



PLANNING AND URBAN DESIGN

2 February 2023

Tammy Nguyen
Planner, Community Planning and Development (West)
Municipal Services Office
Central Ontario Ministry of Municipal Affairs and Housing
777 Bay Street, 16th Floor
Toronto, Ontario M7A 2J3

Attention: **Tammy Nguyen**
Planner, Community Planning and Development (West)

Dear Ms. Nguyen,

RE: ERO Item 019-5228
Ministry Reference Number 20-OP-219126
Approval to amend a Municipality's Official Plan
City of Toronto Official Plan Amendment No. 524
(Bay Station Protected Major Transit Station Area)
69 Yorkville Avenue Site-Specific Comment Submission
Cheong Family Holdings Ltd.
Our File: 21.563

WND Associates Limited has been retained by Cheong Family Holdings Ltd. as the planning consultant with respect to the submission of complete Official Plan Amendment ("OPA"), Zoning By-law Amendment and Site Plan Control Applications in 2021 for the lands municipally known as 69 Yorkville Avenue in the City of Toronto ("the Subject Site").

In response to the Environmental Registry of Ontario ("ERO") consultation number 019-5228, this letter provides comments on the minimum densities of OPA 524. In summary, we recommend the following modifications for Bay Station – Site and Area Specific Policy ("SASP #599): i) a re-classification of block densities to higher minimum FSI values; ii) addressing conflict between minimum block densities and any pre-existing Secondary Plans; and, iii) an overall increase in the minimum combined people and jobs per hectare density target. OPA 524 was adopted by City Council on 22 July 2022 (by By-law 47-2022) and is now before the Minister of Municipal Affairs and Housing for a decision under the *Planning Act*. OPA 524 establishes and delineates Major Transit Station Areas and Protected Major Transit Station Areas ("PMTSAs") in the City of Toronto, including the Bay Station PMTSA.

Background

The Subject Site is in the Village of Yorkville neighbourhood of the City of Toronto, located on the south side of Yorkville Avenue within the block bound by Bellair Street to the west, Yorkville Avenue to the north, Bay Street to the east and Cumberland Street to the south. The Subject Site is currently developed with a four-storey commercial building. The Subject Site has an area of approximately 760 square metres and is nearly square-shaped with a frontage of 27.83 metres along Yorkville Avenue and a frontage of 6.59 metres along Bellair Street (**Figure 1**).

