

April 26, 2022

Project: BS.TO

Planning and Housing Committee  
City of Toronto

Sent via e-mail to: [phc@toronto.ca](mailto:phc@toronto.ca)

Dear Committee members,

**Re: Our Plan Toronto: Keele-St. Clair Local Area Study – Draft OPA 537**

We represent Benny Stark Limited, the owners of 0, 119-125, 144, 160, and 200 Benny Stark Street, and 116-122 Turnberry Avenue (the “subject site”). The subject site is made up of five parcels with a total area of 4.52 hectares (11.16 acres) located at the terminus of Benny Stark Street, approximately 800 metres northwest of the St. Clair Avenue West and Old Weston Road intersection (refer to **Figure 1**).

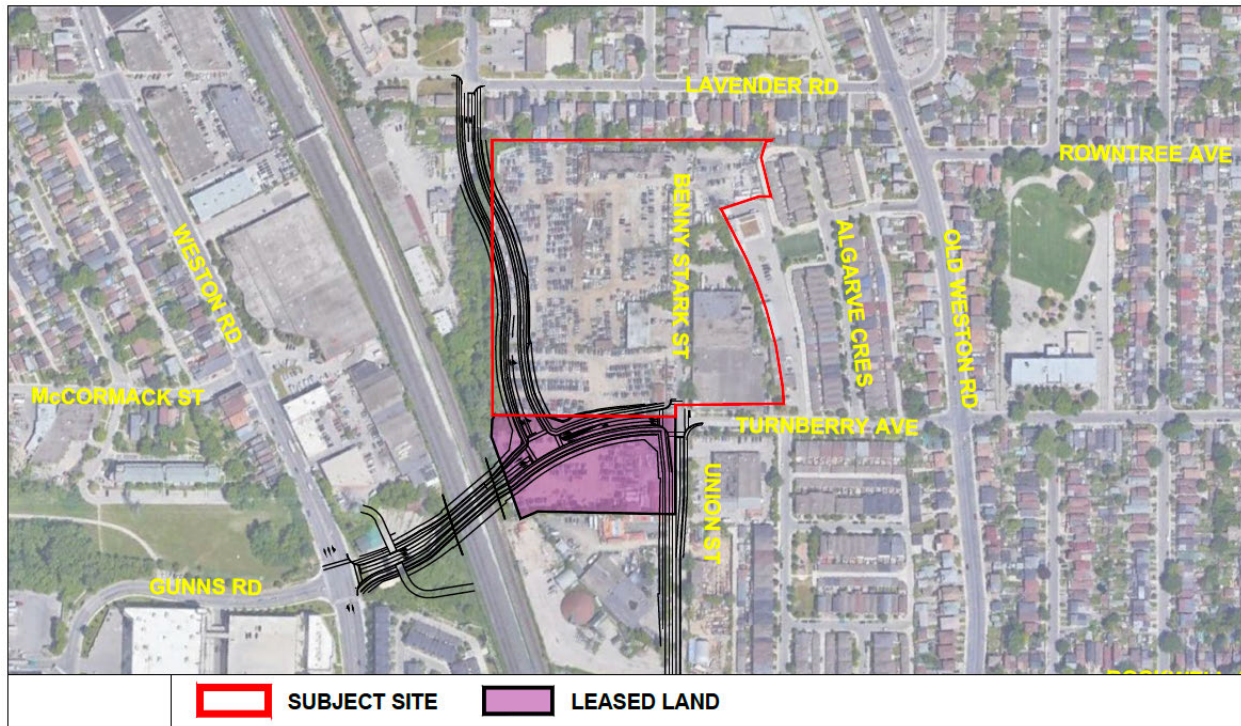


**Figure 1: Aerial Context**

The subject site is currently used by Stark Auto Sales, a national automobile auction firm, under contract with insurance companies to immediately pick up and store vehicles written off due to accidents or recovered from thefts. Stark Auto Sales is required to store all vehicles for approximately 70 to 80 days until ownership is transferred to the insurance company enabling the

vehicle to be sold from the showroom or at the weekly auction. The auction house results in the sale of approximately 15,000 vehicles a year. The business operates on the entire subject site, and leases an additional property to the south, with an office in each of two buildings, an indoor showroom, auction house, and outdoor storage.

The business is very successful and has operated for multiple generations. We have also been advised that the owners had no intention of moving. However, the City's planned Gunns Road and Keele Street extensions adversely impact the functionality and operation of Stark Auto Sales on the subject site, making the ongoing use of the property unviable as shown in **Figure 2**.



