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Our File No: 133668

BY EMAIL

Toronto and East York Community Council  
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Attn: Ellen Devlin

Dear Members of the Toronto and East York Community Council:

**Re: TE34.21 - Danforth Avenue Planning Study - Coxwell Avenue to Victoria  
Park Avenue - City-Initiated Official Plan Amendment - Final Report  
Tawse Realco Inc.  
2494 Danforth Ave.**

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Aird & Berlis LLP is counsel to Tawse Realco Inc., owner of the property known municipally as 2494 Danforth Avenue (the "Subject Site").

The purpose of this correspondence is to set out our client's concerns with respect to the proposed City-initiated Official Plan Amendment (Site and Area Specific Policy No. 552) ("SASP 552") and its objection to Planning Staff's recommendation that City Council adopt this instrument as currently drafted.

In December 2017, our client applied for a Zoning By-law and Official Plan Amendment for the Subject Site to permit the development of a 7-10 storey urban retirement home and 4 storey apartment building in the heart of Danforth Village (the "Proposed Development").

The Proposed Development:

- Supports the creation of a diverse neighbourhood that allows residents to age in place;
- Transforms an existing low-rise retail and office structure into a midrise retirement home and a low-rise apartment building;
- Creates 11,904m<sup>2</sup> of new residential space, including 160 rooms/units of housing for seniors;
- Supports approximately 75 retail and institutional-type jobs;
- Enhances the public realm and pedestrian environment in its vicinity;
- Revitalizes retail along an improved Danforth Street frontage;
- Successfully intensifies lands within a *Mobility Hub* and along an *Avenue*, both areas that Provincial and City policy have directed as intensification areas; and
- Incorporates sustainable design practices

For the reasons set out below, our client submits that the proposed SASP 552 should not be adopted in its current form and that certain policies should be modified in order to facilitate the Proposed Development which represents a desirable housing option for an aging population.

### **It is inappropriate to adopt policies for the Main Street Study Area at this time**

The Danforth Study Area extends from Coxwell to Victoria Park Avenue. This is a very long stretch of *Avenue* where the general character is a mix of low to mid-rise buildings with retail uses at grade with residential or commercial uses above. The Subject Site is located around the Main Street Station area, which includes both a TTC subway station and Metrolinx GO Station.

Our client submits that the Main Street Station area is distinct from the larger study area for three reasons:

1. It is subject to Section 2.2.4 of the Growth Plan for the Greater Golden Horseshow with regard to *major transit station areas* and thus municipalities are required to meet specific intensification targets and minimum density requirements for such areas.
2. It contains two *higher-order transit* stations, has been identified by the Province as a Mobility Hub and contains a concentration of tall buildings.
3. City Council has recognized the uniqueness of the Main Street Station area and, as outlined in the June 15, 2018 staff report, on November 7, 2017, adopted a recommendation directing the Chief Planner to undertake a planning study (the "Main Street Planning Study") on the development potential, built form and public realm within proximity of the Main Street subway station and Danforth GO station. The Subject Site is located within the Main Street Planning Study area and the study is still ongoing.

Despite the ongoing Main Street Planning Study, City staff are recommending adoption of SASP 552 which includes specific built form policies for the Main Street area.

Our client submits that it is not prudent to adopt specific built form policies for an area that is subject to an ongoing planning study which analyzes and addresses built form issues. It is our client's position that a more sensible approach would be to defer any policies for the Main Street area until such time as the Main Street Planning Study is complete. With regard to the Subject Site, this approach would provide the opportunity for City Staff to conclude their assessment of our client's site-specific application and to bring forward policies that comprehensively address planning issues related to development of the Subject Site.

### **Issues regarding specific SASP 552 policies**

Our client's concerns with specific SASP 552 policies are set out below.

Policy 5.2 sets height limits of 24 metres (generally 7 storeys) or 27 metres (generally 8 storeys) depending on the depth of the lot. Our client has three specific issues with this policy:

1. It makes no special provision or recognition for additional height within 500 metres of transit or for additional height where the context of tall buildings already exists. Both conditions exist with regard to the Subject Property.
2. It makes no allowance for sites, such as the Subject Site, that turn the corner or have both shallow and deep lot characteristics to deploy height in a better site-specific manner. For example, the policy would allow 8 storeys across the Subject Site whereas the proposed design is more site-sensitive and proposes a lower 7 storey form at the western edge and 10 storeys on the eastern edge with a 4 storey building proposed at the northern edge to provide a context-appropriate design.
3. Continuing care retirement homes, such as the Proposed Development, require greater floor to ceiling heights in order to provide services and programming for assisted living, memory care and independent living. The height proposed by SASP 552 in metres is overly restrictive and does not provide for appropriate floor to ceiling heights for the Proposed Development.

Policy 5.3 allows for heights up to 33 metres (generally 10 storeys) in areas designated as Office Priority Areas. The Subject Site is located in such an area. The additional height is allowed in cases where non-residential uses are proposed on the first two floors. The proposed development on the Subject Site generally meets the intent of this policy but there are two issues:

1. The Proposed Development includes both non-residential uses and dwelling rooms (but not dwelling units) – it is unclear how the uses proposed for the second floor would be treated and thus this policy needs some clarification as it pertains to a seniors care facility which otherwise provides employment close to transit as intended by this policy.
2. As noted, the height proposed in metres is overly restrictive and does not provide for appropriate floor to ceiling heights for the Proposed Development.

## Conclusion

For the reasons stated above, our client requests that SASP 552 policies relating to the Main Street area be deferred until the completion of the Main Street Planning Study and that the specific policies noted above be amended in order to facilitate the Proposed Development which offers a desirable and much needed continuum care retirement community.

In addition, on behalf of our client, we request that we be provided with notice of adoption of the proposed SASP 552, or any Council decision relating to this matter.

Please provide notice to the attention of:

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Should you have any questions with respect to the above, please contact the undersigned.

Yours truly,

AIRD & BERLIS LLP



Laura Dean

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