



July 15, 2022

City Council, Toronto City Hall
100 Queen Street West, East Tower, 18th Floor
Toronto, Ontario M5H 2N2

Attention: Marilyn Toft

Dear Members of Council

Re: Our Plan Toronto: City-wide 115 Proposed Major Transit Station Area/Protected Major Transit Station Area Delineations Rail Deck District

SvN is the planning agent to CKF Rail Development Limited Partnership (inclusive of Craft Development Corporation, Kingsmen Group Inc., Fengate Asset Management, and LiUNA Pension Fund of Central and Eastern Canada) (herein referred to as “CKF Rail”). CKF Rail is the owner of 6.72 hectares (16.61 acres) of privately-owned air rights primarily over the Union Station Rail Corridor (“USRC”) generally bounded by Bathurst Street, Blue Jays Way, Front Street West, and Northern Linear Park (“the site”). CKF Rail’s property rights are above a strata plane approximately 8.23 metres (27 feet) above the top of rail within the USRC owned by Metrolinx.

Per the draft Official Plan Amendment (“OPA”) 570 and corresponding Site and Area Specific Policy 691, the site falls within the Front-Spadina GO Station area, designated a Protected Major Transit Station Area (“PMTSA”) pending approval from City Council and the Minister of Municipal Affairs and Housing. Draft OPA 570 identifies the portion of the site between Spadina Avenue and Blue Jays Way with a minimum density of 0 FSI and the portion of the site between Spadina Avenue and Bathurst Street with a minimum density of 0.3 FSI or 3 units.

We understand that minimum densities were determined based on the following Council-approved framework: in effect Official Plan land use designations; as-of-right zoning by-law permissions; secondary plans; and approved developments not yet built. Through conversations with Planning staff we have also been advised that the above-described densities reflect the USRC function and *Utilities Corridor* designation.

In a decision/order issued on May 12, 2021, the Local Planning Appeal Tribunal (“LPAT”) approved both OPA 395 (Rail Deck Park Secondary Plan) and OPA 557 (site-



specific policy). Both OPAs are in force resulting in a dual-designation as it applies to the site's air rights. OPA 557 designates the site's air rights as *Mixed Use Areas* with a permitted maximum density of 4.2 FSI, and a range of residential units of 2,500 to 3,500. No changes were made to the *Utilities Corridor* designation applying to the Metrolinx land below.

CKF Rail submitted a combined OPA and Zoning By-law Amendment ("ZBA") application in May 2022 (File No. 22 141536 STE 10 OZ) which seeks to implement OPA 557. The application proposes to amend certain policies of OPA 557, to remove the maximum FSI, integrate built form parameters, and increase the range of residential units to 5,500 to 6,500.

Given the approved policy framework for the air rights of the site, it is SvN's opinion that the current proposed minimum density of 0 and 0.3 (or 3 units) is too low to optimize transit investment and usage as envisioned by OPA 557. We ask that Council consider amending the density to a minimum of 3 FSI to reflect the in-force policy framework or send the draft OPA back to staff to reconsider the approach to density on what is a dual-designated site with both land and air rights.

We look forward to our continued working relationship with all City departments, agencies and stakeholders.

Sincerely,

Drew Sinclair
Principal
SvN Architects + Planners

CC. Lynda Macdonald, Director, Community Planning
Willie McCrea, Manager
Joanna Kimont, Senior Planner
Robert Sabato, CKF Rail Development Limited Partnership
Jim Ilkay, Innovia Corporation
Lina Al-Dajani, SvN Architects + Planners