



January 26, 2024

Planning & Housing Committee
Toronto City Hall
100 Queen Street West
Toronto, ON, M5H 2N2

Chair Bradford and Members of Planning & Housing Committee:

Re: *TEYCC Item PH9.1 Ready, Set, Midtown: Zoning Revise City Initiated Zoning By-law Amendments for Select Lands Designated Apartment Neighbourhoods - Decision Report - Approval*

We are the planning consultants to Brosko Investments Limited (“Brosko”) with respect to the above-noted matter, and with respect to a number of properties within the Yonge-Eglinton Secondary Plan Area. These include, among others, the properties municipally known as 281, 285 and 287 Eglinton Avenue East (the “subject site”), which are located east of Mount Pleasant on the south side of Eglinton Avenue West, approximately 150 metres from the Mount Pleasant LRT Station.

Brosko is a long-standing owner and operator of purpose-built rental dwelling units in the Greater Toronto Area and have developed and continue to own multiple properties, currently maintaining approximately 1,000 rental units within the GTA including over 400 in the City of Toronto. Brosko has a strong interest in continuing to provide purpose built rental units and has active development applications throughout the City to revitalize and intensify a number of their existing rental properties.

With respect to the proposed zoning by-law amendment for Midtown Apartment Neighbourhoods undertaken as part of *Ready, Set, Midtown* (“the proposed zoning by-law amendment”), and the affected lands, we have reviewed the proposed zoning by-law amendment, and we have a number of concerns, which are described below.

In particular, it is our opinion that certain regulations of the proposed zoning by-law amendment do not appropriately implement the Yonge-Eglinton Secondary Plan and are prejudicial to our client’s development aspirations for the subject site and other impacted lands.

City-wide Zoning By-law 569-2013 currently zones the subject site CR SS2 (x2637), while Diagram 3B of the proposed zoning by-law amendment would rezone the subject site RAC (303), which also requires compliance with Exceptions RAC 300 and RAC 301. Our principal concerns are as follows:

1. Prohibiting office/medical office uses:

Exception RAC 300 (D): "Despite regulation 15.20.20.20(1), an office or medical office is not permitted."

The subject site currently includes an office at 287 Eglinton Avenue East (Brosko's own office). The surrounding block (to be subject to the same exception) also includes a medical office at 289 Eglinton Avenue East (Planet Dentistry). This regulation would prohibit these legally existing office and medical office uses and place them into legal non-conforming status.

It would also limit the ability of a redevelopment of the site to allow these uses to return, even while the City of Toronto Official Plan provides that *Apartment Neighbourhoods* (the designation applying to the subject site) are made up of a range of uses, specifically including office uses that service the needs of area residents. As currently drafted, this regulation would be in conflict with Policy 4.2(1) of the Official Plan.

Recommendation: Delete Exception RAC 300 (D) in its entirety.

2. Maximum Building Height:

Diagram 4B, which applies a height label of "HT 48 ST15" to the subject site.

With respect to building height, the proposed modification to the Height Overlay would not realize the full potential of the Yonge-Eglinton Secondary Plan. The proposed modification would permit a maximum building height of 48.0 metres and 15 storeys, whereas the Yonge-Eglinton Secondary Plan contemplates greater heights and additional housing.

Specifically, Secondary Plan Policy 5.4.3© provides that the anticipated height range for the Eglinton East Apartment High Street Character Area, which applies to the subject site, is 8 to 12 storeys, with the exception of the lands within approximately 250 metres of the Mount Pleasant LRT Station, within which heights of generally 15 to 20 storeys are anticipated. The subject site is located approximately 150 metres from the Mount Pleasant LRT Station and would therefore benefit from the anticipated height range of 15 to 20 storeys. We note that, unlike some other character areas, there is no policy direction for a gradual decrease in height away from the station. Diagram 4B proposes to apply a height label of "HT 63 ST 20" to the lands to the northwest, including lands that are the same distance from the LRT station as the subject site. However, there is no

direction in the Secondary Plan to differentiate between these lands and to consider them differently from a height perspective.

Further, in our experience, 48.0 metres may not be sufficient to achieve a building height of 20 storeys. With tall building ground floor heights often required to be up to 7.0 metres, and assuming 3.0 metre residential floors above, the proposed 48.0 metre height would only allow for 14 floors, or a compromised ground floor height may be required to achieve more storeys. Similarly, the 63.0 metre height may only permit a height of 19 storeys, rather than 20.

Given the subject site's Secondary Plan direction and the density targets established in the draft Mount Pleasant Protected Major Transit Station Area (SASP 680), which includes the subject site, it is our opinion that the proposed zoning by-law amendment should seek to optimize density on the subject site, in conformity with the policy framework.

Recommendation: Modify Diagram 4B to apply a height label of "HT 64 ST 20" to the subject site.

3. Restrictive/perspective setbacks

In summary, the setback and tower stepback provisions in the proposed zoning by-law amendment would preclude a tower from being constructed on the subject site and constrain the development of any towers within this block. This is in conflict with the Yonge-Eglinton Secondary Plan and even the proposed zoning by-law amendment's directions for a 15- to 20-storey tower on this block.

