



Project No. 18288

April 27, 2020

**By E-mail Only to councilmeeting@toronto.ca**

Toronto City Council  
12<sup>nd</sup> Floor, West Tower, City Hall  
100 Queen Street West  
Toronto, Ontario, M5H 2N2

**Attention: Ms. Marilyn Toft, Secretariat**

Dear Members of City Council:

**Re: Toronto and East York Community Council Item No. TE14.5  
Queen Street West Planning Study - Official Plan Amendment No. 445  
10225614 Canada Inc.  
1296 – 1314 Queen Street West**

We are the planning consultants for 10225614 Canada Inc. (“the owners”) with respect to a site located on the north side of Queen Street West, west of Noble Street. The site in its entirety is a through lot with frontage on Noble Street and represents an assembly of properties municipally known as 1296-1314 Queen Street West (the “subject site”).

The portion of the subject site with frontage on Queen Street West is designated *Mixed-Use Areas* and the portion of the subject site with frontage on Noble Street is designated *Neighbourhoods* pursuant to the City of Toronto Official Plan. Queen Street West adjacent to the subject site is located on an *Avenue*.

On January 23, 2020, our client held a pre-application consultation meeting with the Parkdale community, led by Councillor Perks, to present a preliminary proposal for the subject site. The proposal as currently contemplated provides for a 7-storey (plus mechanical penthouse) mixed-use building with a hotel suites and retail space, as well as residential uses comprised of residential dwellings along Noble Street.

A portion of the subject site is located within the boundary of the City of Toronto’s proposed Official Plan Amendment No. 445 (“OPA 445”) for the West Queen West Heritage Conservation District. On March 12, 2020, Toronto and East York Community Council (“TEYCC”) adopted recommendations to amend the City of Toronto Official Plan in accordance with OPA 445.

While the proposed development has been designed to have regard for the proposed OPA 445 policies and generally meets its intent, it is our opinion that a number of the policies, in particular, the urban design provisions as recommended, would undermine our client's opportunity to redevelop the subject site in a manner that implements the in-force Official Plan designations, and the policies contained the Provincial Policy Statement (PPS) 2014 and the Growth Plan from the Greater Golden Horseshoe (Growth Plan) 2019.

The PPS (2014) includes a key policy direction to build strong communities by promoting efficient land use and development patterns. To that end, the PPS contains numerous policies that promote intensification, redevelopment and compact built form, particularly in areas well served by public transit, such as the subject site. Further, on February 28, 2020, the Province issued the Provincial Policy Statement (2020), which will replace the Provincial Policy Statement (2014). The new PPS policies will take effect on May 1, 2020 and, in accordance with Section 3 of the Planning Act, all decisions affecting land use planning matters made after this date will be required to be consistent with the Provincial Policy Statement (2020).

Among other matters, the 2020 PPS includes additional policies related to addressing a changing climate and supporting green infrastructure, enhancing land use compatibility policies for sensitive land uses, increasing minimum requirements for housing land supply and clarifying policies related to market-based housing by adding a reference to affordable housing (i.e. Policies 1.4.3 and 1.7.1 of the PPS, 2020). We note that the PPS (2020) also includes additional language that encourages transit-supportive development.

The Growth Plan includes policies that seek to accommodate population and employment growth by, among other measures, focusing growth in "strategic growth areas", including "urban growth centres", "major transit station areas" and lands along major roads and arterials with existing or planned "frequent transit" service.

The subject site would be considered a "strategic growth area" under the definition of the Growth Plan given it is located in an area with existing and planned transit services, including high-frequency streetcar service on Queen Street (i.e.: TTC Streetcar Route 501) and the planned King-Liberty SmartTrack Station.

It is our opinion that the proposed OPA 445 is overly restrictive and is not supportive of the policy direction contained within the Provincial Policy Statement (PPS) 2014 and the Growth Plan from the Greater Golden Horseshoe (Growth Plan) 2019.

To that end, the following outlines our client's concerns with respect to OPA 445:

### **Built Form**

As a general comment, the urban design policies contained in Section 6 of OPA 445 are overly rigid and prescriptive and provide no opportunity for development to respond to site context and site-specific conditions. A proposed development that exceeds even one of OPA 445's built form provisions would require an Official Plan Amendment, even if the development were appropriate in a site-specific context and represented good planning.