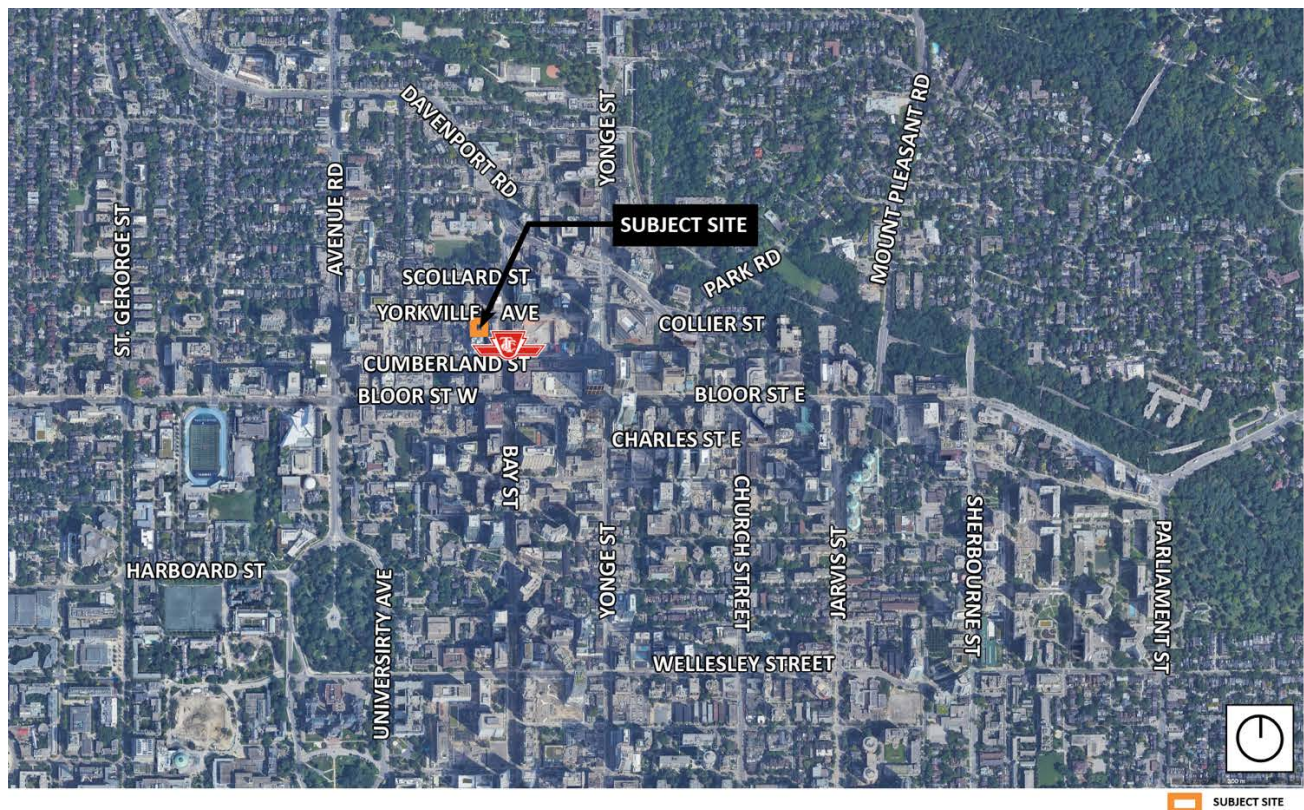


Figure 1: Site and Surrounding Area Context

The Subject Site is located within a block in the Yorkville neighbourhood with excellent access to higher order transit (subway service) and the broader TTC system via several bus routes within walking distance on Yonge Street, Bay Street and Avenue Road. In particular, the Subject Site is located 100 metres from the Bay Subway Station Bellair Street entrance portal (Line 2 – Bloor-Danforth) (**Figure 2**). The proposed residential lobby entrance for the development is to be located on Bellair Street which is anticipated to reduce this travel distance to around 70 metres. Additionally, the Subject Site is within a 10-minute walk from Yonge-Bloor interchange Station (Line 1 and Line 2) and Rosedale Station (Line 1 – Yonge-University-Spadina).

