

February 3, 2023

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VIA EMAIL

File 24015.00001

Erika Ivanic
Municipal Services Office – Central Ontario
16th Floor
777 Bay Street
Toronto, ON M7A 2J3

Dear Ms. Ivanic:

Re: ERO No. 019-5936
Ministry Reference No. 20-OP-221476

By-law 844-2022 - City of Toronto Official Plan Amendment No. 540 re Protected Major Transit Station Areas (“PMTSA”)
Schedule 4 – SASP 617 - PMTSA – Donlands Station
Schedule 5 – SASP 618 - PMTSA – Greenwood Station

Submission from Condoman Developments Inc. re 1030 Danforth Avenue, Toronto

We are counsel to Condoman Developments Inc. (“**Client**”) with respect to the above-referenced matter.

Our Client seeks the block of land on the north side of Danforth Avenue, between Donlands Avenue and Caithness Avenue, Toronto (the “**Block**”) to be redeveloped with high density residential development. Within this block, our Client specifically seeks to redevelop a 28 storey residential apartment building at 1030 Danforth Avenue, Toronto. (the “**Subject Site**”).

The Block and the Subject Site are located approximately 100-200 metres away from the Donlands Subway Station. The Block and the Subject Site are located within both the Donlands Station PMTSA and the Greenwood Station PMTSA (collectively, the “**PMTSAs**”).

We write to provide our Client’s comments on the City of Toronto’s (the “**City**”) proposed Official Plan Amendment No. 540 (“**OPA 540**”) as it applies to the Donlands Station PMTSA, SASP 617 (schedule 4 of OPA 540) and the Greenwood Station PMTSA, SASP 618 (schedule 5 of OPA 540). For ease of reference, we have attached the relevant excerpts from OPA 540 that apply to the Donlands Station PMTSA and Greenwood Station PMTSA at **Appendix “A”**.

Our Client is concerned that the minimum densities identified by the City for the Donlands Station PMTSA and Greenwood Station PMTSA generally, and along Danforth Avenue specifically, are too low to facilitate transit supportive development that optimizes use of these lands and transit, especially as it relates to the Block and Subject Site.

As you know, one of the core objectives of provincial policy as reflected in the Provincial Policy Statement 2020 and A Place to Grow: Growth Plan for the Greater Golden Horseshoe is to increase density in protected major transit station areas and optimize use of these lands and transit. The portion of Danforth that falls within the PMTSAs is a prime location for increased density. The City's current policy regime for these lands is deficient to encourage the level of density needed to support transit and optimize the use of these lands, and therefore it is also contrary to provincial policy. Our Client envisions Danforth within the PMTSAs, but more specifically the Block and the Subject Site, being redeveloped for high density development in the form of residential apartments.

To illustrate the issue as it applies to the Subject Site, OPA 540 sets a minimum density of 2.0 FSI. This minimum density is in fact lower than the as-of-right density permission that exists in the City's Zoning By-law for the Subject Site, which is 3.0 FSI. A minimum FSI of 2.0, as proposed in OPA 540, is insufficient to facilitate transit supportive development that optimizes use of the Subject Site. This is because it would not facilitate any form of mid-rise or high-rise apartment building on the Subject Site. It will also prolong the development timelines and delay new housing production by continuing the requirement for every property to undergo a site specific rezoning and the risk of tribunal appeal.

Request

Our Client requests the Province to revise the Donlands Station PMTSA, SASP 617 (Schedule 4 of OPA 540) and Greenwood Station PMTSA, SASP 618 (schedule 5 of OPA 540) to increase the minimum density for the Subject Site to 18.1 FSI. This would facilitate a 28 storey apartment building on the Subject Site. This can be done by amending Map 2 to SASP 617 and Map 2 to SASP 618 to reflect this increased minimum density for the Subject Site. Our Client also urges the Province to consider raising the minimum densities for other lands within these PMTSAs especially along Danforth Avenue.

If our requested amendments are not made, and SASP 617 and SASP 618 are approved in the form as adopted by the City, these planning instruments will do little to achieve the Province's minimum persons and job targets for these PMTSA – which is set at a minimum of 200 persons and jobs per hectare.

The Subject Site

The Subject Site is a 1062 square metre (11,436 sq. ft.) parcel of land on the north side of Danforth Avenue, approximately 70 metres east of Donlands Avenue. The entrance for Donlands Station is located at the northeast corner of Donlands Avenue and Danforth Avenue, which is approximately 150 metres from the Subject Site. A location map showing the Subject Site and its proximity to Donlands Station is attached at **Appendix “B”**.

The Subject Site is designated *Mixed Use Areas* on Map 20 of the City’s Official Plan. An excerpt of Map 20 is attached at **Appendix “C”**. The Subject Site is zoned CR 3.0 (c2.0; r2.5) SS2 (x92) in the City’s Zoning By-law 569-2013. This site-specific zoning relates to a development proposal that was approved by By-law 1251-2016 to permit an 8-storey, mixed use building with a total of 52 residential units. This proposal was consistent with the 2014 Provincial Policy Statement, but now represents underdevelopment of the Subject Site in accordance with updated provincial policies including increased population and density targets. The City’s zoning map and By-law 1251-2016 that apply to the Subject Site are attached at **Appendix “D”**.

Proposed Development

Our Client, on the basis of expert advice from its urban designer, land use planner, and other technical experts, seeks to redevelop the Subject Site with a 28 storey residential building with an FSI of 18.1. A building of this height and density would have a floorplate of approximately 750 square meters, which generally aligns with the City of Toronto’s Tall Building Guidelines. A building of this size would accommodate between 172 and 247 residential units on the Subject Site, which would make a meaningful contribution to the Province’s minimum resident and job target for the PMTSAs. This project will contribute to providing more affordable housing in the City by being at a scale that triggers the Province and City’s inclusionary zoning policies. It is notable that this site is already assembled, cleared, and ready to begin construction as soon as approvals can be obtained, unlike most other properties along Danforth Avenue.

Our Client’s urban designer has done shadow studies on the proposed development and can demonstrate that there will be no undue adverse shadow impacts on any sensitive surrounding lands.

The concept block plan and shadow studies for the proposed development are attached at **Appendix “E”**. The proposed development is highlighted in blue on the concept block plan. The remainder of the block, highlighted in yellow, shows potential for other development to occur in the block outside of the Subject Site.

We thank you for your time in reviewing this submission. We would be pleased to discuss with you any of the above proposed amendments, or our concerns more generally, at your convenience. We look forward to the Province's revisions to, and approval of, OPA 540.

Yours truly,

WeirFoulds LLP



Raj Kehar
Partner

RK/JS/lb
Encls.

APPENDIX “A”

Authority: Planning and Housing Committee Item
PH35.16, adopted as amended, by City of Toronto Council
on July 19, 20, 21, and 22, 2022

CITY OF TORONTO

BY-LAW 844-2022

To adopt Amendment 540 to the Official Plan for the City of Toronto with respect to the implementation of twenty-three Major Transit Station Areas and Protected Major Transit Station Areas and associated maps along the Bloor-Danforth Corridor in the City of Toronto.

