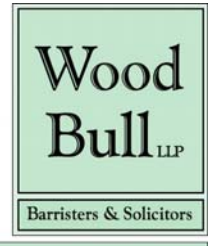


# PG30.4.51



MUNICIPAL, PLANNING & DEVELOPMENT LAW

7 June 2018

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

Members of Council and Planning and Growth Management Committee  
10<sup>th</sup> floor, West Tower, City Hall  
100 Queen Street West  
Toronto, ON M5H 2N2

Attention: Ms. Nancy Martins

Dear Members of Council and Planning and Growth Management Committee:

**Re: Midtown in Focus: Final Report  
Official Plan Amendment No. 405  
Planning and Growth Management Committee Meeting on 7 June 2018  
Item PG30.4  
Submissions by CAPREIT Limited Partnership**

We are counsel to CAPREIT Limited Partnership (“CAPREIT”), which owns and/or operates a number of properties that are subject to the proposed Official Plan Amendment 405, including the new Yonge-Eglinton Secondary Plan (the “OPA 405”). We understand that the final staff report respecting OPA 405 will be considered by the Planning and Growth Management Committee (“PGMC”) at its meeting on 7 June 2018.

Further to our previous letters on this matter dated 11 May 2018, 28 May 2018, 24 February 2018, and 15 November 2017, we attach the following additional submissions for PGMC’s consideration at the 7 June 2018 meeting, and for future consideration by Council:

- a) a letter (with attached table) from WND Associates dated 6 June 2018, outlining their planning concerns with OPA 405, including the new secondary plan; and
- b) a letter from LEA Consulting Ltd. dated 6 June 2018, outlining their concerns with the transportation policies in OPA 405.

We also offer the following additional submissions for PGMC’s and Council’s consideration:

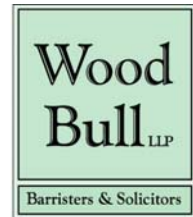
## **Overly Broad**

OPA 405 includes the delineation of major transit station areas and other strategic growth areas (both urban structure elements) as well as the establishment of targets for those areas. The delineation of

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7 June 2018



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 should not be included within the proposed secondary plan. Rather, they should be the subject of a comprehensive City-wide review, in the context of the new Growth 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 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 - appropriately so - since the review was broken out into thematic areas, not geographical ones. With respect, it is equally, if not more, inappropriate to shoehorn in a new secondary plan seven years into the Section 26 process.

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.

We respectfully request that the PGMC and Council request that staff reconsider their position that OPA 405 is a Section 26 amendment.



7 June 2018

Yours very truly,

**Wood Bull LLP**

A handwritten signature in blue ink, reading "Jshapira", is centered below the firm name. The signature is written in a cursive, flowing style.

Johanna R. Shapira

JRS

Encls.

c. Client



6 June 2018

City of Toronto  
City Planning, Strategic Initiatives  
Metro Hall, 22nd Floor  
55 John Street  
Toronto ON M5V 3C6

**Attention:** Paul Farish, Senior Planner  
and PGM Committee Members and City Council Members

Dear Mr. Farish:

**RE: Planning and Growth Management Committee Meeting, 7 June 2018**  
**Item No. PG30.4 – Midtown in Focus: Final Report**  
**Proposed Official Plan Amendment 405**  
**Yonge-Eglinton Secondary Plan**  
**Submission by CAPREIT Limited Partnership**  
Our File: 18.536

Walker, Nott, Dragicevic Associates Limited (“WND Associates”) is the planning consultant for CAPREIT Limited Partnership (“CAPREIT”) with respect to the above-noted Midtown in Focus study and proposed Official Plan Amendment 405, including the Yonge-Eglinton Secondary Plan (“OPA 405”). CAPREIT owns and/or operates a number of properties in the Yonge-Eglinton Secondary Plan area, including 141 Davisville Avenue, 111 Davisville Avenue, 33 Davisville Avenue, 321 Chaplin Crescent, 411 Duplex Avenue, 33 Orchard View Boulevard, and 124 Broadway Avenue.

CAPREIT and its consultants have been monitoring and participating in the City’s Midtown in Focus study. Through its counsel Wood Bull LLP, CAPREIT has provided comments in letters dated 15 November 2017, 24 February 2018, 11 May 2018, and 28 May 2018. Representatives of CAPREIT participated in the 1 February 2018 meeting with City staff and landowners, in addition to other consultations related to the active Zoning By-law Amendment application for 141 Davisville Avenue.

The City of Toronto published the most recent version of proposed OPA 405 on 18 May 2018. A statutory Open House was held on 28 May 2018 and a Special Public Meeting is scheduled for the Planning and Growth Management Committee meeting on 7 June 2018. The Midtown in Focus Final Report was made publicly available on 31 May 2018.

Further to our 28 May 2018 letter providing preliminary comments on OPA 405, the purpose of this letter is to provide additional comments on OPA 405, including the proposed new secondary plan for Yonge-

Eglinton (the "Proposed YESP") to City Planning staff and the Planning and Growth Management Committee of City Council in advance of the Special Public Meeting.

### ***Policy Assessment***

Our overarching areas of concern with OPA 405 identified in our 28 May 2018 letter remain the same. These concerns are related to a continued lack of consistency with the Provincial Planning Statement, 2014 ("PPS") and Growth Plan for the Greater Golden Horseshoe, 2017 ("Growth Plan") with respect to appropriate policies to facilitate intensification, redevelopment, and compact form, and which establish development standards for residential intensification, redevelopment, and new residential development which should minimize the cost of housing.

This overarching concern stems from the individual and cumulative effect of the prescriptive development standards in OPA 405 which severely constrain intensification on many sites in the Secondary Plan Area. The Secondary Plan Area is a heavily-urbanized node containing public transit connections, retail and employment activities, and residential density. In addition, it is subject to numerous provincial and municipal designations that encourage growth and intensification. As such, it should be anticipated that considerable development and intensification will take place and that it should occur in the context of compact infill. In order for this to be achieved in a manner that implements provincial policy and ensures complementary built form, sufficient flexibility must be provided to ensure the viability of infill development. In our opinion, the policies, in some cases individually and certainly cumulatively, in OPA 405 are overly prescriptive and therefore not conducive to facilitating intensification. As a result, OPA 405 is inconsistent with PPS policies and do not conform with Growth Plan policies that encourage intensification and transit-supportive development within strategic growth areas.

Further, we are concerned that the delineation of major transit station area boundaries in OPA 405 has not been done in a manner that is conducive to facilitating intensification, given the restrictive policies governing development in these areas. The cumulative effect of the development standards in OPA 405 will impact the viability of achieving intensification on certain key sites in major transit station areas, which will negatively affect their ability to accommodate the density targets prescribed by provincial policy.

Table 1 attached to this letter provides an updated assessment of the individual revised policies of the May 2018 version of OPA 405 (whereas Table 1 of our 11 May 2018 letter assessed the November 2017 version).

