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February 15, 2022

Our File No.: 202440

**Via Email**

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

**Attention: Eileen Devlin, Secretariat**

Dear Sirs/Mesdames:

**Re: TE31.12 - Danforth Avenue Planning Study (Segment 2 - Don Valley to Coxwell Avenue) – Final Report**

We are solicitors for CP REIT Ontario Properties Limited, which is the owner of the properties known municipally in the City of Toronto as 682, 686, 688, 720, 740 & 742 Broadview Avenue (the “**Lands**”). The Lands are comprised of three heritage-listed detached dwellings, an existing Loblaws grocery store, and two house form buildings used for retail, and are located less than 150 metres from the Broadview TTC subway station.

We are writing to provide our client’s concerns in respect of the City-initiated Official Plan Amendment (Site and Area Specific Policy) (“**SASP**”) arising from the Danforth Avenue Planning Study (Segment 2 – Don Valley to Coxwell Avenue) (the “**Study**”) pursuant to the requirements of the *Planning Act*. Urban Design Guidelines (“**UDGs**”) were referenced in the Staff Report but were not included as an attachment. We obtained a copy from City staff on February 14, 2022 and, as such, were unable to complete a detailed review of the UDGs and provide specific comments on same.

**Background**

In August of 2021, our client filed Draft Plan of Subdivision and Official Plan and Zoning By-law Amendment applications for the Lands to permit a 35-storey tower with a 7-storey podium containing 2,090.5 square metres of non-residential gross floor area (“**GFA**”) and 38,035.2 square metres of residential GFA (the “**Proposed Development**”).

Given the Lands’ proximity to important transit nodes and the fact that they will be within the yet-to-be-delineated Broadview TTC station Major Transit Station Area (“**MTSA**”), they can support



significant transit-oriented development to further intensification targets contained within the *Provincial Policy Statement, 2020* (the “*PPS*”) and the Growth Plan for the Greater Golden Horseshoe, 2019 (the “**Growth Plan**”).

The Lands and the area surrounding the Broadview TTC station are distinct from the typical main street condition along Danforth Avenue and other TTC subway stations on Danforth Avenue to the east. Importantly, given their size, the Lands can accommodate significant height and density without negatively impacting surrounding *Neighbourhoods* and requires a different approach compared to the smaller mid-rise focused properties along Danforth Avenue.

In fact, the SASP includes the Lands as being within an idea identified for further study “given their adjacency to important transit nodes” (the “**Broadview Node**”). However, the policies of the SASP, as currently written, will apply to the Lands until the Broadview Node study is complete, and are unduly restrictive given the Lands’ potential for intensification and distinct character of the area.

### **Concerns with SASP**

Our client has actively participated in the planning process with respect to the Study, which first commenced in 2016. Our client’s land use planning consultant, Urban Strategies Inc., filed a comment letter on April 28, 2021 with feedback on draft policies that were publically available at the time, which is appended hereto as Attachment “A”. While we appreciate that the SASP now includes policies regarding Nodes as being distinct areas from the rest of Danforth Avenue, many of their comments from April 2021 have not been satisfactorily addressed.

For the reasons set out below, our client submits that the proposed SASP should not be adopted in its current form and that certain policies should be revised to recognize and facilitate the Proposed Development, which represents a desirable form of intensification immediately adjacent to the Broadview TTC subway station. Simply put, it is premature for the SASP to be approved and apply to the Lands prior to further study being completed with respect to the Broadview Node. Planning for the Broadview Node should occur in tandem with and inform the Proposed Development and the SASP, and not precede it. At the very least, the Proposed Development should be recognized in the SASP.

We would urge the Toronto and East York Community Council to consider the inclusion of a transition provision in the SASP. It would be contrary to established case law to evaluate the Proposed Development pursuant to the SASP, particularly when the Lands have been identified for further study. Instead, it is both fair and good planning to include such a transition provision to ensure that the legal basis for consideration of the rezoning application filed for the Lands follows the well-established principle that an application is entitled to be evaluated pursuant to the policies in force at the time of the application. Inclusion of a transition provision may even eliminate the need for an appeal.



Absent inclusion of a transition provision, our client has the following concerns:

### **General**

The Study Area does not include the entirety of the Lands, specifically the three heritage-designated dwellings at the southern portion of the Lands. As the Proposed Development comprises the entirety of the Lands as one development site, the entirety of the Lands should be included in the SASP. Map 3A is appended hereto as Attachment “B” with the Lands outlined in red.

### **Character**

Policies 1.1 and 2.1 refer to the character of Danforth Avenue and objectives to guide and manage growth and change on Danforth Avenue without mention of Broadview Avenue, on which the Lands front. The character of Broadview Avenue where our client’s lands are located is distinct from the multi-block and consistent main street character of Danforth Avenue. This distinction ought to be considered through the SASP given that the Lands do not front onto Danforth Avenue. If the intent of the SASP is to primarily focus on properties fronting on Danforth Avenue, then the properties on Broadview Avenue should not be subject to the policies in the SASP until further study has been undertaken to reflect the different characteristics.

