



April 30, 2018

BY E-MAIL - pgmc@toronto.ca

Planning and Growth Management Committee
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file # 47087-2

Attention: Nancy Martins, Secretariat Contact

Dear Members of the Planning and Growth Management Committee:

**Re: TOcore: Downtown Plan Official Plan Amendment
Item PG29.4 | Planning and Growth Management Committee | May 1, 2018
Request for Deferral**

We are the solicitors for the Greater Toronto Apartment Association (the "GTAA"). The GTAA represents the multifamily, purpose-built rental housing industry. The GTAA's membership is comprised of hundreds of companies that own and manage in excess of 150,000 purpose-built rental apartment units across greater Toronto, with the vast majority in the City of Toronto.

On behalf of our client, we filed correspondence with Strategic Initiatives, Policy and Analysis, City Planning Division on January 19, 2018 setting out our client's concerns with the August 18, 2017 draft of the proposed Downtown Plan. Our client has reviewed the materials that form Item PG29.4 and has continued concerns about the plan being advanced, which now comprises part of Official Plan Amendment No. 406 ("OPA 406") and Secondary Plan 41 – Downtown Plan (the "Secondary Plan").

The GTAA strongly recommends fewer restrictions, and an enhanced focus on encouraging rental housing. The cumulative impact of the policies proposed in TOcore will discourage the development of some rental housing, exacerbating the City's housing supply shortage and affordability issue. Fulfilling all of the requirements of OPA 406 and the Secondary Plan has significant financial implications. These added costs are then borne by apartment developers and some are passed through, embedded in rent –all added costs impact what the end users pay. Or, in many cases, the project does not proceed, and new rental housing is not added to the City's already undersupplied inventory.

The policies proposed in OPA 406 and the Secondary Plan largely disincentivize growth and development within Toronto's downtown. It is our position that these policies will increase affordability issues, restrict housing supply, decrease livability for all who use Toronto's downtown, and discourage the achievement of the City's vision as set out in Section 2 of the Secondary Plan. This has been echoed in the significant concerns raised with the TOcore proposals to date by the development industry, and is particularly troubling when viewed in light of provincial policy. Both the Growth Plan for the Greater Golden Horseshoe and the Provincial



Policy Statement direct growth to Toronto's downtown; yet, OPA 406 and the Secondary Plan rebuff these policies, making them contrary to the *Planning Act*.

GTAA asks that the Planning and Growth Management Committee defer consideration of Item PG29.4 until such time as these concerns have been addressed and OPA 406 and the Secondary Plan are revised accordingly. The GTAA has the following, among other, concerns:

- The Secondary Plan still does not clearly indicate what “Development” or “New Development” includes. As many of the new obligations proposed would cause significant hardship and be inappropriate for minor additions or site alterations, clarification is required.
- Policies 4.2 and 6.32 – 6.33 - Certain designations are now no longer targeted for intensification, limiting renewal of certain neighbourhoods in the downtown, an area identified for growth in the Official Plan and provincial policy.
- Policies 5.3 - 5.5, sidebar – What is meant by a “Complete Community Assessment” remains unclear. Further clarification is required. The requirement for further study being prepared by the City prior to any site-specific recommendations being made to Council may unnecessarily delay the processing of an application and impact the affordability of residential units eventually brought on market contrary to the provincial and municipal goals of affordability. Finally, depending upon the meaning of “Development”, such a requirement might be extremely burdensome.
- Policy 6.1-6.3 and 6.23-6.24 – With the expansion of the boundaries of the Financial District, the designation of lands as *Mixed Use Area 1*, and the prohibition on increased density for residential development, the ability to provide increased housing in the city core is compromised. The restriction also negatively impacts the ability to provide complete communities. It is the addition of housing in the city core that has contributed to its vibrancy to date.
- Policy 6.2 – The restriction of residential uses within the *Financial District* and an urban growth centre unnecessarily restricts development and is contrary to the Provincial Policy Statement, the Growth Plan, and the Mixed Use designation of the Official Plan.
- Policy 6.35 – This policy provides that, within 500 metres of a planned rapid transit station, increases to as-of-right development may not occur prior to the City undertaking a study to determine a Site and Area Specific Policy. This may unnecessarily delay the processing of applications in these areas, and will restrict the positive growth the City is surely looking to incentivize in these areas, amplifying affordability issues. It is also unclear where precisely the planned rapid transit stations will be located, so there is no clear delineation of the boundaries to which this policy would apply.
- Policy 6.36 – 6.39 – Several streets have been designated Priority Retail Streets, with new design requirements for retail and service commercial space. The retail and service commercial requirements prohibit any redevelopment from including residential units or amenity space at ground level. This is a serious restriction on development, and

