

AIRD BERLIS

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Our File No. 152767

BY EMAIL

Toronto and East York Community Council
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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**

Background

Please be advised that Aird & Berlis LLP acts on behalf of Timbertrin (Queen/Bathurst) LP, the owner of the properties municipally known municipally as 655-663 Queen St. W., located on the southwest corner of Queen St. W. and Bathurst St. (the "Property"). The Property is located at the very eastern boundary of the City's proposed Official Plan Amendment No. 445 ("OPA 445").

The Property is currently comprised of four low-rise commercial and mixed-use buildings. At present, the Property is underperforming in terms of its aesthetic, functional and design contributions to the area. The current use of the Property for low-rise commercial buildings, occupied by two fast food restaurants, and one residential unit represents a significant underutilization of a corner property immediately adjacent to two higher order transit lines.

On December 23, 2019, our client submitted Zoning By-law Amendment application for the Property (the "Proposal"). The Proposal, which is currently under review by the City contemplates the development of the Property with an 8-storey (30.8 metre) mixed-use building consisting of retail uses at grade and residential dwelling units above.

In our submission, the Proposal will result in appropriate and desirable mixed-use intensification on an underutilized corner site and will contribute to ongoing reinvestment and revitalization along the West Queen West corridor through the addition of new housing and expanded retail opportunities. Unfortunately, the current provisions of OPA 445, and in particular the urban design provisions, would compromise the optimization of the Property in a manner which implements the in-force Official Plan designations as well as the policies in the PPS and the Growth Plan. To that end, our client has a number of concerns with OPA 445 which are set out below.

Built Form

The Property is uniquely located as a corner site at the easternmost boundary of OPA 445. It is designated *Mixed Use Areas* in the City of Toronto Official Plan. The Property fronts onto Queen St. W., which is designated as an *Avenue* and Bathurst St., which is designated a *Transit Priority Segment* pursuant to Maps 2 and 5 of the Official Plan respectively. The Property is immediately adjacent to streetcar stops on both Bathurst St. and Queen St. W. The applicable and in-force Official Plan designations anticipate and encourage growth on the Property.

Our client submits that the many of the proposed OPA 445 policies are not appropriate for the Property given its Official Plan designations as well as its unique condition as a corner site, comprised of consolidated lots and located immediately adjacent to transit. As noted above, the Property is made up of four buildings which currently contribute little to the streetscape, livability or overall character of the area.

In our client's view, the urban design policies contained in Section 6 of OPA 445 are unnecessarily rigid and limit innovative design that is sensitive to its surroundings. In that respect, these policies collectively impeded development contemplated by the in-force Official Plan policies applicable to the Property.

Our client's 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
- 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.
- 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 fronts onto Bathurst Street which has a width of 30 metres and a generous sidewalk width.
- Policy 6.5.3 provides that new buildings and additions on existing buildings will provide a minimum stepback of 1.5 metres above a height of 14 metres. This policy, combined with the requirement in Policy 6.4.1 would substantially constrain the reasonable and appropriate development of the Property.

The Property backs onto a rear lane, south of which is a community health centre that is also designated *Mixed Use Areas*. As such, Policy 6.6.4, which requires new buildings and additions

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to be setback an additional 3 metres above a height of 16.5 metres would not serve its intended purpose and need not apply to the Property..

In addition to the above, our client notes that Policy 6.1.2 seeks to limit the consolidation of lots. The rationale for this prohibition for sites on an *Avenue* and within designations intended for growth is unclear. OPA 445 therefore creates uncertainty for sites such as the Property, where lots have already been consolidated and fails to recognize the practical obstacles to single-lot development.

Heritage Buildings

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

Despite the concerns set out above, it should be noted that in the opinion of our client’s consultant team, the Proposal is consistent with a number of the policies contained within OPA 445 including those with respect to unit mix, the provision of green infrastructure, commercial uses, among others.

Nevertheless, our client submits that the proposed OPA 445 should not apply to the Property given its location at a prominent intersection at the eastern edge of the OPA 445 boundary. We note that it does not appear that the Queen Street West Planning Study, which informed OPA 445, specifically evaluated the development potential of the Property in the context of its location. In any event, our client requests that the City consider the concerns set out above and either remove the site from the OPA 445 area or redraft the policies of OPA 445 accordingly.

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

Yours truly,

AIRD & BERLIS LLP



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