**Figure 2: Impact of Planned Transportation Network**

As a result of the significant negative impact of the planned transportation network and the inability of the business to continue operating after the loss of land, Benny Stark Limited was forced to submit an employment conversion request to the City on December 16<sup>th</sup>, 2020.

Following the employment conversion request, we worked closely with City staff to develop a plan for the subject site, which resulted in an application for an Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision on October 21<sup>st</sup>, 2021. The proposed plan shown in Figure 3 closely follows the land use and block pattern set out in the draft OPA 537. A significant public element of the proposed development is a 0.5 ha public park in the northeast corner of the site which matches the proposed open space in OPA 537. Together, the proposed new roads, open space, dedication of Lavender Creek, the park, and the Keele Street/Gunns Road extensions will result in **forty-four percent (44%)** of the site being transferred into public ownership.

The proposed development includes a mix of housing types from ground related townhouses to mid-rise buildings to tall buildings situated on mixed use podiums as shown on **Figures 3 and 4**.



The proposal provides a unique opportunity to rejuvenate an industrial site located immediately adjacent to an existing residential area while providing a variety of housing types, ground related retail and office employment in an emerging transit-supportive community.



**Figure 3: Site Plan**



**Figure 4: Southwest View**

We have worked with City staff and the local Councillor throughout the Keele-St. Clair Local Study process by participating in public meetings and providing formal comments. We thank City staff for the collaborative efforts in facilitating a vision for a vibrant transit-oriented complete community. We are pleased to see the vision and many of the unique design attributes of the proposal integrated into the OPA 537.

We are also pleased to see that OPA 537 provides greater flexibility in the permitted non-residential uses. However, we have three remaining concerns with OPA 537.

### **Non-Residential Use Requirement**

The Recommended Secondary Plan requires a minimum of 1.0 times the developable area or 15% gross floor area of development as non-residential uses for lands within Employment Priority Areas on Map 1(Policy 7.1). In comparison, the application that has been submitted proposes 12% of the gross floor area of the development for non-residential uses.

The City staff have referenced the current employment permission in the Zoning By-law, representing the minimum opportunity cost of converting the lands. However, the 1.0 FSI within the current Zoning By-law reflects the maximum permission, not the minimum, and that maximum has never been able to be realized on the subject site. Despite operating a successful automobile auction house on the subject site, it is operating nowhere near 1 FSI, with a very low FSI of 0.18.

The only way to achieve more intense employment use on the subject site is through a mixed use development where the residential portion of the development helps to subsidize the development of the employment floor space. Subsidizing employment floor area is viable in a successful vibrant mixed use employment area. However, the existing employment area is

neither vibrant nor mixed use. The industrial prominence of the area has considerably waned with only low-intensity industries remaining. With little to no modern industries, the area is a declining employment area.

As such, landowners in the secondary plan area are taking a substantial risk in building highly specialized employment spaces on a speculative basis, as there is no guarantee that there is market demand for this space, especially in the post COVID era, and these spaces could sit vacant for years.

In view of the above, the proposed employment requirement is too onerous and could hinder the viability of mixed-use projects such as the proposed development and negatively impact the viability of the transit and financial investment in infrastructure. This provision is especially onerous for our client who is already dedicating 44% of the subject site to the City. **We request that the requirement for non-residential uses equaling 15% of the gross floor area be reduced to 12%** to ensure the non-residential requirement does not hinder the viability of the project.