constrains development options, particularly on oddly-shaped properties. These policies should be amended to allow for site-specific considerations.

- Policy 6.41 – It is unclear how the City intends to require that first-responder facilities be considered as part of a development. It is beyond the City's authority to require land be conveyed for this purpose.
- Policies 7.7 – 7.13 – Development adjacent to the Core Circle will be required to improve various features. It is unclear what "adjacent" means.
- Policy 9.13.2 – This policy prohibits tall buildings within *Neighbourhoods*, *Mixed Use Areas 3*, and *Mixed Use Areas 4*, contrary to the Provincial Policy Statement, the Growth Plan, and the Official Plan directing growth to the Downtown.
- Policy 9.18 – The requirement to not cast *net-new shadow* during certain windows on parks and open spaces indicated on Map 41-13 is extremely prohibitive of development in locations which are targets for growth under provincial policy. We recommend that this policy be revised to prevent adverse shadow impacts.
- Policy 10.3 – It is unclear how development will be required to contribute to the delivery of community service facilities. The City's authority for this requirement and how it will relate to section 37 agreements is unknown.
- Policies 11.1 - 11.4 – Policies dictating larger units in all cases and requiring dwelling room replacement remains contrary to the City's desire to encourage affordable housing. These requirements do not appropriately take into account market needs. Increasingly onerous requirements will only serve to limit development and create greater affordability concerns. We are also concerned with the City's suggestion that it can regulate the interior spaces of developments.
- Policies 12.5 - 12.6 These policies do not provide adequate incentive for the location of residential development within the precincts more generally, which should be the intended location for some of Downtown's residential growth given the precincts fall outside the Financial District yet is in close proximity to jobs and transit.
- Policy 14.15 – This policy is ambiguous about how Community Benefit Agreements are related to section 37 agreements. Further clarity as to the scope and authority for these policies is required.



Please provide us with written notice of all further steps in this matter.

Yours truly,

Cassels Brock & Blackwell LLP

A handwritten signature in blue ink, appearing to read "SL", is written over a light blue circular stamp.

Signe Leisk

SL/CEG
Encl.



January 19, 2017

BY E-MAIL

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Attention: Andrew Farncombe, Project Manager
Ann-Marie Nasr, Manager

Dear Sirs/Mesdames:

Re: TOcore Proposed Downtown Plan dated August 18, 2017

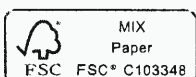
We are the solicitors for Greater Toronto Apartment Association (the “GTAA”). The GTAA represents the multifamily, purpose-built rental housing industry. The GTAA’s membership is comprised of hundreds of companies that own and manage in excess of 150,000 purpose-built rental apartment units across greater Toronto, with the vast majority in the City of Toronto. Our client has reviewed the TOcore policies advanced in the City’s August 18, 2017 proposal, the TOcore Proposed Downtown Plan (the “Plan”), and we are writing to share its concerns with you.

The GTAA strongly recommends fewer restrictions, and an enhanced focus on encouraging rental housing. The cumulative impact of the policies proposed in TOcore will discourage development of rental housing, exacerbating the City’s housing affordability issue.

Fulfilling all of the requirements of the Plan has significant financial implications. These added costs are then borne by purchasers or embedded in rent – in both cases the added costs impact what the end users pay. Or, in many cases, the project does not proceed, and new housing is not added to the City’s inventory.