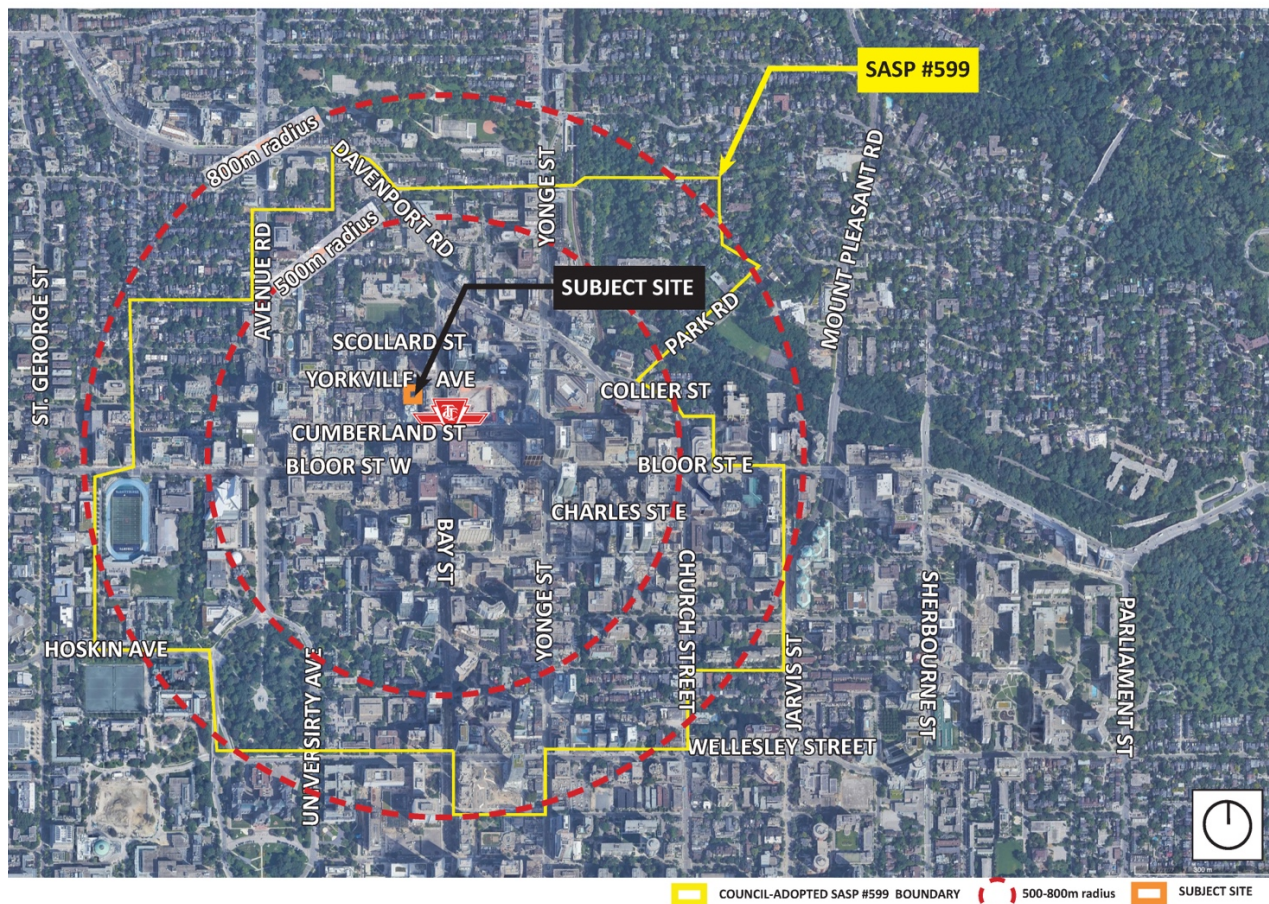


Figure 2: Bay Station PMTSA Context

The Proposed Development, as submitted to the City of Toronto in November 2021 (City File No. 21 234044 STE 11 OZ), is comprised of a 29-storey mixed-use building containing new retail and office space on floors one through four with new residential dwelling units to be contained within floors five through 29 above. The proposed FSI is 21.4 times the area of the lot. The compact, mixed-use and complete community principles grounded in this form of intense, urban development support the long-term viability of the Village of Yorkville as an evolving residential and commercial hub in Toronto's Downtown. The development applications are currently under review by the City of Toronto's Planning Division and the applicant's team continues to engage with Staff and the local area Councillor on this file.

Policy Context

Downtown Toronto is a designated Urban Growth Centre under the Growth Plan for the Greater Golden Horseshoe where some of the most intense and transit supportive forms of development are anticipated to support an ever growing population and employment base (Growth Plan Policy Section 2.2.1) .

The Subject Site is designated *Mixed Use Areas* in the City of Toronto Official Plan and is zoned *Commercial Residential* (CR 3.0; c2.5; r3.0) SS1 (x2271) under Zoning By-law 569-2013, as amended. Furthermore, the Subject Site is located within the boundary of the City's Downtown Secondary Plan ("OPA 406") for which the Subject Site falls within the *Mixed Use Areas 4 – Local* land use designation. Although the Subject Site is within a block categorized by predominately tall buildings at 94 Cumberland (25 storeys) and 61 Yorkville Avenue (18 storeys), the *Mixed Use Areas 4 – Local* land use designation would have the effect of limiting the development potential to four storeys on the Subject Site which is the driving factor in the submission of the November 2021 Official Plan Amendment, to remove the site from *Mixed Use Areas 4* and re-designate the lands more in-line with the balance of this block.