Whereas authority is given to Council under the Planning Act, R.S.O. 1990, c. P.13, as amended, to pass this By-law; and

Whereas authority is given to Council under section 16(15) of the Planning Act, R.S.O. 1990, c. P.13, as amended, to delineate and establish Protected Major Transit Station Areas; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with section 17 the Planning Act;

The Council of the City of Toronto enacts:

1. The attached Amendment 540 to the Official Plan is adopted pursuant to the Planning Act, as amended.

Enacted and passed on July 22, 2022.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

AMENDMENT 540 TO THE OFFICIAL PLAN OF THE CITY OF TORONTO

The Official Plan of the City of Toronto is amended as follows:

1. Chapter 8, Major Transit Station Areas and Protected Major Transit Station Areas, is amended by:
 - a. adding a Site and Area Specific Policy 614 as included in Schedule "1";
 - b. adding a Site and Area Specific Policy 615 as included in Schedule "2";
 - c. adding a Site and Area Specific Policy 616 as included in Schedule "3";
 - d. adding a Site and Area Specific Policy 617 as included in Schedule "4";
 - e. adding a Site and Area Specific Policy 618 as included in Schedule "5";
 - f. adding a Site and Area Specific Policy 619 as included in Schedule "6";
 - g. adding a Site and Area Specific Policy 620 as included in Schedule "7";
 - h. adding a Site and Area Specific Policy 621 as included in Schedule "8";
 - i. adding a Site and Area Specific Policy 622 as included in Schedule "9";
 - j. adding a Site and Area Specific Policy 623 as included in Schedule "10";
 - k. adding a Site and Area Specific Policy 649 as included in Schedule "11";
 - l. adding a Site and Area Specific Policy 650 as included in Schedule "12";
 - m. adding a Site and Area Specific Policy 651 as included in Schedule "13";
 - n. adding a Site and Area Specific Policy 652 as included in Schedule "14";
 - o. adding a Site and Area Specific Policy 653 as included in Schedule "15";
 - p. adding a Site and Area Specific Policy 654 as included in Schedule "16";
 - q. adding a Site and Area Specific Policy 655 as included in Schedule "17";
 - r. adding a Site and Area Specific Policy 656 as included in Schedule "18";
 - s. adding a Site and Area Specific Policy 657 as included in Schedule "19";
 - t. adding a Site and Area Specific Policy 658 as included in Schedule "20";
 - u. adding a Site and Area Specific Policy 659 as included in Schedule "21";

- v. adding a Site and Area Specific Policy 660 as included in Schedule "22";
 - w. adding a Site and Area Specific Policy 661 as included in Schedule "23".
2. Chapter 8, Major Transit Station Areas and Protected Major Transit Station Areas, is amended by adding the following Site and Area Specific Policies to the "Table of Contents", in alphabetical order:

Site and Area Specific Policy Number	Protected Major Transit Station Area/ Major Transit Station Area
661	Bathurst
655	Bloor GO
656	Bloor-Lansdowne GO
614	Broadview
649	Castle Frank
615	Chester
660	Christie
619	Coxwell
623	Danforth GO
617	Donlands
658	Dufferin
654	Dundas West
618	Greenwood
652	High Park
650	Jane
653	Keele
657	Lansdowne
621	Main Street
659	Ossington

Site and Area Specific Policy Number	Protected Major Transit Station Area/ Major Transit Station Area
616	Pape
651	Runnymede
622	Victoria Park
620	Woodbine

Schedule "4" to Amendment 540

SASP 617. Protected Major Transit Station Area – Donlands Station

a) Protected Major Transit Station Area Delineation

The area surrounding and including the existing Donlands Subway Station is a Protected Major Transit Station Area shown as the Donlands Protected Major Transit Station Area on Map 1.

b) Residents and Jobs per Hectare

Existing and permitted development within the Protected Major Transit Station Area – Donlands Station is planned for a minimum population and employment target of 200 residents and jobs combined per hectare.

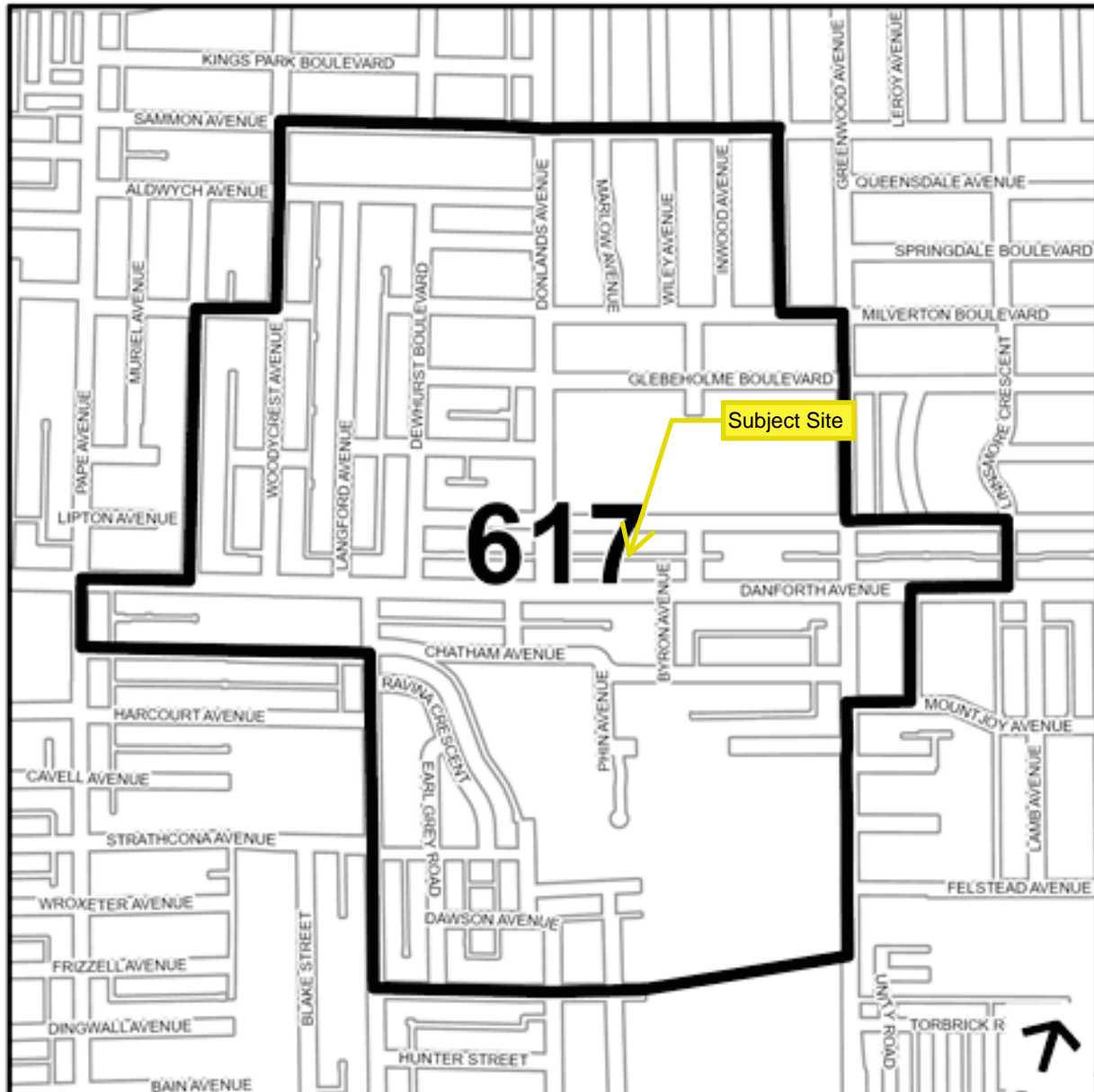
c) Authorized Uses of Land

The authorized uses of land are as identified by the land use designations on Maps 20 and 21 and associated land use permissions in Chapter 4 of the Official Plan, applicable Secondary Plans and Site and Area Specific policies.

