

280 Commissioners Street - Official Plan Amendment - Appeal Report

Date: December 17, 2025

To: Toronto and East York Community Council

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

Ward: 14 Toronto-Danforth

Planning Application Number: 24 246869 STE 14 OZ

SUMMARY

On December 6, 2024, an application for an Official Plan Amendment application was submitted to the City for two residential towers with heights of 40 and 45 storeys, with 937 residential units proposed including 42 affordable units. The proposed development includes a total gross floor area of 81,219 square metres, including 16,336 square metres of non-residential uses located in the base building.

On November 4, 2025, the applicant appealed the Official Plan Amendment application to the Ontario Land Tribunal ("OLT") due to Council not making a decision within the timeframe prescribed by the Planning Act.

This report recommends that the City Solicitor and appropriate City staff attend the OLT to oppose the Official Plan Amendment application in its current form and to continue discussions with the applicant in an attempt 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 Official Plan Amendment appeal for the lands at 280 Commissioners Street and to continue discussions with the applicant in an attempt to resolve outstanding issues.
2. City Council authorize the City Solicitor and City Staff to take any necessary steps to implement City Council's decision, including requesting any conditions of approval that would be in the City's interest, in the event the Ontario Land Tribunal allows the appeal, in whole or in part.

FINANCIAL IMPACT

The Development Review 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 December 8, 2017, City Council adopted the staff report from the Deputy City Manager, Cluster B, entitled "Port Lands Planning Initiatives – Final Report". This comprehensive effort is the result of analysis and consultation beginning in 2013 and culminating in the Port Lands Planning Framework (PLPF) and the Port Lands Official Plan Modification (OPM). The report recommended a work program to implement Council direction that included a Zoning Review for Port and Industrial Districts, a Precinct Plan for McCleary District, and Urban Design Guidelines for the Production, Interactive and Creative (PIC) Core District. This report can be found at the following link:

<https://www.toronto.ca/legdocs/mmis/2017/pg/bgrd/backgroundfile107844.pdf>

The Port Lands OPM was appealed to the Ontario Land Tribunal and the City worked with the various appellants to resolve land use, compatibility and transportation issues. Following two phases of settlement hearings commencing on April 16, 2021, an OLT Decision was issued on July 11, 2022, bringing the OPM into effect as the Port Lands Areas Specific Policies (PLASP), with the exception of a few site-specific issues. This OLT Decision can be found at the following link:

<https://www.omb.gov.on.ca/edecisions/OLT-22-002109-JUL-11-2022.PDF>

On October 30, 2024, the Planning and Housing Committee considered a report entitled McCleary District Precinct Plan Study Update. This report provided an overview of the study led by CreateTO, working closely with the City of Toronto and Waterfront Toronto, to produce a Precinct Plan in 2025. The report can be found at the following link:

<https://secure.toronto.ca/council/agenda-item.do?item=2024.PH16.8>

Description

The site is rectangular in shape, 9,584 square metres in size and located on the northeast corner of Saulter Street South and Commissioners Street. The site is currently occupied by a self-storage facility. See Attachment 2 for the Location Map.

Surrounding Uses

North: employment uses, Lake Shore Boulevard East, and the East Harbour development.

South: a range of non-residential uses including industrial and film studio uses.

East: vacant lands designated Regeneration Areas, which will accommodate the future Broadview Extension, as well as McCleary Park and the Commissioners Waste Transfer Station.

West: vacant lands designated Regeneration Areas and intended for mixed-use residential redevelopment by the City, including new parks and open space.

THE APPLICATION

Description

Proposal includes two towers at 40-storeys and 45-storeys, containing 64,882 square metres of residential space. The proposal also includes 16,336 square metres of non-residential space.

Density: Approximately 81,218 square metres of total gross floor area is proposed, resulting in a floor space index of 8.6 times the area of the lot.

Residential Component: The proposal contains 937 residential comprised of 67 (7%) bachelor, 606 (64%) one-bedroom, 170 (18%) two-bedroom, and 94 (10%) three-bedroom units. 42 units are proposed to be affordable rental units and the remainder are market condominium.

Non-Residential Component: A non-residential GFA of 16,366 square metres is proposed, with 937 square metres dedicated to retail uses at grade and 15,399 square metres dedicated to self-storage and Productions, Interactive, and Creative (PIC) uses. PIC uses are intended to support Toronto's film and creative industries and includes uses such as production studios, carpenter's shops, workshops, artist and performing arts studios, and other cultural-related and office uses associated with productions or creative sectors. The application proposes a data centre and home improvement retail as PIC uses.

