planning staff conducted a combined virtual community consultation meeting for this site, along with two adjacent development proposals at 2575 and 2625 Danforth Avenue and 2681 Danforth Avenue. City Planning staff, the Ward Councillor, the applicant team and approximately 80 people attended. Following presentations by City staff and the applicant, the following comments and concerns were raised by participants for this proposed development:

- building height
- density
- lack of appropriate transition
- shadowing
- servicing capacity (including both hard and soft infrastructure)
- traffic congestion
- provision of affordable housing on-site
- construction impacts

On October 5th, 2023, the applicant participated in a joint review at the Toronto Design Review Panel, alongside the 6 other development applications at the south-east corner of Main Street and Danforth Avenue. The project received a vote of support (3-2).

Comments included:

- reconsider the ground floor plan to support the proposed adjacent private open space, potentially with bike parking or as a bike share location;
- redesign the building façades that are exposed to the GO station for a better public realm experience;
- improve landscaping on site; and
- demonstrate a commitment to progressive sustainability measures.

The comments raised through community consultation have been considered through the review of this application.

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.

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.

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

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, including the policies of Official Plan Amendment 478, regarding massing, setbacks, step backs, tower separation distances with adjacent sites, and shadow impacts on adjacent neighbourhoods. The proposal has not demonstrated how the proposed built form can be appropriately accommodated on the site.

Shadow

A shadow study shows the proposed building shadows properties designated Neighbourhoods in the Official Plan and planned future public parks located at adjacent proposed developments. Policies (a) and (c) of Policy 7.3 of OPA 478 require new tall buildings to appropriately limit shadow impacts to these spaces. Changes to the built form are required to improve shadow conditions, which are not currently acceptable.

Wind

A Pedestrian Level Wind Study suggests that the wind conditions for seating in the public realm and outdoor amenity spaces proposed on the 5th floor are uncomfortable and unsafe. Unsafe wind conditions do not meet Official Plan Policies and improvements to support wind conditions that are comfortable for sitting in spring, summer and fall are required.

Dwelling Unit Mix

The proposed 399 dwelling units include 251 one-bedroom units (63%), 109 two-bedroom units (27%) and 39 three-bedroom units (10%).

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.

Housing Issues

Official Plan policies state that a full range of housing will be provided and maintained to meet the needs of current and future residents, including affordable housing. The Growth Plan also contains policies to support the development of affordable housing and a range of housing to accommodate the needs of all household sizes and incomes. Staff encourage the provision of affordable housing on the site to support the City's and Growth Plan's housing policy objectives to provide a full range of housing (tenure and affordability) within new developments.

The housing policies of the OPA 478 apply to this site, including policy direction in Policy 9.1 that new residential development will provide a diverse range and mix of housing options, including seniors housing and affordable housing to accommodate people at all stages of life and to accommodate the needs of all household sizes and incomes.

As no affordable units or seniors housing is currently proposed, the proposal is not consistent with OPA 478 or with provincial policies.

Public Realm and Streetscape

Policy 2.2.1 of OPA 478 requires a minimum 6 metre setback from street curb to building face along Main Street, Danforth Avenue and the Dawes Road, free of all cantilevers or archways to support space for future mature tree canopy and for the heavy pedestrian volume anticipated here (the area connecting a TTC and GO station). The current proposal has a 3-4 metre setback along Dawes Road and is not supportable.

A composite Public Utility Plan (Quality Level-A) is also required to determine where trees can be located, and if additional building setbacks will be required, should there be conflicts.

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.

Privately-Owned Publicly Accessible Spaces (POPS)

The proposed POPS at the southwest corner of the site along Dawes Road is approximately 170 square metres. Given the lot size and limited frontage, the proposed POPS is acceptable to staff.

Transportation

Transportation Services staff has reviewed the Transportation Impact Study submitted in support of the application. Transportation Services staff request publicly accessible car-share parking spaces at grade and electric vehicle supply equipment (EVSE).

Transportation Services staff also request revisions on the road design to illustrate the required 16.5-metre-wide right-of-way for Dawes Road and the new Dawes Road extension.

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 to ensure that the proposal can be serviced and adhere to the City's Foundation Drainage Policy.

An agreement between owner of this development and owners of the other lands in the Main Street Planning Area may be required to facilitate the developments of all lands. The agreement shall include, among other things, timing of the land conveyance for the provision of road widenings and new public roads, construction of the roads, and construction cost sharing, all to the satisfaction of the City.

