



18 June 2014

Planning and Growth Management Committee
10th floor, West Tower, City Hall
100 Queen Street West,
Toronto, ON
M5H 2N2

Attention: **Nancy Martins**
 Administrator

Dear Ms. Martins,

RE: **Eglinton Connects Planning Study**
 Implementing Official Plan Amendment
 875 Eglinton Avenue West
 Our File: 07.576

We represent Upper Village Investments Ltd., (“Upper Village”) and Bateg Investments Limited (“Bateg”) owners of the property located on the southwest corner of the intersection of Eglinton Avenue West and Bathurst Street, known municipally as 875 Eglinton Avenue West (‘subject site’). We have been retained to review the Eglinton Connects Planning Study and the proposed policies that would implement its recommendations as they relate to the subject site.

By way of background, on March 25, 2011 Upper Village submitted an application for a Zoning By-law Amendment relative to the proposed development of an 11-storey residential building, with grade-related retail uses, on the western portion of the subject site. The application remains open and under review. Upper Village and Bateg also intends to submit a future Zoning Bylaw Amendment Application for the eastern portion of the subject site in order to facilitate its development for a mixed use building.

We have reviewed the Eglinton Connects Planning Study, the staff report entitled Eglinton Connects Planning Study – Phase 1 (Part 1) Implementation Report dated May 22, 2014, and Draft Official Plan Amendment 253 (‘OPA 253’) which seeks to implement the study’s recommendations as they relate to, among other things, the creation and extension of rear laneways along the Eglinton Avenue corridor.

PHASE 1 IMPLEMENTATION - OPA 253

OPA 253 proposes to add Site and Area Specific Policy 476 (‘SASP 476’) to Chapter 7 of the Official Plan which would provide that *“a system of continuous and connected public laneways 6 metres in width will*

be developed on the rear portions of properties fronting Eglinton Avenue to provide access to parking, loading and servicing to the rear of new development”.

SASP 476 proposes a set of specific policies to implement this policy directive; in particular, subsection a) notes that *“new public laneways and extensions of existing public laneways will be required in conjunction with new development where they are not already in place and in the locations identified on Schedule 2”.*

Schedule 2 illustrates a proposed extension of the existing public laneway that currently runs east from Peveril Hill along the southern property boundary of the western portion of the subject site, to Bathurst Street. Accordingly, Draft Official Plan Amendment 253 would have the effect of requiring the extension of the existing laneway behind the subject site to Bathurst Street over land currently owned by Upper Village and Bateg.

We are of the opinion that the proposed extension of this lane to Bathurst Street through the subject site is unnecessary, undesirable, and would adversely impact the ability to redevelop the subject site in a manner that would appropriately respond to its prominent corner location adjacent to the future Bathurst Crosstown Station.

Specifically, we note the following:

- The existing lane is not a dead end, but rather continues south along the rear of properties on Peveril Hill and Bathurst Street to Dewbourne Avenue; accordingly, there is no need to “complete” the laneway;
- The extension of the laneway to Bathurst Street would create a potential traffic infiltration point at this busy intersection, whereby traffic would attempt to bypass the intersection using the laneway. This would create potential safety and nuisance issues for current properties that are serviced by this lane, and which are located within stable *Neighbourhoods*;
- The extension of the lane would limit the flexibility of redeveloping the subject site, especially with respect to underground parking, servicing and loading/delivery areas;
- Vehicular access to the subject site, via private driveways, would be available from Peveril Hill and Bathurst Street without the laneway extension, thereby maintaining an uninterrupted streetscape environment along the Eglinton frontage. We note that the existing application for development on the western portion of the subject site proposes an access directly from Peveril Hill, not the existing lane, which more appropriately exists to serve the low density properties to the south.

Given the foregoing, On behalf of Upper Village and Bateg we request that Schedule 2 be modified by deleting the “Extension of Existing Public Lane” notation as it relates to the extension of the existing

laneway behind the subject site to Bathurst Street. Furthermore, we ask that our office be provided with notice of Council's adoption of the proposed amendment to the Official Plan.

PHASE 2 IMPLEMENTATION – PROPOSED ZONING BYLAW AMENDMENTS

As noted in the staff report referenced above, we are aware that the Phase 2 implementation measures will be submitted to the Planning & Growth Management Committee meeting on August 7, 2014, which measures will include proposed Zoning By-law Amendments to increase the permitted heights for properties along Eglinton Avenue to facilitate midrise development. More specifically, the Eglinton Connects Study proposes to rezone the subject site to permit a height of 27 metres. We intend to submit further correspondence once we have had a chance to review the Phase 2 Implementation staff report and proposed Zoning By-law Amendments, but wish to also indicate our concerns at this time.

As noted above, a site-specific Zoning By-law Amendment Application is currently under review for western portion of the subject site relative to an 11-storey (36 metres, plus mechanical) mixed use building. Furthermore, Upper Village and Bateg also intend to submit a future Zoning Bylaw Amendment Application for the eastern portion of the subject site in order to facilitate its development for a mixed use building, which building would be at a higher scale to appropriately respond to its prominent corner location, and the adjacent Bathurst LRT station. We are concerned that the proposed Zoning By-law Amendment which would limit heights to 27 metres, or about 9-storeys, does not appropriately respond to the attributes of the subject site, as detailed in our Planning Rationale report and Avenue Segment Study prepared as part of the Zoning By-law Amendment application package. Accordingly, we request that the proposed Zoning Bylaw Amendment be revised to reflect the 36 metre height requested through the site-specific Zoning By-law Amendment Application on the western portion of the subject site.

Given that the specific height in metres of the eastern phase of the proposed development is not yet known, we would request that the proposed 27 metre height for that portion be deleted from the proposed Zoning Bylaw Amendment and that a policy be included in the Official Plan to recognize the subject site as a "Special Station Site" similar to the recognition proposed for the northeast corner of Bathurst Street and Eglinton Avenue.

We trust that the information provided above is sufficiently clear. Should you have any questions or require clarification, please do not hesitate to contact the undersigned.

Yours very truly,

WND associates
planning + urban design

A handwritten signature in black ink, appearing to read 'A Ferancik', written over a light grey rectangular background.

Andrew Ferancik, MCIP, RPP
Senior Principal

cc Ms. Lorna Day, Eglinton Connects Planning Team
Mr. Steven Cohen, Upper Village Investment Ltd.
Mr. David Feldberg, Bateg investments Limited
Mr. Patrick Devine, Dentons
Mr. Les Klein, Quadrangle Architects
Ms. Wendy Nott, WND Associates