Additional Information

See the attachments of this report for the Application Data Sheet, Location Map, site plan, elevations, and 3D massing views 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](https://www.toronto.ca/280CommissionersSt) at the following link:
<https://www.toronto.ca/280CommissionersSt>

Reasons for Application

An Official Plan Amendment is required for this proposal to address a number of policies within the Central Waterfront Secondary Plan. These include policies related to tower heights; tower separation; floorplates; the distribution of Production, Interactive and Creative ("PIC") uses; and the provision of affordable housing.

A future Zoning By-law amendment is necessary to bring the site into the City-wide Zoning By-law 569-2013 and to permit the land uses, height, setbacks, and form of the proposed development.

Agency Circulation Outcomes

The application has been circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the application.

POLICY AND REGULATION 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 Planning Statement (2024), and shall conform to provincial plans.

City of Toronto Official Plan

The former City of Toronto Official Plan (1993) is in force for this site, which sets out a policy framework for the waterfront in Chapter 14, promoting increased and sustainable public enjoyment and use of the area by improving public access to the waterfront; increasing the amount of public parkland; and enhancing the quality of the waterfront as a place, among other objectives.

In the City's current Official Plan, the site is located in the Downtown and Central Waterfront on Urban Structure Map 2 and is designated Regeneration Areas on Land Use Map 18. See Attachment 3 of this report for the Land Use Map. The current and former Official Plans should be read in their entirety to understand their comprehensive and integrative intent as policy frameworks for priority setting and decision making.

Central Waterfront Secondary Plan

The Central Waterfront Secondary Plan (CWSP) has four core principles to guide waterfront renewal:

- (A) Removing barriers/making connections
- (B) Building a network of spectacular waterfront parks and public spaces
- (C) Promoting a clean and green environment
- (D) Creating dynamic and diverse new communities

The site is designated Regeneration Areas in the CWSP. These lands may be used for a wide variety of both public and private development ranging from industries to residential to community services and parks, offices, stores, hotels and restaurants. These areas are expected to be designed at ground floor level to complement the activities anticipated in adjacent public spaces and deliver the highest quality of design excellence.

The CWSP has an overall goal that affordable rental housing and low-end-of-market

housing will make up 25% of all housing units within the Central Waterfront, of which 20% will be affordable rental housing. The CWSP also states that at least one-quarter (25%) of the affordable rental units will be two-bedroom units or larger.

Port Lands Area Specific Policy

Within the Central Waterfront Secondary Plan is the Port Lands Area Specific Policy (PLASP), which identify specific precincts and districts, land use typologies, a number of performance standards and high-level objectives for development within the Port Lands. These policies are intended to be read in conjunction with the Port Lands Planning Framework to provide context and to assist in clarifying intent and purpose.

The PLASP includes direction on land use compatibility, environmental performance, heritage, public realm and provides numerous built form performance standards, including those for tower height, floorplates and separation. Other key performance standards are included related to the delivery of PIC uses and affordable housing.

Protected Major Transit Station Areas - Site and Area Specific Policy No. 688

The site is situated on lands which are included within Site and Area Specific Policy No. 688, which, once approved, will establish the Protected Major Transit Station Area (PMTSA) for lands within 800 metres of the planned East Harbour transit station. The East Harbour Station is planned for a minimum population and employment target of 300 residents and jobs combined per hectare. This PMTSA has not yet been approved by the Ministry of Municipal Affairs and Housing.

Zoning

The site is zoned I3 D2 by By-law 438-86, as amended by By-law 1305-2019. The I3 D2 zone generally permits a wide range of non-residential uses with a density equal to two times the lot area. There is no height limit in the zoning applicable to the property. The site is not currently subject to city-wide zoning by-law 569-2013. See Attachment 3 of this report for the existing Zoning By-law map.