Solid Waste

Solid Waste Management have reviewed the application and request revisions to the architectural plans to ensure solid waste matters are appropriately addressed, specifically for the proposed Type G loading space.

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. Should the proposal be approved in some form by the OLT, applicable performance measures for the Tier 1 development features would be secured in the site-specific Zoning By-law at a minimum and others through the Site Plan Control application.

Community Infrastructure

The Official Plan establishes and recognizes that the provision of and investment in community services and facilities supports healthy, safe, livable, 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 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.

CONTACT

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SIGNATURE

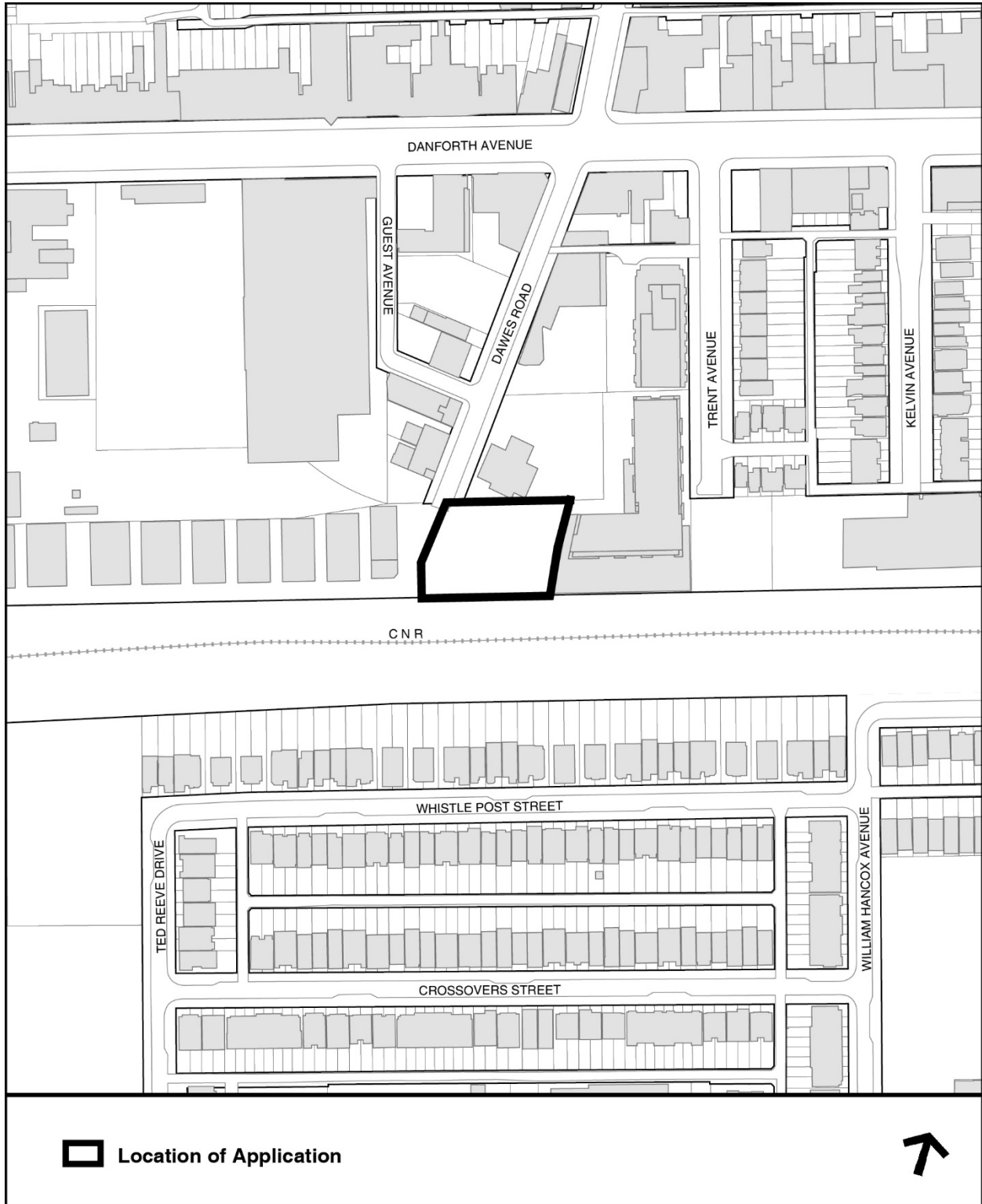


Carly Bowman, M.Sc.Pl., MCIP, RPP
Director, Community Planning
Toronto and East York District

