



May 27, 2026

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

Dear Members of Community Council:

**Re: *Liberty for All Regeneration Area Study – Final Report*
*Item TE33.10 – Toronto and East York Community Council (May 28, 2026)***

We are the planning consultants for BGO on behalf of 2-8 St. Thomas Street LP, with respect to the lands at 25 and 35 Liberty Street, 58 Atlantic Avenue, and 51, 61, and 65 Jefferson Avenue (the “subject site”).

The subject site is within the boundaries of the Regeneration Area Study, located south of Liberty Street, between Jefferson Avenue and Atlantic Avenue. On December 23, 2025, on behalf of our client, we submitted an application for Official Plan Amendment and rezoning (“OPA” and “ZBA”, respectively) to permit a mixed-use development on the subject site. The application was deemed complete on January 7, 2026 and is currently under review.

We have been monitoring the ongoing Regeneration Area Study since 2024. As part of this process, we submitted letters in April 2025 and June 2025, which provided our comments on components of the Study shared at the City’s landowners meeting (March 2025) and the first Community Consultation Meeting (April 2025). Following the second Community Consultation Meeting and Design Review Panel presentation (November 2025), we submitted a second letter in April 2026 in response to the draft policies. These letters have been attached as **Attachment 1**.

We have reviewed the draft new Garrison Common North Secondary Plan Site and Area Specific No. 3 policies arising from the Liberty for All Regeneration Area Study attached to the May 11, 2026 staff report, which will be considered by Toronto and East York Community Council on May 28, 2026 (Item TE33.10).

We want to thank staff for their collaborative efforts throughout the Regeneration Area Study process. While we appreciate the revisions made by City staff, we continue to have concerns with some of the draft policies, specifically with respect to land use, public realm, streets and sidewalks, and heritage, as expressed in our previously submitted letters. These are summarized below.

1. Land Use

While we appreciate that the non-residential gross floor area (“GFA”) requirement has been reduced from 45% to 15% (and 20% following the Ontario Line being operational to Exhibition Station), we continue to have concerns with this minimum requirement and the related policies.

Draft Policy 2.1(b) provides that development should demonstrate that non-residential GFA is both “maintained and enhanced”. This language may suggest a requirement for non-residential replacement on an individual site basis and should be revised or deleted given the policy direction in Section 2.2 that focuses instead on a minimum percentage.

In this regard, while the draft language in Policies 2.3 and 2.4 provides that the City may reduce minimum requirements for the provision of affordable housing or non-residential uses, greater certainty would be appreciated (i.e. that the requirements will be reduced if additional non-residential uses or affordable housing are provided).

For these reasons, Policy 2.5, which would increase the minimum non-residential GFA requirement to 20% upon completion of the Ontario Line, is also problematic, given that: it is unclear that the Ontario Line’s opening would support such an increase; in the absence of appropriate transition provisions; and given the concerns we have already raised with even a 15% non-residential requirement..

As outlined in our previous letters, it is our observation that any minimum percentage of non-residential uses would require “stacking” of residential and non-residential uses within a single building, which on compact urban sites produces specific built form outcomes which are not economically viable. There are few examples of such extensive stacking existing or proposed. Therefore, these policies may sterilize sites from future development, precluding creative and beneficial outcomes that might have otherwise been achieved under a more flexible set of policies.

Over the last two years, the City has approved numerous Minor Variance and Zoning By-law Amendment applications to reduce minimum non-residential requirements within the downtown core, due to the challenges associated with accommodating large non-residential requirements within mixed-use buildings. The City’s own Office Needs Assessment validated this direction. Pursuing an outdated policy direction again in Liberty Village will either discourage investment and redevelopment, or trigger unnecessary Official Plan Amendment, Zoning By-law Amendment, and/or Minor Variance applications to remove or reduce non-residential requirements.

It continues to be our opinion that the land use policies should be sufficiently flexible to permit a mix of uses that appropriately responds to the built form and market conditions of the local neighbourhood. For the reasons stated in our previous letters, the inclusion of a prescriptive non-residential GFA requirement precludes creative and beneficial outcomes, does not account for both current and future market realities, and fails to benefit from the conclusions of the City's Office Needs Assessment.

2. Affordable Housing

With respect to affordable housing, we continue to have concerns with the proposed policy for the reasons set out in our previously submitted letters. In our opinion, the affordable housing terms should follow those set out in the Provincial regulation that governs Inclusionary Zoning, where it is applicable, including the percentage of affordable housing and the affordability term. The proposed affordable housing policies exceed the Provincial regulation both in terms of the percentage and the term and, accordingly, would place an added burden on development in Liberty Village which will serve to discourage, rather than encourage, redevelopment.

