



Project No. 1126-1

April 30, 2018

Planning & Growth Management Committee
City of Toronto, City Hall
100 Queen Street West,
Toronto, ON M5G 1P5

Dear: Chair, Planning & Growth Management Committee,

Re: *Proposed Official Plan Amendment No. 406*
Draft Downtown Plan
133-141 Queen Street E & 128 Richmond Street E, Toronto, ON

Overview

On behalf of our client, Max and Harry Klaczkowski, owners of the above-noted subject site, we are pleased to submit this letter with respect to the proposed Official Plan Amendment No. 406 (“OPA 406”) which implements the draft Downtown Plan. The purpose of this letter is to alert the City to the potential transit-supportive intensification opportunities that will effectively be nullified if the proposed designations for the subject site are brought into effect.

The subject site is centrally located within the *Downtown* urban growth centre and is situated within two major transit station areas associated with existing and planned subway stations. The subject site is served by the Queen streetcar, is located 450 metres from the nearest entrance to the Queen subway station on the TTC’s Line 1 (Yonge-University-Spadina) and is approximately 320 metres east of the planned Queen-Sherbourne station on the Downtown Relief Line. There are a number of existing and approved tall buildings located within the immediate surrounding context with heights that range from 32 to 50 storeys.

Within this existing and planned context of the Downtown, the subject site is an appropriate and desirable location for mixed-use intensification, in the form of tall buildings and subject to the creation of appropriate built form relationships in keeping with the existing and approved buildings of the area. Intensification on the subject site is supportive of the applicable planning framework set out in the Provincial Policy Statement, the Growth Plan for the Greater Golden Horseshoe, the Regional Transportation Plan, and the City of Toronto Official Plan, all of which

support intensification on sites well-served by municipal infrastructure, including higher order public transit. The subject site does not form part of any Secondary Plan area.

The subject site is currently used as a surface parking lot and contains two garage structures, one of which is used for the servicing of cars and one of which is used as a retail use. In the current Official Plan, the subject site is designated as *Mixed Use Areas*, which is a general growth designation. The current Official Plan notes that although “not all *Mixed Use Areas* will experience the same scale or intensity of development,” the highest buildings and greatest intensity will typically occur Downtown, particularly in the *Financial District*.

Although not located in the *Financial District*, the subject site is centrally located in the Downtown at the major block frontage of Queen East, Jarvis and Richmond East Streets close to other sites containing approved tall building development. Consistent with the current *Mixed Use Areas* designation, a tall commercial mixed use building development, massed to fit the subject site and context, is currently under preparation. The design and development team has also had the benefit of several meetings with City Planning staff, the local Councillor’s office and with the BIA with respect to the design of the project.

In the draft Downtown Plan, the subject site is proposed to be designated as *Mixed Use Areas 3 – Main Street* on Map 41-3-C (Proposed Downtown Plan). The proposed *Mixed Use Areas 3* designation essentially limits the future development opportunity on the subject site to the in-force zoning that applies today which permits a maximum height of 30.0 metres and a total maximum density of FSI 4.0. The existing zoning on the subject site dates back to at least 1994, and provisions such as building height may date back to at least 1986, well before the introduction of the PPS, Growth Plan, RTP, and the City’s current Official Plan, all of which encourage intensification in proximity to higher order public transit.

The policies of the proposed *Mixed Use Areas 3* designation limit the opportunity for intensification and the optimization of density on the subject site in an area of the city that is well serviced by higher order public transit and municipal infrastructure. The proposed *Mixed Use Areas 3* designation limits potential redevelopment opportunities by restricting new buildings to a low and mid-rise scale that is generally equivalent to the height of the right-of-way width. The potential maximum height that may be permitted in the proposed *Mixed Use Areas*

3 designation is less than the permitted as-of-right building height of 30.0 metres on the subject site.

Additionally, the proposed boundaries of the *Mixed Use Areas* designations are overly prescriptive. Policy 2.2.4(2) of the Growth Plan requires that the City of Toronto to delineate the boundaries of major transit station areas on priority transit corridors or subway line “in a transit supportive manner that maximizes the size of the area and the number of potential transit users that are within walking distance of the station.”

The Staff Report accompanying the proposed OPA 406 acknowledges that a major transit station area assessment may be undertaken as part of a future municipal comprehensive review for development around subway stations. However, it is our opinion that the overly prescriptive nature of the proposed *Mixed Use Areas 3* policies together with detailed and distinct designation boundaries is premature in advance of a major transit station area assessment.

The policies and boundaries of each of the *Mixed Use Areas* designation effectively operate in a similar manner to a zoning by-law by restricting the potential height and density through a strict approach to built form criteria. This prescriptive approach to development is premature in advance of the completion of a major transit station area assessment which identifies the appropriate scale and intensity of development required to support higher order public transit in accordance with the Growth Plan.

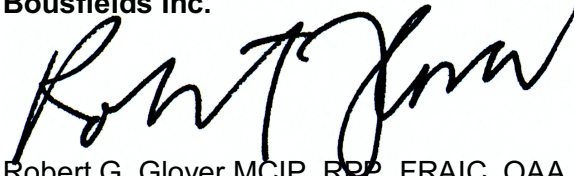
Furthermore, it is our opinion that this approach to the “planned context” for the subject site does not conform with the Growth Plan, specifically Policy 2.2.4(9) which prohibits land uses and built form that would adversely affect the achievement of transit supportive densities within a major transit station area. The subject site could reasonably support the development of a tall building subject to the achievement of appropriate built form relationships that would conform with the built form and transition policies of the draft Downtown Plan.

Based on the foregoing, it is our opinion that the proposed policies and boundary delineation of the *Mixed Use Areas 3* designation are inappropriate and do not constitute good planning. It is our opinion that the proposed OPA 406 and the draft Downtown Plan are not consistent with the PPS and do not conform with the Growth Plan. We respectively ask the Committee to defer adoption of the proposed planning instruments.

Trusting this is satisfactory to your needs at this time. Should you have any questions or comments on the foregoing, please do not hesitate to reach out to our office.

Yours truly,

Bousfields Inc.



Robert G. Glover MCIP, RRP, FRAIC, OAA