In addition to the policies reviewed in Table 1 and the concerns raised in our 28 May 2018 letter, we have concerns regarding the following new (since the previous version) policies in OPA 405:

- Section 2(a): The increased width of the Davisville Avenue right-of-way from 20 metres to 23 metres which, when coupled with additional development restrictions, will have impacts on the development potential of sites that otherwise could accommodate appropriate infill intensification. This further underscores the need for flexibility in the policies to accommodate appropriate intensification;
  - Section 4: Replacing the existing secondary plan with a new Yonge-Eglinton Secondary Plan, which includes the following policies:
-

- 1.2.1: The goals of the Proposed YESP do not demonstrate substantive regard for the promotion of residential intensification as directed by the PPS and Growth Plan;
- 1.3.2: The restrictions placed on the Midtown Villages and Eglinton Way Character Area for low and mid-rise development do not appropriately consider the proximity to two future LRT transit stations;
- 2.4: This policy rigidly restricts infill development in areas identified by Provincial Policy for intensification, and the policy may negatively affect the ability of Major Transit Station Areas from achieving the density targets provided in the Plan;
- 3.1.1: An emphasis on “an open and green landscaped character” does not promote residential intensification and does not recognize when the preservation of existing conditions (e.g. tower in the park buildings with underutilized open spaces) may run counter to good planning principles with respect to built form;
- 3.2: The various onerous setback requirements from property lines, when assessed cumulatively with prescriptive built form policies, discourage high-quality, street-oriented infill development;
- 5.2: It remains unclear how policies related to heritage conservation will affect properties near and adjacent to properties identified as having “potential cultural heritage value” on Map 21-10; and
- Map 21-9: Various mid-block connections are conceptually identified. It is not clear how these connections will be realized nor their potential effect on the infill developability of certain sites within the Secondary Plan area.

As noted above, an assessment of the revised policies in the Proposed YESP is included in Table 1, attached to this letter.

Additionally, we are concerned that OPA 405 does not have sufficient regard for existing development applications that are in process, which may be negatively impacted by its implementation. Specifically, several of the policies found in OPA 405 would effectively preclude infill development on 141 Davisville Avenue in the form sought by CAPREIT in its November 2017 Zoning By-law Amendment Application. In order to accommodate existing development applications, it would be desirable for OPA 405 to include transition language exempting sites such as 141 Davisville Avenue from OPA 405.

Finally, we do not believe that OPA 405 has adequate regard for the matters of provincial interest listed in Part I Section 2 of the *Planning Act*. Specifically, subsections (j), (p), (q), and (r).

### **Conclusion**

Based on our review, contained in this letter and the attached Table 1, we conclude that, individually where cited in Table 1, and overall cumulatively, the policies in OPA 405 lack consistency with the following PPS policies: 1.1.1 a, b and e; 1.1.3.2; 1.1.3.3; 1.1.3.4; 1.1.3.7; 1.4.1; 1.4.3; 1.6.1; 1.6.7.4; 4.8; and 4.9, and lack conformity with the following Growth Plan policies: 1.2.1; 2.2.2.4a), e) and f); 2.2.3.1d); 2.2.4.1; 2.2.4.2; 2.2.4.6; 2.2.6.1; 3.2.1.1; 3.2.2.1; and 3.2.3.

WND Associates and CAPREIT continue to acknowledge the work of City staff in the preparation of OPA 405 including the Proposed Yonge-Eglinton Secondary Plan and agree with some of the broad planning principles that have been established in the Plan. However, it remains apparent that concerns that have


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been raised previously by WND Associates and CAPREIT with respect to the overly prescriptive nature of proposed policies in the versions of the updated Secondary Plan and their lack of conformity to provincial policy have not been adequately addressed by City staff. We urge staff to revisit the plan through additional consultation which to date has in our opinion been inadequate given that the latest version of the Secondary Plan was only released for public review on 18 May 2018.

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

Attachment

cc. Dayna Gilbert, CAPREIT Limited Partnership  
Ernest Ng, CAPREIT Limited Partnership  
Johanna Shapira, Wood Bull LLP  
Raj Kehar, Wood Bull LLP

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Table 1: Yonge-Eglinton Secondary Plan Policy Assessment (6 June 2018)

Policy of Concern (November 2017 Version) as per 11 May 2018 Assessment	Revision	Revised or New Policy (May 2018 Version)	Assessment of Conformity to Provincial Policy and Other Concerns
<p>3.1.2 Continued growth and intensification will require significant investment in infrastructure to support development and ensure complete communities. Development will not be permitted to outpace the provision of infrastructure. As such, development may not be permitted until such a time as the necessary infrastructure to support development is implemented.</p>	<p>Wording changed.</p>	<p>2.2.2 Development will not be permitted to outpace the provision of infrastructure, and will not proceed until such a time as the necessary infrastructure to support development is provided.</p>	<ul style="list-style-type: none"> <li>• Is not consistent with PPS 1.1.1.g and 1.4.1 as the YESP fails to ensure the provision of adequate infrastructure to sustain intensification and prevents the achievement of “appropriate range and mix of housing types and densities”.</li> <li>• Does not conform with GP 3.2.1.1 to 3.2.1.3. Planning authorities are to use “infrastructure investment and other implementation tools and mechanisms [to] facilitate intensification and higher density development in strategic growth areas”. Provision of infrastructure is a municipal responsibility on which development is dependent. It is not clear what constitutes “necessary infrastructure”; the policy is too broad and will potentially have the effect of inappropriately restricting development in the growth centre indefinitely.</li> <li>• Does not conform to OP 2.1.1.b and 2.2.2 as the YESP policies do not ensure that infrastructure is used to its maximum efficiency by encouraging intensification.</li> <li>• Policy not modified as per previous WND recommendation.</li> </ul>
<p>3.1.4 Intensification over and above the permissions and directions of this Secondary Plan, or the Official Plan where applicable, in areas adjacent to or in proximity to the Yonge-Eglinton Centre and major transit station areas will be prohibited.</p>	<p>Deleted.</p>	<p>N/A</p>	<ul style="list-style-type: none"> <li>• WND agrees with the deletion of this policy. No further concerns.</li> </ul>
<p>3.1.5 New and or/intensified residential uses in Mixed Use Areas in the Yonge-Eglinton Centre will be permitted where the development maintains and provides a net overall gain in the ratio of office, institutional, cultural and entertainment uses to residential uses in the Yonge-Eglinton Centre.</p>	<p>Substantially modified.</p>	<p>2.5.4 Tall buildings and large redevelopment sites capable of accommodating multiple buildings will provide the greater of:</p> <p>a. 25 per cent of the total gross floor area for office, institutional and/or cultural uses; or</p> <p>b. 100 per cent replacement of any existing office gross floor area located on the site.</p>	<ul style="list-style-type: none"> <li>• 2.5.4 a) creates a situation where residential development is dependent on the health of the office market or demand for institutional uses, which can be cyclical, and can potentially impact the ability to develop those sites for any uses. More general policies encouraging non-residential development, potentially through incentives, should be considered.</li> <li>• This does not conform with Growth Plan policies that encourage intensification and transit-supportive development in strategic growth areas.</li> <li>• Policy not modified as per previous WND recommendation.</li> </ul>
<p>3.1.6 Growth and intensification will be directed to the major transit station areas in accordance with the policies below. The major transit station areas' boundaries are delineated to maximize the size of the area and the number of potential transit users within walking distance of each station. Two types of major transit station areas are identified:</p> <p>...</p> <p>b) Transit corridors which are oriented along major transit routes and make up the Eglinton Way Village. The corridors will have a mid-rise character and buildings that are designed to respond to the historic character of the Village and the scale and intensity of surrounding Neighbourhoods.</p>	<p>Substantially modified. “Transit Corridors” now more broadly applied, not just to Eglinton Way, but also farther east along Eglinton.</p>	<p>2.4.2.b Transit Corridors are oriented along major transit routes. The corridors will consist of mid-rise buildings that are designed to respond to the historic character of the respective Character Areas and the scale of surrounding Neighbourhood designated lands.</p>	<ul style="list-style-type: none"> <li>• Lack of consistency with PPS 1.6.7.4 as major transit station areas are still not delineated in a way that creates a land use pattern, density and mix of uses that “minimize the length and number of vehicle trips and support current and future use of transit and active transportation”.</li> <li>• Lack of conformity with GP 2.2.4; major transit station areas are still not properly delineated. The existing land uses and built form, which are of a low-density nature, would adversely affect the achievement of minimum density targets.</li> <li>• Policy not modified as per previous WND recommendation.</li> </ul>



