

VIA EMAIL

January 22, 2025

ATTN: Nancy Martins, Administrator Planning and Housing Committee
Planning and Housing Committee
Toronto City Hall
100 Queen Street West
Toronto, ON M5H 2N2

Dear Chair Perks and Members of the Planning and Housing Committee

**Re: January 23, 2025 Planning and Housing Committee Meeting
Item PH18.5
Housing Action Plan: Avenues Policy Review – Decision Report
Preliminary Comments on Behalf of Choice Properties REIT**

Our File: CHO/TOR/24-01

We are the planning consultants for Choice Properties REIT (“Choice”), the landowner of a number of properties throughout Toronto and an active member of the development community.

On behalf of Choice, we have been monitoring the Toronto Housing Action Plan initiatives, including the *Avenues Policy Review*. Choice is the landowner of numerous properties within the City of Toronto, including several properties located within existing *Avenues* and *Mixed Use Areas*, and there has an interest in reviewing the proposed policies as an affected stakeholder.

We have reviewed the *Housing Action Plan: Avenues Policy Review – Decision Report* dated January 2, 2025, which is recommending that Planning and Housing Committee (“PHC”) endorse OPA 778 for adoption at City Council.

Having reviewed Draft OPA 778, we offer the following preliminary comments on behalf of Choice.

PRELIMINARY COMMENTS

Comment 1: Significant New Built Form Limitations along Avenues

Draft OPA 778 proposes to delete Section 2.2.3 Avenues in its entirety and replace this Section with a new set of policies.

Draft Policy 2.2.3.3 states:

“To achieve growth and intensification on Avenues, development along Avenues:

- a. will be up to the height and scale of a mid-rise building in Mixed Use Areas and Apartment Neighbourhoods; and,*

b. may go beyond the height and scale of a mid-rise building in Mixed Use Areas when located within a 500 to 800-metre walking distance of an existing or planned subway station, light rail transit station, or GO rail station as shown on Map 4. The greatest height and scale should be focused at the station.”

Draft Policy 2.2.3.3 would have the effect of limiting heights of buildings along *Avenues* that are designated *Mixed Use Areas* and/or *Apartment Neighbourhoods* to maximum heights of “Mid-Rise Buildings”, except in the limited circumstance of also being within a Major Transit Station Area (MTSA). Mid-Rise Buildings are defined in Section 3.1.4 of the OP as having a maximum of 11 storeys, but to “have heights generally no greater than the width of the right-of-way that it fronts onto”, thereby generally being between 4-11 storeys.

The built form requirements for Mid-Rise Buildings are further detailed in the Mid-Rise Building Performance Standards (2010), and include a number of standards pertaining to setbacks, streetwall heights, angular planes etc. We understand that the Mid-Rise Building Performance Standards are currently under review, including the updated Draft Mid-Rise Building Design Guidelines published November 2024, which feature the elimination of angular planes, increased permitted heights of 45 m adjacent to streets of 45 m width, **guidelines for building heights that may exceed the right-of-way width**, among other matters. In our submission, Draft Policy 2.2.3.3 would prevent a “Tall Building”, generally defined as any building taller than the adjacent right-of-way, from being established on any of the *Avenues* outside of a Major Transit Station Area (MTSA).

In our opinion, this is a significant and inappropriate departure from the current Toronto Official Plan policy framework, which generally does not impose height or scale limitations on a City-wide basis for any designations, aside from the *Neighbourhood* height restrictions of four (4) storeys. We suggest that there are appropriate locations along *Avenues* outside of MTSA for buildings that exceed the suggested built form of the Mid-Rise Guidelines. Further, there are numerous examples throughout the City of buildings along *Avenues*, outside of MTSA, that exceed the width of the right-of-way. As such, it is clear that there are instances of properties within *Avenues* and outside of MTSA that are appropriate for buildings that exceed the width of the right-of-way.

In our submission, adopting Draft Policy 2.2.3.3 would seemingly require an Official Plan Amendment (OPA) application for any instance where heights greater than the adjacent right-of-way are sought. Therefore, draft Policy 2.2.3.3 appears to reduce the scale of built form that is permissible on many *Avenues* throughout the City. If adopted, these policies would have a significant impact on the rate at which developments are approved, and new housing units are delivered.

In addition, we note the apparent change in approach on this matter, as becoming substantially more restrictive from what was previously endorsed by PHC at earlier stages of the *Avenues Policy Review*. In the *Housing Action Plan: Avenues Policy Review – Proposal Report* dated February 12, 2024 and adopted February 28, 2024, it was proposed that Avenue typologies be introduced: Main Street Avenue Corridors, Residential Avenue Corridors, and Mixed-Use Avenue Nodes. These were defined as follows:

Main Street Avenue Corridors: Serve a “main street” role by providing the local community with convenient access to a wide range of non-residential uses that supports the development of complete communities and have a vibrant public

realm. These Avenues will expand housing options in existing communities by encouraging a mid-rise built form with flexibility for other built forms where appropriate.

Residential Avenue Corridors: Serve a primarily residential role with opportunities for small-scale retail and service uses to meet most of the daily needs of the local community. These Avenues will enhance the public realm and expand housing options in existing communities by encouraging a mid-rise built form with flexibility for other built forms where appropriate.