Moreover, the Subject Site falls within Site and Area Specific Policy #211 ("SASP #211") under the Official Plan which is a SASP framework for the broader North Midtown and Bloor-Yorkville area. Within SASP #211 the Subject Site is within the Village of Yorkville low-rise area overlay, despite the Village of Yorkville low-rise classification being identical to the 1976 North Midtown Area Plan – a Plan which the City of Toronto carried forward in every subsequent version of the Official Plan to-date despite highly intense development trends emerging at the Bay-Bloor and Yonge-Bloor transit nodes (**Figure 3** and **Figure 4**).

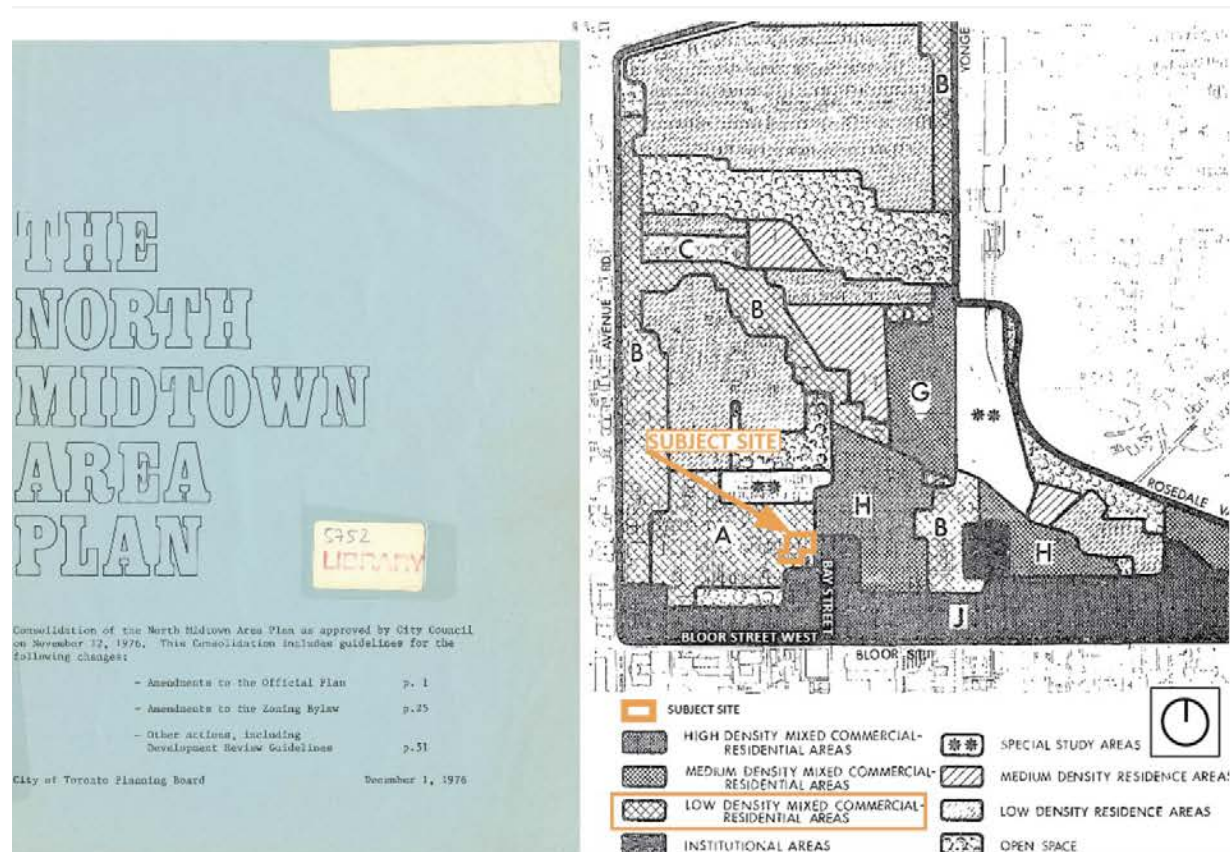


Figure 3: 1976 North Midtown Area Plan

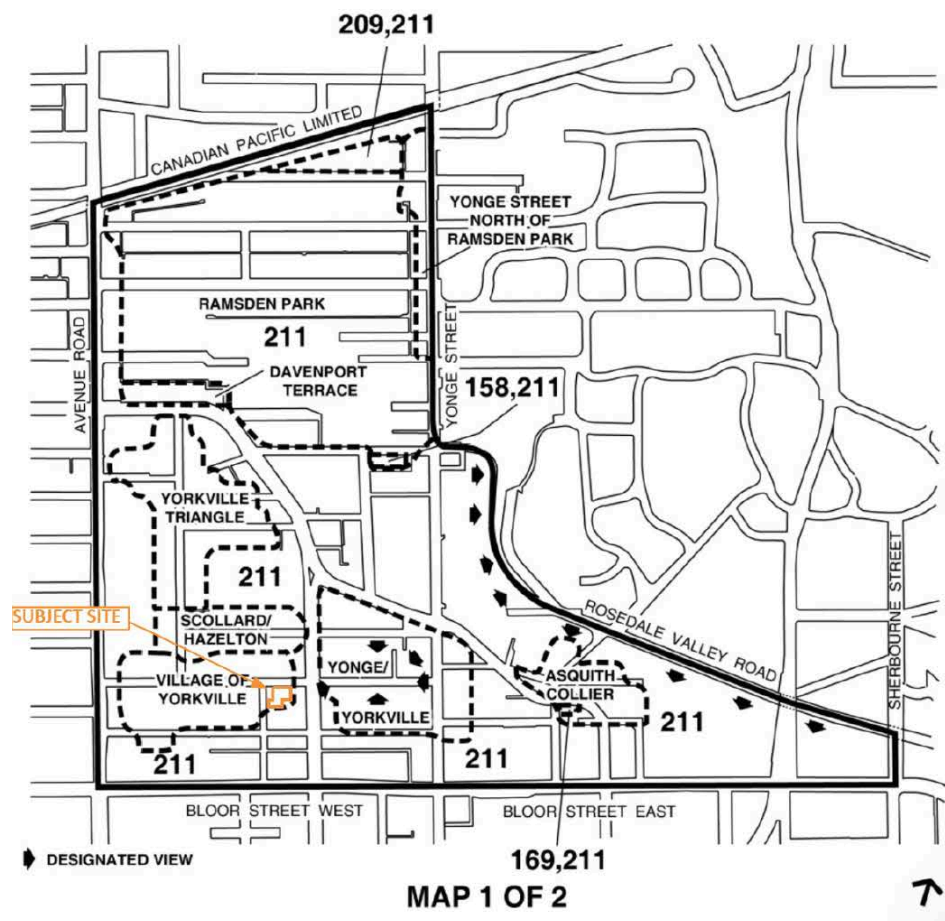


Figure 4: SASP #211 closely resembles North Midtown Area Plan

In our view, and as expressed further in the Planning Rationale Report submitted in support of the development applications, the Village of Yorkville classification and *Mixed Use Areas 4 – Local* land use designation, being grounded in a 1970's-era Plan, no longer reflect the surrounding area context (several approved and recently completed buildings ranging from 50-80+ storeys), and these policies are inconsistent with current provincial policy direction of the Provincial Policy Statement ("PPS") and Growth Plan supportive of intensification near higher order transit stations (Policy Sections 1.1.1, 1.1.3 and 1.7.1 of the PPS and Policy Sections 2.2.1 and 2.2.2 of the Growth Plan). An Amendment to the City of Toronto's Official Plan, in our view, warranted for the Subject Site to permit meaningful redevelopment that makes the most efficient use of a limited supply of remaining undeveloped urban land and infrastructure within 100 metres of Bay Subway Station.