Table 1: Yonge-Eglinton Secondary Plan Policy Assessment (6 June 2018)

Policy of Concern (November 2017 Version) as per 11 May 2018 Assessment	Revision	Revised or New Policy (May 2018 Version)	Assessment of Conformity to Provincial Policy and Other Concerns
<p>3.1.8 Development in the Secondary Plan area will be carefully controlled to maintain the vitality and liveability of Midtown’s collection of neighbourhoods, inclusive of the neighbourhoods designated Mixed-Use Areas and Apartment Neighbourhoods, and protect all areas from negative impact. Applications to amend this Secondary Plan will be strongly discouraged. Where a site-specific or general application to amend this Secondary Plan is submitted, the City will determine whether a City-initiated Secondary Plan review or comprehensive block or area study is required prior to considering the application. The City, at its sole discretion, may determine that a Site and Area Specific Policy or City-initiated amendment to the Secondary Plan is necessary prior to any site-specific recommendations to Council on the application.</p>	<p>Substantially modified.</p>	<p>2.1.4 Where a site-specific or general application to amend this Plan is submitted, the City, at its discretion, will determine whether a City-initiated Secondary Plan review, comprehensive block study or Character Area study is required prior to considering the application. Development may not be permitted to proceed prior to the completion of the City-initiated study.</p>	<ul style="list-style-type: none"> <li>• This policy is worded in a manner that allows City staff to delay a development application indefinitely and arbitrarily, to allow the City to complete its own study first. This is contrary to the principle of fairness that an application be assessed against policies in place at the time of the application. This allows for a “moving target” and therefore uncertainty for landowners.</li> <li>• OP 5.2.1 states that Secondary Plans will be prepared for areas of the City where substantial growth is anticipated. However, the policies of the YESP focus heavily on maintaining existing conditions, even when these areas are extremely proximate to transit stations.</li> <li>• Policy not modified as per previous WND recommendation.</li> </ul>
<p>3.2.12.a) The setbacks provided by development in accordance with this Secondary Plan will:</p> <p>(a) Be publicly-accessible;</p> <p>(b) Provide adequate depth to allow for optimal tree planting and landscape conditions; and</p> <p>(c) Be designed to allow for access to utilities or other below-grade services</p>	<p>Substantially modified and clarified.</p>	<p>3.1.8 Required building setbacks adjacent to public streets are shown on Map 21-7 and outlined in Policies 3.2.2 to 3.2.12. The setbacks are intended to be landscaped spaces or, where appropriate, extensions of the public sidewalk that contribute to the character of a particular area. The setbacks will be predominantly publicly accessible and include amenities for public and private users.</p>	<ul style="list-style-type: none"> <li>• Policy has been clarified to apply only to setbacks adjacent to major streets. The qualifiers “where appropriate” and “predominantly” now provide sufficient flexibility.</li> <li>• Policy substantially modified in line with previous WND recommendation.</li> </ul>
<p>3.2.14 Where commercial uses are planned at grade and this Secondary Plan does not mandate a setback, buildings will be set back to provide a sidewalk zone on private property to accommodate space for patios, outdoor displays and other marketing activities. This setback will not be included in calculating the pedestrian clearway width on the adjacent sidewalk.</p>	<p>Deleted.</p>	<p>N/A</p>	<ul style="list-style-type: none"> <li>• WND agrees with the deletion of this policy. No further concern.</li> </ul>
<p>3.2.15 Where on-site parkland dedication is not possible and the site is 500 metres walking distance or greater from a park, development will provide new Privately Owned Publicly Accessible Spaces at-grade within the development to supplement and contribute to the Midtown public realm.</p>	<p>Substantially modified. Requirement for POPS on sites within 500 metres of a park has been deleted.</p>	<p>3.3.25 Other open spaces, such as privately owned publicly-accessible spaces (POPS), will continue to be required through the development process, but will not be considered to satisfy parkland dedication requirements. These open spaces will complement Midtown’s public parks and contribute to the overall parks and open space network, providing additional opportunities for passive recreation and supporting a healthy natural environment.</p>	<ul style="list-style-type: none"> <li>• Policy as worded suggests that POPS will always be required for every development. We recommend inserting the words “where appropriate” to recognize that POPS may not always be desirable and can fragment the streetscape.</li> </ul>
<p>3.2.24 (d) A minimum 3.0 metre setback on the north side of Davisville Avenue between Yonge Street and Mount Pleasant Road; and</p> <p>(e) A minimum 5.0 metre setback on the south side of Davisville Avenue between Yonge Street and Mount Pleasant Road.</p>	<p>Wording changes. Same setbacks apply.</p>	<p>3.2.28.c) Setbacks at and above grade from the expanded Davisville Avenue right-of-way will be in accordance with the following:</p> <p>i. A minimum setback of three metres on the north side of Davisville Avenue between Yonge Street and Mount Pleasant Road; and</p> <p>ii. A minimum setback of five metres on the south side of Davisville Avenue between Yonge Street and Mount Pleasant Road.</p>	<ul style="list-style-type: none"> <li>• Cumulatively with other policies in the YESP, this development standard is inconsistent with PPS 1.1.3.4 as it fails to facilitate “intensification, redevelopment, and compact form.”</li> <li>• This policy does not conform with GP 2.2.4. 6)(10) regarding intensification in Major Transit Station Areas, where onerous setback requirements may prevent infill and redevelopment.</li> <li>• OP 4.2.3 anticipates infill in Apartment Neighbourhoods. OP 3.1.2.1.a encourages new development to frame the edges of the street. Cumulatively, the policies of the YESP prevent infill and, where it is permitted, enforce a tower-in-the-park typology by imposing onerous setback requirements. This does not conform with Growth Plan policies that encourage intensification and transit-supportive development in strategic growth areas.</li> <li>• Policy not modified as per previous WND recommendation.</li> </ul>