Mixed Use Avenue Nodes: Serve as “nodes” by providing the local and wider community with convenient access to a wide range and scale of non-residential uses, including office, institutional, retail and other commercial uses, and have a vibrant public realm. Generally located along Avenues where there are existing/planned high-order transit stations and where two Avenues intersect, these “nodes” will expand housing options in existing communities by **encouraging a tall-building built form with flexibility for a mid-rise built form where appropriate.**

Further, the three (3) proposed typologies were summarized in Table 1 of the February 12, 2024 Staff Report [Figure 1]:

Figure 1: Excerpt from Housing Action Plan: Avenues Policy Review - Proposals Report dated February 12, 2024.

Table 1: Avenues Typology Framework

	Main Street Avenue Corridors	Residential Avenue Corridors	Mixed Use Avenue Nodes
Potential Primary Land Use Designation	<i>Mixed Use Areas</i>	<i>Apartment Neighbourhoods</i>	<i>Mixed Use Areas</i>
Potential Built Form	Mid-Rise	Mid-Rise	Mid-Rise & Tall
Mix of Uses	A range of non-residential uses are strongly encouraged at-grade, with preference for retail and service uses. Unit size and scale should vary.	Small-scale retail and service uses are permitted and encouraged at-grade	Non-residential uses or active uses are required on the ground floors, which should vary widely in size. Larger format commercial and institutional uses are encouraged
Commercial Replacement	Yes	No	Yes

Finally, the criteria for classification of these typologies was summarized in Table 3 of the February 12, 2024 Staff Report [Figure 2]:

Figure 2: Excerpt from Housing Action Plan: Avenues Policy Review - Proposals Report dated February 12, 2024.

Table 3: Avenue Typology Criteria

Main Street Avenue Corridor	Residential Avenue Corridor	Mixed Use Avenue Node
<ul style="list-style-type: none"> There is an existing main street/retail strip OR There is an opportunity to extend an existing main street/retail strip OR The area already serves a commercial role (i.e., Strip Plazas, Malls, etc.) 	<p>The area does not serve a commercial role AND the area is already/or will be served by a proximate Centre, Mixed Use Avenue Node, or Main Street Avenue</p>	<ul style="list-style-type: none"> Two <i>Avenues</i> intersect and there are suitable redevelopment opportunities that can accommodate tall buildings OR Existing/planned MTSA and PMTSAs along an Avenue

Notably, in Table 3, there was clear recognition of the existence of contexts where tall buildings could be appropriate, outside of MTSA in the *Mixed Use Avenue Node* typology, which allowed tall buildings where “two *Avenues* intersect and there are suitable redevelopment opportunities that can accommodate tall buildings.” Further, there was no suggestion at the time that the OP policies would be revised to explicitly restrict height and scale of development, even in instances where a mid-rise built form was encouraged.

Draft Policy 2.2.3.3 diverges from this previously contemplated direction, such that no *Avenue* outside of an MTSA would be permitted for heights above a Mid-Rise Building without an OPA application. Choice is the owner of a number of properties that would have met the prior criteria for tall buildings, yet would now be entirely restricted by Draft OPA 778.

The Provincial Planning Statement, 2024 (PPS 2024), states that planning authorities shall provide for an appropriate range and mix of housing options and densities by permitting and facilitating “all types of residential intensification, including the development and redevelopment of underutilized commercial and institutional sites (e.g., shopping malls and plazas) for residential use, development and introduction of new housing options within previously developed areas, and redevelopment, which results in a net increase in residential units in accordance with policy 2.3.1.3” and “promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation” (S. 2.2.1).

Accordingly, for consistency with the PPS 2024, we suggest that Draft Policy 2.2.3.3 be revised to:

“To achieve growth and intensification on Avenues, development along Avenues:

- a. will be up to the height and scale of a mid-rise building in Mixed Use Areas and Apartment Neighbourhoods; and*
- b. may go beyond the height and scale of a mid-rise building in Mixed Use Areas when located at the intersection of two avenues, other locations as may be appropriate, or within a 500 to 800-metre walking distance of an existing or planned subway station, light rail transit station, or GO rail station as shown on Map 4. The greatest height and scale should be focused at the station.”*

Comment 2: Commercial Replacement

Draft Policy 2.2.3.6 states “Where a development proposal along an Avenue would result in the displacement of existing small businesses and community service providers, including those operated by and/or serving racialized and marginalized populations, the applicant, as part of a complete application requirement in Schedule 3, will demonstrate the following...”. We request clarification as to how “small business” is to be interpreted.

Comment 3: Mandatory Streetscape Elements and POPS

Draft Policy 2.2.3.7 states “To facilitate sustainable, complete communities that are attractive to residents and businesses, Avenues will: ...”, we could suggest that “where appropriate” be added before “Avenues will” to add flexibility where the policies thereafter may not be appropriate under all circumstances.

We would welcome the opportunity to meet with Staff to discuss our comments further. In addition, please kindly ensure that the undersigned is notified of any further step or decision with respect to this matter as well as any further public meetings concerning the Housing Action Plan projects.

Should you have any questions, or require further information, please do not hesitate to call.

Sincerely,

ZELINKA PRIAMO LTD.



Rob MacFarlane, MPL, MCIP, RPP
Senior Associate

cc. Choice Properties REIT (via email)