3. Public Realm – Mid-Block Connections

The laneway south of the subject site continues to be identified as an “Existing Mid-Block Connection” on Map 4: Public Realm Plan and Map 5: Liberty Loop, which is intended to provide extensive pedestrian and cycling facilities.

As noted in our April 2026 letter, while the laneway will be improved to increase pedestrian safety as part of our client's development proposal, it is required to function as a servicing corridor for the proposed development and, potentially, for any future development for the two properties to the south. The applicable policies should explicitly recognize this primary function.

4. Streets and Sidewalks

The draft policy language provides that sidewalks and boulevards will be designed to achieve a minimum width of 6 metres, where appropriate. We recommend that this language be revised from “will be designed [...], where appropriate” to “will be encouraged” to provide more flexibility, while achieving the intent of the policy.

Furthermore, we recommend that the draft policy language be explicit that the 6.0 metre dimension pertains to the “sidewalk zone” (i.e. measured from building face to curb including tree planting and landscaping), and not to the sidewalk dimension alone.

Draft Policy 4.5 provides that Atlantic Avenue, Liberty Street and Jefferson Avenue are “priority streetscape improvement streets”; however, this is not a defined term.

Accordingly, we request that more clarity be provided about what a priority streetscape improvement street would entail.

The draft policy language also provides that, where possible, existing remnants of rail spurs within the public right-of-way should be retained as a component of the area's industrial character. These rail spurs are identified on Map 8.

We note that similar directions had been recommended in the companion Cultural Heritage Resource Assessment, which identified rail spurs in front of and adjacent to the subject site, which are not identified on Map 8. We request confirmation that there were not historical rail spurs in front of or adjacent to the site. If there are or were, we recommend that the draft policy include more flexibility by replacing "where possible" with "where appropriate" to recognize situations where rail spurs are uncovered and retention is possible, but would conflict with other public realm improvement objectives of the SASP and the Liberty Village Public Realm Strategy.

5. Heritage

Proposed heritage policies provide that development on or adjacent to "heritage properties" will require a site-specific approach that conserves their cultural value and achieves contextually appropriate solutions.

While the subject site includes a designated heritage building, we have concerns with the general principle that all properties identified as "built heritage features" on Map 8: Cultural Heritage Landscape Map be treated as "heritage properties", regardless of whether they have been designated or listed, or merely identified as properties that have potential heritage value, to be confirmed one way or the other through a Cultural Heritage Evaluation Report (CHER).

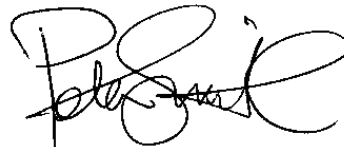
Thank you again for the opportunity to provide these comments.

Yours very truly,

Bousfields Inc.



Mike Dror, RPP, MCIP



Peter F. Smith, RPP, MCIP

cc: *Ryan Moore & Brad Caco, BGO*
Willie Macrae and George Pantazis, City of Toronto – Community Planning

Attachment 1:
April 27, 2026, June 18, 2025 and April 23, 2025 Commenting Letters



April 27, 2026

George Pantazis, Senior Planner
Development Review Division
Community Planning, Toronto & East York District
City of Toronto
100 Queen Street West
Toronto, ON M5H 2N2

Dear Mr. Pantazis,

**Re: *Liberty for All Regeneration Area Study
Comments for Consideration (Letter No. 3)
BGO & 2-8 St. Thomas Street LP***

As you are aware, we are the planning consultants for BGO on behalf of 2-8 St. Thomas Street LP, with respect to the lands at 25 and 35 Liberty Street, 58 Atlantic Avenue, and 51, 61, and 65 Jefferson Avenue (the “subject site”).

As you are aware, we have been monitoring the ongoing Regeneration Area Study since 2024. The purpose of this letter is to provide additional comments on the emerging directions from the ongoing study coming out of the Design Review Panel session on November 19th, 2025 and the second round of Community Consultation Meetings on November 18th and 20th, 2025.

This letter builds on the comments found in our previous letters dated April 23, 2025 and June 18, 2025, which have been attached for your convenience as **Attachment 1**. While we continue to support the overall direction of the Secondary Plan study and are excited to see the final outcomes of the Study, we have some additional comments and questions based on the recent Design Review Panel presentation and Community Consultation Meetings that relate to land use, mid-block connections, built form, community services and facilities, affordable housing, heritage, infrastructure and sustainability, and general language of the draft policies.