Table 1: Yonge-Eglinton Secondary Plan Policy Assessment (6 June 2018)

Policy of Concern (November 2017 Version) as per 11 May 2018 Assessment	Revision	Revised or New Policy (May 2018 Version)	Assessment of Conformity to Provincial Policy and Other Concerns
<p>3.3.2 Where a more intense form of development was approved in a Character Area prior to the adoption of this Secondary Plan, it will not be considered as a precedent in the review of development proposals. The height limits and policy directions of this Secondary Plan will prevail.</p>	<p>Deleted.</p>	<p>N/A</p>	<ul style="list-style-type: none"> <li>Policy deleted as per previous WND recommendation.</li> </ul>
<p>3.3.4 Tall buildings will only be permitted on sites and/or areas specifically identified as having tall building development potential or on infill development potential on Maps 21-5 to 21-7 and where the tall building satisfies and meets all policies of this Secondary Plan. A tall building is defined as a building with a height greater than the maximum midrise building heights identified for each Character Area in Section 4 of this Secondary Plan.</p> <p>3.3.5 No tall buildings will be permitted on sites and/or areas not specifically identified as having tall building development potential or infill development potential. The types of buildings permitted on these sites and/or areas will be as defined in the specific Character Area policies and/or the policies in the Official Plan for lands designated Neighbourhoods.</p>	<p>Substantially modified. “No tall building potential or infill potential” designation has been eliminated. Policies still strictly control where tall buildings are and are not permitted.</p>	<p>5.3.29 The maximum permitted heights of the mid-rise buildings vary for each of Character Area to reflect the planned context. As a result, the definition for a tall building may likewise vary for each Character Area.</p> <p>5.3.30 Sites where tall buildings are, and will be, permitted are identified on Maps 21-11 to 21-16. New free-standing tall buildings will not be permitted in recognition of the wind impacts associated with this form of building and challenges with accommodating loading and other back of house needs.</p>	<ul style="list-style-type: none"> <li>The cumulative effect of development restrictions and explicit policies limiting appropriate forms of intensification within Neighbourhoods in major transit station areas continues to limit development, which does not conform with the Growth Plan policies that promote intensification and transit-supportive development.</li> <li>This policy still does not provide enough flexibility to implement OP policies encouraging sensitive infill in Apartment Neighbourhoods (e.g. policy 4.2.3).</li> <li>Policies partially modified as per previous WND recommendation as there is no longer an outright prohibition on infill. However, significant concerns remain with the restrictions placed on infill sites, in particular the no new free-standing tall buildings.</li> </ul>
<p>3.3.6 In no instance will the height of a new tall building or a high-rise addition to an existing apartment building exceed the height limits identified on Maps 21-8 to 21-10. The heights of buildings for sites and/or areas identified as having a height range will be specifically determined through rezoning applications or a City initiated Zoning By-law amendment. The objective in the areas with a height range is to ensure height variability within the permitted height ranges, with the highest heights located in closest proximity to transit stations.</p>	<p>Substantially modified. Slightly greater flexibility provided. Policy requiring re-zoning applications remains substantially unmodified.</p>	<p>5.4.3 Maximum permitted building heights, exclusive of any additional height permissions provided for in this Plan for the provision of certain facilities and/or matters, are identified on Maps 21-11 to 21-16.</p> <p>5.4.5 Minor increases to the storey heights in Policy 5.4.4, and resultant overall height of the building in metres, may be permitted without amendment to this Plan to address a building’s structural requirements and to provide a limited amount of additional flexibility to support viable office uses in Midtown. Any increases in the storey heights will ensure a consistent streetwall height and maintain the proportion of a street through a building’s design or reducing the number of storeys.</p> <p>5.4.9 The heights of buildings for sites and/or areas identified as having a height range on Maps 21-11 to 21-16 will be specifically determined through rezoning applications or a City-initiated Zoning By-law amendment. The objective of the height ranges is to ensure height variability within the permitted height ranges, with the highest heights located in closest proximity to transit stations.</p>	<ul style="list-style-type: none"> <li>Is not consistent with PPS policies 1.1.3.3, 1.4.1, and 1.4.3.b as this policy is too prescriptive and fails to create a framework that facilitates intensification in response to changing demands.</li> <li>Does not conform with GP 2.2.4 (1) (6)(9)(10) as development is still limited, even in delineated major transit station areas.</li> <li>Policy 5.4.5 allowing increases to height without amendment to the YESP is a positive step. However, limiting these cases to structural requirements and office uses is overly rigid and does not take into account other instances, such as provision of desirable uses like community services, employment, rental housing, or a more nuanced review of the context, all of which may support an appropriate increase in height.</li> <li>Policies not modified/deleted as per previous WND recommendation.</li> </ul>
<p>3.3.9 The building heights established on Maps 21-8 to 21-10 are based on a storey height of 3.0m for residential development and 4.0m for commercial development. Ground floors on priority and secondary retail streets are based on a 4.5 metre floor to ceiling height. The commercial storey height will only be applied to office and/or institutional uses located within a building. Building mechanicals are permitted above the height limits, provided the mechanicals are not wrapped with uses. Mechanicals will be designed to be discrete and unobtrusive.</p>	<p>Wording changed.</p>	<p>5.4.4 The minimum and maximum permitted building heights are indicated in storeys. The overall heights of buildings will reflect a storey height of approximately three metres for residential uses and four metres for commercial or institutional uses; and a ground floor height of four to six metres depending on the local context and if loading is located integral to the building. The commercial storey height will only be applied to developments that include office, institutional and/or cultural uses.</p>	<ul style="list-style-type: none"> <li>Is not consistent with PPS 1.1.3.4 in that appropriate development standards are not promoted that facilitate intensification. The policies are inappropriately prescriptive, particularly the 3.0 m height per residential storey.</li> <li>Policy not deleted as per previous WND recommendation.</li> </ul>

Table 1: Yonge-Eglinton Secondary Plan Policy Assessment (6 June 2018)

Policy of Concern (November 2017 Version) as per 11 May 2018 Assessment	Revision	Revised or New Policy (May 2018 Version)	Assessment of Conformity to Provincial Policy and Other Concerns
<p>3.3.11 Where a site identified as a tall building development potential site or infill development potential site identified on Maps 21-5 to 21-7 is rezoned to permit the development permissions in this Secondary Plan, the site will become a site at development capacity without the need to amend this Secondary Plan. No additional development potential will be permitted on the site. The City will monitor development approvals in the area and may amend the development potential on Maps 21-5 to 21-7 to reflect outcomes of development approval processes at any time.</p>	<p>Deleted. "Site at development capacity" designation has been eliminated.</p>	<p>N/A</p>	<ul style="list-style-type: none"> <li>• Policy deleted as per previous WND recommendation.</li> </ul>
<p>3.3.12 Where a development is proposed that would preclude the achievement of a tall building on an adjacent site in accordance with the policies of this Secondary Plan, the development will only be permitted where the development potential of the adjacent site is amended prior to, or concurrently with, a decision on the proposed development.</p>	<p>Deleted / substantially pared down. Other policies contain more flexible wording to ensure coordination with adjacent sites.</p>	<p>5.3.3 Lot consolidation, assemblies, legal agreements and/or other development controls, such as a Site and Area Specific Policy, may be required to:</p> <p>...</p> <p>c) ensure coordination between sites, in connection with the submission of a Context Plan, to address matters such as, but not limited to, separation distances, shared laneways or driveways and limiting impacts to the developability of adjacent sites.</p> <p>5.3.31. The siting and placement of tall buildings, and particularly the tower (middle) portion of the tall building, on a site will:</p> <p>a. be coordinated with other adjacent sites;</p>	<ul style="list-style-type: none"> <li>• Policy requires clarification in regards to the mechanism by which coordination with adjacent sites is accomplished and when SASPs will be required.</li> <li>• Policy partially modified in line with previous WND recommendation.</li> </ul>