Site and Area Specific Policy 599 – Bay Station Protected Major Transit Station Area ("PMTSA")

At its meeting on February 2, 2022, the City of Toronto's Council adopted OPA 524 with respect to the implementation of 16 PMTSAs within the Downtown Secondary Plan. The Subject Site is located within SASP #599 of OPA 524 being within 100 metres of Bay Subway Station where a minimum density target

of 900 people and jobs per hectare is planned. Map 2 provides minimum densities on a site-specific basis for Bay Station and includes the Subject Site within a planned minimum FSI overlay of 0.9 times site area (**Figure 5**). Despite being within a block characterized by existing tall buildings, and being designated *Mixed Use Areas*, the minimum FSI of 0.9 assigned to the Subject Site appears to be carried over directly from surrounding low-rise residential areas, including those designated *Neighbourhoods*, and continues to include the 'or 3 units' metric which is a broadly used minimum density target commonly used for residential *Neighbourhoods* (low-rise areas) as part of the City-wide MTSA/ PMTSA delineation exercise (for example blocks west of Avenue Road within the Annex share this same minimum density).

Map 2 – Minimum Densities, Bay Protected Major Transit Station Area

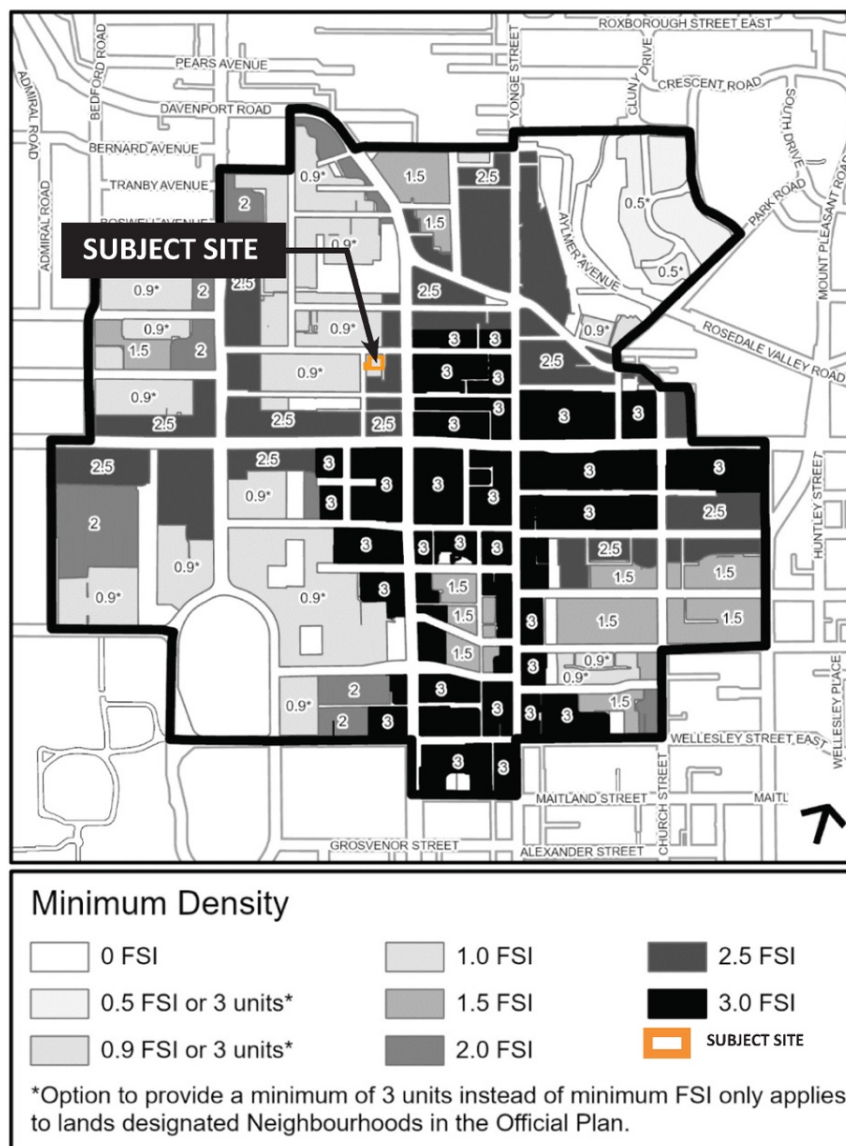


Figure 5: Bay Station PMTSA Map 2 - Density as adopted by Council

Comment and Discussion

The Subject Site is the last remaining soft site within the block described in the sections above capable of supporting a new tall building to ‘bookend’ the development of the block. Additionally, the Subject Site is one of a handful of remaining soft sites within 100 metres of Bay Subway Station yet to be redeveloped with new housing and employment opportunities. To add, and as demonstrated in the figures above, the Subject Site is assigned a lower minimum FSI value than many sites which are much further away from Bay Subway Station. However, the Subject Site is within a very similar mixed-use and walkable context as these other sites.

