

AIRD BERLIS

Leo F. Longo
Partner
Direct: 416.865.7778
E-mail: llongo@airdberlis.com

March 10, 2020

BY EMAIL: teycc@toronto.ca

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

Attn: Ellen Devlin

Dear Chair & Community Council Members:

**Re: March 12 Community Council Meeting
Agenda Item TE14.5
Queen Street West Planning Study - Proposed OPA 445**

**Re: Ben Woolfitt
1151-1153 Queen Street West**

Background

Aird & Berlis LLP acts on behalf of Ben Woolfitt, the owner of the above-captioned property located on the southwest corner of Queen St. W. and Abell St. (the "Property"). The Property has 70.12m of frontage on Queen St. W and also abuts 70.13m of Abell Alley.

Our client has reviewed OPA 445 and has a number of concerns, including those which are outlined below. 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.

Public Realm

Policy 4.1 addresses development adjacent to a "Focus Area". Its policies should be qualified to ensure that 4.1.4 and 4.1.5 do not preclude fostering development that otherwise achieves Provincial and City planning objectives.

Respecting development which abuts a public lane, policies 4.5.3 and 4.5.4 should be qualified with language such as "where practicable" or "where appropriate" (as is done elsewhere in the proposed OPA).

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. As noted below, that height limit is too restrictive. Policy 5.2.2 should be amended to reference the final height limit as might be eventually approved for development on the Property.

Built Form

It is our client's position that the SASP does not adequately account for sites such as the Property, which are comprised of lots that have been consolidated over time. For example, Policy 6.1 notes that West Queen West is characterized by its narrow lot pattern, low rise buildings, and incremental additions/extensions over time. This characterization does not accurately describe the condition of the Property as it exists today.

Our client is concerned that the SASP's built form policies are overly prescriptive and would hinder the sensitive redevelopment of the Property which is situated on its relatively wide lot frontage.

Our client's concerns and positions on the built form policies contained in section 6 of OPA 445 include those that are set out below:

- Policy 6.1 speaks of "gentle" growth being encouraged. This undefined term is so vague as to be meaningless.
- 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 developments 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 and permits additional height in storeys. 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 sites, or for corner sites, such as the Property.
- 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 6.5.2 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 the Property.
- Policy 6.5.3 requires new buildings along the side street frontage of a corner property to provide a 1.5 metre setback above 14 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 6.6.1 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 setbacks and setbacks policies in OPA 445, this policy would significantly restrict floor space area and development potential.
- 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 SASP's 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 by the City to determine whether the proposed restrictions on rooftop equipment, screening, structures and/or roof access are feasible given functional building requirements.

Residential Uses

With respect to Policy 8.2, our client questions the basis for the unit threshold of 20 units and notes that OPA 406 – Downtown Plan has a unit threshold of 80 units. While our client supports the principle of providing a mix of unit types, our client requests that the language of this policy be made more flexible to “encourage” family-sized units, taking into account market demands.

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.

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Commercial Uses

With respect to the SASP's policies concerning commercial uses, our client objects to Policies 9.2.1, 9.2.2 and 9.2.3 which, for sites with Queen St. W. frontages greater than 16 metres, limits the average frontage of new commercial units to 8 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 and widths would make it more difficult to secure commercial tenants and could result in vacant storefronts and a less attractive streetscape.

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.

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

Yours truly,

AIRD & BERLIS LLP



Leo F. Longo
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c. Client

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