Table 1: Yonge-Eglinton Secondary Plan Policy Assessment (6 June 2018)

<p>3.3.13 On sites identified as an infill development potential site on Maps 21-5 to 21-7, the only permitted infill development that may be considered is as follows:</p> <p>(a) A high-rise (tall building) addition on top of an existing apartment building that is greater than 10 storeys in height may be permitted subject to:</p>	<p>Wording changed. "Infill development potential" designation has been eliminated and replaced with more refined categories.</p>	<p>5.3.51. On sites identified on Maps 21-11 to 21-16 as Midtown Infill Apartment Neighbourhood Building sites, infill development potential may only consist of one or more of the following:</p> <p>a. a low-rise addition to an existing apartment building;</p> <p>b. a new low- and/or mid-rise building;</p> <p>c. an addition on top of an existing apartment building; and/or</p> <p>d. a tall building addition resulting from the partial demolition of an existing apartment building and redevelopment of the demolished portion of the building and any underutilized portion of the site with a new tall building.</p> <p>5.3.55. Additional storeys on top of an existing Midtown Infill Apartment Neighbourhood Buildings may be permitted subject to meeting the development criteria for tall buildings in policies 5.3.28 to 5.3.47 and the following additional development criteria:</p> <p>a. the existing apartment building is 11 storeys or higher;</p> <p>b. the addition is stepped back from all edges of the existing floor plate to reduce the appearance of the addition at street level;</p> <p>c. the addition results in an incremental height increase that does not exceed three storeys; and</p> <p>d. it is demonstrated to the City's satisfaction that no additional mid-day shadow impacts are provided on the public realm.</p> <p>5.3.59. Infill development potential on a Midtown Infill Apartment High Street Building site may only consist of the following types of infill development where site conditions allow:</p> <p>a. a low-rise addition up to four storeys in height that is sympathetic in form to the character of the existing pavilion-style buildings and subject to meeting setback requirements for the Eglinton East Character Area; and</p> <p>b. an addition on top of an existing apartment up to a maximum permitted building height of ten storeys on the north side of Eglinton Avenue East and eight storeys on the south side of Eglinton Avenue East subject to:</p> <p>i. stepping back the addition along the front and sides of the building by a minimum of three metres above the seventh storey to reflect the planned character for the Character Area;</p> <p>ii. fitting the addition within a 45 degree angular plane from the rear face of the existing building to provide enhanced transition from existing conditions and to minimize shadow and privacy impacts; and</p> <p>iii. providing or protecting for any required laneways identified on Map 21-9, where possible, to reduce the need for vehicular access from Eglinton Avenue East and contribute to an improved public realm.</p>	<ul style="list-style-type: none"> <li>• Is not consistent with PPS 1.4.3 in that onerous development conditions prevent infill development that is capable of providing "an appropriate range and mix of housing types".</li> <li>• Does not conform with GP 2.2.6.1 as it potentially prevents intensification that would provide for a range of compact housing types, as well as GP policies that promote intensification and transit-supportive development.</li> <li>• Policy not deleted as per previous WND recommendation.</li> </ul>
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Table 1: Yonge-Eglinton Secondary Plan Policy Assessment (6 June 2018)

Policy of Concern (November 2017 Version) as per 11 May 2018 Assessment	Revision	Revised or New Policy (May 2018 Version)	Assessment of Conformity to Provincial Policy and Other Concerns
<p>3.3.15 Unless otherwise indicated in this Secondary Plan, development will set back the tower portion of a proposed building a minimum of 12.5 metres from the side and rear property lines or centre line of an abutting lane to ensure a separation distance of 25 metres or greater between between (sic) the tower portion of proposed building and an existing or planned tall building. Where the 12.5 metre set back to the side or rear property line is not possible with a 750 m<sup>2</sup> floor plate, the floor plate of the tower portion of the tall building will be reduced to provide the required setback distance. Where the heights of buildings exceed 30 storeys, the separation distance between tall buildings will be proportionally increased above the 30th storey by reducing the size of the tall building floor plate.</p>	<p>Substantially modified. Some clarification provided. 30 metre tower separation now required above 40<sup>th</sup> storey.</p>	<p>5.3.45. In order to achieve good sky view and sunlight, as well as to contribute to the desired character of an area, the minimum tower separation distances between residential tall buildings will be as follows:</p> <p>a. 25 metres up to a height of 40 storeys and generally 30 metres above 40 storeys in height in all Character Areas except the Apartment Neighbourhood Character Areas; and</p> <p>b. 30 metres in the Apartment Neighbourhood Character Areas.</p>	<ul style="list-style-type: none"> <li>• Is not consistent with PPS 1.1.3.4 in that appropriate development standards are not promoted that facilitate intensification, particularly in Apartment Neighbourhoods that are in major transit station areas.</li> <li>• Does not conform with GP policies 1.2.1 and 2.2.4.6, 9 and 10 in that it does not facilitate an efficient use of resources, including public transit, by promoting intensification.</li> <li>• Separation distance now more in line with typical requirements of the Tall Building Design Guidelines (25 metres). However, 30 metre requirement in Apartment Neighbourhoods areas remains onerous and potentially affects the developability of certain sites that could otherwise be improved with sensitive infill.</li> <li>• Policy not modified as per previous WND recommendation.</li> </ul>
<p>3.3.17 The tower portion of any tall building, including balconies, will step back a minimum 3.0 metres from the face of the base building along all street, park and open space frontages, unless otherwise noted in this Secondary Plan. The minimum step back for buildings that exceed a height of forty storeys may be required to be increased to assist in mitigating the perception of the tall building at grade.</p>	<p>Substantially modified. Stepbacks of similar magnitudes still generally apply, but are now slightly different in each character area.</p>	<p>Various character area specific policies for stepbacks. See, e.g. 5.3.20; 5.3.22; 5.3.39 etc.</p>	<ul style="list-style-type: none"> <li>• Cumulatively, setback and stepback requirements found in section 5.3 continue to prevent the YESP from being consistent with PPS policies encouraging intensification and provision of a range of compact housing forms, including policies 1.1.3.3, 1.1.3.4, and 1.4.3.</li> <li>• Similarly, these requirements do not implement the goals of the Growth Plan in regards to intensification in strategic areas (including major transit station areas and urban growth centres). Specifically, GP policies 1.2.1, 2.2.4.1, and 2.2.6.1.</li> <li>• Policy not modified as per previous WND recommendation.</li> </ul>
<p>3.3.25 Any development on sites that partially include lands designated Neighbourhoods will be in accordance with the policies of this Secondary Plan, or the development criteria in the Official Plan where applicable, to ensure the development with the Neighbourhood portion of the site is of a height and scale consistent with the prevailing or planned character of the Neighbourhood.</p>	<p>Deleted. Several policies remain addressing development adjacent to neighbourhoods, requiring stepbacks, transitions etc.</p>	<p>N/A</p>	<p>N/A</p>
<p>3.3.32 City of Toronto Urban Design Guidelines will be used, as appropriate, to supplement the policies of this Secondary Plan in the review and evaluation of development proposals submitted in the Secondary Plan area, including, but not limited to, guidelines addressing low-rise, mid-rise and tall buildings.</p>	<p>Wording changed.</p>	<p>10.5 City of Toronto Urban Design Guidelines will continue to be used to supplement the review and evaluation of development proposals submitted in the Secondary Plan area where this Plan does not specifically address or supercede a site design or urban design standard addressed in a guideline document. Guidelines to be used will be contextually specific to the development site and type of development proposed.</p>	<ul style="list-style-type: none"> <li>• Is not consistent with PPS 4.7 in that it elevates guideline documents to essentially the same status as the Official Plan.</li> <li>• Policy not deleted as per previous WND recommendation.</li> </ul>
<p>3.5.1 The provision of community services and facilities is a vital part of the creation of complete communities. New and expanded community services and facilities will be provided in a timely manner to support and be concurrent with growth. Development applications will address the requirements for community services and facilities as identified in the Yonge-Eglinton Community Services and Facilities Strategy, by providing:</p> <p>(a) new, expanded or retrofitted space for a specific community facility on-site;</p> <p>(b) new, expanded or retrofitted space off-site within an appropriate distance; and/or</p> <p>(c) a contribution towards a specific community service or facility that meets identified needs.</p>	<p>Substantially changed. Note change from “will be provided” to “may be required”.</p>	<p>6.5 Development may be required to contribute to the delivery of community service facilities through:</p> <p>a. new, expanded or retrofitted space for one or more community facility on-site, and particularly priority facilities such as, but not limited to, child care centres, multi-purpose community space, and/or public schools or satellite public schools;</p> <p>b. new, expanded or retrofitted community service facilities off-site within an appropriate distance; and/or</p> <p>c. a contribution towards the delivery of a specific community service facility that meets identified needs.</p>	<ul style="list-style-type: none"> <li>• Added flexibility is more in line with accepted City of Toronto practices regarding community services and facilities.</li> <li>• Policy changed in a manner that is substantially in line with previous WND recommendation.</li> </ul>