The maximum as-of-right FSI of 3.0 times site area permitted by the current Zoning By-law 569-2013 affix already exceeds the planned minimum FSI of 0.9 times lot area as per the Council-adopted PMTSA policies under OPA No. 524. Additionally, the *Mixed Use Areas – 4 Local* land use designation and legacy of SASP #211, grounded in a 1976 Plan, continues to impair any meaningful intensification of the Subject Site in support of key provincial policy objectives such as: i) the creating of *complete communities* (Growth Plan Policy Sections 2.2.1 and 2.2.2), ii) integration of transportation and land use (PPS Policy Sections 1.1.1 and 1.1.3); and, iii) the achievement or exceedance of minimum density targets in Urban Growth Centres (Growth Plan Policy Section 2.2.3); and, iv) optimization of higher order transit (PPS Policy Section 1.1.1.e). As prepared by City staff, the PMTSA mapping adopted by Council for Bay Station, and in particular the Village of Yorkville Area (SASP #211), closely resembles the legacy North Midtown Area Plan from 1976 which is an unreasonable assumption of density given significant development in this node over the last 45 years.

We recommend the Minister consider the following modifications for the Bay Station PMTSA:

1. Modification from the Ministry of Municipal Affairs and Housing to re-classify (increase) block densities, which would be consistent with the pre-existing tall building forms within this block, more permissive of a tall building built-form, and commensurate with more meaningful intensification of the site in support of the key provincial policy objectives, whereas the current PMTSA minimum block density appears grounded in the legacy low-rise classification from the 1976 Plan described herein;
 2. Modification of the Council-adopted version of OPA No. 524 to identify an interpretation and implementation section of the policies to address conflicts with the City-wide Official Plan, Downtown Secondary or any future Secondary Plan to ensure that the spirit of the PMTSA policies calling for intensification prevail in the event of conflict with existing or future municipal plans and/ or guidelines for the Yorkville or North Downtown area; and,
 3. The minimum density target of 900 people and jobs per hectare ought to be increased within the broader PMTSA area given that the remaining available development lands are already scarce and
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the 500 to 800 metre radius of the PMTSA is significantly reduced by the Rosedale Valley Road Corridor, Queen's Park open space areas, Royal Ontario Museum lands, and the University of Toronto campus.

Suggested modifications to Map 2 – Minimum Densities are provided in **Figure 6** for reference.

