



June 26, 2020

Our File No.: 200331

Via Email: councilmeeting@toronto.ca

City Council
12th Floor, West Tower
City Hall
100 Queen Street West
Toronto, ON M5H 2N2

Attention: Marilyn Toft

Dear Sirs/Mesdames:

Re: City Council Item TE14.5 – Queen Street West Planning Study

We are solicitors for Skale 1375 QSW Inc., who are the owners of the property known municipally in the City of Toronto as 1375 Queen Street West (the “**Property**”). On March 11, 2020, we wrote in advance of the Toronto and East York Community Council meeting regarding the above-noted matter to request a deferral on the basis that the final version of the official plan amendment had only been released for review. In our letter, we noted that our client has concerns with the draft official plan amendment as it would apply to the Property. Our understanding is that no revisions have been made to the draft official plan amendment since that time, although no further notice has been provided regarding this matter.

On March 11, 2020, our client filed a rezoning application in respect of the Property to permit an 8-storey building. This proposal is in keeping with the planned context for this area of Queen Street West, given that it meets the mid-rise building height of 5 storeys (16.5 metres) directly along Queen Street West before stepping back from storeys 6 through 8 with only minor penetrations into the 45 degree angular plane from the Queen Street West frontage. As you know, this rezoning application is entitled to be reviewed in accordance with the in-force policies at the time of the application, so it would be appropriate to exempt the Property from the application of the draft official plan amendment or include some form of transition provision.

Absent such an exemption or transition, our client has concerns with the proposed policies, in particular with their excessively rigid and prescriptive nature that leaves no opportunity for site-specific consideration, as encouraged by the City’s Mid-Rise Performance Standards. This approach to redevelopment along a transit corridor runs contrary to matters of provincial interest

and provincial policies, including the Provincial Policy Statement (2020) and the Growth Plan for the Greater Golden Horseshoe (2019).

Our client has specific objections to a number of the built-form policies proposed in the draft official plan amendment. In particular:

- The maximum overall height fails to recognize the potential for compatible optimization of certain sites within the study area, including the Property. As noted above, the rezoning application demonstrates how additional height can be accommodated on the Property and be in keeping with the planned context.
- While the draft official plan amendment appears to recognize that corner properties may incorporate taller elements, this policy does not provide sufficient flexibility for additional height where it can be accommodated on a site-specific basis, including on the Property.
- The draft official plan amendment includes prescriptive setbacks at different heights, along with prescriptive setbacks and limitations on projecting balconies and mechanical penthouses. There is no planning basis for such an approach in an official plan amendment, especially when such prescriptive setbacks in particular could limit development potential in a manner that is contrary to provincial objectives and the official plan designation of the Property. An OPA should not be required to achieve a different setback or provide a setback at a different building height.
- The draft official plan amendment prescribes setbacks from flanking frontages that are unnecessary and overly prescriptive for inclusion in an official plan amendment. A more flexible approach is required when considering such setbacks, which should be determined through a rezoning process.
- The draft official plan amendment refers generally to “heritage buildings” without further definition. Further, we have concerns regarding the potential relationship (and conflict) between the draft official plan amendment and the ongoing work regarding the Heritage Conservation District.
- The draft official plan amendment provides a low unit threshold for inclusion of a minimum number of two-bedroom and three-bedroom units. Other official plan amendments in the City have set 80 units as a minimum threshold for the applicability of unit mix requirements. We can find no indication in the background reports as to why this lower threshold is being used to define “larger developments” in this area.

We appreciate the opportunity to provide further comments regarding the draft official plan amendment. We would appreciate receiving notice of any decision of City Council regarding this matter.

Yours truly,

Goodmans LLP

A handwritten signature in blue ink, appearing to read "D. Bronskill". The signature is fluid and cursive, with the first letter of each word being capitalized and prominent.

David Bronskill
DJB/
7071029