ATTACHMENTS

Attachment 1: Location Map
Attachment 2: Application Data Sheet
Attachment 3: 3D Model of Proposal in Context Looking Southwest
Attachment 4: 3D Model of Proposal in Context Looking Northeast
Attachment 5: Site Plan
Attachment 6: Official Plan Land Use Map
Attachment 7: Site and Area Specific Policy Map
Attachment 8: Existing Zoning By-law Map

Attachment 1: Location Map



Attachment 2: Application Data Sheet

Municipal Address: 8 DAWES ROAD **Date Received:** November 3, 2022

Application Number: 22 225744 STE 19 OZ

Application Type: Rezoning

Project Description: Rezoning application for proposed 38-storey mixed-use building containing 399 dwelling units. The proposal contains a total gross floor area (GFA) of 28,244m² which is primarily residential (27,793m²) but also includes 451m² of non-residential GFA, yielding a floor space index (FSI) of 11.25.

Applicant	Agent	Architect	Owner
Kian Manesh	Marlin Springs	IBI Group Architects Inc.	Marlin Springs

EXISTING PLANNING CONTROLS

Official Plan Designation: Mixed Use Areas Site Specific Provision: SASP 577

Zoning: I1 D1 Heritage Designation:

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

PROJECT INFORMATION

Site Area (sq m): 2,510 Frontage (m): 45 Depth (m): 65

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			1,445	1,445
Residential GFA (sq m):			27,793	27,793
Non-Residential GFA (sq m):			451	451
Total GFA (sq m):			28,244	28,244
Height - Storeys:			38	38
Height - Metres:			118	118

Lot Coverage Ratio (%): 57.57 Floor Space Index: 11.25

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	27,793	
Retail GFA:	451	
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			399	399
Other:				
Total Units:			399	399

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:			251	109	39
Total Units:			251	109	39

