

23 July 2018

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

Mayor and Members of Council  
12th floor, West Tower, City Hall  
100 Queen Street West  
Toronto, ON M5H 2N2

Attention: Ms. Marilyn Toft

Dear Ms. Toft:

**Re: Midtown in Focus: Final Report  
Council Meeting, 23 July 2018, Item PG31.7  
Submissions by Midtown-Yonge Properties Inc.**

We are counsel to Midtown-Yonge Properties Inc. which owns the property municipally known as 2323 Yonge Street. 2323 Yonge Street is subject to the proposed Official Plan Amendment No. 405 including the draft Yonge-Eglinton Secondary Plan area (the "OPA 405").

We understand that OPA 405 will be considered by Council at its meeting on 23 July 2018.

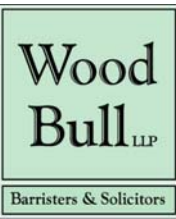
We attach a letter prepared by WND Associates dated 23 July 2018 outlining their planning concerns with OPA 405 including the draft secondary plan as it applies area-wide, as well as site-specifically to 2323 Yonge Street, for Council's consideration.

We also offer the following additional submissions for Council's consideration:

### **Overly Broad**

OPA 405 includes the delineation of major transit station areas and other strategic growth areas as well as the establishment of targets for those areas. The delineation of urban structure elements and targets are properly the subject of a municipal comprehensive review (an "MCR"), which is defined to mean the comprehensive application of the policies and schedules of the *Growth Plan for the Greater Golden Horseshoe 2017* (the "Growth Plan"). Since OPA 405 is not the result of an MCR, those elements and targets cannot be determined without a comprehensive City-wide review, and should therefore not be included within the proposed secondary plan.

Inclusion of these urban structure elements and targets in OPA 405 does not conform with the Growth Plan. In particular it does not conform with the Guiding Principle in Section 1.2.1 that requires the



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integration of land use planning with infrastructure planning, nor the supportive policies including Policy 2.2.1(3)(e) which requires that single-tier municipalities undertake integrated planning to manage forecasted growth, which will be implemented through an MCR.

For that reason, we respectfully request that all matters that are properly the subject of an MCR, including the matters identified above, be removed from OPA 405.

### **Section 26**

We have a serious concern with staff's position that OPA 405 is a Section 26 amendment.

Notwithstanding that any decision made on OPA 405 must conform with the new Growth Plan and be consistent with the *Provincial Policy Statement 2014*, it does not follow that OPA 405 forms part of the City's five year review pursuant to Section 26 of the *Planning Act*. The City's most recent five year review (Section 26 process) was commenced in 2011. Notably, the Yonge-Eglinton Secondary Plan was not part of the work program for that review.

This concern is particularly acute in light of the new *Planning Act* regime, which removes a landowner's right to appeal a decision on a Section 26 amendment. Given this new restriction, staff's characterization of OPA 405 as a Section 26 amendment is extremely prejudicial to our client and all landowners within the subject area, and an abuse of the Section 26 process.

For those reasons, we respectfully request that Council request that staff reconsider their position that OPA 405 is a Section 26 amendment.

Yours very truly,

**Wood Bull LLP**

A handwritten signature in blue ink, reading "Jshapira", is positioned below the firm name.

Johanna R. Shapira

JRS/af

c. Client

23 July 2018

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

**Attention: City Council Members**

Dear Members of Council,

**RE: City Council Meeting, 23 July 2018**  
**Item No. PG31.7 – Midtown in Focus: Final Report**  
**Proposed Official Plan Amendment 405**  
**Yonge-Eglinton Secondary Plan**  
**Submission by Midtown-Yonge Properties Inc. on 2323 Yonge Street**  
 Our File: 18.573

Walker, Nott, Dragicevic Associates Limited (“WND Associates”) is the planning consultant for Midtown-Yonge Properties Inc. (the “Owner”) with respect to their property known municipally as 2323 Yonge Street (the “site”) and their general interest and involvement in the ongoing Midtown in Focus study.

This submission concerns the most recent iteration of the new Yonge-Eglinton Secondary Plan (the “proposed YESP”) that forms part of the larger Official Plan Amendment 405 (“OPA 405”). We have reviewed the proposed YESP and OPA 405 on behalf of the Owner, and offer the following submissions in respect of 2323 Yonge Street as well as the policies on an area-wide basis for Council’s consideration.

For the reasons stated below, we are concerned with the new height limits identified for the 2323 Yonge Street, as well as its designation as a “property with potential cultural heritage value”. The concerns are outlined in detail in the following table.

Policy or designation	Concerns in relation to 2323 Yonge	Proposed modification
Map 21-10 designation as “property with potential cultural heritage value”.	The existing building is a mid-century office building of which there are many examples in the Yonge-Eglinton area, and across Toronto.	We recommend that this designation be removed from the site.