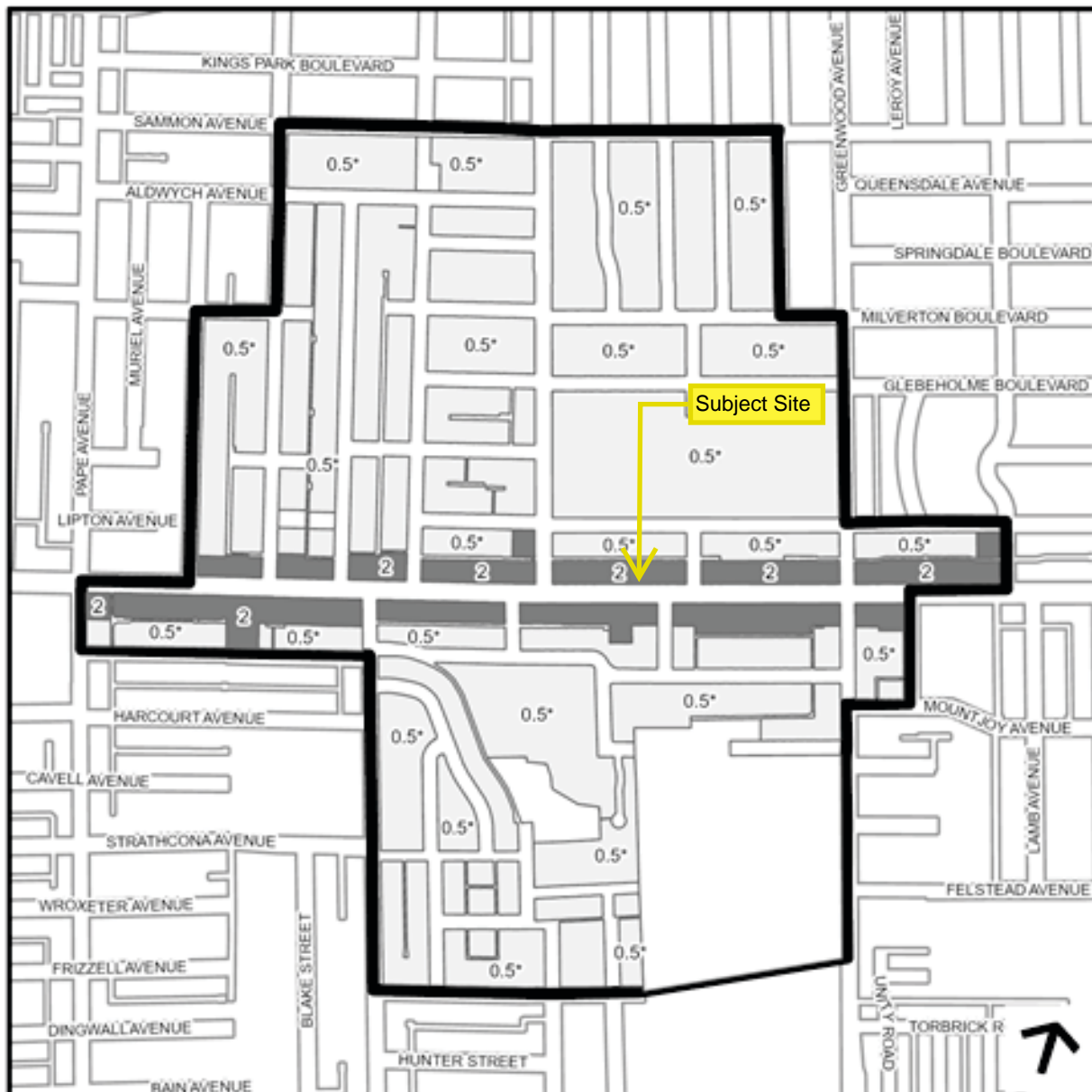
d) Minimum Densities

Minimum density requirements are shown on Map 2, represented in Floor Space Index and/or minimum units per site.

Map 1 – Donlands Protected Major Transit Station Area



Map 2 – Minimum Densities, Donlands Protected Major Transit Station Area



Minimum Density

0 FSI	1.0 FSI	2.5 FSI
0.5 FSI or 3 units*	1.5 FSI	3.0 FSI
0.9 FSI or 3 units*	2.0 FSI	

*Option to provide a minimum of 3 units instead of minimum FSI only applies to lands designated Neighbourhoods in the Official Plan.

Schedule "5" to Amendment 540

SASP 618. Protected Major Transit Station Area – Greenwood Station

a) Protected Major Transit Station Area Delineation

The area surrounding and including the existing Greenwood Subway Station is a Protected Major Transit Station Area shown as the Greenwood Protected Major Transit Station Area on Map 1.

b) Residents and Jobs per Hectare

Existing and permitted development within the Protected Major Transit Station Area – Greenwood Station is planned for a minimum population and employment target of 200 residents and jobs combined per hectare.

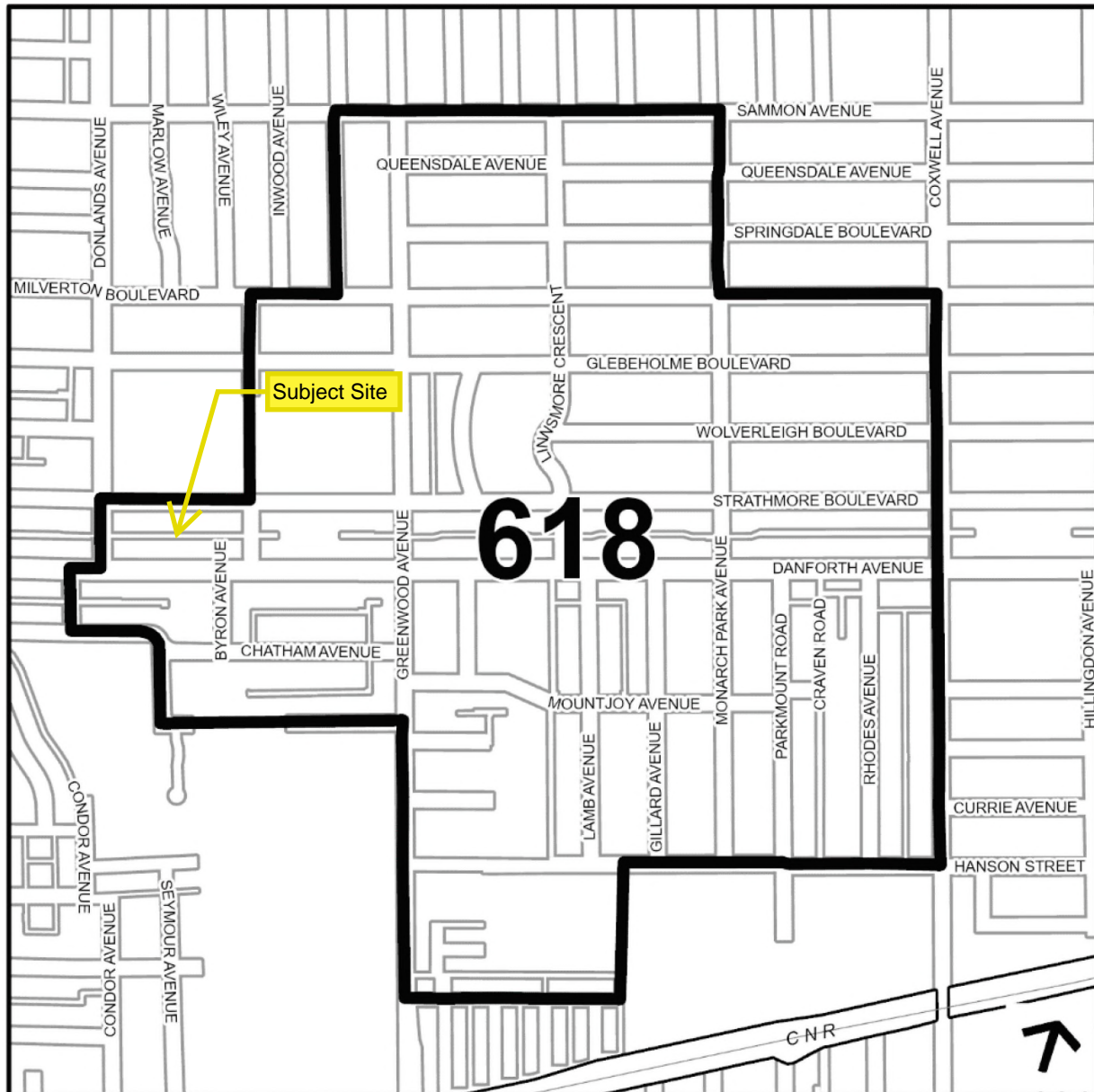
c) Authorized Uses of Land

The authorized uses of land are as identified by the land use designations on Maps 20 and 21 and associated land use permissions in Chapter 4 of the Official Plan, applicable Secondary Plans and Site and Area Specific policies.