Additional Regeneration Area Study Comments and Questions

- **Land Use – Non-Residential GFA Requirement:** We understand that the City has retained N. Barry Lyon Consultants (NBLC) to conduct the economic study, which has now been completed. We encourage the City to share the results of the economic study as soon as possible so that we can review in detail, including with BGO’s market consultant, urbanMetrics. We continue to request that the 45% non-residential gross floor area (“GFA”) requirement that

was included in the settlement of Official Plan Amendment No. 231 (“OPA 231”) be reduced and/or that flexibility be provided to enable the non-residential requirement to be satisfied in a variety of different ways, such as the provision of community centres, POPS and affordable housing.

In this regard, the SASP arising from the OPA 231 explicitly recognizes that the 45% policy could be amended through work to be undertaken as part of the Secondary Plan study. As expressed in our previous letters, the non-residential GFA requirement policies in the proposed Secondary Plan/SASP should be flexible and recognize today’s market realities. As demonstrated in the market study undertaken by urbanMetrics, imposing a 45% non-residential GFA requirement presents a significant issue in a market with significant non-residential vacancy rates and which has undergone systemic shifts in the nature of work.

It is also important to emphasize that, in addition to market considerations, there are practical/functional limitations to achieving a substantial percentage of non-residential GFA as part of new tall building development. While non-residential uses can typically be achieved on the lower floors of buildings, upper-level non-residential space is more difficult to achieve, particularly in the absence of a strong office market. In particular, the “stacking” of uses is likely not financially feasible. While 2 to 3 floors of non-residential space may be achievable in a 50-storey building, a building with, for example, 28 residential floors and 22 non-residential floors (i.e. a 45% non-residential split) is not, again, particularly in the absence of a strong office market. The requirement for a specific non-residential percentage can therefore act as a disincentive to creating more housing because additional residential GFA triggers the requirement for additional non-residential GFA. In the worst case, if the percentage is set too high, it could make redevelopment uneconomic, contrary to the planning objectives for regeneration of the area, transit-supportive intensification and creation of new housing supply.

Further, we note that a minimum non-residential component in Liberty Village will still be achieved given the presence of recently-approved and constructed 100% non-residential developments such as 99 Atlantic Avenue and 60 Atlantic Avenue. In our opinion, the City’s objective should be achieving a reasonable non-residential component in the area as a whole, rather than focusing on individual sites. In this regard, we note that the proposed *Mixed Use Areas* designation specifically permits a broad range of commercial, residential and institutional uses, “in single use or mixed use buildings”.

As a technical matter, we note that the presentation package shared at the November 18th and 20th Community Consultation Meeting indicated that

“Economic Development staff have advised NBLC that Liberty Village accounts for 15% of the City’s total jobs”. This is incorrect - the percentage is in fact less than 1%. The City’s Employment Survey 2024 indicates a total of 1,600,300 jobs, of which 13,340 are located in Liberty Village (or about 0.8%).

In summary, we recommend that this policy be modified to an “encouragement” policy to allow for additional market flexibility, that the required percentage be reduced and/or that flexibility be provided to enable the non-residential requirement to be satisfied in a variety of different ways.

The emerging direction for Land Use also speaks to “protecting non-residential uses that are currently in Liberty Village”. Will there be any policies in the Secondary Plan/SASP that relate to this? If so, we would appreciate the opportunity to review.

- **Mid-Block Connections and the “Liberty Loop”**: The concept of the ‘Liberty Loop’ is new and incorporates the public laneway to the south of the subject site as an “existing mid-block connection”. This laneway will be utilized for loading, servicing and parking garage access for our client’s development and potentially for future development on the lands on the south side of the laneway. Although a pedestrian sidewalk has been provided along the north side of the laneway as part of the proposed development, we would continue to discourage heavy pedestrian traffic in this area due to potential safety conflicts. At a minimum, we would recommend that the proposed policies recognize and appropriately balance the need for back-of-house uses with improvements to the public realm.
- **Mid-Block Connections**: The draft policy provides that mid-block connections should be soft landscaped where possible to contribute to the microclimate. While some soft landscaping may be appropriate in mid-block connections, we would recommend encouraging soft landscaping, rather than requiring it where possible, as mid-block connections can serve various purposes, such as pedestrian circulation, pedestrian spillover space, activation zones for active uses (e.g. patios), among other things. As demonstrated in the OPA/rezoning application for the subject site, a hardscaped mid-block connection can appropriately activate a development while soft landscaping can be achieved in other locations such as a POPS or within the public boulevard surrounding the site.
- **Built Form – Views**: The proposed view corridors are new and we have reservations about the draft policies related to maintaining these views, which can severely limit the potential for creative renewal on some properties, while leaving other sites unencumbered. Such policies may mean trade-offs between

preserving aesthetic condition over other important city-building goals and prejudicing some land owners over others.