Design Guidelines

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

- Tall Building Design Guidelines
- Growing Up Guidelines for Children in Vertical Communities
- Pet Friendly Design Guidelines for High Density Communities
- Design Guidelines for Privately Owned Publicly-Accessible Open Spaces (POPS)
- Best Practices for Bird Friendly Glass
- Toronto Accessibility Design Guidelines

Toronto Green Standard

The Toronto Green Standard (TGS) Version 4.0 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. Tiers 2 and above are voluntary, higher levels of performance with financial incentives (partial development charges refund). Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

ENGAGEMENT

Community Consultation

City staff hosted an in-person community consultation on December 10, 2024. City staff and representatives from the application team and four members of the public participated. Participants raised concerns related to air quality, in particular impacts from the nearby Portlands Energy Centre; and asked questions regarding the adequate provision of community services and facilities

The issues raised through the community consultation process have been considered through the review of the application and commented on as necessary in the body of this report.

COMMENTS

Provincial Planning Statement and Provincial Plans

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 Planning Statement, 2024 (PPS). All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS.

Currently, it has not been demonstrated that the proposed development is consistent with PPS policies concerning the development of complete communities and the provision of affordable housing; land use compatibility; and natural hazards.

Official Plan Policies and Design Guidelines

This application has been reviewed against the Official Plan policies and Secondary Plan policies described in the Policy and Regulation Considerations Section of this Report.

McCleary District Precinct Plan

The site is within the McCleary District as represented within the PLASP and Central Waterfront Secondary Plan (CWSP). A precinct planning process for the McCleary Precinct commenced in 2023 as a joint project between CreateTO, City Planning and Waterfront Toronto, with analytical, design and engagement work are currently ongoing.

The Precinct Plan will provide guidance on the location of local parks, streets and blocks; the land use strategy, built form and density; land use compatibility; hard and soft infrastructure; and affordable housing, as well as coordination with area infrastructure projects, including the extension of Broadview Avenue. The Precinct Plan will implement CWSP/PLASP policies which envision Commissioners Street as a PIC-focused corridor where residential uses are not permitted.

Approvals permitting high-density residential uses must be coordinated with the outputs of the McCleary District Precinct planning exercise to ensure that residential uses are suitably setback from Commissioners Street and PIC uses are prioritized.

Housing

The housing policies of the PLASP apply to this site, including policy direction that development of these lands contribute to the objective of securing 25% of all housing units as affordable rental housing and low-end of market housing. More specifically, the PLASP requires the provision of affordable rental housing on privately owned land, either as land or units conveyed to the City or as retained on-site affordable rental units, secured for a period of not less than 25 years. The application currently proposes to deliver 5.4% of units as affordable, which is insufficient and does not conform to the policy requirement.

Density, Height, Massing

The proposed height exceeds what is currently envisioned in the PLASP, which limits height in McCleary District to 39-storeys with a height peak at the corner of Don Roadway and Lake Shore Boulevard East, and heights terracing down to the south and east. In addition to tower heights, performance standards related to podium heights, floorplates, setbacks and stepbacks proposed in the draft Official Plan Amendment are not acceptable and must be addressed to ensure objectives for the Precinct are being met, in particular as concerns the separation of residential uses from Commissioners Street.

Land Use

The PLASP states a minimum of 25% of the total GFA within a block will consist of PIC Core land uses, excluding retail and service uses. The current proposal includes 5,676 square metres designated for PIC uses on floors 1, 2 and 3 of the base building, which is approximately 7% of the proposed total GFA. Additional confirmation is required to ensure this proportion serves district wide objectives for the delivery of PIC uses within the McCleary Precinct. An additional 9,732 square metres of floor space is proposed as self-storage uses, which is not supported by City staff.

In addition, PIC Core land uses are to be provided directly adjacent to Commissioners Street to act as a buffer between adjacent film studio uses and residential uses are not permitted. The proposed land uses are not acceptable in their current form, and do not conform to policy requirements.

Servicing

A Functional Servicing and Stormwater Management Report and associated plans have been submitted for the site and have been reviewed by Engineering Review. 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 application until such time as appropriate considerations have been identified to ensure the proposal is coordinated with current district density and servicing projections determined through precinct planning.

Flood Protection

The site is within an identified floodplain and is subject to the Protocol for the Lower Don Special Policy Area, a joint agreement between the City of Toronto, and the Ministries of Municipal Affairs and Housing and Natural Resources and Forestry to enable development on lands in the vicinity of the Lower Don River. Approval of any Official Plan Amendment for this site requires joint approval from both Ministers.

