

Project No. 16151

May 22, 2018

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

Dear Mr. Mayor and Members of City Council:

Re: *Item PG29.4 May 22, 2018 Council Meeting*
TOcore: Downtown Plan Official Plan Amendment
10 St. Mary Street, 79-85 St. Nicholas Street, 710-718 Yonge Street,
and a Private Laneway (formerly part of 720 Yonge Street)

We are the planning consultants for RFT Holdings Corp. with respect to its property at 10 St. Mary Street, 79-85 St. Nicholas Street, 710-718 Yonge Street, and a private laneway (formerly part of 720 Yonge Street), located at the northwest corner of Yonge Street and St. Mary Street (“the subject site”).

On behalf of the previous owners of 10 St. Mary Street, we filed a Zoning By-law Amendment application for the site on August 19, 2014 (File: 14 208729 STE 27 OZ) in order to permit a 42-storey mixed-use building. The application was subsequently appealed to the Ontario Municipal Board, now the Local Planning Appeal Tribunal (“LPAT”), and was assigned File No. PL150634. There had been a number of mediation sessions and pre-hearing conferences prior to the site’s acquisition by its current owner, RFT Holdings Corp. RFT subsequently also acquired 79, 81 and 85 St. Nicholas Street, along with 718 Yonge Street.

The rezoning application was amended to include the St. Nicholas Street properties, and a 51-storey mixed-use development was approved on the expanded site by the OMB at a settlement hearing on May 24, 2017. The implementing by-laws have not yet been brought back to the Tribunal for final approval.

Subsequently, RFT Holdings Corp. have acquired 710, 712, 714 and 716 Yonge Street, along with a private laneway accessed from St. Nicholas Street (formerly part of 720 Yonge Street), in order to create a consolidated development site on the southerly portion of the city block. On the site as thus further expanded, RFT is now proposing a revised development that maintains the 51-storey height, but extends the tower portion of the building further east towards Yonge Street, while continuing to comply with a 75-degree angular plane measured from a height of 18 metres along Yonge Street, and maintaining a maximum floor plate size of 750 square metres (gross construction area).

On behalf of our client, 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.

Transition

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 that was in force at the time they were filed. In this regard, the client, consulting team and City Staff have worked collaboratively over an extended time period to arrive at a satisfactory solution to the built form, heritage and land use concerns that had been identified with the initial application. The Downtown Plan should not negate this process, which was well underway prior to its release.

Consistency/Conformity with Provincial Policies

With respect to the merits of the Downtown Plan as it applies to the subject site, it is our opinion that the Downtown Plan, as currently drafted, 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, in particular 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 and in “major transit station areas”. In this regard, “optimization” means making something “as fully perfect, functional, or effective as possible”.

Specifically, we have concerns with the possible interpretation of Policy 9.26.3, which states that for tall building to tall building relationships, built form adjacencies “will require transition” to the planned context, through the application of a separation distance, orientation of the tower portions of the building, and, as appropriate, through stepping down of heights. Given the context of the subject block, it is our opinion that “transition” (which is

typically related to the juxtaposition of different building scales) is not a relevant concept to be applied to “tall to tall” built form adjacencies.

Finally, 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. In our opinion, 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.

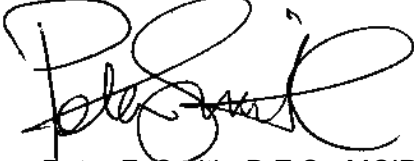
Deferral Request

The foregoing is not a comprehensive list of all the concerns that would arise from the application of the Downtown Plan to the subject site. Based on the concerns which arise from the policies outlined above which could significantly affect the future development of the subject site, 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 me.

Yours very truly,

Bousfields Inc.



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

*cc: #Cynthia MacDougall, McCarthy Tetrault
Jessica Romano, RFT Holdings Corp.*