	<p>No justification is provided for this identification anywhere in the proposed YESP. In our opinion this designation may negatively impact any potential future development plans on the site, including potential renovation of the site to make it more accessible, environmentally sustainable, and aesthetically pleasing. As such it is inconsistent with the PPS policies and does not conform with the Growth Plan policies that speak to these issues, specifically 5.2.5(6)</p>	
<p>Map 21-11 designation showing an 8-storey height limit under Option 3.</p>	<p>In our opinion this height limit is inappropriate as it essentially locks in place the existing form of the building and precludes even minor additions. It does not support the emerging context of tall-building approvals in this area (which has included buildings on proximate sites of a height exceeding even the originally-recommended 20-23 storeys), nor does it support the employment objectives for the Centre. It is inconsistent with the PPS and does not conform to the Growth Plan supporting intensification, especially within an Urban Growth Centre and Major Transit Station Area.</p> <p>The proposed height limit also represents a substantial reduction from the earlier draft of the YESP (now known as “Option 1”) whereby staff recommended 20-23 storeys as being appropriate for the site. The “Option 1” plan was the culmination of a <u>three-year</u> comprehensive planning process. The proposed reduction in height has only been put forward over the past <u>five weeks</u> and has not undergone appropriate consultation with landowners, especially given the scope of the change.</p>	<p>We recommend that the height limit be increased to at least 30 storeys to reflect the actual character of building heights that have emerged in the area in the past decade.</p> <p>At a minimum, we recommend it be changed back to the 20-23 storeys that was originally recommended by staff in the November, 2017 iteration of the proposed YESP and that continues to be recommended by staff in the June, 2018, staff report where it is presented as “Option 1”.</p>

	<p>Finally, it is unclear what the “8c” designation refers to as this is not explained in the text of the Plan.</p>	
<p><b>Map 21-6</b> showing the “Park Street Loop” as a new public realm move, requiring a 7.5 metre setback along Roehampton Avenue.</p>	<p>This further restricts the redevelopment potential of a site which staff has already indicated can accommodate a 20-23 storey building and, cumulatively with other prescriptive policies, may result in the site never being redeveloped, thus precluding the potential for realizing the Park Street Loop (as the existing building does not have a 7.5 metre setback). Given the current policies as proposed, the Park Street Loop setback could not be realized and the policy would therefore be unnecessary. Growth Plan policy 5.2.5(6) speaks to ensuring a high quality public realm, something which would be effectively impossible with an inconsistently applied 7.5 metre setback.</p> <p>The setback policy also was not applied to other sites along Roehampton and Broadway which have received tall building approvals, such as the adjacent 33 Roehampton development (which is built and does not include a 7.5 metre setback). Accordingly, given that 33 Roehampton has already been developed without a 7.5 metre setback, there is no opportunity to create a continuous Park Street Loop on this segment of Roehampton Avenue, and if the setback policy was maintained, it would in our opinion be an inappropriate design requirement given how the context has evolved.</p>	<p>We recommend that this policy be deleted.</p>

In addition to the above-noted concerns, there are a number of issues with the proposed YESP that generally hinder the developability of 2323 Yonge Street and other sites. The cumulative impact of prescriptive regulations regarding matters such as setbacks, open space, and tower separation, among others, is that the proposed YESP does not foster an intensification-supportive environment, particularly

in the Yonge-Eglinton station area core. In the case of the site, it amounts to a de facto “freeze” on development and even renovation potential.

In our opinion such a “freeze” is inappropriate given the site’s location within an Urban Growth Centre and a Major Transit Station Area, as well as the emerging context of tall building approvals which has included buildings as tall as 33 storeys (immediately east), 28 storeys (on the west side of Yonge Street) and 38 storeys (on the south side of Roehampton Avenue). Considered in this context, in our opinion a building height of at least 30 storeys would be appropriate and at a minimum the 20-23 storeys originally recommended by staff should be reintroduced. A significantly reduced height, such as that proposed in the most recent iteration of the draft YESP, would not be consistent with the PPS or conform to the Growth Plan policies that encourage intensification in this area. Specifically, it would not conform with Growth Plan policies 2.2.2.(4)(a) (encouraging intensification in delineated built-up areas), 2.2.3 (supporting intensification in Urban Growth Centres), and 2.2.4 (supporting intensification in Major Transit Station Areas). Additionally, it is inconsistent with PPS policies 1.1.3.3, 1.1.3.4, and 1.1.3.6, all of which encourage intensification, particularly in areas designated for growth.

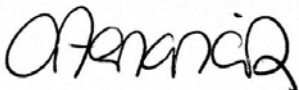
The PPS and Growth Plan both contain policies requiring planning authorities to prioritize the development of infrastructure to support intensification. PPS policy 1.1.3.7.b states that “planning authorities shall establish and implement phasing policies to ensure...the orderly progression of development within designated growth areas and the timely provision of the infrastructure and public service facilities required to meet current and projected needs”. Growth Plan policy 2.2.2(4)(e) states that “All municipalities will develop a strategy to achieve the minimum intensification target and intensification throughout delineated built-up areas, which will...prioritize planning and investment in infrastructure and public service facilities that will support intensification.” In order for the proposed YESP to be consistent with these policies, a new policy should be added requiring the City to prioritize infrastructure improvements that support intensification.

Given the above noted significant issues, we ask that Council revise the plan to reflect the above noted changes; in the alternative, it is our opinion that this item should be deferred to allow for additional consultations on a site-specific basis and on the plan in its entirety in order to ensure its conformity to provincial policies and the overall intent of the Official Plan.

Should you have questions regarding this submission or require further information, please contact the undersigned.

Yours very truly,

**WND associates**  
planning + urban design



Andrew Ferancik, MCIP, RPP  
Principal