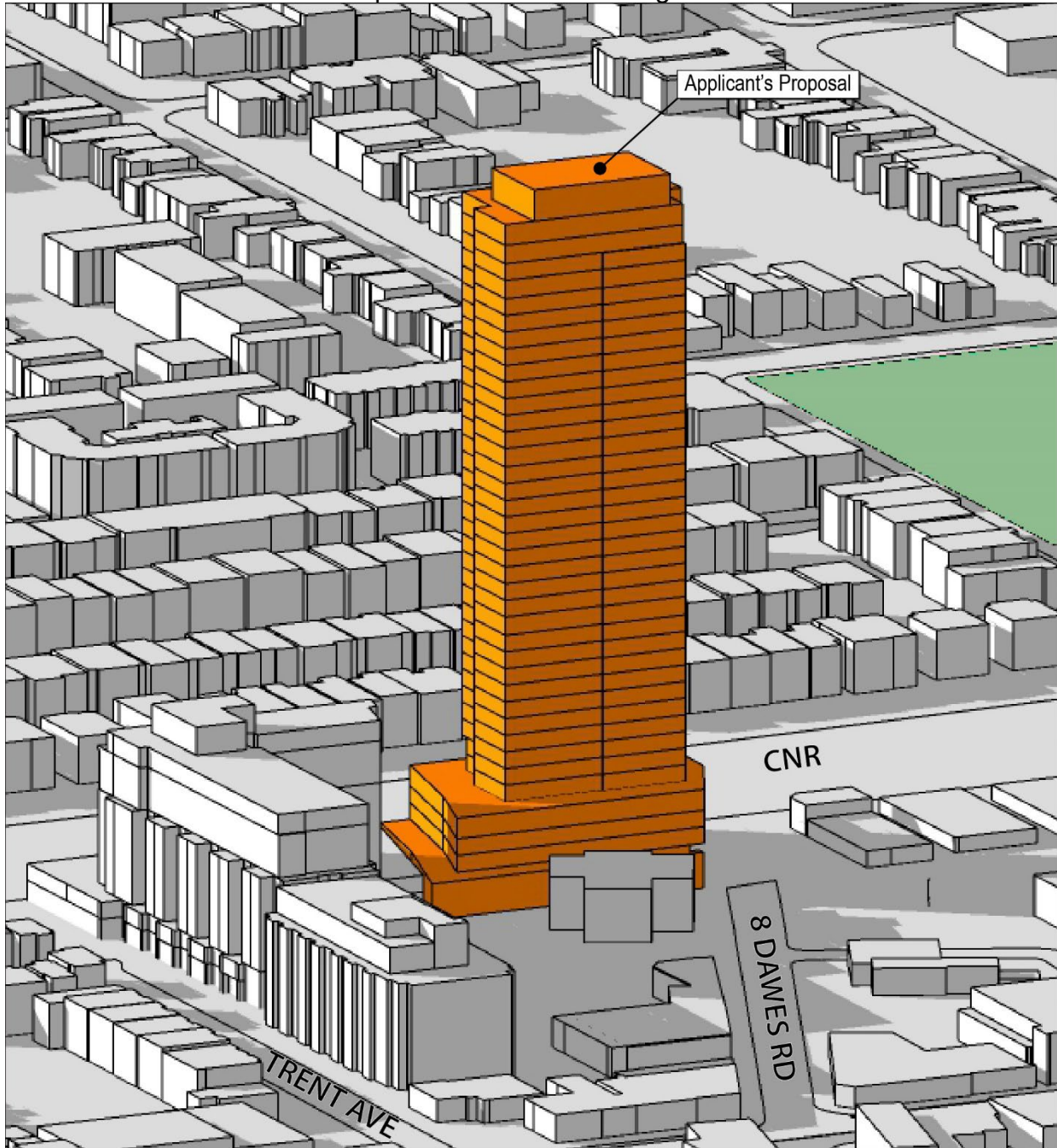
Parking and Loading

Parking Spaces: 126 Bicycle Parking Spaces: 450 Loading Docks: 1

CONTACT:

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416-392-5606
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Attachment 3: 3D Model of Proposal in Context Looking Southwest