In our opinion, strict policies related to the protection of view corridors do not take into consideration the needs of a growing city, particularly in a regeneration area like Liberty Village, where views are dynamic and new view opportunities can be created through new development.

Other cities such as Vancouver have recently, in July 2024, adopted staff recommendations to remove or amend view cones in the city, which traditionally protected mountain views, in response to a need to provide additional housing opportunities. By including draft policies related to maintain views, we could be implementing policies that unintentionally preclude development.

- **Build Form – Shadows:** While we appreciate the draft policy language which provides that development “*should*” have towers in a north-south orientation to limit shadow impacts on the public realm, we continue to express that shadow-related policies should allow for an appropriate balancing of intensification objectives with built form impacts, recognizing that incremental shadow impacts are to be anticipated in any urban context, particularly one where significant intensification is anticipated. We recommend revising the draft policy language from “limit shadow impacts” to “adequately limit shadow impacts”, similar to the parent Official Plan policies.
- **Community Services and Facilities:** We would like to review the City’s draft Community Services and Facilities Study when it is available, as we are interested in what community facilities the City has determined are most needed, including their sizes and optimal locations.

The draft policies note that “community services and facilities shall be provided in the first phase of any phased development” (our emphasis). In our opinion, the proposed policies should provide some flexibility as there may be a scenario where this is not feasible, particularly in the Liberty Village context that includes many other objectives, such as heritage conservation.

- **Affordable Housing:** As expressed in our previous letters, it continues to be our opinion that, although the OPA 231 affordable housing requirements do not constitute inclusionary zoning (IZ) subject to O. Reg. 54/25, the affordable housing policies within the Secondary Plan/SASP should follow a similar approach. IZ should apply to secure affordable housing, where it applies. The additional requirement further impacts the ability to provide market housing and would make development in Liberty Village less attractive and less feasible compared to areas not subject to an affordable housing requirement.

Additionally, Community Benefit Charges (CBC) can be used to secure affordable housing as an in-kind contribution.

Furthermore, we note that the Province has further amended its inclusionary zoning regulation (O. Reg. 232/18) through O. Reg. 15/26 to pause the application of IZ in Toronto, exempting developments with OPA/rezoning applications filed prior to July 1, 2027. While we recognize the importance of delivering affordable housing, the affordable housing requirements are not aligned with the development industry's ability to deliver any housing in the current challenging housing market.

We recommend that the Secondary Plan/SASP follow a similar approach and ensure that any IZ-like affordable housing requirements, such as those currently proposed, are encouraged, not required. An alternative or additional policy direction could include encouraging the provision of affordable housing through in-kind community benefit charge contributions.

- **Heritage:** We are supportive of the site-specific approach to heritage conservation for new development on properties with cultural heritage value, over prescriptive setback and stepback requirements.

Furthermore, where heritage buildings are proposed to remain in situ, layby parking or pick-up/drop-off (PUDO) in the boulevard would assist in revitalizing and allowing for adaptive re-use of these structures, given that underground parking or setbacks to accommodate on-site convenience parking may not be feasible. We therefore recommend that the mobility policies related to parking for PUDO and delivery activities recognize that it may not be appropriate to locate them on-site and off-street in all instances, particularly when a heritage building is being retained, and accordingly should provide flexible language.

- **Mobility:** We would like to reiterate that Liberty New Street is a needed improvement, in order to provide an additional east-west connection. We would appreciate any information related to implementation and timing related to the construction of Liberty New Street. We also remain supportive of Liberty New Street not being a condition of development in the area.
- **General Comment on Draft Policy Language:** Instead of including prescriptive language (i.e. words like "must", "will", "shall"), we recommend that the Secondary Plan/SASP consider incorporating a level of flexibility in language (i.e. "encourage", "where possible", etc.) to avoid unnecessary site-specific Official Plan Amendments.

For example, suggested revisions to the draft policies related to built form and streets and sidewalks are red-lined below:

Built Form Draft Policies

- Development should
 - a) provide a variety of building types, heights and site configurations especially on blocks that can accommodate multiple buildings;
 - b) have towers in a north-south orientation to limit shadow impacts on the public realm, *where appropriate*;
 - c) have base building heights that *generally* align with the scale and height of neighbouring streetwall heights.

