

May 15, 2018

By E-Mail to pgmc@toronto.ca

Toronto City Council
City of Toronto
Toronto City Hall
100 Queen Street West
Toronto, Ontario
M5H 2N2

Attention: Nancy Martins, Committee Secretariat

Dear Council:

**Re: TOcore: Downtown Plan Official Plan Amendment
Agenda Item: PG29.4**

We are counsel to Daniels HR Corporation (“Daniels”) and The Congregation of St. Basil (the “Basilian Fathers”). Daniels has recently partnered with the Basilian Fathers with respect to the proposed redevelopment of the lands municipally known as 95 St. Joseph Street, Toronto (the “Lands”), the current site of the Cardinal Flahiff Basilian Centre. The Lands are designated *Institutional Areas* and are located within the University of Toronto Secondary Plan area, although the Lands are not affiliated with the University of Toronto.

Daniels and the Basilian Fathers are currently developing plans for a high-density mixed-use redevelopment of the Lands, with applications expected to be submitted to the City in the coming months. The proposed redevelopment, which has been discussed with City staff in general terms, is anticipated to include a sizable institutional component, as well as residential uses.

Daniels and the Basilian Fathers have reviewed the draft Downtown Plan Official Plan Amendment (the “Downtown Plan”), which was presented to the City’s Planning and Growth Management Committee at its meeting on May 1, 2018.

Although Daniels and the Basilian Fathers are pleased to see that the Downtown Plan directs growth to *Institutional Areas* (policy 4.2), which would include the Lands, and that tall buildings are contemplated within such areas, they do have concerns with some of the proposed policies in the Downtown Plan and, in other cases, clarity is required.

For example, it is unclear whether the Lands are intended to be included within the Bloor-Bay Office Corridor, as identified on Map 41-2. On the one hand, the Lands seem to fall within what appears to be the conceptual boundaries of the Office Corridor. On the other hand, it may be that this portion of the Office Corridor is only intended to apply to lands that have actual frontage on Bay Street, which would not include the Lands.

If the Lands are intended to be located within the Bloor-Bay Office Corridor, there are concerns with the proposed policies that would “prioritize” non-residential uses (policy 3.10) and, more specifically, the proposed policies that would purport to require new development within the Office Corridor to “provide a net gain of gross floor area for office uses” and to “ensure no net loss of other non-residential gross floor area” (policy 6.6). In our view, such policies are too prescriptive to be applied on an individual site basis.

Likewise, the proposed policy that would “discourage” the introduction of a use that is not otherwise allowed in the *Institutional Areas* designation (policy 6.12) is, in our view, misguided. In some instances, the introduction of additional uses may, in fact, support the retention of existing institutional uses. Thus, the policy focus should be on encouraging and supporting the retention or expansion of institutional uses, as opposed to discouraging the introduction of additional uses.

Clarity is also required in relation to the proposed parkland provision policies and, particularly, regarding policy 7.41. For a municipality to make use of the alternative parkland requirement in subsection 42(3) of the *Planning Act*, subsection 42(4) requires that the official plan include “specific policies” dealing with the use of the alternative requirement. Meanwhile, proposed policy 7.41 contemplates parkland rates potentially being based on a number of identified factors, but fails to provide specificity as to the potential parkland rates that would result.

Proposed policy 9.5, which would require that development be set back a minimum of 6 metres from curb to building face, is overly prescriptive, particularly for an official plan document. Moreover, it is unclear whether this proposed requirement is intended to apply to the entire building, or only at ground level where it is not uncommon to have a greater setback at grade and allow the upper portions of a building or podium to cantilever above the ground floor.

Similarly, proposed policy 11.1, which would require a minimum number of particular unit types and unit sizes, is overly prescriptive, particularly when applied on an individual site basis. In some cases, for example, a development project may be intended to target a particular segment of the market (eg. seniors’ housing, student housing, affordable rental housing, etc.), which will contribute to a broader range of housing types across the Downtown, even though it may not include a significant component of larger residential units.

Given the above concerns and the need for clarity regarding some of the proposed policies in the Downtown Plan, we request that Council not adopt the proposed Plan in its current form. Rather, we request that Council defer its consideration of this matter and direct staff to meet with Daniels and the Basilian Fathers in an effort to resolve the concerns and provide the necessary clarification.

Kindly ensure that we receive notice of any decision made by City Council regarding this item.

Yours truly,
DAVIES HOWE LLP



Mark R. Flowers
Professional Corporation

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