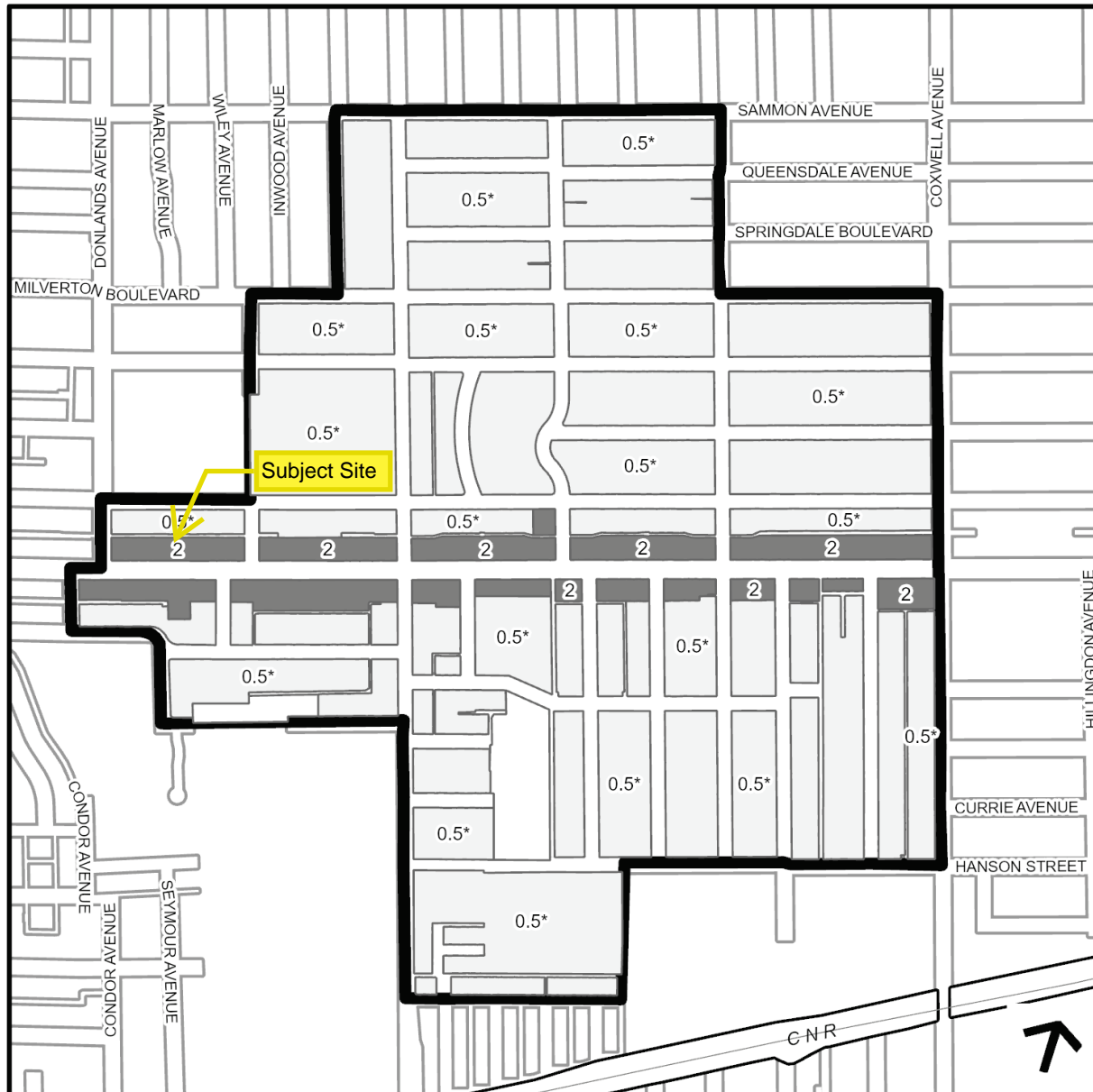
d) Minimum Densities

Minimum density requirements are shown on Map 2, represented in Floor Space Index and/or minimum units per site.

Map 1 – Greenwood Protected Major Transit Station Area



Map 2 – Minimum Densities, Greenwood Protected Major Transit Station Area



Minimum Density

0 FSI	1.0 FSI	2.5 FSI
0.5 FSI or 3 units*	1.5 FSI	3.0 FSI
0.9 FSI or 3 units*	2.0 FSI	

*Option to provide a minimum of 3 units instead of minimum FSI only applies to lands designated Neighbourhoods in the Official Plan.

APPENDIX “B”



Subject Site

150 m

APPENDIX “C”

DONLANDS

GREENWOOD

Subject Site



Toronto Official Plan

Map 20
Land Use Plan
February 2019

Land Use Designations

- Neighbourhoods
- Apartment Neighbourhoods
- Mixed Use Areas
- Natural Areas
- Parks
- Other Open Space Areas (Including Golf Courses, Cemeteries, Public Utilities)
- Institutional Areas
- General Employment Areas
- Core Employment Areas
- Utility Corridors

APPENDIX “D”

City of Toronto Zoning By-law 569-2013

New City-wide Zoning By-law 569-2013 was enacted on May 9, 2013. It has been appealed under section 34(19) of the Planning Act. Even though it is under appeal, the City's Chief Building Official and the Committee of Adjustment will apply the new By-law to applications filed after its enactment. Please consult with your advisors to determine whether the new by-law has any impact.

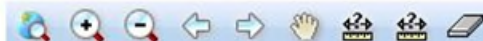
Amendments to By-law 569-2013 have been incorporated into this [office consolidation](#). The original by-law and its amendments are with the City Clerk's office.

[Contact Us](#)

[Print](#)

Search by Name, Address, or Intersection

Zoning Map



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

R (d0.6) (x322)

Subject Site

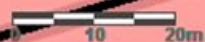
CR 3.0 (c2.0; r2.5) SS2 (x92)

CR 3.0 (c2.0; r2.5) SS2 (x2219)

CR 3.0 (c2.0; r2.5) SS2 (x2219)

CR 3.0 (c2.5; r2.5) SS2 (x2426)

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



CITY OF TORONTO

BY-LAW No. 1251-2016

To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2016 as 1030 Danforth Avenue.

Whereas Council of the City of Toronto has the authority pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, to pass this By-law; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law No. 569-2013, Chapter 800 Definitions.
3. Zoning By-law No. 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lot outlined by heavy black lines to CR 3.0(c2.0; r2.5)SS2(x) as shown on Diagram 2 attached to this By-law.

Exception CR 92

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections:

Site Specific Provisions:

- (A) Despite clauses 40.5.40.70(1)(B), 40.10.40.70 and 40.10.40.80, no above grade portion of any **building** or **structure** is located otherwise than wholly within the areas delineated by heavy lines shown on Diagram 3 of By-law 1251-2016;
- (B) Despite section 40.5.40.10, height is measured from the Canadian Geodetic Datum elevation of 114.6 metres to the highest point of any **building** or **structure**;
- (C) Despite clause 40.10.40.10, no portion of the **building** may exceed the height in metres specified by the numbers following the symbol H on Diagram 3 of By-law 1251-2016;
- (D) Despite clause 40.10.40.10(5), the minimum height of the first storey is 4.5 metres from the finished floor to the finished floor of the storey above;

- (E) The following **building** elements and **structures** are permitted to encroach into the required **building setbacks** shown on Diagram 3 of By-law 1251-2016 as follows:
- (i) Eaves, cornices, window sills, vents, ornamental elements, lighting fixtures, guardrails, balustrades, stairs, railings, and wheelchair ramps to a maximum of 0.4 metres;
 - (ii) Balconies and guards on storey 4 only to a maximum of 0.5 metres on the north elevation of the **building**;
 - (iii) Canopy on the ground floor south elevation to a maximum of 2.5 metres; and
 - (iv) Living wall in the rear yard;
- (F) The following **building** elements and **structures** are permitted to extend above the heights shown on Diagram 3 of By-law 1251-2016 as follows:
- (i) Trellis, guardrails, balustrades, balcony dividers, stairs, railings, landscape and greenroof elements, elevator overrun, and mechanical equipment to a maximum of 1.8 metres high;
 - (ii) Planters to a maximum of 1.3 metres high; and
 - (iii) Living wall to a maximum of 3.0 metres;
- (G) The maximum number of **dwelling units** permitted is 53;
- (H) Balconies are not permitted on storeys 2 and 3 of the north elevation;
- (I) Despite clause 40.10.40.40, the total **gross floor area** must not exceed:
- (i) 5,050 square metres for all **buildings**;
 - (ii) 4,410 square metres for the residential **gross floor area** of the **building**; and
 - (iii) 640 square metres for the non-residential **gross floor area** of the **building**;
- (J) The minimum number of non-residential units is 3;
- (K) The maximum **gross floor area** for non-residential units is 265 square metres;
- (L) Despite clause 40.10.40.50, **amenity space** must be provided and maintained accordingly:
- (i) a minimum of 131 square metres indoors; and
 - (ii) a minimum of 32 square metres outdoors;