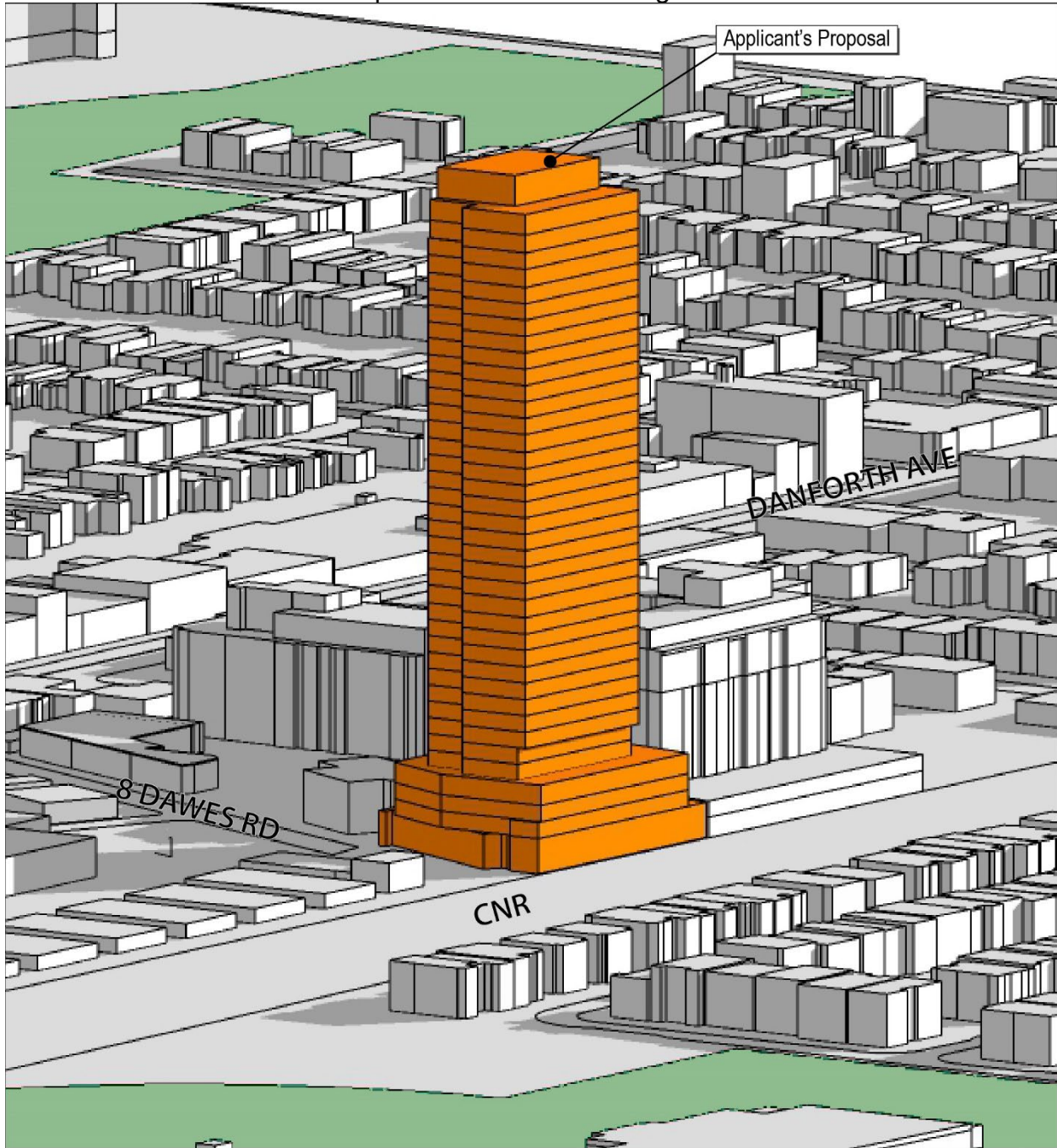


View of Applicant's Proposal Looking Southwest



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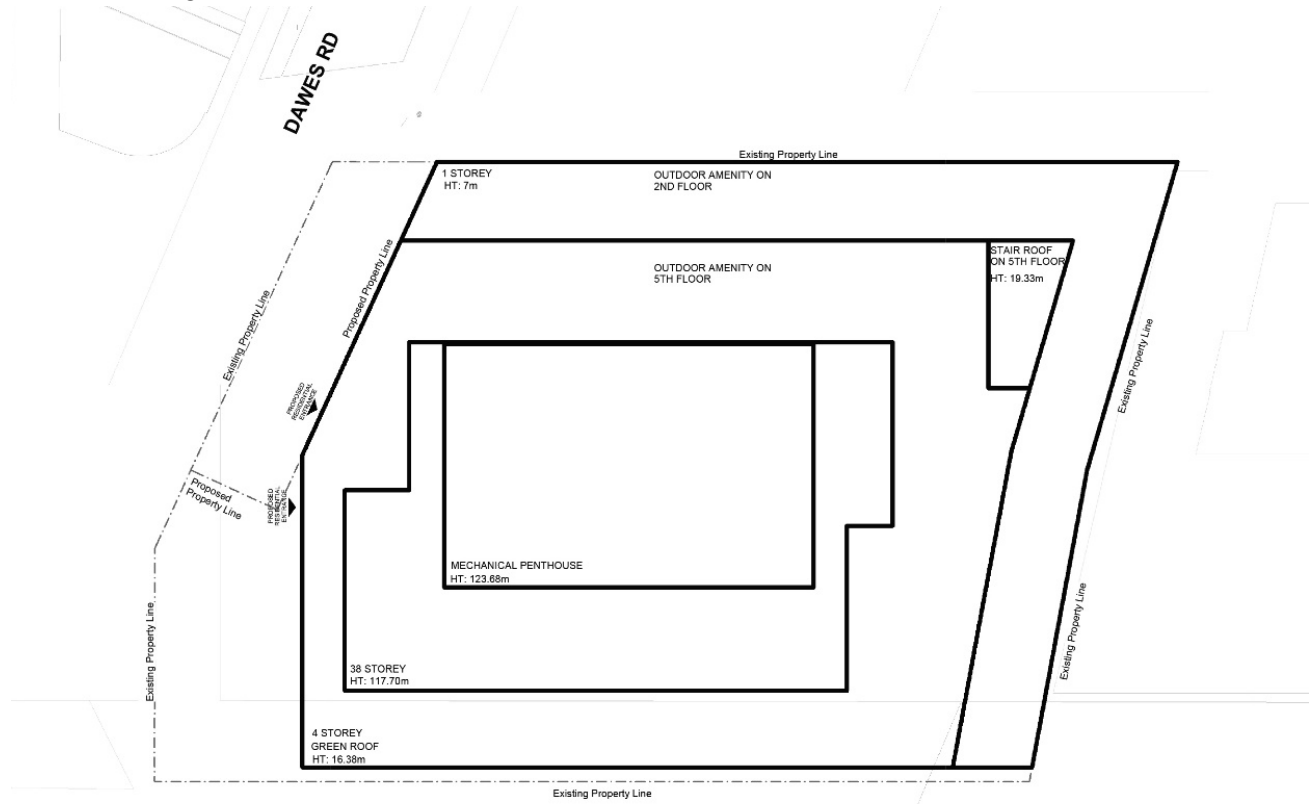
Attachment 4: 3D Model of Proposal in Context Looking Northeast