Streets and Sidewalks Draft Policies

- Sidewalks and boulevards as described in Policy 3.1.1.13 in the Official Plan will be *designed encouraged* to achieve a minimum width of 6 metres.
- All new development will *be encouraged to increase tree canopy in Liberty Village, including...*

Thank you for your consideration of these comments. We look forward to engaging in further discussions with staff as the draft Secondary Plan/SASP evolves.

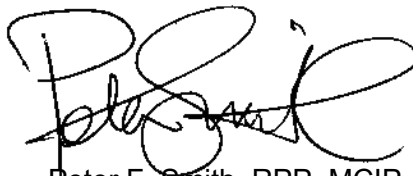
If you require any clarification or wish to discuss these matters further, please do not hesitate to contact the undersigned.

Yours very truly,

Bousfields Inc.



Mike Dror, RPP, MCIP



Peter F. Smith, RPP, MCIP

cc: Ryan Moore & Brad Caco, BGO



June 18, 2025

George Pantazis, Senior Planner
Development Review Division
Community Planning, Toronto & East York District
City of Toronto
100 Queen Street West
Toronto, ON M5H 2N2

Dear Mr. Pantazis,

**Re: *Liberty for All Regeneration Areas Study
Comments for Consideration (Letter No. 2)
BGO & 2-8 St. Thomas Street LP***

As you are aware, we are the planning consultants for BGO on behalf of 2-8 St. Thomas Street LP, with respect to the lands at 25 and 35 Liberty Street, 58 Atlantic Avenue, and 51, 61, and 65 Jefferson Avenue (the “subject site”).

We thank you for meeting with us and the landowners to discuss the Liberty for All Regeneration Area Study on April 3rd and May 28th, 2025. As you are aware, we have been monitoring the ongoing Regeneration Area Study since 2024. The purpose of this letter is to provide additional comments on the emerging directions from the ongoing study coming out of the second landowners meeting on May 28th, 2025.

This letter builds on our comments found in our previous letter dated April 23, 2025, which has been attached for your convenience as **Attachment 1**. We have some additional comments that relate to the required non-residential gross floor area requirements, housing, setback requirements for heritage buildings and implementation.

Additional Regeneration Area Study Comments

We have reviewed the materials provided in advance of the landowners meeting (particularly the markups on the presentation dated March 12, 2025) and have the following key questions and concerns about the emerging directions of the Study:

1. Non-Residential Requirement

We are supportive of the direction to reduce the 45 percent non-residential gross floor area (“GFA”) requirement that was included in the settlement of Official Plan Amendment No. 231 (“OPA 231”). It continues to be our opinion,

as expressed in our April letter, that non-residential GFA requirement policies in the proposed Secondary Plan must be flexible and recognize market realities of today. We have observed that a 15 percent non-residential GFA requirement is more typical of other recent City approvals in similar circumstances. Our team will continue to study the subject site to determine the appropriate, market-supported mix of uses.

We also support staff's willingness to accept flexibility as part of the reduced amount of non-residential GFA, and staff's review of our suggested alternative ideas for potential replacement uses. With respect to some of the responses provided at the May 28 landowners meeting, we note that:

- we continue to be of the opinion that the provision of Publicly-Accessible Privately-Owned Spaces (POPS), and other public realm improvements including contributions to the implementation of elements of the Liberty Village Public Realm Strategy, should be considered as a potential alternative; while Section 3.1.1 of the Official Plan provides guidance on the design, functionality and operations of POPS, it does not require them; and
- with respect to additional on-site or off-site heritage conservation and commemoration within Liberty Village, the suggestion was for heritage conservation or commemoration beyond the requirements of Official Plan Section 3.1.6, such as interpretive elements dedicated to the history of the broader Liberty Village, its industrial or wartime heritage, or its indigenous or black heritage (e.g. panels, murals, interpretive lighting and landscape).

2. Housing

While we support staff's decision to no longer seek a higher percentage of family-sized units (25%) and instead rely on the unit mix targets of the Growing Up Guidelines, we have concerns about the decision to maintain the affordable housing requirements of the OPA 231 settlement.

