

Project No. 18222

July 3, 2018

Planning and Growth Management Committee
Toronto City Hall
100 Queen Street West
Toronto, Ontario M5H 2N2

Dear Chair and Members of the Committee:

**Re: *Proposed Official Plan Amendment: Yonge-Eglinton Secondary Plan
3 Broadway Avenue
Starlight Investments***

We are the planning consultants for Starlight Investments (“Starlight”), a significant provider of rental housing in the City and the owner of the property municipally known as 3 Broadway Avenue, located at the southeast corner of Yonge Street and Broadway Avenue, in the City of Toronto (“the subject site”). The subject site is approximately 915 square metres in size, with frontage onto both Yonge Street and Broadway Avenue and is currently occupied by a 4-storey rental apartment building, with retail uses along Yonge Street.

On behalf of our client, we have reviewed the proposed Official Plan Amendment No. 405 (“Staff Proposed OPA 405”) which was attached to Planning Staff’s Final Report dated May 24, 2018 (“Final Report”) and was considered by your Committee on June 7, 2018. The Staff Proposed OPA 405 amended certain maps and policies in the City of Toronto Official Plan, and included a new Secondary Plan for the Yonge-Eglinton Area.

Subsequently we reviewed the related Supplementary Report released on June 26, 2018 (“Supplementary Report”) which is to be considered by your Committee on July 5, 2018.

This Report proposes a number of revisions to the Staff Proposed OPA 405, as directed by your Committee. First, metric heights have been included in addition to the height in storeys. Secondly, policies have been included with respect to the provision of a range and mix of rental or ownership housing affordable for low and moderate incomes in all development exceeding residential units.

Further, this Report summarizes the outcome of the community consultation meeting which was held to consider lowering building heights in a number of areas, and increasing employment opportunities in the *Mixed Use Areas “A” and “B”*. At that

meeting, in accordance with Committee's direction, four options were presented by Planning Staff, which included lowering building heights and increasing employment opportunities.

Staff Proposed OPA 405 identified the subject site as being located within the Yonge-Eglinton Centre boundary and within the Secondary Zone of the Subway Station and Eglinton Crosstown Station transit nodes. The subject site is designated as *Mixed Use Areas "B"* and is within the Montgomery Square Character Area. In terms of permitted building types and height limits, there is permission for a "Midtown Tall Building" on the subject site, with heights of 20-23 storeys.

The Supplementary Report includes a recommendation that Council consider three options for the Yonge-Eglinton area. Option 1 and Option 2 continue to permit a Midtown Tall Building with heights of 20-23 storeys on the subject site. A metric height limit of 66-75 metres has been added in accordance with Committee's direction. Option 3 reduces the recommended permitted height to 8 storeys and 25 metres, and permits only a Midtown Mid-Rise.

Based on our review of the Staff Proposed OPA 405 and the Supplementary Report, we respectfully make the following requests with regards to the Supplementary Report which is before you:

1. "Maintain permission for the Midtown Tall Building built form and 20-23 storey height (in accordance with Option 1);
2. "Remove the restriction on overall metric height;
3. "Exclude requirements for Affordable Rental Housing and Affordable Ownership Housing;
4. "Provide greater flexibility with respect to the development standards in Section 5.3 and Policy 3.2.3;
5. "Modify Map 21-7 to reduce the required setback from Broadway Avenue; and
6. "Modify Policy 7.1 to clarify that the desired mix of unit types and sizes will not apply to rental replacement units.

Our analysis in support of these requests is provided below.

1. *Maintain permission for the Midtown Tall Building built form and 20-23 storey heights*

The Staff Proposed OPA 405 recommended a building height of 20-23 storeys on the subject property. Given the subject site's location, and the existing built form context in our opinion, an even taller building could also be accommodated. Clearly, we disagree with the reduction in height to 8 storeys in Option 3. No land use planning

analysis has been provided justifying a reduction in heights and densities on the subject site from the staff recommendation.

The PPS and the Growth Plan contain a number of policies that promote intensification, redevelopment and compact built form, particularly in areas well served by public transit. The subject site is located approximately 250 metres north of the Eglinton subway station and future Crosstown LRT station, is within an Urban Growth Centre and a Major Transit Station Area. Artificially limiting the building height to 8 storeys would not be consistent with or conform to provincial policies and plans, nor would it implement the City's policies those regarding the provision of rental housing.