- (M) Despite clause 200.5.10.1, the minimum vehicle parking space requirements must be consistent with the following ratios:
 - (i) 0.5 vehicle parking spaces - **occupant** for every bachelor and one bedroom **dwelling unit**;
 - (ii) 0.75 vehicle parking spaces - **occupant** for every two and three bedroom **dwelling unit**;
 - (iii) 0.06 vehicle parking spaces - **visitor** for every residential **dwelling unit**; and
 - (iv) 1 vehicle parking space per 100 square metres of gross floor area – non-residential;
- (N) Despite sections 200.15.10 and 200.15.1.5, 1 accessible **visitor** parking space - residential is required;
- (O) Parking garage access ramps must have a minimum width of 5.5 metres;
- (P) Interior drive aisles must have a minimum width of 6.0 metres;
- (Q) Despite clause 200.5.1.10(2), parking spaces may be 2.6 metres wide when adjacent to a wall;
- (R) Despite Chapter 220, one Type G **loading space** must be provided;
- (S) None of the provisions of Zoning By-law 569-2013, as amended, apply to prevent the erection or use of a **temporary sales office** on the **lot**; and
- (T) For the purposes of 1251-2016, the terms set forth in bold type must have the same meaning as such terms have for the purposes of By-law 569-2013 as amended, except that the following definitions must apply:
 - (i) "**temporary sales presentation centre**" means an office, **showroom** or sales trailer used exclusively for the initial sale and/or initial leasing of **dwelling units** or non-residential units to be erected on the **lot**.

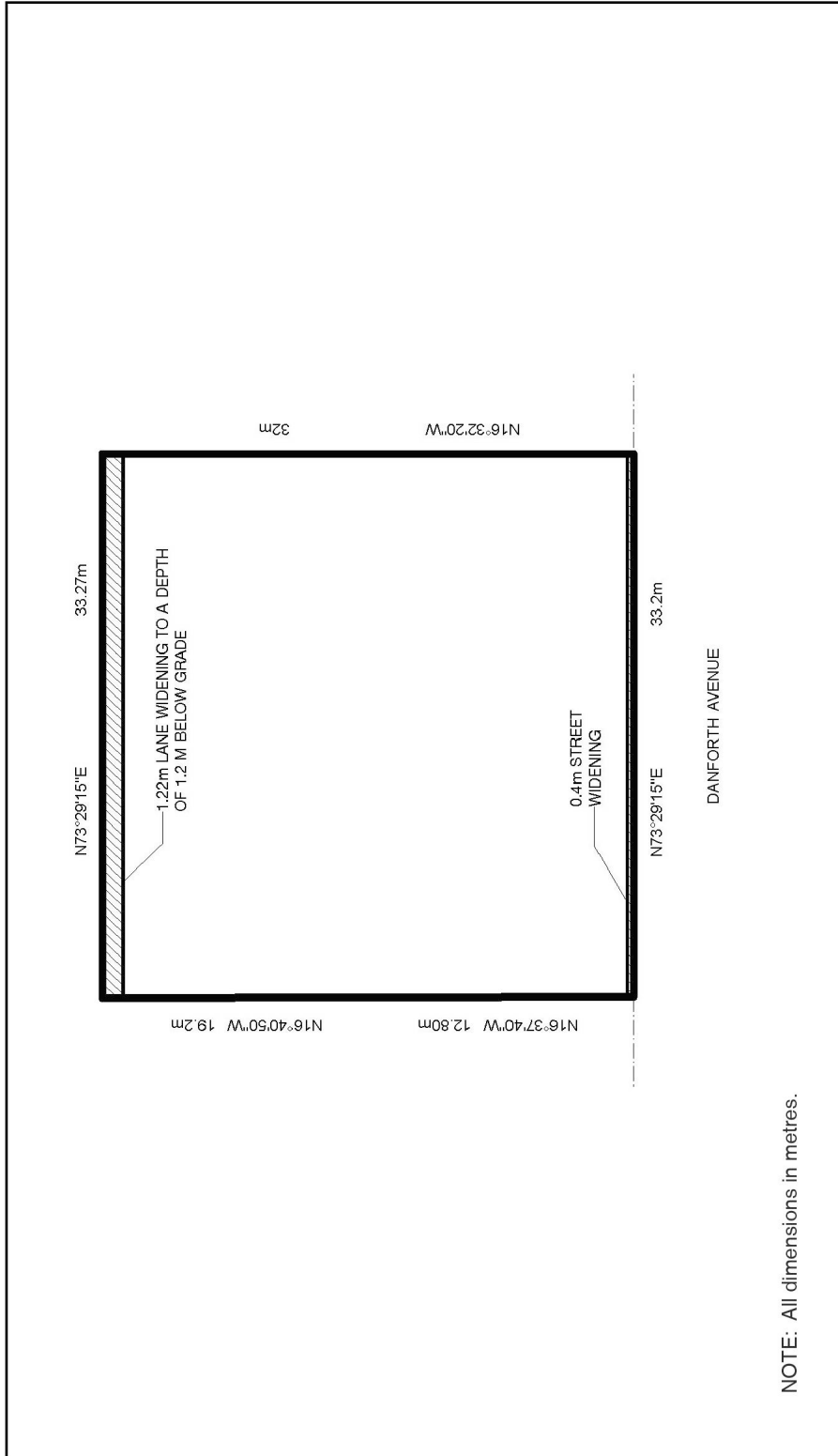
Prevailing By-laws and prevailing Sections: (None Apply)

Enacted and passed on December 15, 2016.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)