The settlement policies would require that if a condominium development is proposed, a minimum of 7 percent of the total new residential gross floor area to be secured as affordable rental housing or a minimum of 10 percent of the total new residential gross floor area will be secured as affordable ownership housing, for 75 years. However, the Province filed O. Reg 54/25 regarding inclusionary zoning on May 12, 2025, which came into force on the day it was filed, reducing the number of affordable housing units, or the gross floor area to be occupied by the affordable housing units, that could be required through Inclusionary Zoning to 5 percent of the total residential units that are part of the

development or redevelopment, or 5 percent of the total floor area of all residential units that are part of the development or redevelopment, not including common areas. The regulation also includes a maximum affordability period of 25 years.

In our opinion, although the OPA 231 affordable housing requirements do not constitute inclusionary zoning subject to O. Reg 54/25, it is our opinion that the secondary plan's affordable housing policies, if any, should follow a similar approach.

3. Height-Related Policies

We continue to be supportive of the direction City staff are taking to allow for height to be determined on a site-specific basis through Zoning By-law amendment applications. However, we reiterate our previous comments related to the potential shadow impact policies that may be included in the proposed Secondary Plan, and in particular, that they should not be based on a "no net-new shadow" test but rather on a test that is more in keeping with Official Plan Policy 3.2.3(3) that focuses on preserving the utility of parks.

4. Setbacks from Heritage Buildings

Staff had indicated that heritage policies would include a required 10 metre tower setback from heritage buildings along Liberty Street and a 5 metre tower setback along all other streets. In the May 28th presentation, staff indicated that these would be "general" requirements, and that tower setbacks would ultimately be determined through site-specific applications. While we support this modified approach in general, it continues to be our opinion that the inclusion of numerical standards in the Secondary Plan would blur the relationship between policy and regulation. In our opinion, it is important for the Official Plan to articulate the rationale and objectives associated with a vision (the "why") rather than how that vision is achieved and regulated (the "how"), leaving the regulation of built form to the zoning by-law.

In our opinion, the Secondary Plan should recognize that site-specific approaches to heritage conservation are the appropriate mechanism for determining how each existing building and proposed addition are to be treated. In this regard, the 2022 approval for the subject site, included a 4.7 metre setback on Liberty Street and a 4.8 metre setback on Atlantic Avenue. The City has already determined through this approval that these were contextually appropriate setbacks for this site for the original approval, and, while it may be appropriate to consider amendments to these setbacks in the future, they should be informed through a site-specific Heritage Impact

Assessment and should not be constrained by a one-size-fits-all policy restriction.

5. Public Realm

Existing midblock connections are identified in the Liberty Village Public Realm Strategy, including the lane south of the subject site that provides a connection between Atlantic Avenue and Jefferson Avenue. During the consultation for the Public Realm Strategy, BGO had commented that this lane would be a service and access lane and should not encourage significant pedestrian traffic due to potential conflicts with both the existing buildings and the original approval. It is our opinion that the laneway is not truly a midblock connection and should be excluded from the public realm plan that is proposed to be included in the Secondary Plan.

6. Implementation

We understand that staff are considering circulating a “proposals report” in advance of drafting the final form of the Official Plan Amendment. We support this approach as it would provide the landowners and their consultants the opportunity to review the draft policies in advance, suggest revisions, and work collaboratively with staff on a policy framework that achieves a shared vision for Liberty Village.

Thank you for your consideration of these comments. We look forward to engaging in further discussions with staff as the draft Secondary Plan evolves.

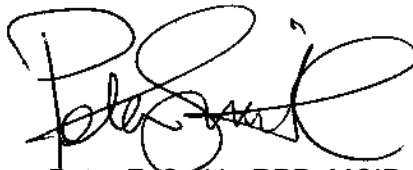
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Yours very truly,

Bousfields Inc.



Mike Dror, RPP, MCIP



Peter F. Smith, RPP, MCIP

cc: *Ryan Moore & Brad Caco, BGO*



April 23, 2025

George Pantazis, Senior Planner
Development Review Division
Community Planning, Toronto & East York District
City of Toronto
100 Queen Street West
Toronto, ON M5H 2N2

Dear Mr. Pantazis,

**Re: *Liberty for All Regeneration Areas Study
Comments for Consideration
BGO & 2-8 St. Thomas Street LP***

We are the planning consultants for BGO on behalf of 2-8 St. Thomas Street LP, with respect to the lands at 25 and 35 Liberty Street, 58 Atlantic Avenue, and 51, 61, and 65 Jefferson Avenue (the “subject site”). The site is bounded by Liberty Street to the north, Atlantic Avenue to the east, a public laneway to the south, and Jefferson Avenue to the west.