Accordingly, we would ask that Committee recommend Option 1.

2. \$Remove Metric Height Restrictions

In our opinion it is more appropriate to place very specific development standards in a Zoning By-law rather than an Official Plan. This permits flexibility in the implementation of the Official Plan, and allows for different types of units and uses and varying floor to ceiling heights which can be very important in achieving a number of different city policy objectives (i.e. inclusion of employment, institutional or recreational uses within a mixed use development).

3. \$Remove requirements for Affordable Rental Housing and Affordable Ownership Housing

The inclusion of affordable rental and home ownership requirements was a specific direction of the Planning and Growth Management Committee. However, in their May 28th Report Staff indicated that an overall review of affordable housing policies (including inclusionary zoning) was required. We support the Staff position that a comprehensive housing framework would best address the challenges around affordable housing. Accordingly, it would be premature to introduce generic policies to only the Midtown area.

Any new policy should also complement affordable housing options that already exist. The subject site is currently occupied by a rental apartment building which provides a number of one-bedroom and two-bedroom apartments. These market units are relatively affordable in comparison to other rental options. The role that the existing rental housing stock plays should be recognized.

4. \$Introduce more flexible language with regards to the development standards in Section 5.3 and 3.2.3.

The development standards included in Section 5.3 of the Staff Proposed OPA 405 regarding maximum setbacks, setbacks and separation distances are very prescriptive in addition, Policy 3.2.3 provides that an “increased” front yard setback is required to accommodate the Yonge Street Square “big move”.

This level of detail eliminates the potential to arrive at a site-specific solution for a property, that responds to the different constraints and adjacencies. As noted in Item 2 above, it is more appropriate to place very specific development standards in a Zoning By-law rather than an Official Plan. A more flexible language would permit different sites and character areas to be evaluated based on their very different built form contexts. The detailed development standards could then be included in the implementing zoning by-law.

5. \$Modify Map 21-7 to reduce the required building setback from Broadway Avenue

Notwithstanding our comments in Item 4, if specific setbacks are included in the Yonge-Eglinton Secondary Plan it would appear that a 7.5 metre setback from Broadway Avenue would be required. This is of concern to our client as it would be difficult to accommodate on the subject site given its size and limited depth (approximately 29.5 metres). While we understand that the setbacks are intended to be landscaped open spaces or extensions of the public sidewalk, in our opinion they should not be punitive in terms of their impact on the potential redevelopment of a property. We would suggest that the Secondary Plan include a policy which provides for an appropriate transition between the Yonge Street setbacks and the built form context on Broadway Avenue. A built form that is in keeping with the area could be achieved with a smaller setback.

6. Clarify Policy 7.1, which should not apply to rental replacement units

The proposed Secondary Plan should recognize the potential impacts of providing rental replacement units where existing rental properties could be redeveloped and intensified. If the existing building on the subject site were to be demolished, in accordance with the provisions of the Official Plan, the same number of units would have to be replaced with identical rents, unit types and floor areas. These might not meet the minimum requirements identified in Policy 7.1.

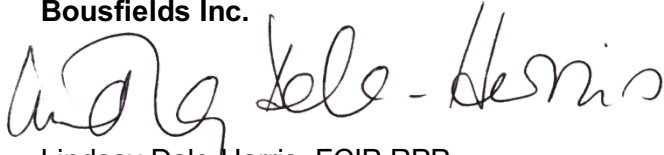
Conclusions

Based on the foregoing we request that your Committee recommend Option 1, subject to the modifications set out above. In our opinion, Option 1 which recognizes the importance of this Growth Centre and Major Transit Station Area is consistent with the PPS and conforms to the Growth Plan. while Option 3, is not.

We would also ask that you provide us with notice of decisions by Council or of the Planning and Growth Management Committee related to this matter. If you have any questions, please do not hesitate to ask the undersigned or Caitlin Allan of our office at (416) 947-9744.

Yours truly,

Bousfields Inc.



Lindsay Dale Harris, FCIP RPP

cc: ! *Howard Paskowitz, Starlight Investments*
Andrew Jeanrie, Bennett Jones LLP