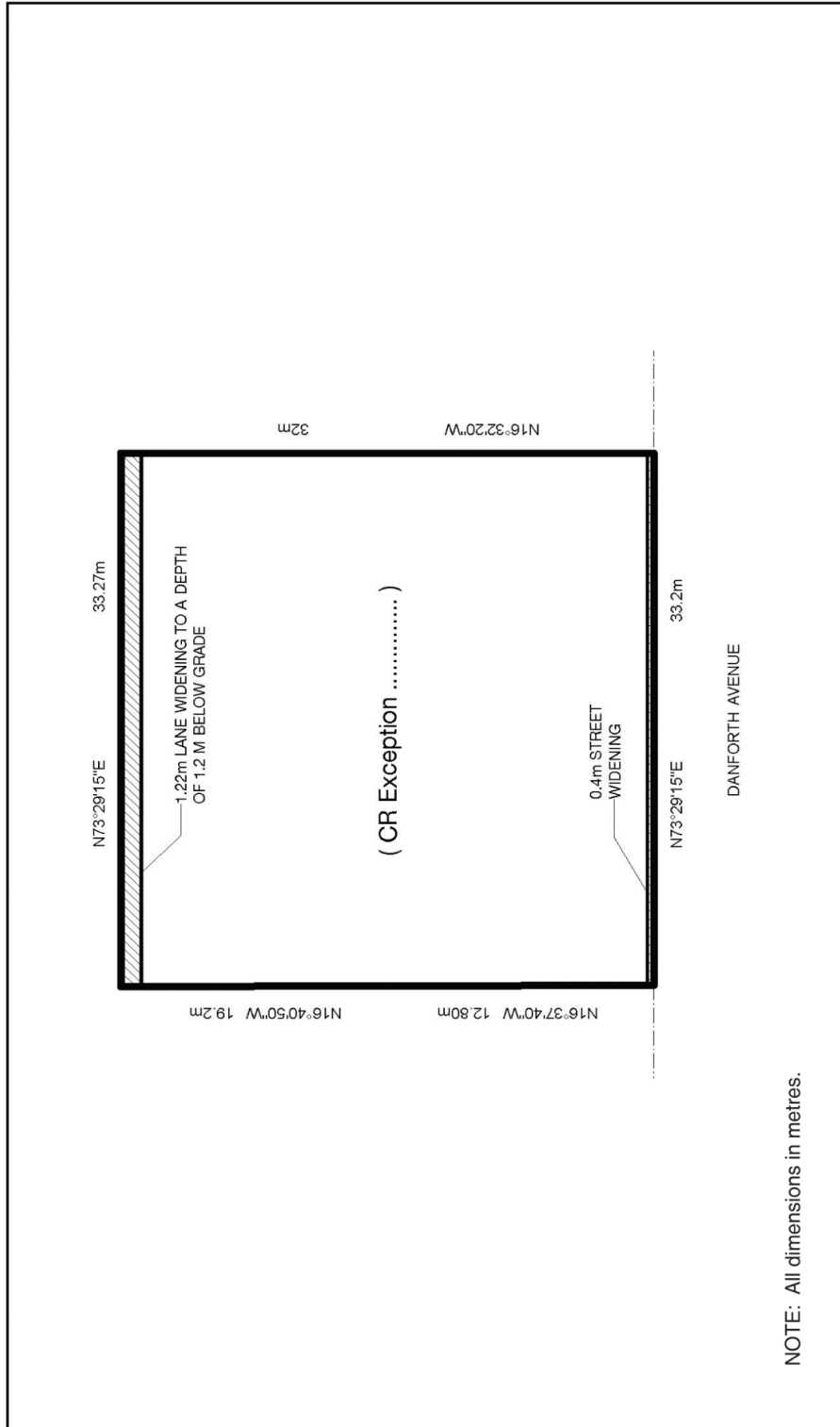
Toronto City Planning
Diagram 1

1030 Danforth Avenue

File # 15 120968 STE 29 0Z



City of Toronto By-Law 569-2013
Not to Scale
09/21/2016



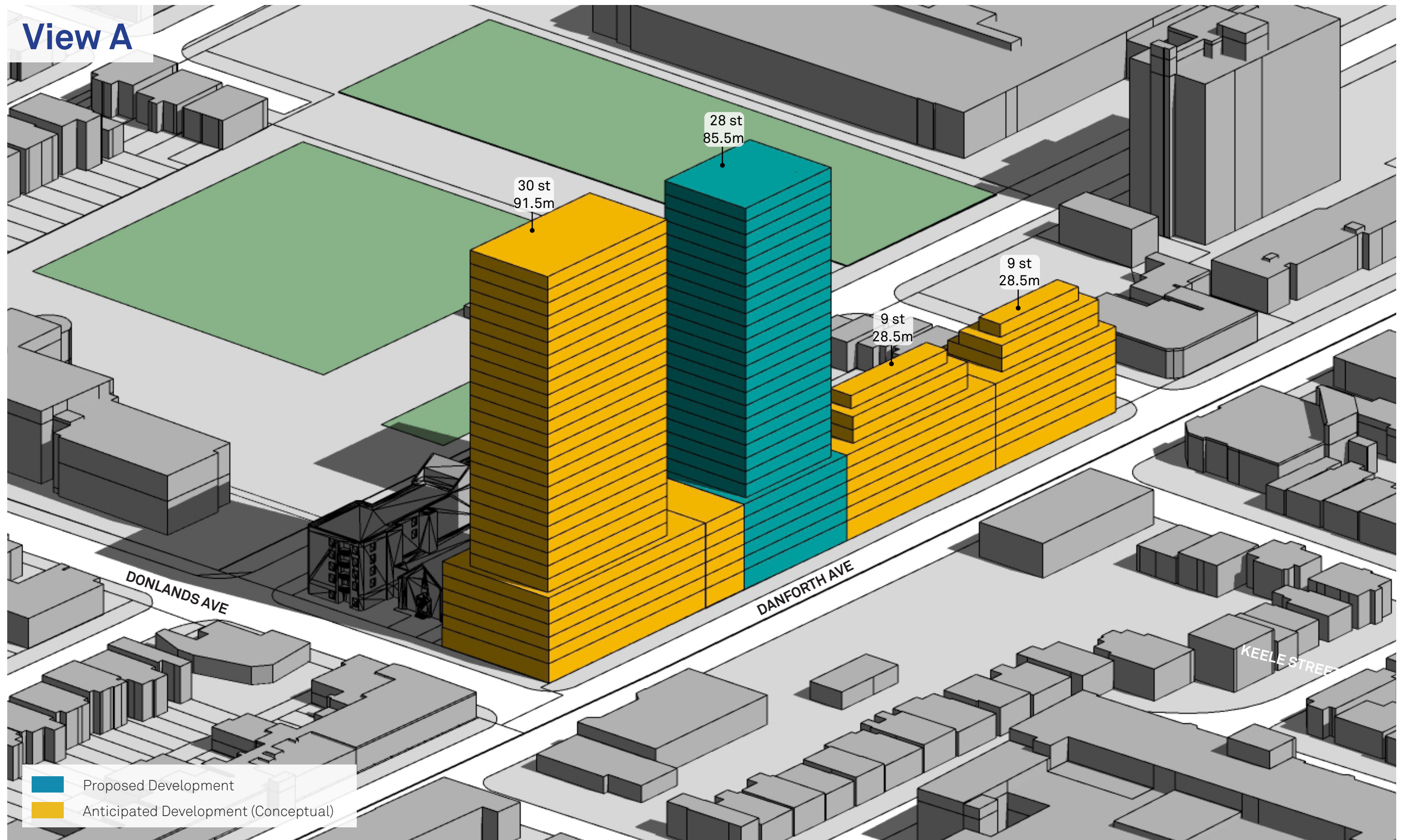


1030 Danforth Avenue

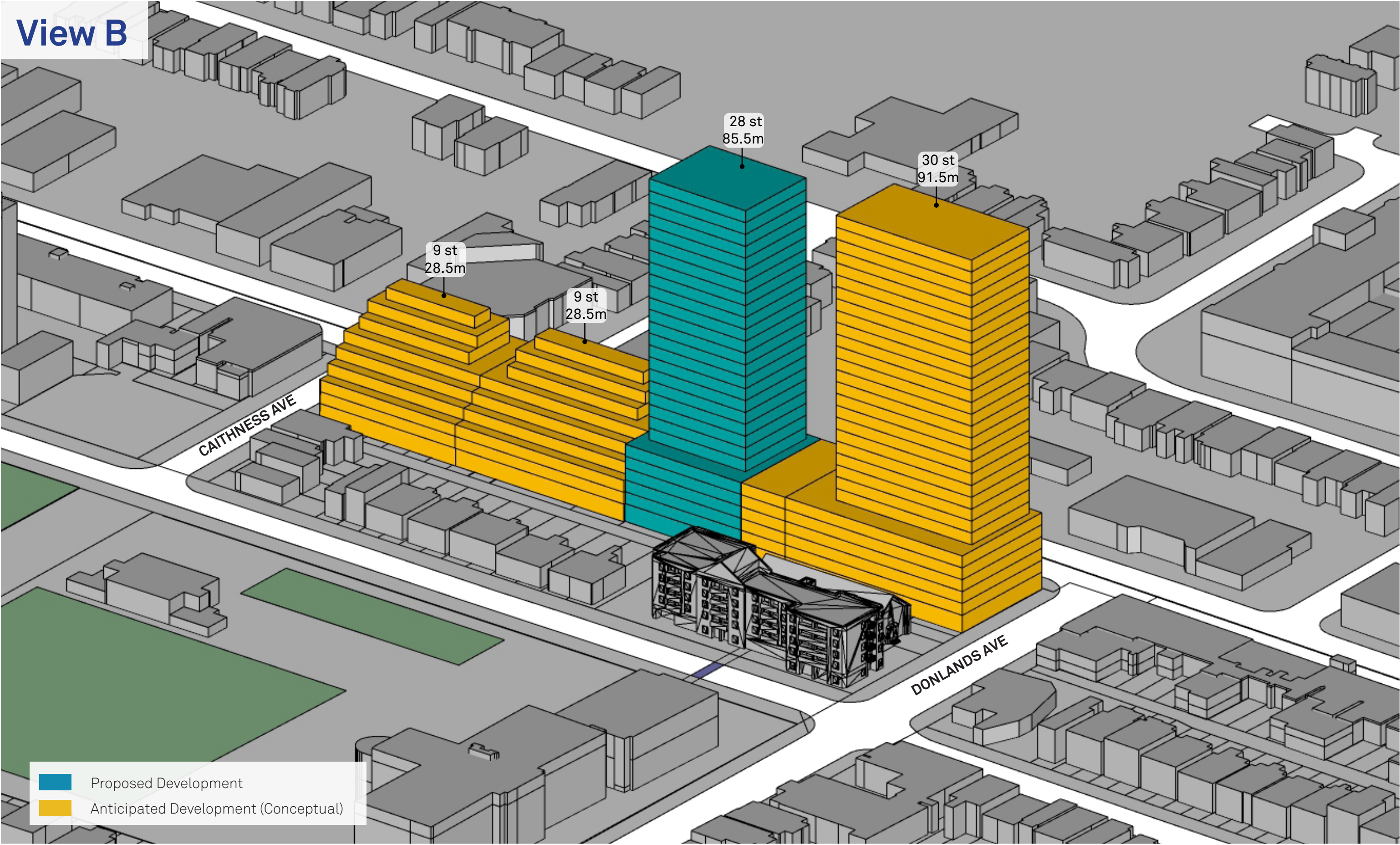
File # 15 120968 STE 29 0Z

APPENDIX “E”