We thank you for meeting with us to discuss the Liberty for All Regeneration Area Study on April 3rd, 2025. As you are aware, we have been monitoring the ongoing Regeneration Area Study since 2024, including attending the City’s recent landowner meeting on March 12th, 2025 and the Community Consultation Meeting on April 2nd, 2025, where components of the proposed Secondary Plan were presented.

The purpose of this letter is to provide comments on the emerging directions from the ongoing study. We have some questions and concerns that relate to the required non-residential gross floor area requirements, height-related policies, use of the holding provision related to Liberty New Street, community services and facilities policies and setback requirements for heritage buildings.

Background

The City of Toronto approved in July 2022 a rezoning application to permit the redevelopment of the site with an 11-storey office building with a gross floor area of 24,390 square metres, on-site replacement of 20 live-work units, off-site replacement of 30 rental units and the retention of the three-storey heritage building at 58 Atlantic Avenue.

The owner is currently reviewing the existing zoning approvals in light of a rapidly changing real estate market. A Site Plan Approval Application has not yet been submitted.

Proposed Regeneration Area Study Comments

We have reviewed the materials provided in advance of the landowners meeting (particularly the presentation dated March 12, 2025) and have the following key questions and concerns about the emerging directions of the Study:

1. Non-Residential Requirement

The proposed 45 percent non-residential gross floor area (“GFA”) requirement reflects the details of the settlement of Official Plan Amendment No. 231 (“OPA 231”). However, in our opinion, it should be reduced.

The 45 percent figure resulted from a negotiation in the context of the appeal of OPA 231 that was filed in 2014, which had proposed a non-residential component of 70 percent based on the market conditions at that time, over 10 years ago. Recognizing the dated nature of the appeal, the City was ultimately willing to reduce that percentage in the context of settling the appeal. However, it was recognized that that percentage was not forward-looking and that there would be the opportunity to revisit that percentage in the context of the new Secondary Plan.

In that regard, Policy 6(iii) of Site and Area Specific Policy 3 (SASP 3) to the Garrison Common North Secondary Plan, as approved through the OPA 231 settlement, provides that amendments to the minimum 45 percent non-residential gross floor area requirement in Policy 6(i) may be considered and incorporated into the adopted Secondary Plan or Community Planning Permit System in order to implement any conclusions, findings and/or recommendations of current or future City studies that are appropriate for the area.

It is our opinion that non-residential GFA requirement policies in the proposed Secondary Plan must be flexible and recognize market realities of today. As acknowledged by the City’s Office Needs Study, there has been a fundamental and ongoing shift across the globe since the outset of the COVID-19 pandemic in 2019; as a result, the ways in which local businesses and their employees are using office spaces continues to evolve materially. As noted in the study, new real estate developments of all kinds have become increasingly challenged by rising interest rates, heightened construction costs and evolving municipal and provincial policy contexts. Since then, additional challenges

such as trade tariffs and other international forces have arisen that may further compound this issue.

As such, there is a significant challenge associated with the provision of 45 percent of non-residential space; accordingly, flexibility must be provided through either a significantly reduced percentage of required non-residential GFA or in how the 45 percent non-residential GFA might be met, in order to ensure that development is viable. In this regard, a scan of other recent non-residential policies adopted and proposed by the City in similar circumstances indicates that a percentage of 15 percent is typical.

We appreciate the fact that staff are taking a realistic approach and have expressed willingness to accept flexibility in exchange for a reduced amount of non-residential GFA. In addition to the ideas presented by City staff, which include the provision of affordable housing, cash-in-lieu, cultural and art uses, and community services and facilities, some other potential ideas include:

- providing a larger percentage of 2- and 3-bedroom family-sized units, beyond what is recommended in the Growing Up Guidelines;
- provision of Publicly-Accessible Privately-Owned Spaces (POPS);
- provision of other public realm improvements including contributions to the implementation of elements of the Liberty Village Public Realm Strategy;
- cash contributions toward other City objectives in the neighbourhood;
- additional on-site or off-site heritage conservation and commemoration within Liberty Village; and
- provision of alternative Green P Parking opportunities to, for example, replace the parking being displaced by the planned park at 34 Hanna Avenue.

Our client welcomes further discussion on the implementation of these alternatives in exchange for non-residential gross floor area.

Our client would also like to inquire if a restored heritage building floor area could be deducted from the calculation of the overall floor area to which the percentage of non-residential uses would be applied.

The carefully considered implementation of the new *Regeneration Areas* designation has the potential to unlock new housing in this transit-rich neighbourhood along with achieving other city-building goals. We expect that the currently contemplated 45% approach, with a minimum of 51% of those uses being *Core Employment Areas* uses, will discourage both.