View of Applicant's Proposal Looking Northeast



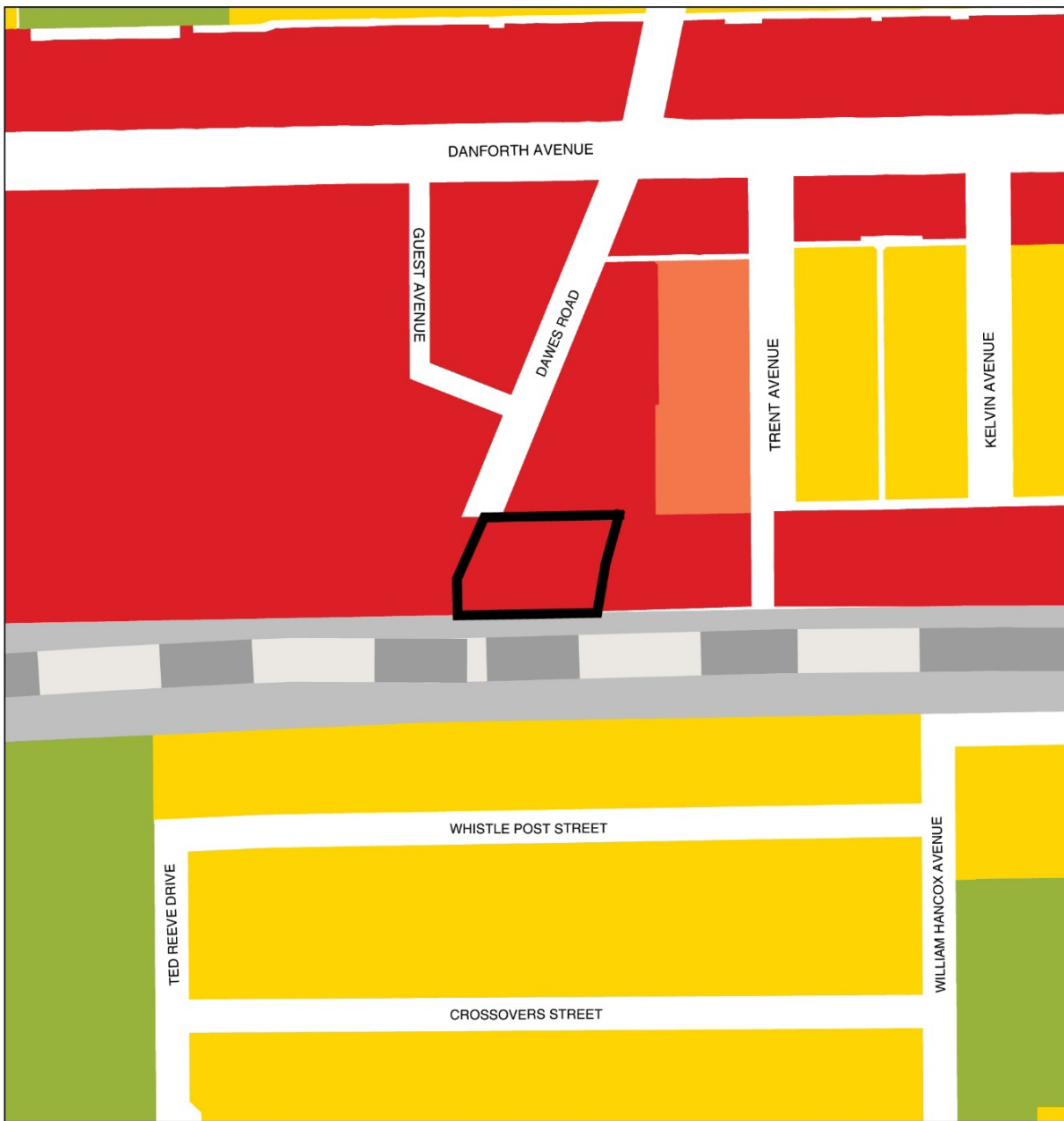
Attachment 5: Site Plan



Site Plan









Attachment 6: Official Plan Land Use Map



Official Plan Land Use Map #21

8 Dawes Road

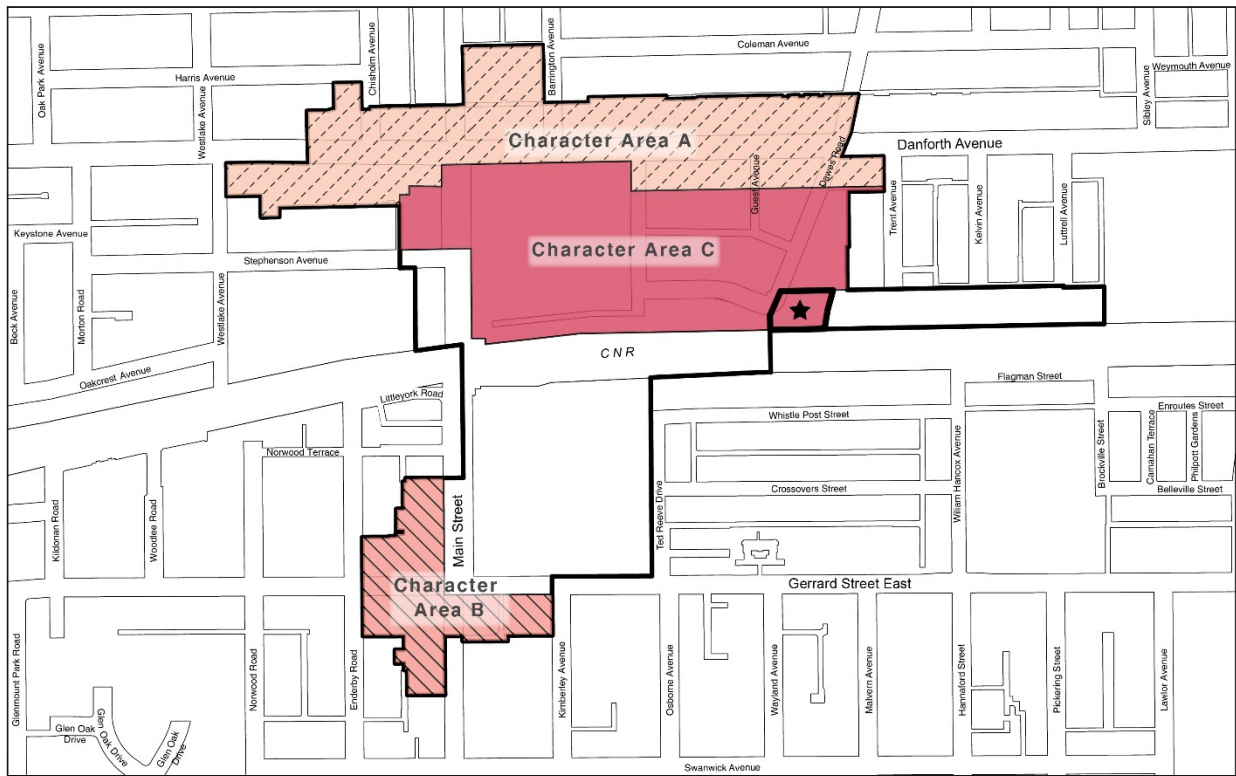
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-  Location of Application
-  Neighbourhoods
-  Apartment Neighbourhoods
-  Mixed Use Areas
-  Parks
-  Utility Corridors



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Attachment 7: Site and Area Specific Policy Map



Official Plan Amendment #478
Character Areas MAP 5 Mixed Use Character Areas Plan