As discussed below within this section, the proposed requirements of a 6.0 metre front yard setback, 7.5 metre rear yard setback, 15.0 metre rear and side tower setbacks, and required 3.0 metre tower stepbacks, would leave only a 6.0 metre north-south width for a potential tower on the subject site, given the site's 30 metre north-south depth. In our experience, the minimum required tower width for a typical double-loaded tower floorplate is in the range of 18.0 metres, far exceeding what the proposed performance standards would allow on the subject site, without the need for a significant amount of land assembly along the side streets.

Exception RAC 300(K): The required minimum street yard setbacks are: (i) 6.0 metres.

In our opinion, 6.0 metres is overly prescriptive in comparison to the Yonge-Eglinton Secondary Plan which provides in Policy 1.3.4(c) that the Eglinton East

Character Area is characterized by “distinct, mid-century mid-rise pavilion buildings and apartment towers, generously set back from streets and other buildings.” With respect to the subject site, given that the curb in front of the site is located approximately 3.4 metres from the property line, a minimum setback in the range of approximately 1.4 to 2.6 metres for the first storey only would be more appropriate in order to achieve a curb-to-building-face distance of approximately 4.8 metres to 6.0 metres, generally considered an appropriate and generous sidewalk zone. Limiting this setback to the ground floor only would also allow for additional density to be achieved above, further optimizing the use of site.

Recommendation: Eliminate 6.0 metre front yard setback requirement. Alternatively, reduce it to 1.4 metres, and clarify that it should only apply to the first storey.

Exception RAC 300(U): The required minimum side yard setback and rear yard setback for the portion of the building specified in (S) and (T) is 15.0 metres.

Exception RAC 300(V): Despite regulation 15.20.40.80(1) and (2), if a line projected at a right angle from a main wall of a building intercepts another main wall, the required minimum above-ground separation distance between the main walls for the portion of the building specified in (S) and (T) is 30.0 metres from:

- *another building on the same lot; and*
- *another main wall of the same building.*

The intent of the above regulations is to ensure appropriate separation between towers, specifying a 30 metre separation between towers or 15.0 metres to a side or rear lot line. However, the Tall Building Design Guidelines recommend a tower separation of 25 metres, and there are multiple examples of 20 metre separation distances between towers or 10 metre tower setbacks approved in the Yonge-Eglinton Secondary Plan Area, including 50-90 Eglinton West (20 metre tower separation) and 150 Eglinton Avenue East (10 metre west tower separation).

Further, with respect to the subject site, the rear of which is designated Residential by Zoning By-law 569-2013 there is little rationale to provide a 15.0 metre rear yard tower setback given that a tower is not anticipated in the Residential zone. In our opinion, (U) and (V) should be revised to clarify that the required setbacks are to be taken from other potential tower sites only.

Recommendations: Revise (U) to replace “15.0 metres” with “12.5 metres”, and (V) to replace “30.0 metres” with “25.0 metres”, and revise both to exclude side yard and rear yard setbacks from the Residential zone category from these provisions.

4. Unit Mix

Exception RAC 300(BB): A building containing 80 dwelling units or greater must comply with the following:

- (i) a minimum of 15 percent of the total number of dwelling units in a building must contain two bedrooms;*
- (ii) a minimum of 10 percent of the total number of dwelling units in a building must contain three or more bedrooms; and*
- (iii) in addition to the requirements of (i) and (ii) above, an additional 15 percent of the total number of dwelling units in a building must include a minimum interior floor area of 87 square metres;***
- (iv) for the purposes of applying i), ii), and iii), dwelling units that are required to be replaced, including pursuant to Section 3.2.1.6. of the City of Toronto Official Plan and/or secured through s.111 of the City of Toronto Act, are excluded from the above calculation;*

Yonge-Eglinton Secondary Plan Policy 7.1 provides that, to achieve a balanced mix of unit types and sizes, and to support the creation of housing suitable for families, development containing more than 80 new residential units will include:

- a. a minimum of 15 per cent of the total number of units as 2-bedroom units;
- b. a minimum of 10 per cent of the total number of units as 3-bedroom units;
- c. an additional 15 per cent of the total number of units will be a combination of 2-bedroom and 3-bedroom units, or units that can be converted to 2-bedroom and 3-bedroom units through the use of adaptable design measures.

Regulation RAC 300(BB) would implement (a) and (b) above with subclauses (i) and (ii), respectively. However, (c) does not implement (iii), as (c) does not require any specific unit sizes, and allows for the flexibility to use adaptive design measures to reach the additional 15 percent. No rationale is provided for this in the associated staff report. In our opinion, this regulation should be revised to more closely reflect the relevant policy.

Recommendation: Revise (BB)(iii) to read: *“in addition to the requirements of (i) and (ii) above, an additional 15 percent of the total number of dwelling units in a building must contain two or more bedrooms, or be dwelling units that can be*


converted using accessible or adaptable design measures into any combination of two and three bedroom dwelling units.”

5. Other Issues

In addition to the significant issues raised above, Brosko also has concerns about Regulation B in Exception RAC 300, with respect to minimum landscaping and whether 40% landscaping and 65% of that as soft landscaping is achievable given the other constraints introduced in the proposed zoning by-law amendment. Further, we note that Regulation E in Exception RAC 300 should be revised to reflect the recent settlement on similar language in the CR zone to exclude additional areas from this provision.

Thank you for your consideration of these comments. If you require any clarification or wish to discuss these matters further, please do not hesitate to contact the undersigned or Paradise McDaniel, Planner, of our office.

Yours truly,
Bousfields Inc.



Mike Dror, MPL, MCIP, RPP