

January 22, 2025

Our File No.: 203051

Via Email

City Council
Toronto City Hall
100 Queen Street West
Toronto, ON M5H 2N2

Attention: Nancy Martins, Planning and Housing Committee Administrator

Dear Mayor Chow and Members of Council:

**Re: Planning and Housing Committee Item No. PH18.2
Proposed City-Initiated Official Plan Amendment No. 788
ReNew Golden Mile Municipal Class Environmental Assessment**

We are the solicitors for BRL Realty Limited (“**BRL**”), the owner of lands known municipally in the City of Toronto as 1474 Victoria Park Avenue (the “**BRL Lands**”).

The BRL Lands are under-utilized, consisting of a small commercial building and a surface parking lot associated with an Avis/Budget rental car business. The BRL Lands are currently designated *Avenues* and *Mixed Use Areas*, and are subject to Site and Area Specific Policy No. 400 (“**SASP 400**”) which was adopted following the completion of the O’Connor Drive Avenue Study in 2012. Although SASP 400 provides policy direction to guide new development on the BRL Lands, it predates the Eglinton Crosstown LRT and is therefore significantly outdated in respect of current provincial and municipal planning policies for transit-supportive development.

We have reviewed the staff recommendation report dated January 9, 2025 (the “**Staff Report**”) and we are writing on behalf of BRL to provide comments in respect of proposed City-initiated Official Plan Amendment No. 788 (“**Proposed OPA 788**”), which would amend SASP 400 by introducing a new policy that would apply to certain properties within the vicinity of the existing intersection of Victoria Park Avenue and O’Connor Drive, including the BRL Lands.

While there are aspects of Proposed OPA 788 that are reasonable, as currently drafted it is far too rigid in its application. It would require eight separately-owned properties to be consolidated into single ownership, which is both unrealistic and inappropriate. Moreover, Proposed OPA 788 fails to provide a meaningful and contemporary transit-supportive policy framework to guide the redevelopment of the lands framing this important gateway intersection situated less than 200 metres from the new O’Connor LRT Station.

Golden Mile Secondary Plan Appeal

When City Council adopted Official Plan Amendment No. 499 (“**OPA 499**”) to establish the new Golden Mile Secondary Plan (“**GMSP**”) in October 2020, the BRL Lands (and other lands on the west side of Victoria Park) were included within the plan area. However, the adopted GMSP failed to refresh the policy framework for the lands west of Victoria Park, as it instead simply incorporated by reference the stale policy framework in SASP 400, notwithstanding that the entire foundation for SASP 400 was proposed to change through the realignment and reconfiguration of O’Connor Drive (as reflected in all of the schedules of the adopted GMSP, despite the fact that the ReNew Golden Mile Municipal Class Environmental Assessment (the “**EA**”) was still years away from completion).

As explained by BRL prior to adoption, the proposed realignment and reconfiguration of O’Connor Drive would significantly modify the land use context, street frontage and orientation of the BRL Lands, none of which was accounted for in the GMSP. It did not make sense in 2020, and it continues to not make sense in 2025, for the built form and density permissions applicable to the BRL Lands to be determined with reference to SASP 400 when those policies were fundamentally premised on the BRL Lands having frontage on a designated Avenue and being located at a “Key Intersection”, which would no longer be the case once O’Connor Drive is realigned and reconfigured, as now formally recommended through the EA.

The BRL Lands are less than a 5 minute walk from the new O’Connor LRT Station, and squarely within the protected major transit station area (“**PMTSA**”) adopted by City Council pursuant to Official Plan Amendment No. 570 (“**OPA 570**”). As such, they represent a prime opportunity for significant intensification and must be optimized pursuant to the policies of the Provincial Planning Statement. Contrary to SASP 400, this means that new development should not be restricted to mid-rise buildings. The BRL Lands can comfortably accommodate at least one tall building and are ideally suited for such development. Once the GMSP area was expanded to include lands west of Victoria Park (including the BRL Lands), it was incumbent for the City to give serious consideration to the development potential of such lands.

Since the adopted GMSP failed to address the development potential of the BRL Lands, BRL appealed OPA 499 to the Ontario Land Tribunal (“**OLT**”). Although large portions of the GMSP have now come into effect, the BRL appeal has been adjourned (on consent), along with the appeals of other landowners west of Victoria Park, pending the completion of the EA.