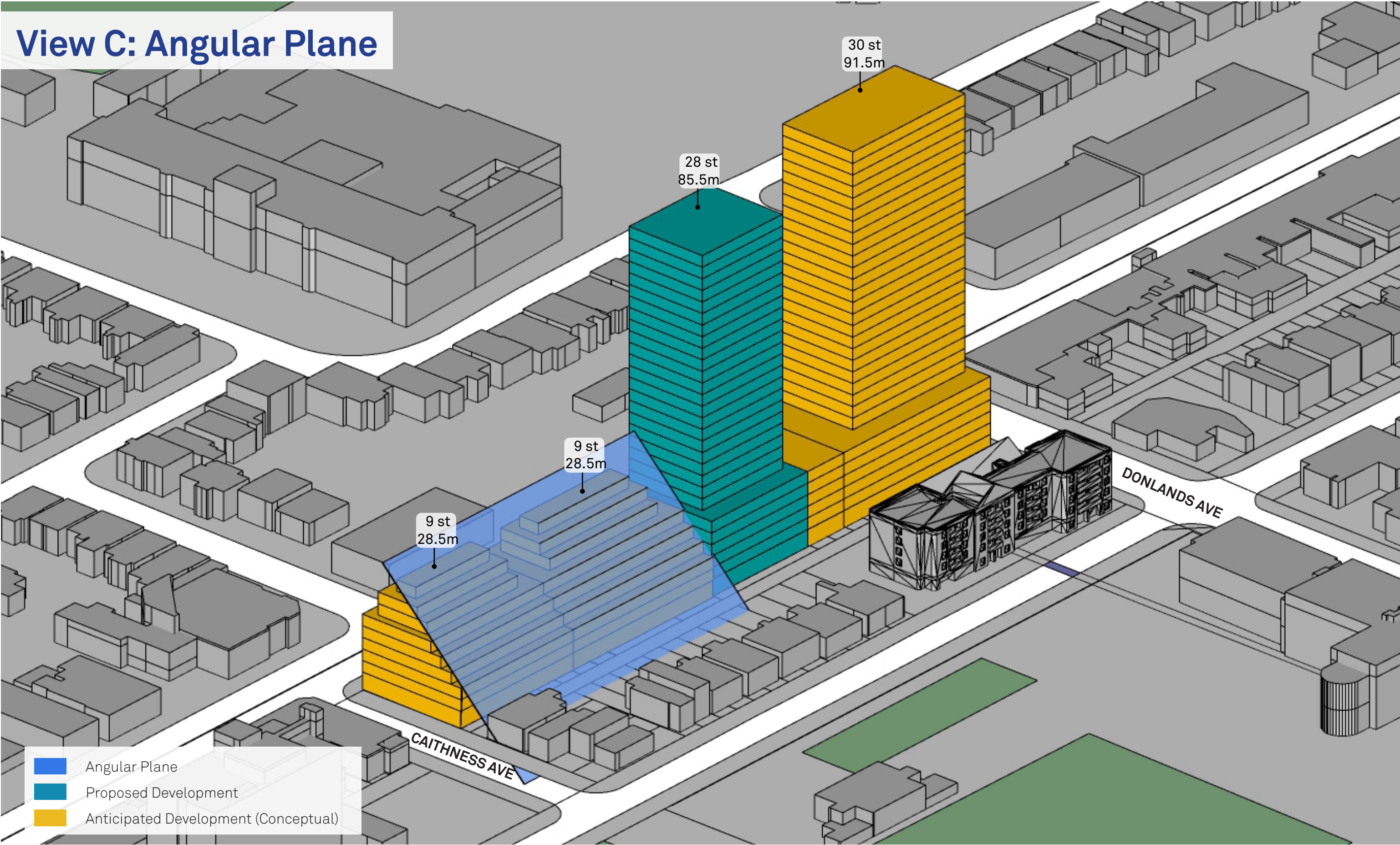
View A



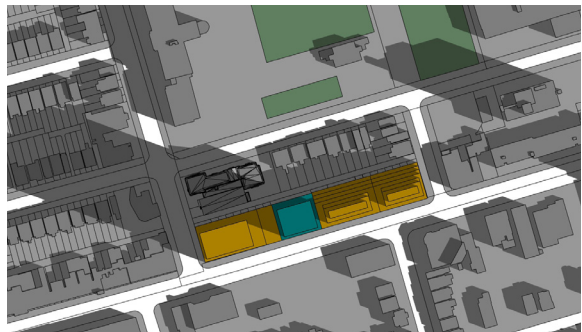
View B



View C: Angular Plane



March 21st Shadows



9:18 am



10:18 am



11:18 am



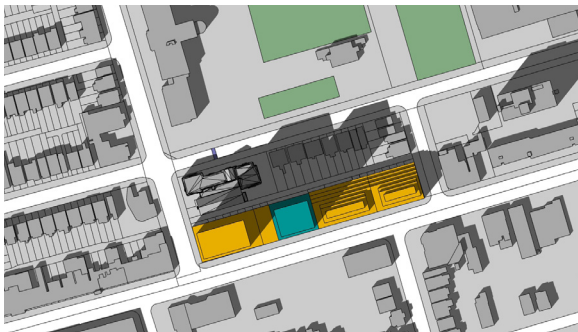
12:18 pm



1:18 pm



2:18 pm



3:18 pm



4:18 pm

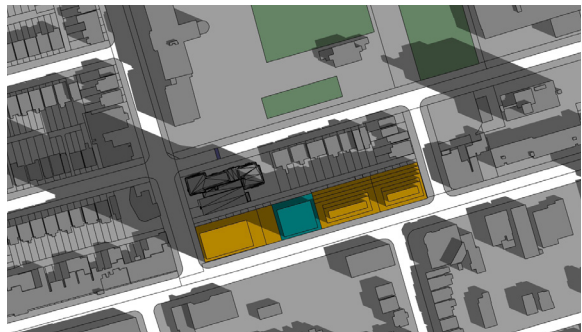


5:18 pm



6:18 pm

September 21st Shadows



9:18 am



10:18 am



11:18 am



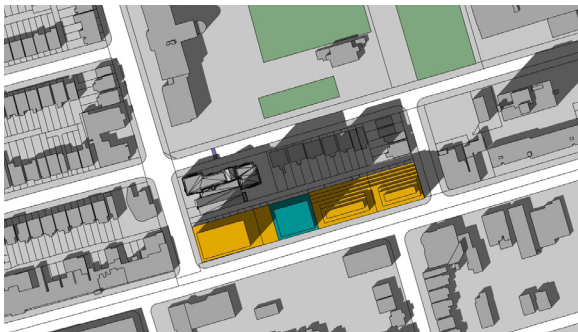
12:18 pm



1:18 pm



2:18 pm



3:18 pm



4:18 pm

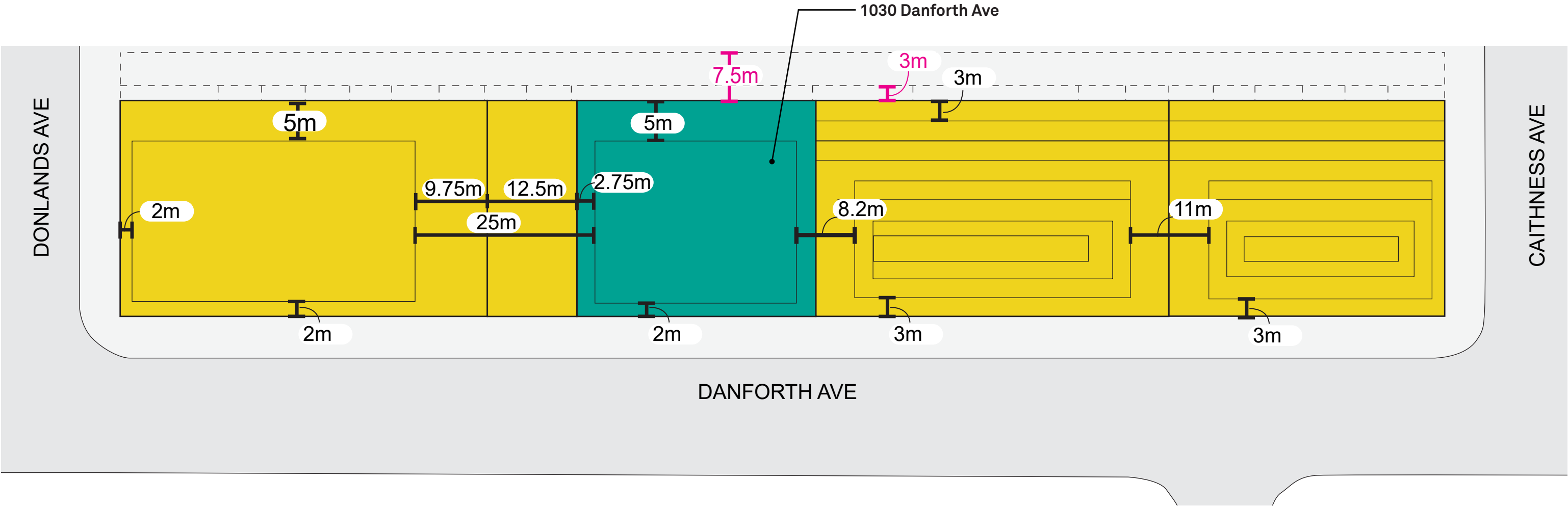


5:18 pm



6:18 pm

Setbacks and Stepbacks

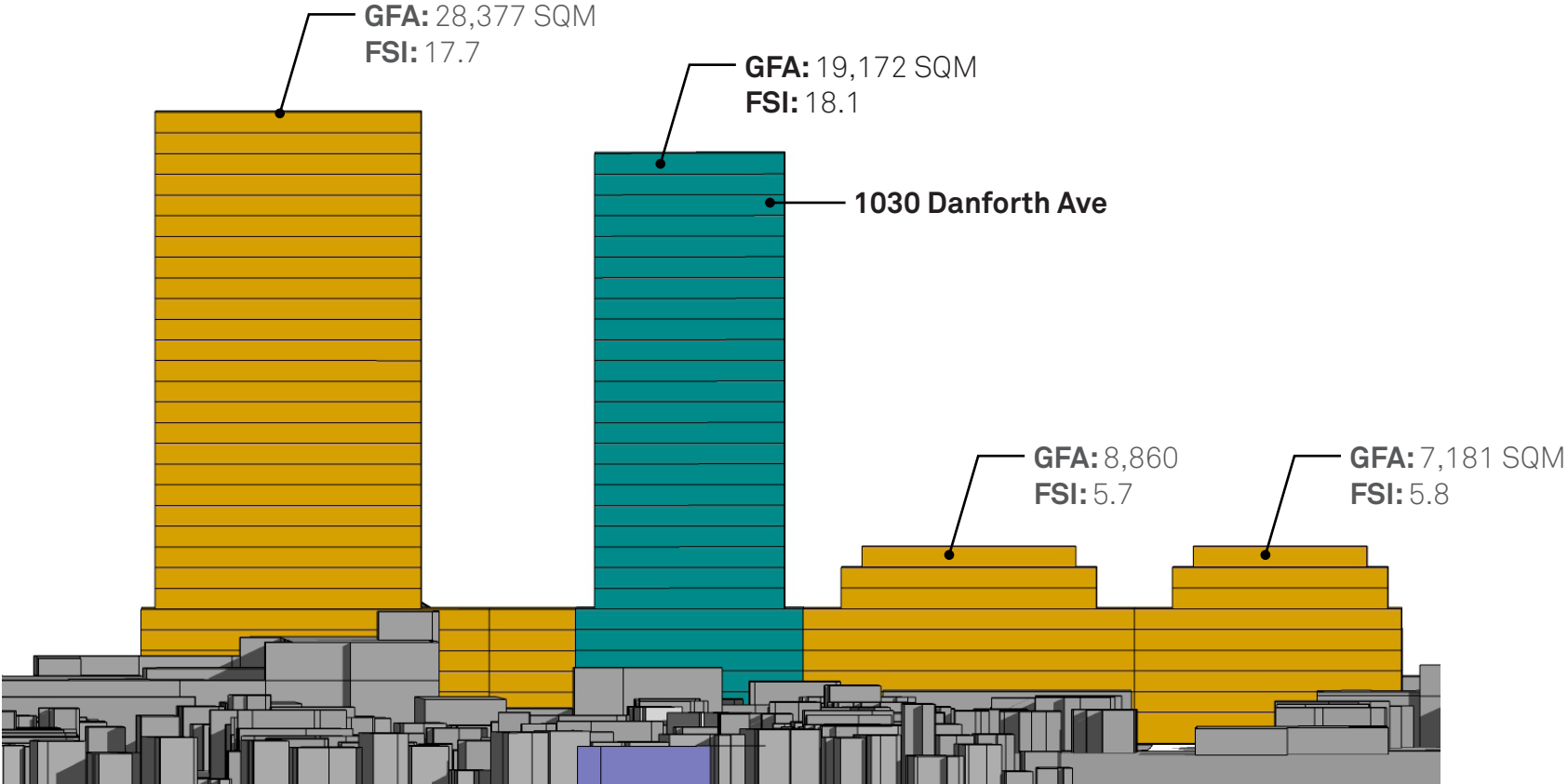


GFA Calculations

LOT AREA/SQM	1,062
LOT AREA/SFT	11,436

FLOOR	GFA/SQM	GFA/SFT
Ground Floor	962.8	10,363
2nd Floor	962.8	10,363
3rd Floor	962.8	10,363
4th Floor	962.8	10,363
5th Floor	962.8	10,363
6th Floor	962.8	10,363
7th Floor	609.4	6,560
8th Floor	609.4	6,560
9th Floor	609.4	6,560
10th Floor	609.4	6,560
11th Floor	609.4	6,560
12th Floor	609.4	6,560
13th Floor	609.4	6,560
14th Floor	609.4	6,560
15th Floor	609.4	6,560
16th Floor	609.4	6,560
17th Floor	609.4	6,560
18th Floor	609.4	6,560
19th Floor	609.4	6,560
20th Floor	609.4	6,560
21st Floor	609.4	6,560
22nd Floor	609.4	6,560
23rd Floor	609.4	6,560
24th Floor	609.4	6,560
25th Floor	609.4	6,560
26th Floor	609.4	6,560
27th Floor	609.4	6,560
28th Floor	609.4	6,560
TOTAL (GFA)	19,184	206,490
FLOOR SPACE INDEX (FSI)	18.1	

GFA is defined by City of Toronto Zoning By-law 569-2013 as the sum of the total area of each floor level of a building, measured from the exterior of the main wall of each floor level.



Surrounding GFA and FSI