AIRD BERLIS

TE14.5.27

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September 29, 2020

Our File No.: 150207

BY EMAIL

Mayor John Tory and Toronto City Council
Toronto City Hall, 2nd Floor
100 Queen Street West
Toronto, Ontario
M5H 2N2

Attention: Marilyn Toft (email: councilmeeting@toronto.ca)

Dear Mayor Tory and Members of Council:

Re: TE14.5 Queen Street West Planning Study - Bathurst Street to Roncesvalles Avenue - Official Plan Amendment - Final Report

Aird & Berlis LLP acts on behalf of **Silver Hotel Management Inc.**, the owner of the property known municipally as 935 Queen Street West, located on the southeast corner of Queen Street West and Strachan Avenue (the "Property"). The Property is located on a corner site within the West Queen West area and fronts onto both Queen Street West and Strachan Avenue. The Property is currently comprised of a three (3) storey hotel.

We submitted the enclosed correspondence, dated March 11, 2020, to the Toronto and East York Community Council ("TEYCC"), setting out our client's numerous concerns with and objections to the Queen West Planning Study ("OPA 445").

We have reviewed the draft of OPA 445 which will be considered by Council at its meeting on September 30, 2020. We note that despite the many concerns and suggested revisions offered by our client and other interested parties, no changes have been made to the version of OPA 445 that was considered by TEYCC and which is now before Council for approval.

Accordingly, none of our client's concerns with respect to OPA 445 have been addressed. As noted in the attached correspondence, these concerns include the prematurity of OPA 445 in light of the forthcoming HCD Plan and the rigid and prescriptive nature of the instrument's proposed built form policies.

In light of the above, our client continues to object to the approval of OPA 445 in its current form and would once again urge the City to better coordinate this policy initiative with the emerging HCD plan(s) for the area so as to afford property owners a comprehensive review and understanding of the implications for their properties.

Yours truly,

AIRD & BERLIS LLP

Eileen P.K. Costello
EPKC/lm

c. Silver Hotel Management Inc.
Andrew Dales, Dales Consulting

Encl.

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March 11, 2020

Our File No. 150207

BY EMAIL

Toronto and East York Community Council
Toronto City Hall, 2nd Floor
100 Queen Street West
Toronto, Ontario
M5H 2N2

teycc@toronto.ca

Attn: Ellen Devlin

Dear Chair Members of the Toronto and East York Community Council:

Re: TE14.5 - Queen Street West Planning Study - Bathurst Street to Roncesvalles Avenue - Official Plan Amendment No. 445

Aird & Berlis LLP acts on behalf of Silver Hotel Management Inc., the owner of the property known municipally as 935 Queen St. W., located on the southwest corner of Queen St. W. and Strachan Ave. (the "Property"). The Property is located on a corner site within the Queen West area and fronts onto both Queen St. W. and Strachan Ave. The Property is currently comprised of a three (3) storey hotel.

Our client has had an opportunity to review the draft policies in the proposed OPA 445. Our client offers the following comments for consideration by members of TEYCC.

In our respectful submission, the adoption of OPA 445 at this time is premature. We understand from the final report that the Heritage Conservation District plans are still in development and that staff anticipate that the HCD plans will be presented to the Toronto Preservation Board and Council in Q3 2020. Given that work on the HCD plans and the Queen West Planning Study were undertaken concurrently, and the HCD Plans are intended to manage change (ie. development) within the area, these documents should come forward concurrently.

The OPA may also be premature because it was developed in the context of the PPS 2014. Although the new PPS does not come into force until May 1, 2020, and municipal decisions prior to that date must be consistent with the 2014 PPS, it would be prudent for the City to ensure that the policies of OPA 445 are viewed through the lens of updated Provincial land-use planning policies.

As a general comment, many of the policies in the proposed OPA 445 are excessively rigid and prescriptive. There is no opportunity for development to respond to site-specific conditions, as the Mid-Rise Guidelines encourage. Development that exceeds the built form parameters established by OPA 445 would require an OPA, even if the development is appropriate in a site-specific context.

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

- Policy 6.3 limits the maximum overall height of any building, including any addition to an existing building to 6 storeys, up to 20 metres, as measured to the top of the roof slab. Our client submits that this policy should be drafted in a more flexible manner to recognize, among other matters, higher floor to ceiling heights associated with commercial units, and the ability through innovative design and materiality to limit any shadow or privacy impact concerns.

- Together, Policies 6.4.1 and 6.4.6 would require new buildings and additions on existing buildings, in relation to their Queen St. W. frontage, to provide a 5 metre stepback above 10.5 metres and an additional 3 metre stepback above 16.5 metres. Our client submits that the proposed setbacks would limit development potential on the Property in a manner that is contrary to its Official Plan designations and may not be necessary in all circumstances.

- Policy 6.4.6 provides that new buildings and additions on existing building will be setback an additional 3 metres above a height of 16.5 metres. Our client submits that this policy would restrict the appropriate development of the Property, and may not be necessary in all circumstances.

- Policy 6.5.2 provides that a new building on a corner property may incorporate a taller streetwall element or architectural corner treatment to a maximum height of 14 metres and not to exceed 10 metres in width along its Queen St. W. frontage. While this policy recognizes that corner properties should be accorded some differential treatment, it does not provide sufficient flexibility and would not appropriately address the condition of the Property which has a significant length and built form on Strachan Avenue.

- Policy 6.5.3 provide that new buildings and additions on existing buildings will provide a minimum stepback of 1.5 metres from the flanking frontage above a height of 14.0 metres. This policy, combined with the requirement in Policy 6.4.1 would substantially constrain the reasonable and appropriate development of the Property.

Our client is also 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.

Finally, the proposed unit mix policies set out in Policy 8.2 fail to provide for a coordinated approach to land-use planning across the City, as required by Provincial land-use planning policy. Policy 8.2 requires new buildings with 20 or more units to have a minimum of 10 percent of the total number of units with at least three bedrooms, and a minimum of 15 percent of the total number of units with at least two bedrooms. Both the Midtown and Downtown plans, as approved by the MMAH, set 80 units as a minimum threshold for the applicability of unit mix requirements.

The staff report indicates on Page 25 that, "...the recommended policies also establish requirements for unit mix in larger developments..." There is no indication in the staff report as to why a 20-unit threshold is used to define "larger developments" in the case of Queen St. W., and 80 units in other part of the City. The foregoing unit mix requirements may unnecessarily

burden new rental housing development with units that are too expensive and therefore, unmarketable.

As a result of the foregoing, our client requests that the TEYCC direct staff to consider these comments, and those received from other property owners in the area, and to report back on revisions to the draft policies prior to bringing OPA 445 forward to Council for approval.

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

Yours truly,

AIRD & BERLIS LLP

Eileen P.K. Costello
EPKC/LD/gc

Cc: Silver Hotel Management Inc.
Andrew Dales, Dales Consulting

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