Likewise, Policy 3.2 does not distinguish between the distinct nature and size of the Lands and the need for further study in the Broadview Node. The Broadview Node can accommodate tall buildings and has a unique relationship to the spatial qualities of the Don Valley that Danforth Avenue does not have. These realities should be recognized in the SASP.

Furthermore, the Lands already contain a wide-fronted Loblaws grocery store and it is our clients intention to continue this use and retail format in the Proposed Development. The mandatory policy language that “the ground floor of buildings will reinforce the prevailing character of narrow-fronted storefronts” is not accurate or appropriate, especially as it pertains to the Lands.

### **Shadows**

The SASP introduces shadow-limiting requirements that are overly prescriptive and would limit intensification on the Lands. Policy 4.3 should be revised to only require that new development adequately limit shadow on public parks and sidewalks.

### **Building Height and Setbacks**

The SASP includes restrictions on height and prescribes required setbacks and setbacks that are overly prescriptive for a SASP and are based on a low- to mid-rise typology contemplated for Danforth Avenue that is not practical for the Lands.



These built form standards should be determined on a site-by-site basis at the zoning by-law stage to account for differences in each site's specific context. At a minimum, different built form standards should apply to the Broadview Node following further study to recognize its distinct character and surrounding context.

Policy 6.1 inappropriately limits height to 24 metres (approximately 8 storeys) in an MTSA and limits retail frontage to 25 metres throughout Policy Area A without distinguishing the unique character of Broadview Avenue from the rest of the area. The Lands currently contain large format retail and the SASP should recognize this existing use which our client intends to continue in the Proposed Development.

## **Nodes**

While the SASP identifies the Broadview Node "for further study" given its adjacency to an important transit node, Policy 8.1 states that the policies in the SASP, which primarily relate to the Danforth Avenue corridor, will apply regardless. It is premature for the policies in the SASP to apply to the Lands until further study has been undertaken. Otherwise, the SASP will create a policy environment that would significantly underutilize the Lands and create an obstacle to achieving appropriate transit-oriented intensification to meet Growth Plan targets.

## **Urban Design Guidelines**

Our client was only able to conduct a brief review of the UDGs as we obtained a copy of same on February 14, 2022. Overall, our client's foregoing concerns with the SASP relate equally to the UDGs in that there is no distinction made between the character of Broadview Avenue apart from Danforth Avenue and how development should proceed in the Broadview Node.

Likewise, the UDGs focus on "narrow retail frontages" and maximum ground floor heights is inappropriate as it relates to the Broadview Node, and the shadow guidelines are overly prescriptive and will unduly limit development of the Lands.

## **Conclusion**

We respectfully request that the SASP and UDGs be referred back to City staff for further consultation with area stakeholders including our client so that their concerns can be implemented through revisions to the SASP and UDGs prior to City Council's consideration of same.

In addition, we would appreciate this letter being treated as our client's request for notice of any decision made in respect of both the SASP and UDGs.



Thank you for the opportunity to make our client's views known. Should you have any questions or require more information, please do not hesitate to contact me or our associate Zachary Fleisher.

Yours truly,

**Goodmans LLP**

A handwritten signature in blue ink, appearing to read "DB/".

David Bronskill

DB/

cc: Client  
Inger Squires, Urban Strategies Inc.