Map 2 – Minimum Densities, Bay Protected Major Transit Station Area

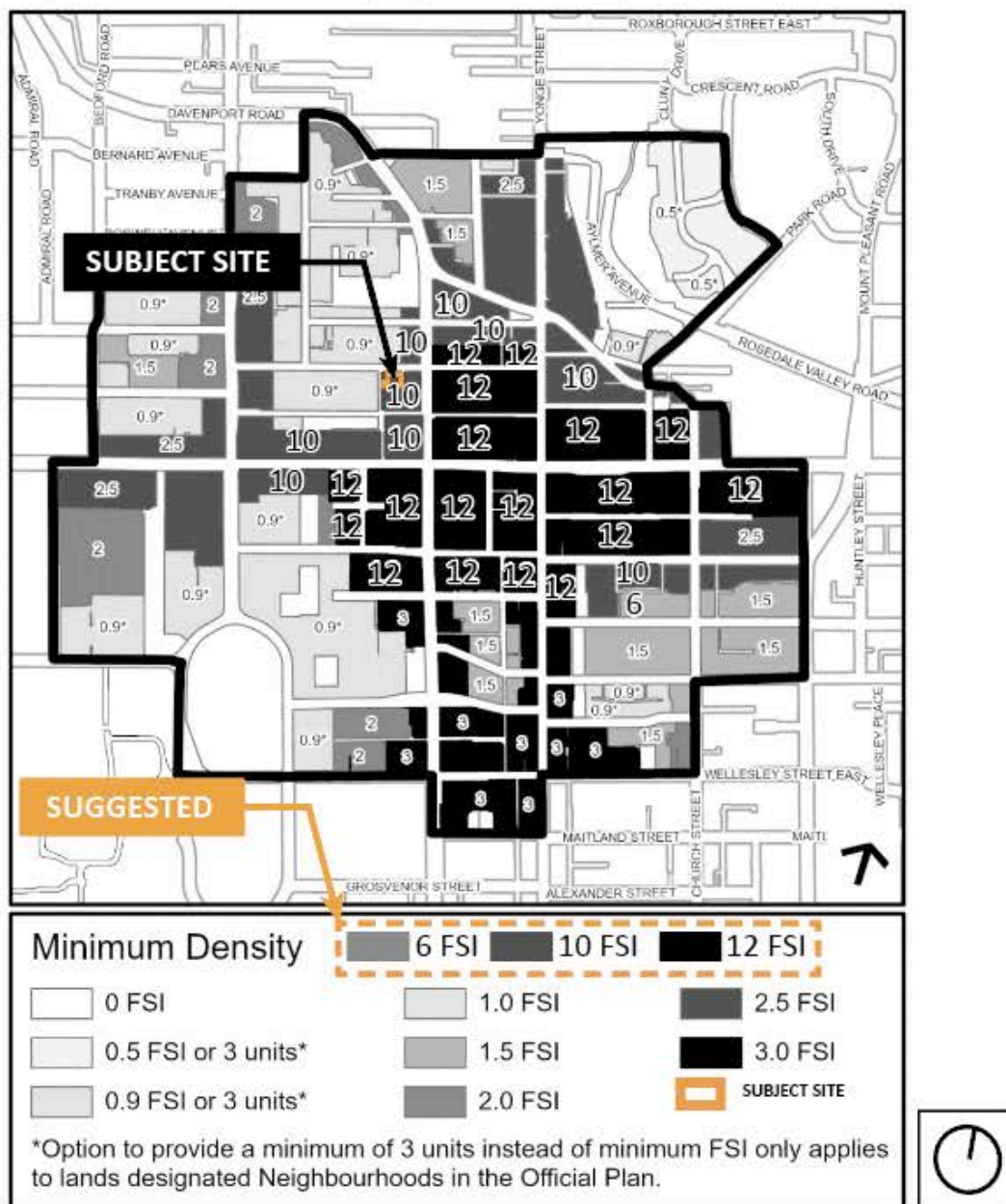
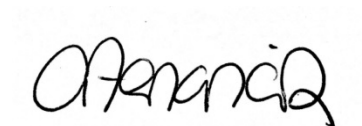


Figure 6: Suggested Modifications to SASP #599, Bay Station PMTSA Map 2 - Minimum Densities

Thank you for reviewing our recommended modifications to the Council-adopted version of OPA No. 524. We would be pleased to address further comments or questions should they arise upon review of this submission and prior to a Decision on the City's MTSA/ PMTSA policies. We request that the undersigned be notified of any Decision(s) by the Minister.

Respectfully submitted,

WND associates
planning + urban design

A handwritten signature in black ink, appearing to read 'Andrew Ferancik', is centered on the page. The signature is written in a cursive, flowing style.

Andrew Ferancik, MCIP, RPP
Principal