



Project No. 12175

May 18, 2018

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

Mr. Mayor and Members of City Council:

**Re: Item PG29.4 May 22, 2018 Council Meeting**  
**TOcore: Downtown Plan Official Plan Amendment**  
**328-358 Dupont Street**

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We are the planning consultants for AnX 1 GP Inc. with respect to its site at 328-358 Dupont Street, located on the north side of Dupont Street, west of Spadina Road (“the subject site”).

On behalf of our client, we filed an Official Plan Amendment application for the site on May 31, 2010 (File #: 10 184959 STE 20 OZ) and a Zoning By-law Amendment application on January 30, 2015 (File #: 15 110684 STE 20 OZ).

Since the time of our original applications, a hearing at the Ontario Municipal Board (“OMB”) took place in May 2017 and ultimately a Decision was issued on December 7, 2017 (PL141134 et al - the “site-specific OMB Decision”) which, among other matters, permitted a building height of 42 metres to the top of the roof (50 metres to the top of mechanical penthouse).

We have reviewed the draft Downtown Plan Official Plan Amendment (“the Downtown Plan”), which was considered and amended by Planning and Growth Management Committee on May 1, 2018, as well as the Supplementary Staff Report, dated May 14, 2018. We, along with our client, have a number of concerns with the Downtown Plan, which are described below.

The Downtown Plan does not currently include any transition policies or protocols to recognize proposed redevelopments that are in process, and/or were the subject of applications filed prior to the adoption of the Downtown Plan. In this regard, the above-noted applications for the subject site were submitted well in advance of the release of the initial draft of the Downtown Plan in August 2017 and, as such, we would request that the subject site be exempted from the application of the Downtown Plan.

In the event that the subject site is not specifically exempted from the Downtown Plan, it is our opinion that transition provisions should be incorporated into the Downtown Plan so as to ensure that applications that are in process are reviewed on the basis of the planning framework which was in force at the time they were filed.

It is our opinion that it, as currently drafted, the Downtown Plan is not consistent with the Provincial Policy Statement and does not conform with the Growth Plan for the Greater Golden Horseshoe (the “Growth Plan”). More specifically, the Downtown Plan does not optimize the use of land and infrastructure, particularly as it applies to the subject site.

In this regard, the Downtown Plan does not take into account Provincial policy directions to optimize the use of land and infrastructure, particularly along transit and transportation corridors, and in particular within the Downtown Toronto urban growth centre. In this regard, “optimization” means making something “as fully perfect, functional, or effective as possible”.

In our opinion, the proposed redesignation of the subject site to *Mixed Use Areas 3*, and in particular the associated height restriction to generally not exceed the width of the adjacent street right-of-way, does not make use of land and infrastructure in a way that is efficient or as effective as possible. Furthermore, the height restriction is contrary to the heights permitted in OPA 271 and By-law 1011-2014, which apply to the Dupont Corridor between Ossington Avenue and Kendal Avenue, and which have now been extended to the easterly property line by virtue of the site-specific OMB Decision. Under the Downtown Plan, the subject site would be permitted less height/density than what is permitted in OPA 271 and By-law 1011-2014, and in the site-specific OMB Decision, resulting in an underutilization of land and infrastructure.

In terms of the proposed redesignation of the subject site, Maps 41-3 and 41-3-C appear to show the *Mixed Use Areas 3* designation extending only as far as Kendal Avenue. As previously mentioned, the site-specific OMB Decision extends the boundary to the easterly property limit of 328 Dupont Street. Maps 41-3 and 41-3-C should be corrected accordingly.

Furthermore, we have concerns with the Mid-Rise Building Policy 9.2.9, which sets out prescriptive numerical standards relating to height, angular planes and rear setback. Fundamentally, the imposition of numerical standards in an Official Plan has the potential to stifle creativity, to unnecessarily trigger the requirement for site-specific official plan amendments, and to create unnecessary technical debates. Such detailed numerical standards are generally inappropriate and undesirable in a policy document and are more appropriately included in a regulatory document (the zoning by-law) or a guideline.

We also have concerns with proposed Policy 11.1, which would require, for developments containing more than 80 residential units, 15% of the units to be two-bedroom units and 10% to be three-bedroom units, and would specify minimum unit sizes of 87 square metres for the two-bedroom units and 100 square metres for the three-bedroom units. Similar to our comments above, such detailed numerical standards are inappropriate in a policy document. We believe that advancing these prescriptive measures without an in-depth review of market demand/supply and income/affordability results in significant risks with respect to housing

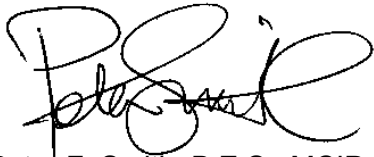
affordability and could potentially stifle the development of new housing in the Downtown.

The foregoing is not a comprehensive list of all of the concerns that would arise from the application of the Downtown Plan to the subject site. If our request to exempt the subject site from the Downtown Plan is not granted, on behalf of our client, we request that the approval of the Downtown Plan be deferred by Council, at least as it applies to the subject site, so that all of the concerns can be discussed with Planning staff, and the results be reported to Council.

We appreciate your consideration of the foregoing submission. Should you require any additional information, please do not hesitate to contact one of the undersigned.

Yours very truly,

**Bousfields Inc.**



Peter F. Smith, B.E.S., MCIP, RPP



Sasha Lauzon, M.PL., MCIP, RPP

cc: *Barry Brooks, Toronto City Planning*  
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