April 28, 2021

Paul Mule  
Toronto City Hall  
100 Queen St. W.  
Toronto, ON. M5H 2N2

**Re: Danforth Avenue Complete Street and Planning Study**

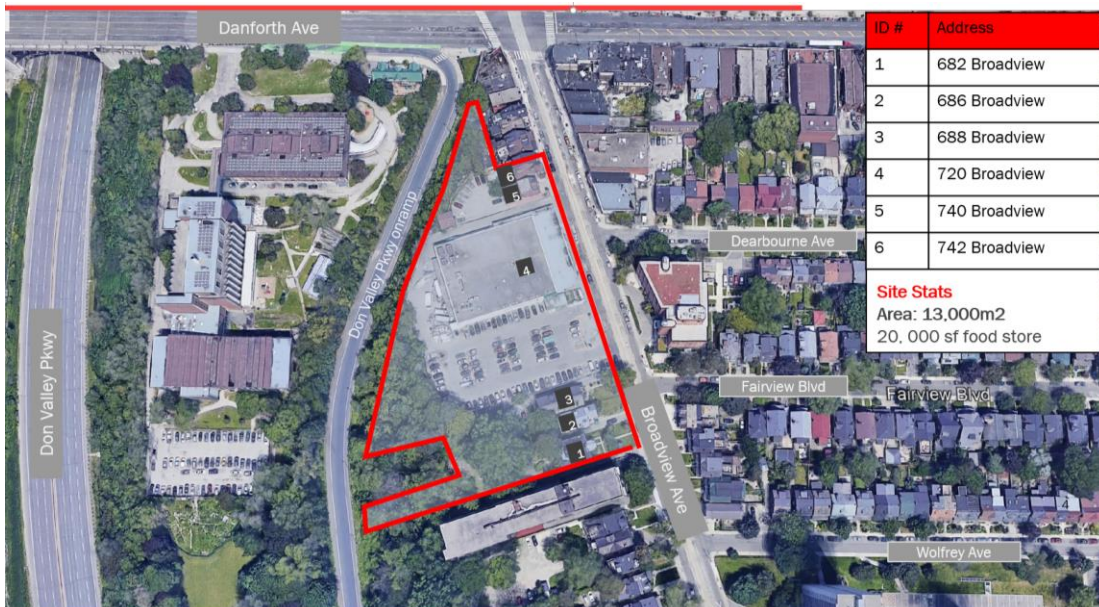
Mr Mule,

We are writing on behalf of Choice Properties REIT ("Choice" or "our client"), owners of 682-742 Broadview Avenue (the "Choice Site" or "Site"), with regards to the Danforth Avenue Complete Street and Planning Study ("the Study").

Choice Properties' land holdings include from north to south, two retail buildings (740 and 742 Broadview), the existing Loblaws Grocery Store and surface parking area (720 Broadview), and three residential buildings (682, 686 and 688 Broadview). Choice considers this entire Site as one future development site (~13,000m<sup>2</sup>).

The purpose of this letter is to provide our Client's feedback with draft policies outlined in the City's publically available materials that would affect the potential redevelopment of the Choice Site.

**The Choice Site**





The Choice Site is an important property within the east end of Toronto. It is a distinct and consolidated large cluster of mixed-use lands located in an important node along the Broadview Corridor at Broadview Station. The Site can support significant transit-oriented intensification to fulfil the MTSA targets and support meeting provincial and municipal obligations. The Site, and this Node of Broadview and Danforth, is distinct from the typical main street condition along the Danforth and the other subway stations on Danforth Avenue east of Broadview Avenue.

The Site has significant access to higher-order transportation options, including the nearby Broadview Station that services TTC Line 2, along with the 504 and 505 streetcars and several bus routes (100 Flemington, 87 Cosburn, 62 Mortimer, and 8 Broadview). The Site will be within the delineation of the Broadview Station MTSA as it is a redevelopment site within 150 metres of Broadview Station.

From a land-use perspective, on Map 18 of the Official Plan, the Site is predominantly designated as Mixed-Use Areas, with portions of the Site designated as Natural Areas and the Neighbourhood. Based on our review of Map 2 of the Official Plan, it is unclear whether the Site or portions of the Site are identified as an Avenue. The houses at 682, 686 and 688 Broadview Ave are listed under the City's Inventory of Heritage Properties, signifying the City's recommendation for them to be included on the Heritage Register. The rear of the Site is also part of a TRCA regulated top-of-slope area. We fully recognize these issues and recognize the responsibility to deal with them in a site-specific application and design exercise.

### **Materials Reviewed**

We have taken the opportunity to review the publically available documents accessed from this [City Planning Study Website](#) and, specifically, the Community Meeting #3 presentation from January 11, 2021. To our knowledge, there is no additional material to be reviewed, but if there is, we would be pleased to add it to our review.

### **Purpose of this letter**

As noted above, Choice considers the entire Site as a future consolidated development site. Most of the Choice site is part of Character Area A, while the three residential properties are outside the boundary (682-688 Broadview). Based on our review of the above-noted materials, Choice would like to provide the following comments and observations on the Study:

### General Comments

- Was there consideration of transit nodes in the Study? The Broadview Station and Pape Station transit nodes should be considered distinct through the Study and considered for additional heights and densities (more below). The Study makes no mention of this distinction.
- Broadview Avenue itself has a different character than Danforth Avenue, as there are several large and tall residential towers fronting onto Broadview Avenue. The west side of Broadview Avenue in this area is unique to the City of Toronto with the Bridgepoint Health Centre, the Montessori complex and Riverdale Park. This key distinguishing characteristic (and asset) is not captured in the Study to date.
- Moreover, the Choice Site on this section of Broadview has a very different character from the rest of the Character Area A "main street" character. Has Planning Staff considered the area west of Broadview as being distinct from the rest of Character Area A?
- The Study does not reference the unique relationship that this stretch of Broadview Avenue has to the Don Valley, which we think is a lost opportunity to reconnect this stretch of Broadview to the Don Valley.
- The Study's proposed height limits of mid-rise buildings (4-9 stories), with no acknowledgement of the unique characteristics of large mixed-use sites in close proximity to higher-order transit stations. Will the Study consider this?