Noise and Air Quality

During the development of the Port Lands Planning Framework, a Noise and Air Quality Feasibility Study was completed by Golder Associates, dated August 2016, which informed land use compatibility policy. The study identified potential McCleary District development conflicts with the Portlands Energy Centre, a natural gas electricity generation facility, the Commissioners Waste Transfer Station and Pinewood Studios.

A land use compatibility study was prepared by Gradient Wind, dated November 2024. The applicant has not agreed to provide payment for a third-party peer review, as required by terms included in the CWSP/PLASP. 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 application until such time as the applicant's report has been peer-reviewed and appropriate holding provisions for a future Zoning By-law Amendment are determined to the satisfaction of the City Solicitor and Executive Director, Development Review to ensure matters of compatibility, air quality, noise and odour have been addressed.

Community Services and Facilities

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, foundational to creating complete communities 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. Through the appeal process, staff may explore the incorporation of an in-kind community benefit in order to address this policy objective.

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.

Conditions to Any Tribunal Order

Should the Ontario Land Tribunal allow the appeal, in whole or in part, the following include a preliminary list of conditions that should be imposed on the issuance of any final order of the Tribunal to the satisfaction of the appropriate City Officials:

- The Official Plan Amendment is in a final form satisfactory to the Executive Director, Development Review;
- Joint Ministerial Approval pursuant to the Lower Don Special Policy Area and Lower Don Protocol has been obtained;
- Confirmation has been provided that the proposal is coordinated with current district density and servicing projections, as determined through precinct planning, to the satisfaction of the City Solicitor, the Executive Director, Development Review and the Chief Engineer and Executive Director of Engineering and Construction Services;
- A noise study, air quality study, and a detailed design plan for any sensitive land use which demonstrate that appropriate noise and/or air quality mitigation works will be implemented and the noise and air quality studies have been peer review at the owner's expense; and
- the Owner has entered into and registered on title an agreement with the City to secure the provision of Affordable Rental Housing, to the satisfaction of the City Solicitor.

CONTACT

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SIGNATURE

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Toronto and East York District

ATTACHMENTS

Attachment 1: Application Data Sheet

Attachment 2: Location Map

Attachment 3: Official Plan Land Use Map

Attachment 4: Existing Zoning By-law Map

Attachment 5: Site Plan

Attachment 1: Application Data Sheet

APPLICATION DATA SHEET

Municipal Address: 280 COMMISSIONERS ST
Date Received: December 4, 2024

Application Number: 24 246869 STE 14 OZ

Application Type: OPA

Project Description: Official Plan Amendment for a 40 and 45-storey mixed-use buildings containing 937 residential dwellings, including 42 affordable units, retail, self-storage and data centre uses.

| Applicant | Agent | Architect | Owner |
|-------------------|--------------|-----------------------------|---------------------|
| MHBC PLANNING LTD | | HARIRI PONTARINI ARCHITECTS | TEPFAM HOLDINGS INC |

EXISTING PLANNING CONTROLS

| | | | |
|----------------------------|--------------------|--------------------------|-----|
| Official Plan Designation: | Regeneration Areas | Site Specific Provision: | N/A |
| Zoning: | I3 D2 | Heritage Designation: | N |
| Height Limit (m): | N/A | Site Plan Control Area: | Y |

PROJECT INFORMATION

Site Area (sq m): 9,455 Frontage (m): 91 Depth (m): 102

| Building Data | Existing | Retained | Proposed | Total |
|-----------------------------|-----------------|-----------------|-----------------|---------------|
| Ground Floor Area (sq m): | 2,374 | | 1,677 | 1,677 |
| Residential GFA (sq m): | | | 64,883 | 64,883 |
| Non-Residential GFA (sq m): | 2,374 | | 16,337 | 16,337 |
| Total GFA (sq m): | 2,374 | | 81,219 | 81,219 |
| Height - Storeys: | 1 | | 45 | 45 |
| Height - Metres: | 11 | | 141 | 141 |

Lot Coverage Ratio (%): 17.74 Floor Space Index: 8.47

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

Residential GFA: 64,883
 Retail GFA: 937
 Office GFA:
 Industrial GFA:
 Institutional/Other GFA: 15,399

| Residential Units by Tenure | Existing | Retained | Proposed | Total |
|------------------------------------|-----------------|-----------------|-----------------|--------------|
| Rental: | | | 42 | 42 |
| Freehold: | | | | |
| Condominium: | | | 895 | 895 |
| Other: | | | | |
| Total Units: | | | 937 | 937 |

