



Project No. 18P561

June 6, 2018

Planning & Growth Management Committee Members
Toronto City Hall
100 Queen Street West
Toronto, ON, M5H 2N2

Members of Planning & Growth Management Committee:

Re: *Item PG30.4, June 7, 2018*
Midtown in Focus: Final Report
Greenrock Properties

As you are aware, we are the planning consultants to Wingreen Realty Limited (“Wingreen”) with respect to the above-noted matter. Our client’s site is municipally known as 185 Balliol Street, and is located at the southwest corner of Balliol Street and Pailton Crescent, within the draft Yonge-Eglinton Secondary Plan area.

As we noted in our March 9, 2018 letter (appended to this letter as **Appendix A**), this site is within a “major transit station area”, being less than 500 m from the Davisville TTC Station, and is designated *Apartment Neighbourhoods* in the City of Toronto Official Plan. The site is zoned R2 Z0.6 in Zoning By-law No. 438-86, but has a height limit of 38.0 metres, the equivalent of approximately 12 storeys. Currently, the site is occupied by a private tennis club (Toronto Tennis City).

We have reviewed the proposed Official Plan Amendment (OPA) No. 405 released for review on May 18, 2018 with respect to this property. Subject to the additional comments below, the comments we provided in our March 9, 2018 letter remain valid.

We have a number of concerns with the proposed approval process, and continue to have broad and specific concerns with the proposed OPA, which are described below. In particular, it is our opinion that the proposed secondary plan, as currently drafted, is not consistent with the Provincial Policy Statement and does not conform with the Growth Plan.

1. Finally, in our opinion, the proposed OPA cannot reasonably be considered to be part of a municipal comprehensive review and/or a provincial plan conformity exercise and, therefore, is not properly subject to Section 26 of the *Planning Act*.

Section 26(3)(a) requires Council to consult with the approval authority (in this case, the Ministry) and with prescribed public bodies with respect to any revisions to the official plan that may be necessary. There is no evidence that the Ministry was consulted with respect to the revisions required as part of the exercise, and even if so, the public has no information on that consultation or its results.

In addition, Section 26(3)(b) requires Council to hold a special public meeting that is open to the public to discuss the revisions to the official plan that may be required. There is no evidence that such a meeting was held. While the special meeting of Council scheduled for June 7, 2018 (i.e. this Planning and Growth Management Committee meeting) purports to be the special public meeting required by Section 26(3)(b), we are of the view that it cannot properly be considered the required statutory meeting as it will not serve as an opportunity for members of the public to provide input on the “revisions that may be required” to bring the Official Plan into conformity with Provincial policies and plans (a meeting that in any event should occur near the beginning of the process).

Furthermore, it is our opinion that the proposed OPA cannot be considered a provincial conformity exercise, as it is not consistent with the PPS and does not conform with the Growth Plan, both of which contain a number of policies that promote intensification and compact built form, particularly in areas well served by public transit.

Finally, it is our opinion that the proposed OPA cannot be considered the result of a “municipal comprehensive review” because it does not provide density calculations within the Major Transit Station Areas and none of the documents presented to the public during and in support of the review process appear to provide any density calculations in terms of job and persons per hectare, as required by the Growth Plan.

2. We continue to fundamentally disagree with the proposed Secondary Plan’s approach of limiting the amount of tall building development potential on specified sites across the proposed Secondary Plan area without the benefit of more thorough planning and urban design analysis that accompanies a site-specific development application.

Additionally, we continue to disagree with the approach of limiting tall building development potential to only specified sites. Both of these approaches appear to conflict with the policies of the PPS and Growth Plan,

and in particular the Growth Plan policies directing growth to major transit station areas.

We recommend that Section 5.3 of the proposed secondary plan be revised and Schedules 21-11 to 12-16 be removed, and that tall building development potential and maximum height be determined through a combination of site-specific analysis, applying the applicable built form and design policies, the zoning by-law, and applicable guidelines.

3. Should you disagree with the above recommendation, we have the following alternative site-specific recommendation. While we agree with and appreciate the identification of the subject site as an appropriate location for tall “Midtown Tall Buildings” on Map 21-14, we continue to have concerns that the proposed height limit of 17-19 storeys does not take into account the site’s context, the proposed OPA’s own directions, or its site-specific potential for a taller building.

Proposed Policy 2.4.1 provides that “the boundaries of the Midtown Transit Station Areas maximize the size of the area and the number of potential transit users within walking distance of each station. Proposed Policy 2.4.2(a)(ii), which applies to the “Secondary Zone” portions of designated “major transit station areas”, clarifies that development will “transition down in height and scale to surrounding Built-up Zones”.

In this regard, the site is currently surrounded to the north and east by tall buildings with existing heights ranging from 17 to 30 storeys. East of the site are existing buildings with heights of 22 storeys at the northeast corner of Pailton Crescent and Balliol (200 Balliol Street), 17 storeys at the southeast corner (221 Balliol Street). Further east is a 26-storey building at 265 Balliol Street, along with a proposed 29-storey building on the same site.

Given that heights in the 30-storey range already exist in close proximity to 185 Balliol Street, and heights up to 26 storeys already exist to the east, in the “Built-up Zone”, it is our opinion that taller building heights should be contemplated on the site, with transition in height and scale occurring on properties outside of the “Secondary Zone” (i.e. north of Davisville Drive, east of Pailton Crescent and south of Merton Street).

Accordingly, we are asking staff to reconsider its recommendation of 17-19 storeys on the subject site, and to recommend a more appropriate height in the range of a minimum of at least 25 storeys.

Thank-you for your consideration of these comments, and the comments set out in our March 9, letter.

If you require any clarification or wish to discuss these matters further, please do not hesitate to contact me, or Mike Dror, Senior Planner, of our office.

Yours very truly,

Bousfields Inc.



Tom Kasprzak, MCIP, RPP

cc: *client*
Kim Kovar, Aird & Berlis