2. Community Services & Facilities and Parkland

We understand that City staff are currently undertaking a Community Services and Facilities study as part of the Regeneration Areas study. We look forward to receiving input from that study, as it may potentially help frame policies related to non-residential gross floor area requirements.

The subject site is located directly adjacent to the proposed public park at 34 Hanna Avenue. There is an opportunity to create synergy between the subject site and the new public park. Our client would like the opportunity to participate in the design of the public park and ensure the proposed development on the subject site relates to the park well.

3. Height-Related Policies

We are supportive of the direction City staff are taking to allow for height to be determined on a site-specific basis through Zoning By-law amendment applications. However, we have comments related to the potential shadow impact policies that may be included in the proposed Secondary Plan. It is our opinion that if shadow policies are included within the draft secondary plan, they should not be based on a “no net-new shadow” test but rather on a test that is more in keeping with Official Plan Policy 3.2.3(3) that focuses on preserving the utility of parks.

Shadow-related policies, if included in the proposed Secondary Plan, should allow for an appropriate balancing of intensification objectives to provide additional housing in proximity to frequent and higher-order transit, given its location within two major transit station areas.

While it is recognized that the Allan A. Lamport Stadium (“Lamport Stadium”) could be repurposed as a park in the future, the park area currently consists of a surface parking lot at the south end, unprogrammed green space along the Jefferson Avenue and Fraser Avenue street frontages, and the stadium itself at the north end. Furthermore, the RFP issued for Lamport Stadium indicates that the stadium use is intended to continue to exist. The current and planned stadium uses are not particularly shadow sensitive, and as such, proposed shadow related policies should be qualitative and allow for a balancing of objectives within the Secondary Plan.

4. Setbacks from Heritage Buildings

Staff had indicated that heritage policies would include a required 10 metre tower stepback from heritage buildings along Liberty Street and a 5 metre tower stepback along all other streets. In our opinion, the depth of the tower stepbacks should be informed by a Heritage Impact Assessment assessing the specific heritage buildings on site, as well as site-specific urban design considerations.

In our opinion, the inclusion of prescriptive numerical standards would blur the relationship between policy and regulation. In my opinion, it is important for the Official Plan to articulate the rationale and objectives associated with a vision (the “why”) rather than how that vision is achieved and regulated (the “how”), leaving the regulation of built form to the zoning by-law.

Given the variety of built form conditions along Liberty New Street, a 10 metre stepback may not be appropriate or practical on all sites and there may not be a clear heritage basis for requiring a depth of 10 metres. Providing instead for direction that an appropriate setback be provided that is informed by a Heritage Impact Assessment would provide for a more flexible approach that allows for creative responses and context-specific development solutions to better implement the objectives of the Secondary Plan.

In this regard, the 2022 approval for the subject site included a 4.7 metre stepback on Liberty Street and a 4.8 metre stepback on Atlantic Avenue, which were secured through the Heritage Easement Agreement i.e. the City has already determined, through this approval, a contextually appropriate stepback for this site. While it may be appropriate to consider amendments to these stepbacks in the future, they should be informed through a site-specific Heritage Impact Assessment and should not be constrained by a one-size-fits-all policy restriction.

5. Holding Provision related to Liberty New Street

The basis for the use of a holding provision related to the completion and operation of Liberty New Street is unclear, given our understanding that the lands required for Liberty New Street have already been acquired through Metrolinx’s expropriation of lands as part of the Ontario Line. We have not seen any technical work that would suggest that there is a need for the use of a holding provision for capacity reasons in advance of the implementation of Liberty New Street. Further information needs to be provided regarding the financing, timing and implementation of Liberty New Street.

More specifically, with major transit works in place or underway, the transit environment around the site supports alternatives to the automobile. By tying

development to the implementation of automobile infrastructure, we are not supporting transit investments in accordance with the intent of the PPS.

Thank you for your consideration of these comments. We look forward to engaging in further discussions with staff as the draft Secondary Plan evolves.

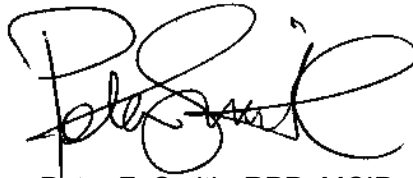
If you require any clarification or wish to discuss these matters further, please do not hesitate to contact the undersigned.

Yours very truly,

Bousfields Inc.



Mike Dror, RPP, MCIP



Peter F. Smith, RPP, MCIP

cc: *Ryan Moore & Brad Caco, BGO*