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<p>3.5.8 Development may be required to:</p> <p>(a) include a child care centre where it can be accommodated on the site;</p> <p>(b) include multi-purpose community space with a minimum floor area to enable programming; and/or</p> <p>(c) accommodate school facilities on the site, including satellite school facilities.</p>	Substantially modified.	<p>6.5 Development may be required to contribute to the delivery of community service facilities through:</p> <p>a. new, expanded or retrofitted space for one or more community facility on-site, and particularly priority facilities such as, but not limited to, child care centres, multi-purpose community space, and/or public schools or satellite public schools;</p> <p>b. new, expanded or retrofitted community service facilities off-site within an appropriate distance; and/or</p> <p>c. a contribution towards the delivery of a specific community service facility that meets identified needs.</p>	<ul style="list-style-type: none"> <li>• This section should include language that ties provision of these facilities to Section 37 contributions.</li> <li>• Policy not modified as per previous WND recommendation.</li> </ul>
<p>3.6.2 Development containing more than 50 residential units will include:</p> <p>(a) a minimum of 30% of the total number of units as 2-bedroom units. Half of the required 2-bedroom units must contain a minimum of 90 square metres of gross floor area; and</p> <p>(b) a minimum of 20% of the total number of units as 3-bedroom units. Half of the required 3-bedroom units must contain a minimum of 106 square metres of gross floor area.</p>	Substantially modified.	<p>7.1 To achieve a balanced mix of unit types and sizes, development containing more than 80 new residential units will include:</p> <p>a. a minimum of 15 per cent of the total number of units as 2-bedroom units of 87 m<sup>2</sup> of gross floor area or more;</p> <p>b. a minimum of 10 per cent of the total number of units as 3-bedroom units of 100 m<sup>2</sup> of gross floor area or more;</p> <p>c. an additional 15 per cent of the total number of units will be a combination of 2-bedroom and 3-bedroom units.</p> <p>7.2. The City may reduce the minimum requirements identified in Policy 7.1 where development is providing:</p> <p>a. social housing or other publicly-funded housing; or</p> <p>b. specialized housing such as residences owned and operated by a post-secondary institution or a health care institution to house students, patients or employees.</p>	<ul style="list-style-type: none"> <li>• Is not consistent with PPS 1.4.3 promoting a diverse mix of housing types. Many of the Midtown Apartment Neighbourhoods already contain large numbers of 2- and 3-bedroom units and more demand may exist for smaller units.</li> <li>• Does not conform with GP 2.2.6.3 encouraging a diverse range of housing, and is overtly prescriptive. Does not conform with GP policies promoting intensification and transit-supportive development.</li> <li>• It is unclear as to what, under Section 7.1, would constitute an acceptable “combination” of these unit types.</li> <li>• Provision of purpose built rental housing should be added as an applicable benefit in Policy 7.2.</li> </ul>
<p>3.6.4 Development containing more than 60 residential units will provide a minimum amount of on-site affordable housing as follows:</p> <p>(a) 10% of the total residential gross floor area as Affordable Rental Housing; or</p> <p>(b) 15% of the total residential gross floor area as Affordable Ownership Housing; or</p> <p>(c) a combination of the above provided on a proportionate basis.</p>	Deleted.	N/A	<ul style="list-style-type: none"> <li>• Policy deleted as per previous WND recommendation.</li> </ul>