Total Residential Units by Size

| | Rooms | Bachelor | 1 Bedroom | 2 Bedroom | 3+ Bedroom |
|---------------------|--------------|-----------------|------------------|------------------|-------------------|
| Retained: | | | | | |
| Proposed: | | 67 | 606 | 170 | 94 |
| Total Units: | | 67 | 606 | 170 | 94 |

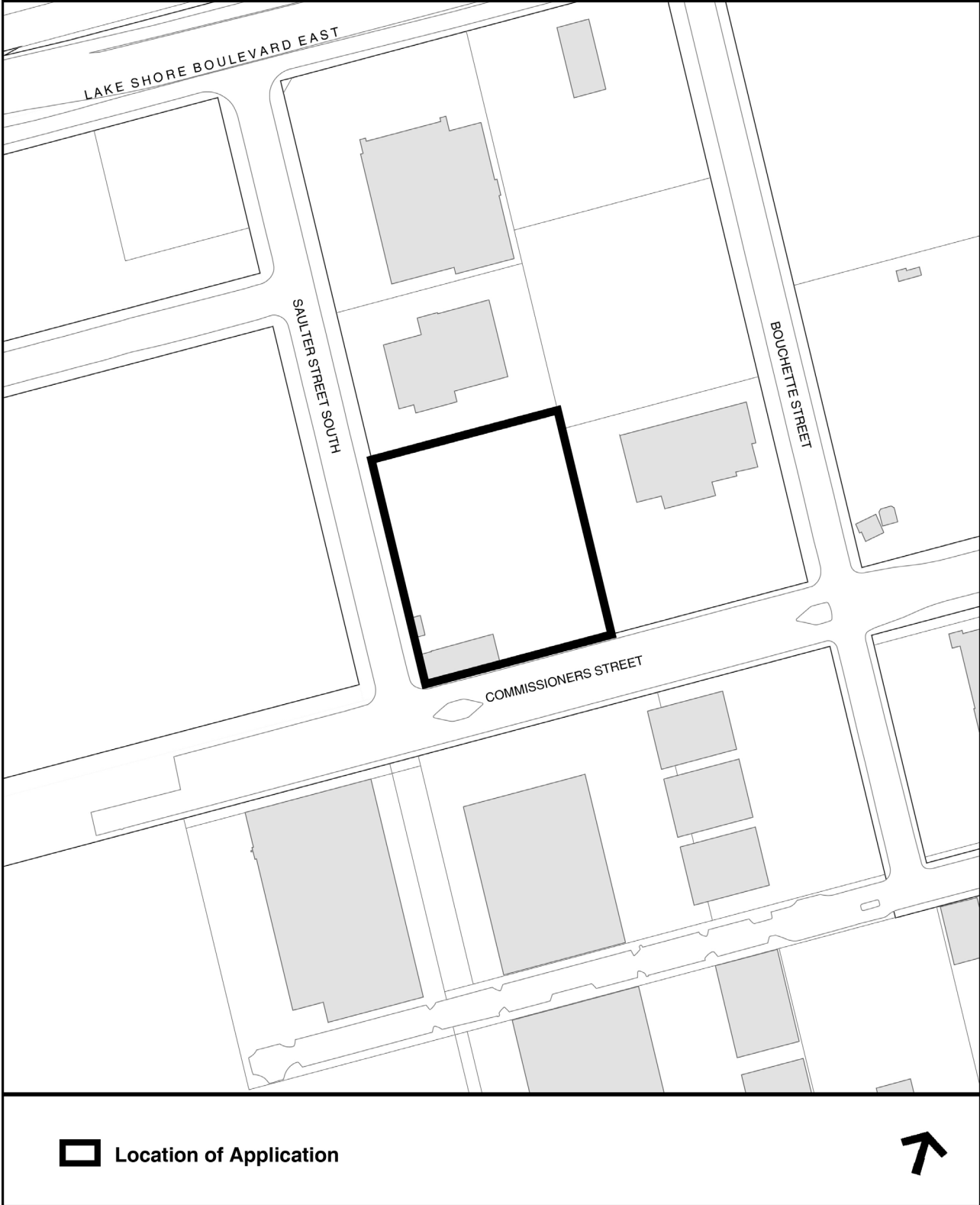
Parking and Loading

Parking Spaces: 295 Bicycle Parking Spaces: 1,060 Loading Docks: 4

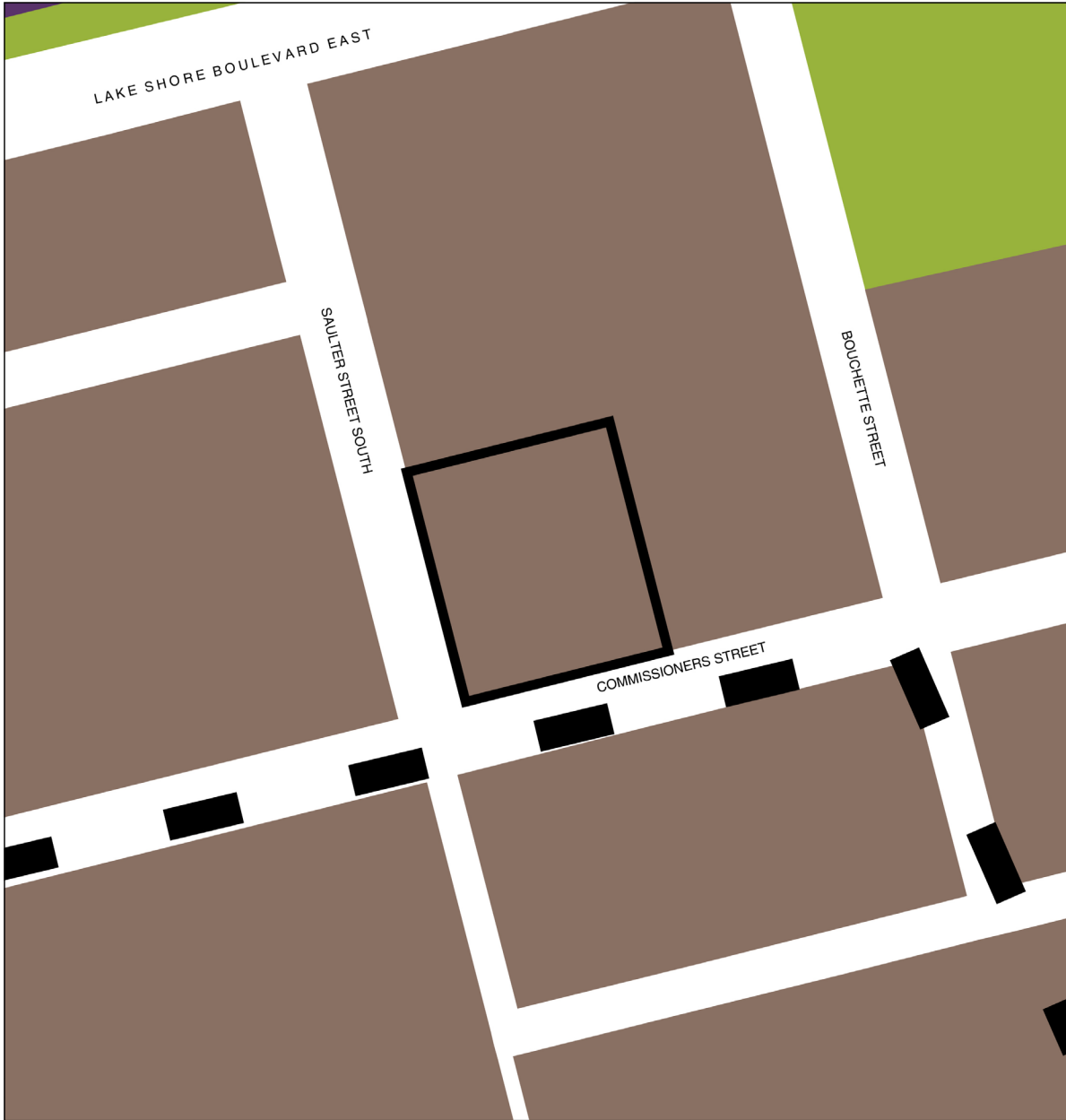
CONTACT:

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Attachment 2: Location map



Attachment 3: Official Plan Land Use Map



Official Plan Land Use Map #18


280 Commissioners Street

File # 24 246869 STE 14 0Z

 Location of Application

 Parks

 Regeneration Areas

 Core Employment Areas



Not to Scale
Extracted: 12/09/2024




Attachment 4: Existing Zoning By-law Map




Zoning By-law 569-2013

280 Commissioners Street

File # 24 246869 STE 14 OZ

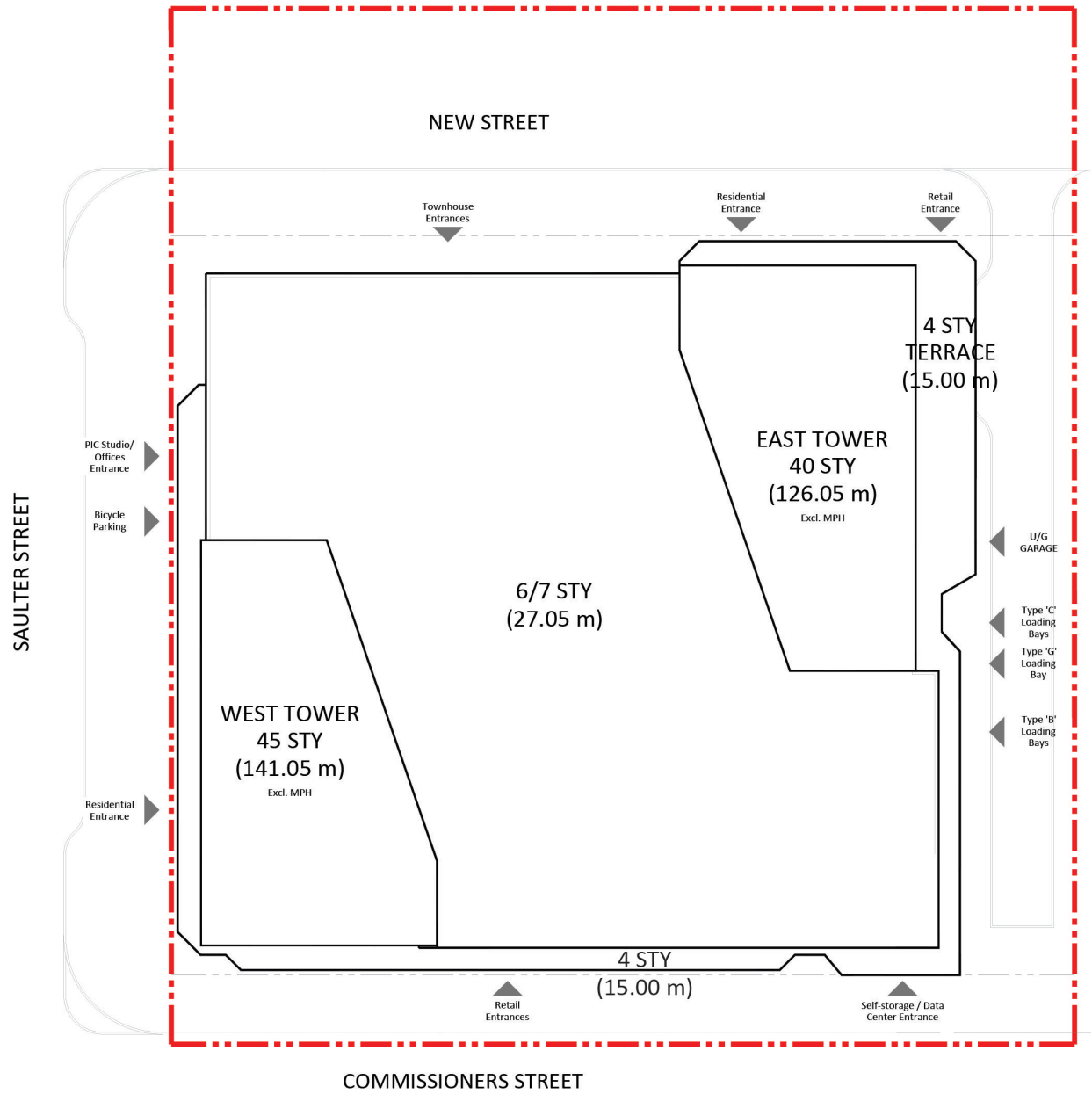
-  Location of Application
-  EO Employment Industrial Office
-  UT Utility and Transportation

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



Not to Scale
Extracted: 12/09/2024

Attachment 5: Site Plan



Site Plan

