



January 26, 2024

Via Email: phc@toronto.ca

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

Attention: Nancy Martins, Committee Administrator
Members of Council

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file # 47087-6

**Re: Item PH9.1 - Ready, Set, Midtown: Zoning Review - City Initiated Zoning By-law Amendments for Select Lands Designated Apartment Neighbourhoods
Planning and Housing Committee Meeting
Statutory Public Meeting - January 29, 2024**

We are the solicitors for the Greater Toronto Apartment Association (the “**GTAA**”). The GTAA represents the multifamily, purpose-built rental housing industry. The GTAA’s membership is comprised of hundreds of companies that own and manage in excess of 150,000 purpose-built rental apartment units across greater Toronto, with the vast majority in the City of Toronto. On behalf of the GTAA, we are writing to provide comments on the City’s proposed Zoning By-law Amendment to City of Toronto Zoning By-law 569-2013 (the “**Zoning By-law**”) for select lands designated *Apartment Neighbourhoods* in the Yonge-Eglinton Secondary Plan as part of the Midtown Zoning Review.

Background

Official Plan Amendment 405 (“**OPA 405**”) for the Yonge-Eglinton Secondary Plan (the “**Secondary Plan**”) was approved by Toronto City Council in 2018 and the Minister of Municipal Affairs and Housing subsequently issued his decision approving OPA 405 on June 5, 2019. The Minister’s decision included several modifications to the City-approved plan. Since then, the City has undertaken the Midtown Zoning Review to implement the policies of the Secondary Plan through zoning.

We have reviewed the “Recommended Zoning By-law Amendment for Select Lands Designated Apartment Neighbourhoods”, and the GTAA is concerned that certain provisions for lands in the Residential Apartment (“**RA**”) Zone are unnecessarily restrictive and would prevent intensification within the Secondary Plan, contrary to the approved Secondary Plan and

provincial policies and plans. In particular, our client is concerned that the minimum landscaping requirements, tower separation distances, and mix of dwelling unit types will significantly limit the potential for redevelopment.

Minimum Landscaping Requirements

The proposed zoning by-law proposes that a lot in the RA Zone have a minimum of 40% of lot area as landscaping, 65% of which must be soft landscaping. While a slight reduction from the historic landscape requirement in the RA Zone, this standard continues to reflect a vision of a 'tower in the park', negatively impacting opportunities for intensification.

Minimum Tower Separation Distances

The draft by-law proposes minimum side yard and rear yard setbacks and minimum on-site separation of tall buildings to achieve a minimum separation of 30m between tall buildings. These requirements apply to portions of a building above the fourth storey or above 15m tall. A 30m minimum separation distance requirement was initially included in the City-approved Secondary Plan, but deliberately removed through the Minister's modifications. The City's existing Tall Building Guidelines provide for a minimum separation distance of 25m, which has been reflected in other Secondary Plans and by-laws. In many cases, less than 25m separation between tall buildings has been found to be acceptable. Imposing a greater separation distance for tall buildings than elsewhere in the City compounds the obstacles for redevelopment and intensification.

Dwelling Unit Type Requirements

The draft by-law requires that buildings containing 80 dwelling units or more must contain: a minimum of 15% of total dwelling units as 2-bedroom units and a minimum of 10% of total dwelling units as 3-bedroom units. In addition to these requirements, a minimum of 15% of total dwelling units must have a minimum interior floor area of 87 square metres. The zoning by-law amendment states that rental replacement units are to be excluded from these calculations.

The City-approved Secondary Plan originally included minimum interior floor area requirements of 87 square metres and 100 square metres for 2- and 3-bedroom units, respectively; again, these requirements were removed through the Minister's modifications following concerns from stakeholders. Excluding rental replacement units from this calculation significantly increases the costs of redevelopment for existing apartment buildings, negatively impacting the potential to achieve any meaningful intensification with the RA zone, despite the location within and proximate to major transit station areas, contrary to the Provincial Policy Statement 2020 and A Place to Grow: Growth Plan for the Greater Golden Horseshoe.

We request written notice of all further meetings and decisions related to this item. Please provide such notice to the undersigned.

Yours truly,

Cassels Brock & Blackwell LLP

A handwritten signature in black ink, appearing to read "S. Leisk". The signature is fluid and cursive, with a large initial "S" and a distinct "L" and "E" followed by a period.

Signe Leisk
Partner

SL/OA
cc: Daryl Chong, GTAA