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<p>4.1.1.b The Eglinton Way will continue to be a vibrant main street with mixed-use mid-rise buildings serviced by the Crosstown LRT.</p> <p>4.1.4 Tall buildings are not permitted in the Villages. Development will consist of low- and mid-rise development...</p> <p>4.1.5 (b) Eglinton Way:</p> <p>(i) Buildings will not exceed a maximum height equivalent to the adjacent right-of-way width (27m);</p> <p>(ii) An angular plane will be taken from a height equivalent to 80 per cent of the right-of-way width on Eglinton Avenue and side streets on corner sites. Subsequent storeys must fit within a 45-degree angular plane from this point;</p> <ul style="list-style-type: none"> <li>• Building height will not exceed a 45-degree angular plane beginning from:</li> <li>• a height of 10.5 metres above the rear 7.5 metre setback for shallow lots (<math>\leq 41\text{m}</math>); and</li> <li>• the rear property line for deep lots (<math>&gt;41\text{m}</math>).</li> </ul> <p>4.1.6 b) Eglinton Way: a minimum 1.5 metre stepback above the second storey;</p> <p>4.1.10.b) i) Development will be required to be set back at grade from the property line adjacent to Eglinton Avenue West to accommodate a total sidewalk width of 4.8m. However, in areas of Eglinton Avenue West where the prevailing pattern of buildings consists of narrow frontage storefronts with little or no setbacks, setbacks may be modified to ensure a continuous streetwall along Eglinton Avenue West without amendment to the Secondary Plan.</p>	<p>Substantially deleted. General policies related to Midtown villages and Midtown Mid-Rise/Midtown Low-Rise remain.</p>	<p>Various policies, see 1.3.2; 5.3.7 through 5.3.27</p>	<ul style="list-style-type: none"> <li>• Is not consistent with PPS 1.6.7.4 in that, cumulatively, restrictions on development along Eglinton West, may preclude the achievement of transit-supportive densities.</li> <li>• Does not conform with GP 2.2.4.3. Even though targets are identified in the YESP that exceed intensification targets, in practice, these will be difficult to impossible to achieve given the onerous restrictions placed on development in this area.</li> <li>• Policies not modified as per previous WND recommendation.</li> </ul>

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Policy of Concern (November 2017 Version) as per 11 May 2018 Assessment	Revision	Revised or New Policy (May 2018 Version)	Assessment of Conformity to Provincial Policy and Other Concerns
<p>4.3.1 The Midtown Apartment Neighbourhoods are generally defined by residential uses in apartment towers, walk-up apartment buildings and townhouses, all set in an open, generously scaled landscaped setting. Sensitive infill development will be designed and located to maximize the characteristic openness both at grade and between buildings. New buildings will contribute to the mix of building types, forms and tenures and will progressively transition to lower heights, reduced scale and less intensity from the adjacent Midtown Cores. Generously spaced towers above low-rise base buildings will complement the existing built form fabric, maximize sunlight and sky views to streets and parks and minimize the cumulative impact of tall buildings and other new development.</p> <p>4.3.2 New tall buildings may be permitted subject to the following policies and other applicable tall building policies in this Secondary Plan:</p> <p>(a) Provision of a minimum 15 metre setback from the tower portion of a proposed building to the side and rear property lines or centre line of an abutting lane or a minimum 30 metre separation distance between the tower portion of proposed building and an existing or planned tall building, whichever is greater. Where a separation distance of 30 metres is not possible with a 750 metre square floor plate, the floor plate of the tower portion of the building will be reduced to provide the required separation distance or a tall building may not be permitted on the site;</p> <p>(b) Provision of a minimum 5.0 metre sideyard setback at grade; and</p> <p>(c) Provision of a minimum 8.0 metre setback from the front property line to the tower portion of any tall building development, including balconies, along all street, park and open space frontages.</p>	<p>Reworded and refined to reflect different conditions in each Apartment Neighbourhood. Requirements for infill tall buildings largely unchanged.</p>	<p>1.3.3 The Midtown Apartment Neighbourhoods are defined by a variety of building types including mid-century apartment towers, walk-up apartment buildings and townhouses, all set in an open, generously-scaled landscaped setting. Infill development and redevelopment will be designed and located to complement the existing built form fabric and reinforce the characteristic openness at grade and between buildings to maximize sunlight on streets, parks and open spaces. The character for each area will be as follows:</p> <p>a. the Erskine and Keewatin Character Area is and will continue to be a stable residential neighbourhood. Modest low-and mid-rise incremental infill development will be the predominant form of development in the area to renew the rental stock and improve amenities for area residents. The landscaped open space setting surrounding existing buildings will be retained and improved for use by residents and visitors;</p> <p>b. the Redpath Park Street Loop Character Area is a dense yet distinctly green and residential neighbourhood that consists of generously spaced towers and a variety of housing types. New development will ensure generous spacing between buildings, reinforce the characteristic openness of the area, complement the scale of the historic walk-up apartment buildings and ensure good access to sunlight and sky view both in the public realm and for buildings. Heights will transition down in all directions from the Yonge-Eglinton Crossroads and Mount Pleasant Station Character Areas. The Park Street Loop will be a lush, green multi-purpose promenade connecting significant parks, open spaces and civic buildings. New and existing buildings, together with the Loop and the Midtown Greenways, will support a public realm that is sunny, inviting and green;</p> <p>c. the Soudan Character Area is characterized by apartment buildings of a consistent and moderate height located within a generous open space setting. New development will reinforce this character, coupled with new mid-rise buildings and a limited number of tall buildings that transition down in height to Soudan Avenue. A series of parks along Soudan Avenue will provide sunny community spaces in the centre of Midtown; and</p> <p>d. the Davisville Character Area consists of a diversity of tower-in-the-park buildings, mid-rise buildings and townhouses set within abundant landscaped open spaces. Development will respect and reinforce the area's physical character, building spacing, landscaped setbacks and characteristic green qualities. Heights of buildings will respect the prevailing heights of existing buildings and transition down in height from north to south.</p> <p>See policies 5.3.28 to 5.3.47 for detailed guidelines for tall buildings, where they are permitted by the plan.</p>	<ul style="list-style-type: none"> <li>• Is not consistent with PPS 1.1.3.4 as cumulative restrictions on development do not foster an intensification-supportive framework.</li> <li>• Does not conform with GP section 2.1 promoting intensification and infill, in strategic growth areas.</li> <li>• Does not conform to OP 3.1.2.1.a in that it does not promote development that frames the street, and rather reinforces existing tower-in-the-park conditions.</li> <li>• Policy d. refers to respecting and reinforcing the physical character, building spacing, landscaped setbacks and green qualities of the Apartment Neighbourhood which would have the effect of perpetuating and encouraging tower-in-the-park-like conditions that have generally been discouraged in the planning profession in recent decades.</li> <li>• Policy not modified as per previous WND recommendation.</li> </ul>
<p>4.3.6 Development will incorporate design features that complement the architecture and form of existing buildings and the cultural landscape of the tower in the park typology while providing slender floor plates and designing and orienting buildings to minimize shadow impacts.</p>	<p>Deleted.</p>	<p>N/A</p>	<ul style="list-style-type: none"> <li>• Policy deleted as per previous WND recommendation.</li> </ul>



