



TE14.5.31

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September 29, 2020

Our File No.: 153675

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 **Queen and Brock Holdings Inc.**, the owner of properties within the area that is the subject of the Queen Street West Planning Study ("OPA 445").

On March 12, 2020, we submitted the enclosed correspondence to the Toronto and East York Community Council ("TEYCC"), setting out our client's numerous concerns with and objections to 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 highlighted by our client and other interested parties, we understand that 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 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, the rigid and prescriptive nature of the instrument's proposed built form policies, and objections regarding its commercial use policies.

Based on the above, our client continues to object to the approval of OPA 445 in its current form and would once again request that Council direct staff to revise the instrument in a manner that addresses the significant concerns which have been raised by our client to date.

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Yours truly,

AIRD & BERLIS LLP

Eileen P.K. Costello
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c. Client
Peter Smith, Bousfields

Encl.

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March 12, 2020

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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**

Background

Aird & Berlis LLP acts on behalf of Queen and Brock Holdings Inc., the owner of the properties within the area that is the subject of the Queen Street West Planning Study ("OPA 445"). Our client has reviewed OPA 445 in the context of its existing holdings and the general area and has a number of concerns which are outlined below.

Transportation

Policy 5.2.2. provides that no additional vehicle parking spaces will be required for any existing floor space or floor space added via a vertical addition up to a building height of 6-storeys. In our client's view, Policy 5.2.2. should be expanded to include horizontal additions to ensure that minor variances are not triggered when minor horizontal additions (e.g., exit stairs) are required to support vertical additions.

Built Form

It is our client's position that the SASP as drafted is overly prescriptive and does not appropriately account for or respond to the variation in built form and lot fabric in the area. For example, Policy 6.1 notes that Parkdale Main Street is characterized by its narrow lot pattern, low rise buildings, and incremental additions/extensions over time. This characterization does not accurately reflect the fact that many of the lots have already been assembled over time.

As such, our client is concerned that the draft built form policies, in particular, are overly prescriptive and would hinder the sensitive redevelopment of assembled sites and particularly those with greater depths and relatively wide lots with multiple frontages.

Our client's general concerns as they relate to the built form policies contained in section 6 of OPA 445 are set out below:

- Policy 6.2 sets out certain mandatory urban design features for developments within the West Queen West and Parkdale Main Street areas. Our client submits that this policy should be drafted in a more flexible manner to permit development that, while not identical to the existing context, would nonetheless complement the area in a manner that promotes design excellence.
- Policy 6.3 limits the maximum overall height of any new building or 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 that takes into account typical commercial floor heights. Furthermore, a uniform height limit across the area is inappropriate given the current variety in lot sizes, configurations and orientations and does not provide sufficient massing and design flexibility for larger and deeper sites, or for corner sites.
- 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 setback above a height of 10.5 metres and an additional 3 metre setback above 16.5 metres. Our client submits that these presumptive setbacks are too restrictive and do not conform to the *Avenues* and *Mixed-Use Areas* designations of the Official Plan which anticipate growth and change.
- Policy 6.4.4 requires additions on heritage buildings with flat roofs to provide a minimum setback of 5 metres above the existing building's streetwall. Our client reiterates its above-noted concern and also submits that in many instances, the City has accepted a setback of less than 5 metres from a heritage elevation when the result would still produce the City's intended effect of ensuring the heritage resource is read in three dimension, while ensuring that new housing and commercial opportunities are not arbitrarily restricted.
- Policy 6.5.2 provides that new buildings located 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 corner sites which front onto other streets.
- Policy 6.5.3 requires new buildings along the side street frontage of a corner property to provide a 1.5 metre setback above 10.5 metres. Our client submits that this policy is too restrictive and instead, setbacks for properties with side street frontages should be determined on site specific basis relative to the development proposal contemplated for the site.
- Policy 6.5.4 requires additions on heritage buildings on corner properties to provide a minimum setback of 1.5 metres above the height of the existing building's streetwall. As above, our client submits that this policy should be revised to permit setbacks to be determined on a site specific basis in the context of a development proposal.

- Policy 6.6.1 requires new buildings and additions to provide a 9 metre rear yard setback from the property line of the adjacent *Neighbourhood* designated property line. When considered in the context of the other proposed stepbacks and setbacks policies in OPA 445, this policy would significantly restrict floor space area and development potential along an *Avenue*.
- Policy 6.6.2 states that if an existing building does not meet the rear yard setback and is planned to be maintained, the addition above the existing building will provide a 9 metre setback from the adjacent *Neighbourhood* designated property line. As above, our client submits that this policy is overly restrictive and would not facilitate creativity in design.
- Policy 6.6.4 requires new buildings and additions, in relation to the rear of the property, to be setback an additional 3 metres above 16.5 metres. For the reasons stated above, our client objects to this policy.

In addition, in our client's view the prohibition on projecting balconies within building setbacks (Policies 6.4.7 & 6.5.5) would deprive future occupants of essential and much sought after outdoor space and would not permit innovative design on sites where any perceived impacts may be mitigated.

Furthermore, our client submits that Policy 6.7 should be reconsidered to determine whether the proposed restrictions on rooftop equipment, screening, structures and/or roof access are feasible given functional building requirements.

Our client also objects to proposed Policy 6.9. which directs that where possible, access to site servicing and parking should be provided at the rear of the building/site, from a lane or a shared driveway and incorporate any parking garage ramps, access stairs and garbage collection/storage and loading areas into the building. This policy does not adequately account for different rear site conditions along Queen St. W. and the fact that access to a rear lane either does not exist nor is appropriate in every circumstance.

Residential Uses

Our client objects to Policy 8.4 which would prohibit residential lobbies on the Queen St. W. frontage. This policy is overly restrictive and could encumber good design and efficient building operations.

Commercial Uses

With respect to the SASP's policies concerning commercial uses, our client objects to Policy 9.2.2 which, for sites with Queen St. W. frontages greater than 16 metres, limits the average frontage of new commercial units to 9 metres. Securing viable commercial tenants is essential to the success of any mixed-use development. Any policy that removes flexibility by dictating commercial unit sizes would make it more difficult to secure commercial tenants and could result in vacant storefronts and a less attractive streetscape.

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Heritage

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.

In this respect, we query why this draft policy is coming forward now given that the HDC plan(s) for the area are not proposed to be considered until the fall of this year. Given that these initiatives were meant to proceed concurrently, in our view the final consideration of OPA 445 should wait the issuance of the draft HDC plan(s).

Conclusion

Our client recognizes that Parkdale Main Street is a unique part of the City and wishes to continue working with staff to ensure that planning policies for this area provide reasonable standards for future development. To that end, we respectfully request that staff be directed to consider the enclosed comments and to report back to TEYCC with revised policy language.

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: Client
Peter Smith, Bousfields

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