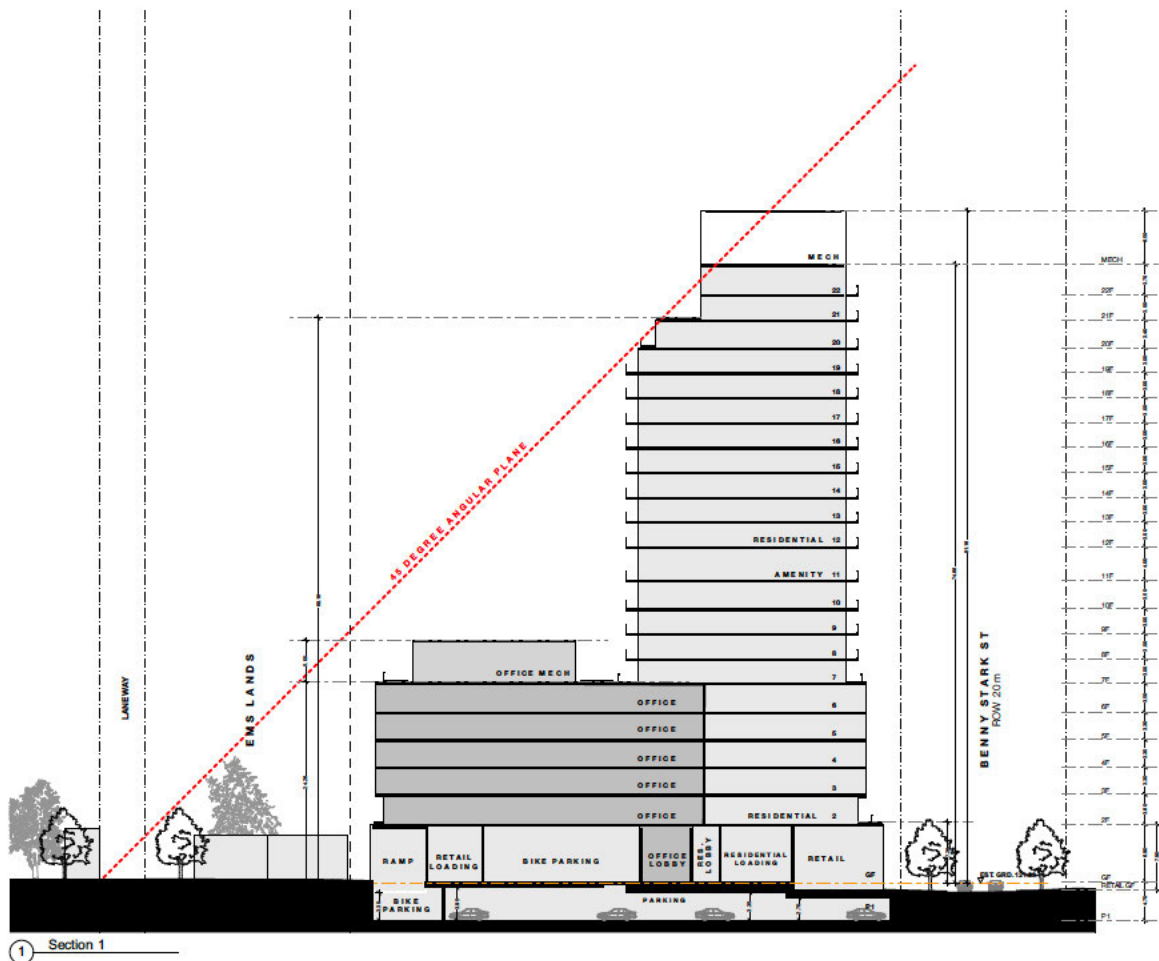
### **Built Form**

The Recommended Secondary plan proposes a maximum building height of approximately 35-storeys for the Station North, Station South, Station West & Station East areas (Policy 8.12). The height limit does not acknowledge that properties including the subject site are within 500 metres of the GO Transit/SmartTrack station and should be encouraged to have higher heights. Transit-oriented densities are vital to maximizing transit users within walking distance of the future St. Clair-Old Weston SmartTrack/GO Station and the St. Clair LRT in order to support the viability of transit and to encourage a shift in travel behaviour.

Higher heights are necessary to be able to subsidize the other requests that the City is asking for from the landowners including lands for road extensions, a 0.5 ha. public park, affordable housing and non-residential floor area. For larger landholding such as the subject site, where additional height can be accommodated without negative impacts on adjacent properties, **we request that heights up to 40-storeys should be permitted.**

### **Transition to Low Rise Neighbourhoods**

OPA 537 has changed its policy language regarding tall buildings adjacent to neighbourhoods from meeting a 45 degree angular planes to maintaining a tower setback equal to the height of the building (Policy 8.5). Our client's application met the 45 degree angular plane requirement for the proposed tower closest to the residential neighbourhood. Although the intent of the new provision is similar, it doesn't allow for terracing of the building to meet the angular plan and results in our proposed building no longer meeting the setback requirement as shown in **Figure 5. We request that Policy 8.5 be deleted**, to encourage terracing of buildings to reduce shadow impacts.




**Figure 5: Angular Plane of Block 4 Adjacent to Neighbourhoods**

Except for the above-mentioned comments, we concur with City staff's recommended OPA 537.

Thank you for your time and consideration.

Yours very truly,  
**SGL PLANNING & DESIGN INC.**

  
Paul Lowes, MES, MCIP, RPP

cc: Steven Dixon, City of Toronto  
Stephen D'Agostino, Thomson Rogers

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Stephen Stark, Benny Stark Limited  
Cesar Palacio