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<p>4.3.8 The ratio of open space on a site to the footprint of a tall building, inclusive of its base building, will be 55:45 respectively. The majority of open spaces on a site will consist of landscaped open space. On-site parkland dedications may be counted towards the achievement of the required open space ratio.</p>	<p>Wording changed, but substantially unchanged. Note that policy now only applies specifically to Apartment Neighbourhood Character Areas.</p>	<p>5.3.32 The minimum ratio of open space on a site to the footprint of a tall building in the Apartment Neighbourhood Character Areas, inclusive of its base building, will generally be 55:45 respectively. The majority of open spaces on a site will consist of soft landscaped open space. On-site parkland dedications may be counted towards the achievement of the required open space ratios.</p>	<ul style="list-style-type: none"> <li>• Cumulatively with other policies in the YESP, this development standard is inconsistent with PPS 1.1.3.4 as it fails to facilitate “intensification, redevelopment, and compact form.”</li> <li>• Does not conform with GP 2.2.4.6, 9 and 10 regarding intensification in major transit station areas as an onerous open space ratio may make it impossible to intensify certain sites.</li> <li>• Does not conform to OP 3.1.2.1.a in that it does not promote development that frames the street; a 55:45 open space ratio will reinforce existing tower-in-the-park conditions that have generally been discouraged in the planning profession in recent decades.</li> <li>• Policy not modified as per previous WND recommendation.</li> </ul>
<p>4.4 Development adjacent to major streets will:</p> <p>(a) Include at-grade street-related retail, service uses and community services and facilities with well-defined residential and commercial building entrances;</p> <p>(b) Only include retail above the ground floor when active at-grade retail and/or community spaces are also provided at-grade; and</p> <p>(c) Limit residential dwelling units to: (i) The fifth storey and above in the Yonge-Eglinton Crossroads;</p> <p>4.4.3.2 Base buildings of tall buildings will:</p> <p>(a) Step back at a height equivalent to 80 per cent of the right-of-way width; and</p> <p>(b) Not exceed a maximum height of 8 storeys (33 metres)</p>	<p>Substantially modified.</p>	<p>5.3.33. Base buildings of tall buildings will:</p> <p>a. respect the scale and proportion of adjacent streets;</p> <p>b. fit harmoniously within the existing and planned context of neighbouring streetwall heights to avoid creating a a (sic) disjointed streetscape;</p> <p>c. respect the height, scale and built form character of the existing context of both streets when located on a corner lot;</p> <p>d. animate and promote the use of adjacent streets, parks and open spaces by providing active uses at grade and multiple entrances;</p> <p>e. incorporate windows at grade adjacent to streets, parks and publicly-accessible open space;</p> <p>f. fit with neighbouring buildings through design, articulation and use of the ground floor; and</p> <p>g. provide a transition in scale, such as a 45-degree angular plane, for the base building height down to adjacent lower-scale planned contexts</p> <p>5.3.34. Base buildings of tall buildings will not exceed a maximum height of:</p> <p>a. four storeys in the Apartment Neighbourhood Character Areas;</p> <p>b. five storeys in the Merton Street Character Area;</p> <p>c. six storeys in the Mount Pleasant Station, Montgomery Square and Henning Character Areas; and</p> <p>d. eight storeys in the Yonge-Eglinton Crossroads, Davisville Station, Bayview Focus Area and Eglinton Green Line Character Areas.</p>	<ul style="list-style-type: none"> <li>• Is not consistent with PPS 1.1.3.4 as cumulative restrictions on development do not foster an intensification-supportive framework.</li> <li>• Policy partially modified as per previous WND recommendation. Concerns regarding prescriptive nature of development policies remain.</li> </ul>

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5.2.1 As part of the development review and approvals process, a Context Plan may be required to be submitted.	Wording changed.	9.3.1. As part of the development review and approvals process, a Context Plan may be required to be submitted to identify opportunities for coordinating development on multiple sites within an area in order to...	<ul style="list-style-type: none"> <li>As per OP 5.5.2, development applications requirements are listed on Schedule 3. Context Plans are not listed, and more specificity is required to provide direction as to when they are required.</li> <li>Policy not modified as per previous WND recommendation.</li> </ul>



June 6, 2018

**Reference Number:** 19002/200

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Dear Mr. Farish,

**RE: Midtown in Focus: Yonge-Eglinton Secondary Plan Update**

Further to our previous letter submitted on May 14<sup>th</sup>, 2018, LEA Consulting Ltd. (“LEA”) has been retained by CAPREIT to review the transportation policies contained in the latest draft of the proposed Yonge-Eglinton Secondary Plan Update (the “Draft Plan”). Through our review we have identified several issues that remain unclear with the release of the Draft Plan. Specifically, these issues include the City not publicly issuing the Transportation Assessment prepared to inform the Draft Plan, details not being provided regarding the specified mid-block connections, and potential capacity implications of some of the Draft Plan recommendations. Our concerns regarding the Draft Plan are outlined in more detail in the following sections.

**Transportation Assessment**

It is understood that the Transportation policies put forward as part of the Draft Plan are based on a Transportation Assessment prepared for the Midtown in Focus study. It is further understood that the City retained Stantec Inc. to prepare this Transportation Assessment. The findings of this study have, however, not been released to the public. Based on our discussion with City Planning staff, it is understood that the Transportation Assessment is still being finalized. Given that the transportation background study has not been released for public review, it is our opinion that any infrastructure and transportation policies included in the Draft Plan are premature. LEA is requesting a copy of this document and the subsequent model prepared for it so that the policies can be appropriately scrutinized.

LEA is particularly concerned with the inclusion of policy 2.1.1. c) without the supporting Transportation Assessment that will presumably be used to define transportation capacity. The lack of clarity regarding available existing and future capacity, particularly as it relates to transit and road infrastructure, creates significant uncertainty for CAPREIT and other key stakeholders. In addition, a proper definition of capacity is needed to better understand how this policy will be used to evaluate development proposals within the Yonge-Eglinton Secondary Plan boundaries.



## Mid-Block Connections

### *Existing Mid-Block Connections*

Policy 4.14 b) states that mid-block connections will “be publicly accessible and secured with easements where necessary”. The Draft Plan does not detail how existing mid-block connections, not linked to any development proposal, will be treated and contains no provisions pertaining to the improvement, or replacement, of these connections. Without further detail, it is unclear how this policy will affect the functionality of sites containing these connections, or what the requirements will be for implementing these easements. Given the potential legal ramifications of this policy, the securing of these connections through a registered easement without details on what would be required from these connections is premature and should be removed from the Draft Plan. Furthermore, to provide the requested detail to the City, the City should prepare a supplemental guideline within a public process that outlines what is required from both existing and future mid-block connections so that they can be formalized in a comprehensive and consistent approach.

### *Conceptual Future Mid-Block Connections*

Additionally, the City has not provided any justification for the proposed locations of *Conceptual Future Mid Block Connections* outlined in Map 21-9. LEA would like to review the Transportation Assessment to better understand how these proposed connections were identified before they are formalized in the Draft Plan. Further, the Draft Plan does not provide any details regarding the design requirements for these mid-block connections, inclusive of if there is any required infrastructure to be provided along these connections to service users (i.e. pedestrians, cyclists, accessibility requirements, etc.) or right-of-way requirements of the connections. These specifications are necessary in order to understand the implications that these mid-block connections may have on the future redevelopment potential of these sites. Without the details outlined above, it would be difficult for CAPREIT or any other stakeholder to demonstrate their conformity with these policies. To this end, as noted for the existing mid-block connections, a supplemental guideline outlining the infrastructure and right-of-way requirements should be prepared.

## Conclusions

LEA has reviewed the Draft Plan and we have determined that the policies related to Infrastructure and Transportation are largely premature until the City releases the Transportation Assessment that was prepared in support of the Secondary Plan process for public review. Should you have any questions, please do not hesitate to contact me at 416-572-1791 or by email at [csidlar@lea.ca](mailto:csidlar@lea.ca).

Yours truly,

  
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