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Our File No. 204825

**VIA EMAIL TO PHC@TORONTO.CA**

Planning and Housing Committee  
10th floor, West Tower, City Hall  
100 Queen Street West  
Toronto, ON M5H 2N2

Attention: Nancy Martins

Dear Ms. Martins:

**Re: Planning and Housing Committee consideration on November 25, 2021  
PH29.10 ACTION Ward: 5, 9  
Our Plan Toronto: Keele-St. Clair Local Area Study - Draft Official Plan  
Amendment**

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We are the solicitors for Consolidated Bottle, owner of 77 Union. 77 Union is centre ice, located immediately across the street from the new station site.

We are pleased to submit this correspondence to the Committee to provide our comments on the proposed Keele-St. Clair Local Area Study OPA. We wish to commend staff and all the stakeholders for their effort and cooperation in seeing this important planning project thru to this point.

**NON-RESIDENTIAL FLOOR SPACE REQUIREMENTS**

We do still have concerns with the draft OPA related to the imposition of minimum non-residential floor space requirements in the proposed Employment Priority Zone. Those concerns are as follows:

1. The proposed minimum 1.0 FSI or 25% of the total floor area for non-residential use is arguably somewhat arbitrary. There is no clear logic to using the existing permitted maximum zoned employment FSI to establish a minimum requirement in a future mixed use development. We are keen to engage further with staff and determine whether or not a mutually agreeable non-residential component can be achieved at 77 Union, and in the study area in general. This is a complex assessment given that both the types and amount of non-residential floor space have the capacity to impact on the development economics,

which is in turn driven to some extent by total permitted heights, densities and the ability of the market related housing to subsidize any potentially uneconomic floor space.

2. The proposed concept plan for 77 Union, as submitted to staff as part of our ongoing consultation, proposes about 10% of the total gfa as non-residential (0.5 FSI). While this is less floor space than exists at present, that is because the site is a large industrial facility that is not reflective of transit oriented development. There are about 100 employees on the site today but the concept plans would be projected to yield approximately 300 jobs in a mixed use development.
3. The attempt to further subdivide and mandate certain types of employment uses as a total percentage of non-residential uses is also difficult to rationalize. Although we acknowledge that the City has used this approach in the past in other locations, there does not seem to be any good evidence that the protected “Column 1” uses have any compelling need for protection or special treatment by way land use restrictions and/or Official Plan policy. These restrictions will serve to create inefficiencies and unnecessary regulatory restraints in a well-served and a well performing market for non-residential uses.
4. The exclusion of community facilities and other critical amenities by capping (or excluding) the total amount of such non-residential uses that would be permitted in relation to the total non-residential gfa will only increase the opportunity cost in providing such community assets and could therefore undermine delivery of these important community requirements.

### **Built Form and Structural Elements**

5. We would ask that the depiction of public parks on the proposed OPA Map 1 Land Use Plan be removed as the final location and configuration of parks/transit plaza will occur through development applications. We agree with reflecting the planned park/transit plaza locations generally as depicted on the Public Realm Map 3.
6. We will be assessing the other proposed built form restrictions such as overall height, streetwall height and angular plane requirements to ensure that such matters would not unduly burden the key planning objectives for the Station Centre area to be the focal point of development within the new transit station area. Of course, such elements tie into the discussion about the amount and type of non-residential uses that can be developed on the site.

We will continue to work with Council, staff, the landowner group and stakeholders in an effort to achieve a resolution of our client's concerns with the draft OPA. We are confident based on all the effort and cooperation to date that a consensus can be achieved that will result in an excellent planning result for our client's site which is so strategically located in what will be an incredible newly energized community. Thank you for consideration of these submissions.

Yours truly,

**FOGLER, RUBINOFF LLP**

*Joel D. Farber*

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\*Services provided through a professional corporation

JDF/sz

cc: clients  
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