GTAA’s specific policy concerns include:

- The Plan does not clearly indicate what “Development” or “New Development” includes. As many of the new obligations proposed would cause significant hardship and be inappropriate for minor additions or site alteration, clarification is required.
- Policy 3.14 – Development will be required to be “zero-emission ready”. Because “development” is not defined, it is unclear what amount of redevelopment would trigger this requirement.



- Policy 4.4 – Certain designations are now no longer targeted for intensification, limiting renewal of certain neighbourhoods in the downtown, an area identified for growth in the Official Plan and provincial policy.
- Policies 5.3, 5.5, sidebar - Development will be required to prepare a “Complete Community Assessment”. This requirement for further study is inappropriate. The further study required in these policies is too broad and unnecessarily overlaps with the City’s secondary plan regime, which are the appropriate mechanism for this form of study. Further, more information should be provided around what is involved with a “Complete Community Assessment”. To the extent a study has not yet been performed within an area, the requirement for a Complete Community Assessment may unnecessarily delay the processing of an application and impact the affordability of residential units eventually brought on market. Finally, depending upon the meaning of “Development”, such a requirement might be extremely burdensome.
- Policies 6.6, 6.17-6.19 - The Plan proposes strict restrictions on shadow on surrounding streets, certain identified parks and open spaces, and school yards. This will severely restrict development potential of some sites within the Downtown. These policies should be amended to reflect consideration of site specific context of a downtown urban context.
- Policies 6.11 and 6.13 - Development within certain designations must be set back from any property line adjacent to a street by at least 6 metres, and policies provide that in certain circumstances more than 6 metres is warranted. In several areas of the Downtown, this is not practical and severely restricts the built form landscape. Further this would significantly reduce the developable area of a property and would in particular unnecessarily cripple corner properties, resulting in a decreased interest in redeveloping the intersections within areas to which this policy applies. A more site-specific context should be embraced, as well as a separate policy for corner properties.
- Policies 7.16 – 7.21 - Development adjacent to the Core Circle will be required to improve various features. It is unclear what “adjacent” means and under what circumstances such a policy might be imposed.
- Policy 8.2 –With the expansion of the boundaries of the Financial District and the prohibition on increased density for residential development, the ability to provide increased housing in the city core is compromised. The restriction also negatively impacts the ability to provide complete communities. It is the addition of housing in the city core that has contributed to its vibrancy to date.
- Policy 8.31 – This policy provides that, within 500 metres of a planned rapid transit station, increases to as-of-right development may not occur prior to the City undertaking a study to determine a Site and Area Specific Policy. This may unnecessarily delay the processing of applications in these areas, and will restrict the positive growth appropriate for these areas, amplifying affordability issues. It is also unclear where precisely the

planned rapid transit stations will be located, so there is no clear delineation of the boundaries to which this policy would apply.

- Policies 8.32-8.35 - Residential uses at grade are not permitted within certain parts of the downtown. This is a serious restriction on development, and constraints development options, particularly at oddly-shaped properties.
- Policy 9.8 - Development will be required to include a child care centre where it can be accommodated on the site, regardless of the size of a development or proposed land use. There are a myriad of contexts where this policy would not be appropriate and/or cannot be accommodated on site. This policy also does not appropriately recognize how a proposal should proceed where a child care centre is located within close proximity. Depending upon the definition of "development", this might also be an unnecessarily burdensome requirement on relatively minor site alterations. Further clarification and specificity is required.
- Policy 9.14, sidebar - Policies related to the "Community Benefit Agreement" are unclear. How do these relate to s. 37 agreements? Further clarity as to the scope and authority for these policies is required.
- Policies 11.2 and 11.4 – Imposing strict 2- and 3-bedroom requirements is contrary to the City's desire to encourage affordable housing. These requirements and the affordable rental/ownership housing requirements do not appropriately take into account market needs and fails to acknowledge that purpose-built rental housing generally provides greater unit sizes than rentals within condominium buildings. Further, we recommend that incentives be provided to facilitate any requirements. Increasingly onerous requirements will only serve to limit development and create greater affordability concerns.

Thank you for your consideration of these comments. Please provide us with written notice of all further steps in this matter.

Yours truly,

Cassels Brock & Blackwell LLP



Signe Leisk

SL/CEG

cc Gregg Lintern, City of Toronto