BRL Discussions with City Staff

BRL and its planning consultants met with City staff in September 2024 to discuss the pending EA recommendations for the realignment and reconfiguration of O’Connor Drive. During that meeting, we understand that staff advised of their intention to propose an amendment to SASP 400 which would include new policies permitting additional height and density for the affected lands west of Victoria Park (including tall buildings), but only if developed comprehensively.

Proposed OPA 788

Consistent with the comments BRL has provided to the City on numerous occasions, the fundamental problem with Proposed OPA 788 (and with the adopted GMSP) is that the City has not updated the policy framework for the BRL Lands to account for their close proximity to a new higher-order transit station which will (hopefully) soon be operational.

The BRL Lands can comfortably accommodate a high-rise mixed-use redevelopment, with or without the proposed realignment and reconfiguration of O'Connor Drive, and regardless of whether ownership is consolidated. Just as the GMSP has established an appropriate framework for transit-supportive development east of Victoria Park, a similar framework should be created for the lands west of Victoria Park, whether through the GMSP or Proposed OPA 788.

Unfortunately, Proposed OPA 788 neglects to do this, as it only introduces requirements for a Block Context Plan in the event that ownership of the eight distinct properties is consolidated. Otherwise, the existing outdated policies of SASP 400 are proposed to remain in effect. If Proposed OPA 788 is adopted as recommended, it will amount to another missed opportunity.

Proposed OPA 788 is also inconsistent with the accompanying staff report, which states on page 5 that the purpose of the proposed amendment is to “provide policy direction to protect for the lands required for the future O'Connor Drive reconfiguration by *encouraging* consolidation and comprehensive mixed-use intensification of the subject lands” (emphasis added). Despite this stated purpose, the proposed new policy direction goes beyond *encouraging* by instead *requiring* consolidation in order for the affected owners to pursue zoning permissions beyond what is currently contemplated in SASP 400. This implies that the existing policies in SASP 400 (and the associated O'Connor Drive Urban Design Guidelines) remain appropriate to guide development within the GMSP and O'Connor PMTSA in the event that consolidation does not occur, which was not contemplated when SASP 400 was adopted in 2012. Since it is highly unlikely that all eight of the affected properties will be consolidated into common ownership, the proposed policy direction will in all likelihood remain inoperable.

Furthermore, Proposed OPA 788 will not “protect for the lands required” as it cannot prevent the owner of any of the affected lands from moving forward with a development or building permit application. If the City wishes to ensure that the lands will not be developed in a manner inconsistent with the O'Connor Drive reconfiguration, it can expropriate the required lands.

BRL generally agrees that requiring development applicants to submit a Block Context Plan is a reasonable means of ensuring that the future O'Connor Drive reconfiguration can be achieved (or at least accommodated) through the development of some or all of the properties west of Victoria Park, whether such development proceeds on individual sites or through partial or full consolidation.

However, to the extent that new Policy c) would require eight different landowners to consolidate their ownership in order to unlock development permissions that otherwise constitute good planning for their respective lands, this policy is neither practical nor appropriate.

The affected landowners may have differing objectives and a fully coordinated development may not be possible. Therefore, the new policy framework should be flexible enough to address various potential development scenarios, while preserving the City's overall vision for the O'Connor Drive reconfiguration as reflected in the EA. Contextually-appropriate height and density permissions should be identified for the affected lands, consistent with the new GMSP policy framework for the lands east of Victoria Park. Policies of this nature would be much more likely to facilitate a comprehensive approach to development as the yield outcomes would be clearly understood by all affected parties. While consolidation incentives may be appropriate to some degree, the overall land use and development framework must recognize the overarching provincial and municipal policies calling for transit-supportive intensification, and must allow for landowners to proceed on their own volition.

Accordingly, BRL respectfully requests that Proposed OPA 788 be referred back to staff for further consultation with the affected landowners in light of the concerns expressed herein.

Should City Council instead choose to adopt the staff recommendations, BRL will have no choice but to appeal the City's decision to the OLT so that its concerns can be addressed in conjunction with its outstanding appeal of the related policies in the GMSP/OPA 499.

Thank you for considering these submissions and please ensure that we are provided with formal notice of any decision made by City Council in respect of the matters referenced herein.

If anything further is required please do not hesitate to contact the undersigned.

Yours truly

Goodmans LLP



Ian Andres
IA/rr

cc: Peter Amirault, BRL Realty Limited
Michael Testaguzza, The Biglieri Group