



15 November 2017

Sent via E-mail ([pgmc@toronto.ca](mailto:pgmc@toronto.ca))

Members of Council and Planning and Growth Management Committee  
Toronto City Hall  
100 Queen Street West, 10<sup>th</sup> floor, West Tower  
Toronto, ON M5H 2N2

Attention: Ms. Nancy Martins

Dear Members of Council and Planning and Growth Management Committee:

**Re: Item No. PG24.10: Midtown in Focus: Proposals Report  
Planning and Growth Management Committee Meeting, 15 November 2017  
Submissions by CAPREIT Limited Partnership**

We are counsel to CAPREIT Limited Partnership (“CAPREIT”), one of Canada’s largest residential landlords and the owner of a number of multi-unit residential properties within the City of Toronto (the “City”), including a number of properties within the Yonge-Eglinton Secondary Plan Area.

CAPREIT is committed to providing good quality homes to its thousands of existing residents and working to create comfortable residential communities in which to live. As part of its mandate, CAPREIT regularly reviews its portfolio to identify opportunities to strategically invest in its existing housing and land stock.

We understand that the Planning and Growth Management Committee will be considering a planning staff report titled *Midtown in Focus: Proposals Report* dated 25 October 2017 (the “Staff Report”) at its meeting on 15 November 2017, which deals with future planning for the Yonge-Eglinton secondary planning area. On behalf of CAPREIT, we have reviewed the Staff Report and the draft Yonge-Eglinton Secondary Plan attached to that report (the “Draft Plan”) and have identified serious concerns with portions of the Draft Plan as well as staff’s recommendations for the implementation of the Draft Plan. We outline those concerns below for the Committee’s and Council’s consideration.

These comments are preliminary only. CAPREIT’s consultants are reviewing the Draft Plan and may bring forward additional comments on the Draft Plan going forward.

#### Application of the Draft Plan

City staff is recommending that Council make no decision on applications made after November 15<sup>th</sup> until a revised Yonge-Eglinton Secondary Plan is adopted. Respectfully, this recommendation is overly

15 November 2017

broad and contrary to the Toronto Official Plan (“OP”) policy that speaks to processing development applications where a Secondary Plan is required. Specifically, Policy 5.2.1(2) speaks only to instances where Council has determined that a Secondary Plan is necessary (in this instance a Secondary Plan already exists) and only restricts zoning by-law amendments that are intended to permit large scale developments.

City staff is also recommending that the City “consider and review” existing development applications in the context of the Draft Plan. This approach is contrary to the principles of fairness, which dictate that applications be assessed against policies in force at the time the application is made. This recommendation is particularly troublesome since this is the first time the public is receiving the Draft Plan, and many of the Draft Plan policies have not been part of the policy direction discussed in the consultations to date. Furthermore, the Draft Plan may change significantly as it goes through the public consultation process, making it premature to assess development applications against the Draft Plan.

### Built Form

There are several built form policies in the Draft Plan that are problematic insofar as they are overly onerous and fail to allow a planning analysis on a site specific contextual basis. For example, the proposed “*No Tall Building Potential or Infill Potential*” designation freezes development on certain sites, many of which have existing development rights in the OP (including OPA 320) and zoning by-laws, and many of which may be intensified in a very desirable form, as established by the development criteria in the OP. Moreover, freezing development on these sites is inconsistent in instances where those same sites are located within a *Major Transit Stations Areas*, which are areas intended for intensification.

Even on sites that are identified for intensification, the form in which that intensification may occur is overly restrictive. For example, on sites designated “*Infill Development Potential*”, infill around existing towers may only occur in two forms: (1) a high-rise addition on top of an existing apartment building, and (2) a high-rise addition resulting from a partial demolition of an existing apartment building that is 10 or fewer storeys. These restrictions discount the fact that intensification might be achievable on these infill sites in accordance with the development criteria in the OP and OPA 320.

In addition, several of the built form requirements in the Draft Plan are overly prescriptive, which favours a one-size-fits all approach to development that limits the ability to achieve development on infill sites in the City, a critical source of intensification in an urban setting. Council should consider adding flexibility to policies prescribing such parameters as setbacks, tower separation distances, minimum percentage of units by bedroom type and publically accessible open space requirements in order to support appropriate intensification on infill sites.



15 November 2017

Housing

The Draft Plan requires that developments containing 60 or more residential units provide a minimum of 10% of the total residential GFA as affordable rental housing. In some circumstances, this requirement may be too onerous. Again, Council should consider adding flexibility into the policies to allow a site specific contextual analysis to occur on infill sites, as well as incentives for developers to build these units.

General

Although there are some laudable planning principles that have emerged in the Draft Plan, CAPREIT is concerned that parts of the policy direction are overly rigid and onerous. Some examples of that are provided above, to name a few. CAPREIT is interested in having further discussions with the City about the issues raised above, and others that may emerge as CAPREIT's consultant team review the Draft Plan.

Request for Notice

On behalf of CAPREIT, we request to be notified of any further community consultations in the processing of the Draft Plan. Notice should be provided to the undersigned, as well as to **Dayna Gilbert at CAPREIT, 11 Church Street, Toronto, ON M5E 1W1.**

Yours very truly,

**Wood Bull LLP**

A handwritten signature in blue ink that reads "Jshapira".

Johanna R. Shapira

JRS/af

c. Client