Our client's objections to a number of the built form policies are as follows:

- Policy 6.1.2 seeks to discourage the consolidation of lots. This policy is inconsistent with the intent of the *Mixed-Use Areas* and *Avenues* designations and fails to recognize the practical obstacles to single-lot development.
- Policy 6.3 limits the maximum overall height of any building, including any addition to an existing building, to 6 storeys or up to 20.0 metres, as measured to the top of the roof slab. In our client's view this policy should be drafted in a more flexible manner to recognize, among other matters, higher floor-to-ceiling heights associated with non-residential uses.
- Policy 6.6.1 would require new buildings and additions to provide a 9.0 metre rear yard setback from the property line of adjacent *Neighbourhoods* designated properties. This policy, when considered cumulatively with the prescribed setbacks in Policies 6.4.1 and 6.4.6 would significantly limit the developability and gross floor area that can be achieved, therefore hindering appropriate, site-specific development that responds to its context. It is our opinion that this policy does not take into consideration the unique configuration of the subject site (i.e.: dual designation of *Mixed Use Areas* and *Neighbourhoods*).
- Policies 6.7.1 and 6.7.2 regarding rooftop structures are unnecessarily restrictive.

### **Transportation**

In our client's view, Policy 5.2.2 should be amended to include parking exemptions for additions under a particular size threshold in light of the fact that minor additions often trigger the need for minor variance applications. This policy should be further amended to apply to horizontal additions which may be required in order to support vertical additions for elements such as exit stairs, elevators, etc.

### **Residential Uses**

With respect to Policy 8.2, our client questions the basis for the unit threshold of 20 units, which corresponds directly to the ratio of required two- and three-bedroom units, and notes that OPA 406 - Downtown Plan has a unit threshold of 80 units.

### **Commercial Uses**

Policies 9.2.2 and 9.2.3 are designed to generally discourage the consolidation of multiple existing storefronts into a single storefront and indicates a maximum commercial storefront width of 8.0 metres. In our client's view, storefront consolidation may be necessary in order to facilitate redevelopment in conjunction with land assembly and as a result, these policies should be drafted in a more flexible manner. The achievement of good urban design is not necessarily prevented by the presence of larger non-residential units. The intent of this policy, to provide for a rhythm of bays along Queen Street West to contribute to the pedestrian realm, can be accomplished through a combination of high-quality architecture and building materials.

### **Heritage**

Our client is also concerned that the proposed adoption of OPA 445 has not been coordinated with the emerging Heritage Conservation District Plans ("HCD Plans") for the West Queen West and Parkdale Main Street areas. The lack of coordination with the emerging HCD Plan is particularly an issue for the subject site as the City's intentions regarding the heritage status of the property at 1296 Queen Street West are unclear. 1296 Queen Street West is not currently included on the City's Heritage Register because it is neither a listed nor designated heritage property. However, in Table 1 of Attachment 5 to the February 25, 2020 staff report it is listed as a "Context Supporting Property" with a "Main Street Commercial Row" building type. Our client submits that the adoption of OPA 445 at this time, in advance of the proposed HCD Plan for Parkdale Main Street is premature. In our client's view, OPA 445 and the HCD Plan should be presented concurrently in order for property owners to understand how the documents are intended to work together.

Furthermore, our client is concerned that a number of the policies contained within OPA 445 refer to "heritage buildings". This term is not defined and it is therefore unclear to the reader what buildings are considered "heritage" for the purpose of interpreting and applying the policies of OPA 445.

### **Conclusion**

We respectfully request that the City consider the concerns set out above in addition to the revisions to draft OPA 445 prior to bringing forward the document for further consideration. In particular, our client would urge the City to better coordinate this policy initiative with the emerging HCD Plan for the Parkdale Main Street area to allow

property owners the opportunity to comprehensively review and understand the implications for their properties. "

By way of this letter, we are formally requesting that we be provided with any Notice of Decision of Council and Notice of Adoption of the Official Plan Amendment. "

Should you have any questions, please do not hesitate to contact the undersigned.

Yours truly,  
**Bousfields Inc.**

Kate Cooper, MCIP, RPP

cc. ) *Marco Petrucci, 10225614 Canada Inc.*  
*Marco Paganelli, West Edge Developments Inc.*  
*Kim Kovar, Aird & Berlis LLP*