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February 14, 2022

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City of Toronto
Toronto and East York Community Council (“Community
Council”)
2nd Floor, West Tower, City Hall
100 Queen Street West
Toronto, ON M5H 2N2

Dear Councillor Chair Perks and Community Council Members:

**Re: Community Council Agenda Item TE31.12 – Danforth Avenue Planning Study (Segment 2 – Don Valley to Coxwell Avenue) and Urban Design Guidelines
658-668 Danforth Avenue, 654 Pape Avenue, 731 Pape Avenue, 733 Pape Avenue**

We act as solicitors for Del Boca Vista Properties Inc. (“Del Boca”), owner of 658-668 Danforth Avenue, Toronto, located at the north-east corner of Danforth and Pape Avenues (the “Subject Property”). Del Boca and the three adjacent properties namely, 654 Danforth Avenue, 731 and 733 Pape Avenue (the “Adjacent Properties”) may ultimately form part of an assembly for redevelopment and therefore our remarks below should apply equally to those properties.

On behalf of Del Boca, we have reviewed the final staff report entitled “Danforth Avenue Planning Study (Segment 2 – Don Valley to Coxwell Avenue) and Urban Design Guidelines” dated Jan 31, 2022 and the attached recommended official plan amendment, being Site and Area Specific Policy No. xx (the “Draft OPA”). On behalf of our clients, we wish to advise Community Council of our objection to the proposed Draft OPA as presently drafted as it relates to the Subject Property as well as to the Adjacent Properties. We have cursorily revised the draft Urban Design Guidelines, but given our recent retainer, we are not in a position to definitely comment on them until further review, though to the extent they limit the development potential of the Subject Property, and/or the Adjacent Properties, including without limitation, their respective ultimate heights and densities for example, we would be objecting to such guidelines as well.

In our respectful opinion, the documents as proposed do not appropriately recognize the unique transit connectivity characteristics that apply to the Subject Property and the Adjacent Properties (the “Sites”). The Sites are adjacent to the existing TTC Pape Avenue Subway Station, which is the planned interchange station that will connect the TTC Line 2 Bloor-Danforth Subway Line to the new Ontario Line upon completion. We understand that this will be one (1) of only ten (10) interchange stations on the entire TTC Subway network once the Crosstown and the Ontario Lines are complete. As a result, the planning documents if approved unamended would have the potential to frustrate the residential and commercial intensification of the Sites, being the only large site located in the immediate area of planning interchange station and impede the ability to create transit-oriented communities consistent with Provincial Plans. Despite the 10+ billion dollar transit investment the Provincial government is undertaking to create the Ontario Line in Toronto, the City’s planning policy document fails to acknowledge or amplify its significance as it relates, even at a minimum, to the interchange station locations and only makes reference to the future transit line once in the 86 page report. In many ways, the study may be premature without specific attention to these interchange station locations as part of the initial policy overlay as opposed to revisiting it after the fact.

In order to address these concerns, we are respectfully requesting that the Sites be: (i) appropriately identified now for greater intensification by amendment to Staff’s recommendations or through the study of the station locations for greater intensification; or (ii) removed from the purview of the Draft OPA before consideration and adoption by Council. Given the rare mass-transit connectivity of the site, we believe that it would be preferable to establish a planning framework for the site that is responsive to the site characteristics through the site-specific analysis of a development application rather than attempting to impose a development template, through the Draft OPA, that is premised on the more typical configurations of the lots fronting on Danforth Avenue to the east and west.

Comments:

Map 3A



On Map 3A to the proposed Draft OPA, the Sites are shown to be within Policy Area A. Policy Area A regulates heights to not exceed 24 metres, with appropriate rear angular plane transitions to low-rise residential neighbourhoods.

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The vast majority of lots in Policy Area A have typical lot depths of 30-40 metres and back onto designated neighbourhood properties to the rear. In contrast, the Sites have a combined depth of over 62 metres and backs onto a public right of way (Lipton Avenue) to the north and then Pape Avenue Station which are all designated mixed-use. In this respect, with the overlay of the interchange station location on the well positioned and size of the Sites, the Sites have much more potential similar to large scale properties in the Downtown Core or Yonge and Eglinton, for example, which have heights of 40+ storeys.

In our opinion, it is inappropriate to attempt to impose the same development template for a site in the broad Study Area that is drastically different than the majority of other properties in the same Policy Area. Based on our initial review of the staff report and the background studies, there is no apparent planning or urban design rationale for imposing such low heights and densities in this location and the City will be prejudicing a timely opportunity to leverage off of the unique transportation connectiveness of the Sites to fulfil objectives of Provincial Plans.

Map 1

Map 1 identifies the Sites to be within the boundary of an area that requires further study given its adjacency to important transit nodes. The report identifies the importance of this “node” for future opportunities for intensification. In spite of this, the planning report proposes that the Draft OPA and urban design guidelines of Policy Area A will apply to all lands within the boundary area in the interim until a future study is complete without specifying a date for completion. All future site-specific rezoning or minor variance applications therefore will be evaluated using this SASP Policy Area for an unknown amount of time. It is our position that it is inappropriate to limit development potential on the Sites, being ripe for transit-oriented development, for an unknown period of time especially considering the Ontario Line is anticipated to open in 2028 and applications require a number of years of lead time for approvals. By referencing the “future study”, the Draft OPA may exhaust the opportunities for focussed intensification around the key transit nodes, including the Sites, prejudicing any future desired intensification opportunities.

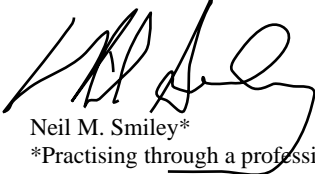
Lastly, the City had the opportunity to study this “node” within the Danforth Avenue Planning Study and it failed to do so. The Ontario Line, formerly known as the Relief Line, has been a proposed TTC line since 1985, with an interchange always planned for Pape Avenue. On March 31, 2016, Toronto City Council approved a Relief Line corridor between Pape Station and Queen Station, and on June 1, 2016 the Provincial government announced \$150 million funding for the future line. For the report to state that the “node” requires further study, is, with all respect, a loss of 8 vital years and might serve to render nugatory the opportunities for such intensification when these “further” studies are conducted.

For the above reasons and such other reasons that may be advanced upon our further review of the Draft OPA and Design Guidelines, it is our respectful opinion that the approach taken in the Danforth Avenue Planning Study does not represent good planning and the Sites should be considered now for increased intensification before the “paint is dry” such that opportunities to maximize intensification opportunities in accordance with Provincial Plans, municipal plans and principles of good planning are not lost. It is our request that: (i) the Draft OPA be revised to reflect higher-order intensification for the Sites; (ii) consideration of the Draft OPA be deferred until planning Staff have incorporated the outcome of their review of the Sites and the area for future study; or (iii) the Sites excluded from the recommended Site and Area Specific Policy xx and the Draft OPA.

We request that you kindly provide us with written notice of any deliberations of Council or City Committees in respect of the Draft OPA.

Yours truly,

FASKEN MARTINEAU DuMOULIN LLP



Neil M. Smiley*

*Practising through a professional corporation

cc. Ellen Devlin, Administrator, Toronto & East York Community Council
Del Boca Vista Properties Inc.