Site-Specific Comments:

- Properties that are part of this Choice landholding (and which would be included in future redevelopment scenarios) are not within the Study boundaries.
- Based on our review, it is our opinion that the Choice Site does not meet the Character Area A descriptions outlined in the City's January 11, 2021 presentation (slides 43<sup>1</sup> and 57<sup>2</sup>). The "main street" character does not extend south down Broadview south of Dearbourne Avenue. The Site is large (13,00m<sup>2</sup>) and consolidated. It has ~140m frontage on Broadview and is very deep (depth varies).
- It is our opinion that the Choice Site is more associated with the transit node at the Broadview-Danforth intersection, or Character Area C (west of Danforth), than Main Street Danforth or Character Area A.
- If the Site stays within the Study, it could be distinguished as a site that may require potential future study (this would be like the TDSB site within Character Area C). As a Large Site, presumably the largest in the study area, it can accommodate significant height and density without negatively impacting the surrounding Neighbourhood. Its

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<sup>1</sup> Slide 43 - Large majority of properties are narrow generally not wider than 7.5m (some double lots 15m or wider). • Most buildings on Danforth Avenue are retail/restaurant/service at grade with residential above. • Vast majority of buildings are 2 or 3 storeys. • Most lots are not built to the maximum permitted density.

<sup>2</sup> Slide 51 - Existing Condition: Generally low rise buildings of 2 to 4 storeys • Majority of lots are narrow < 6 metres in lot width (72%) • Some shallow lots < 30 metres in lot depth • Variety of rear yard conditions such as rear yard-facing-rear yard and rear yard facing-side yard conditions • Some lots do not have public lane access • Majority of existing buildings have ground floor commercial/retail spaces.



redevelopment requires a different approach to planning and built form than the design approach for small mid-rise focused properties along the Danforth. It should be understood as a reurbanization site in the context of a detailed site-specific review/study or development application, likely best-suited outside of this Study. potential future study (this would be like the TDSB site within Character Area C).

### **Major Transit Station Area and Growth Targets**

In addition to the above comments and concerns, we wish to point out that while the Study, as presented to date, notes that the City is "*required to undertake an intensification strategy to satisfy Provincial Growth Plan policies*" (slide 46), little information is provided on the amount of density that can be accommodated within the Broadview Avenue MTSA specifically. Furthermore, it is very unclear whether the built form, as proposed, would allow a sufficient level of development needed to meet the Growth Plan targets. The total number of Gross People and Jobs shown on pg.51 (4,200-8,000 people and 7,200-11,600 jobs) is misleading without providing the per hectare breakdown per MTSA. Is this across the Study Area and the 800m radius around the stations as required under the Growth Plan? Without a thorough MTSA study with supporting data, it remains unclear if the density shown meets the Provincial growth targets for these critical MTSA's. We would be very interested in reviewing this information with City Planning Staff.

Finally, it appears that the Built Form analysis assumes that the entire stretch of Danforth Avenue within the Study Area is developed with 4-9 storey mid-rise buildings. Not only does this seem like underutilization of lands, particularly at key transit stops and intersections, but it also assumes that there will be significant lot consolidation and demolition of the existing built form, including the numerous heritage properties on Danforth Avenue. Both point to a potential scenario of under-planning for the lands around station areas well served by transit. We think that the Choice site is an ideal site for significant transit-oriented development, allowing other parts of the Study Area and MTSA to keep their existing character.

In summary, while we fully understand the reason for the Planning Study, it is our opinion that the Choice site represents a unique development opportunity that needs to be carefully planned. We feel that the Choice Site should be identified as a unique site that may require additional review (outside of this Planning Study, or as a separate focused Study) or be removed from the Study entirely.

We would like to schedule a meeting with Planning Staff at your earliest convenience to discuss the Planning Study in more depth and provide an overview of the preliminary development concepts that have been prepared for the Choice Site.

Thank you for your consideration.

Please provide the undersigned with notice of any further consideration or decision respecting this matter.

Yours truly,

URBAN STRATEGIES INC.



Benjamin Hoff, MCIP, RPP  
Partner



Inger Squires, MCIP, RPP  
Senior Associate

cc. Carly Bowman, Community Planning  
Lynda MacDonald, Community Planning  
David Bronskill, Goodmans  
Joe Svec, Choice Properties REIT

Danforth Avenue Planning Study (Segment 2 - Don Valley to Coxwell Avenue) – DRAFT Official Plan Amendment – Site and Area Specific Policy Number XX

Map 3A



Map 3A Policy Areas

- Study Boundary
- Parks and Open Spaces

- Policy Area A
- Policy Area B
- Policy Area C
- Policy Area D
- Policy Area E

SASP #

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Date Exported: 01/26/2022