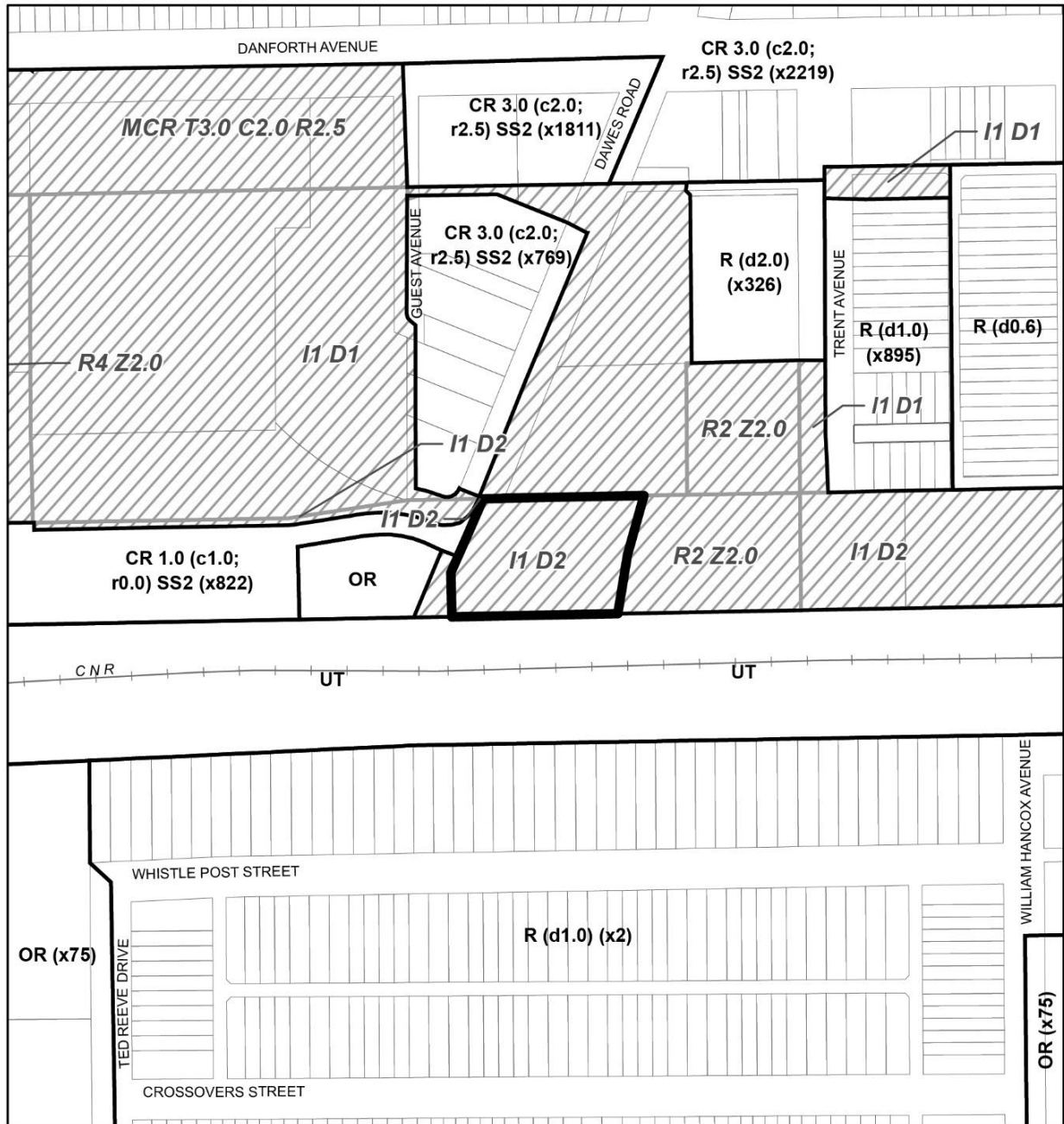
8 Dawes Road

File # 22 225744 STE 19 OZ

- Subject Site
- Character Area A
- Character Area B
- Character Area C
- Area Boundary

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 Not to Scale
 11/16/2023

Attachment 8: Existing Zoning By-law Map



Zoning By-law 569-2013

8 Dawes Road

File # 22 225744 STE 19 0Z

Location of Application

R Residential
CR Commercial Residential
OR Open Space Recreation
UT Utility and Transportation

See Former City of Toronto By-law No. 438-86

R2 Residential District
R4 Residential District
MCR Mixed-Use District
I1 Industrial District



Not to Scale
 Extracted: 11/16/2023