

February 23, 2018

**Delivered Via Email**

Mayor John Tory and  
Members of Council  
Toronto City Hall  
100 Queen Street West  
Toronto, ON M5H 2N2

**Attention: City Clerk**

**Attention: Mr. Paul Farish, Senior Planner, Strategic Initiatives**

Your Worship and Members of Council:

**Re: 2239 Yonge Street and Midtown in Focus:  
Proposed Yonge-Eglinton Secondary Plan Update - November 2017  
(the "Update")**

We are the solicitors for The Society of Energy Professionals (the "**Society**"), the principals of 2332356 Ontario Inc., who are the owners of the property municipally known as 2239 Yonge Street ("**2239**") which is located on the east side of Yonge Street immediately south of 2245 Yonge Street (the "**Jencel Property**"), and situate two buildings south of 1 Eglinton Avenue East. Our client's property is comprised of a 5-storey office building which is fully tenanted and includes, on three levels, the offices of the Society.

Our client is expressing, through our firm, its sincere disappointment with the Update report to which we have referred above and the City's apparent confusion and misunderstanding of the Society's property at 2239 Yonge Street and that of the adjoining Jencel Property.

The Society is currently entitled to be able to re-develop its property in a mid-rise form of building in accordance with the current By-law provisions and wants to be able to secure this privilege in the Update which is the subject matter of your review.

We respectfully request, on our client's behalf, the opportunity to meet with your staff in order to set out clearly our client's concerns and objections to the current study and policies and to present a Concept Plan for the combined development of the two

properties, specifically, the Society's property at 2239 Yonge Street and the adjoining Jencel Property at 2245 Yonge Street.

Together with the owner of the Jencel Property, we have participated in the future re-development of our client's property at 2239 Yonge Street and the Jencel Property adjoining it to the north.

Our client has been following the Application for the re-development of the lands situate at 1 Eglinton Avenue East for a high-rise, mixed-use building (the "**Development Property**"). We understand that the present proposal for re-development is to provide for a 65-storey building with a 9-storey podium which will provide employment uses and the balance of the 56 storeys will be condominium apartments.

Our client is working with its neighbour, the owner of the Jencel Property, to make certain that you are aware of our support for a comprehensive and co-ordinated development of the south-east corner of the Yonge-Eglinton intersection.

We are adopting recommendations of the report for City planning staff to undertake a local property owner consultation with our client and the principals of the Jencel Property and to consider the recent planning approvals in the immediate area and the directions that are contained in the Proposed Yonge-Eglinton Secondary Plan Update.

In our view, it is most important to our clients that City Planning Staff be directed by you to report back to you at the Planning and Growth Management Committee the opportunities for the re-development of the properties at 2239 and 2245 Yonge Street.

In the Proposed Yonge-Eglinton Secondary Plan Update which was Attachment # 2 to the Report for Action of October 25, 2017 (PG24.10), we have considered the following, namely:

- Within the current provisions of the Zoning By-law, the Society is entitled to develop a mid-rise building and our client is prepared and wishes to present to your staff and, ultimately, to Council, its Concept Design for the re-development of the two properties at 2239 and 2245 Yonge Street;
- The Update in Section 3.2.11(e) makes specific reference to **co-ordinating and sharing access and servicing areas between properties**. It is obvious to our clients that as a consequence of your review of the current application for the re-development of 1 Eglinton Avenue East, there is no provision for its reciprocal servicing nor the co-ordination between the adjoining properties. The location of the podium of the building on Cowbell Lane is not consistent with the provisions of the current By-law nor the Update report and does not allow for the movement of trucks and cars, particularly having regard for the fact that the development is substantial and provides for at least 100,000 sq.ft. of offices together with perhaps 550 individual apartment units;

- The Update requires that the tower portion of the proposed building be a minimum of 12.5 m from the side and rear property lines or the centre of an abutting lane and to ensure a separation distance of 25 m or greater;
- Where this provision is not met, as is the case with the design of 1 Eglinton Avenue East, the floor plate of the tower portion of the tall building must be reduced to provide the required setback distance. Where the heights of buildings exceed 30 storeys, the separation distance between the tall buildings will be proportionally increased above the 30<sup>th</sup> storey by reducing the size of the tall building floor plate. The application for the re-development of 1 Eglinton Avenue East does not comply with these standards;
- Our client wants to preserve the significant development potential it presently enjoys and the recent approval of the 1 Eglinton Avenue development application is contrary to the intent of the Secondary Plan since it leaves the Jencel property at 2245 Yonge Street and our client's own property orphaned.

In reference to the policies contained in the Proposed Yonge-Eglinton Secondary Plan Update, the following policies have been ignored:

- Policy 3.2.11(e) calls for the co-ordinated and shared access and servicing areas between the properties;
- Policy 3.3.12 requires the consideration of the development potential of the neighbouring sites;
- Policy 3.7.4(c) states the Secondary Plan area would include the restriction of site access for development on major streets and consolidating street access where appropriate. This policy has been disregarded;
- Policy 3.3.18 - Sunlight Protection and Wind Conditions states: "**Development will ensure coordination of tall building location, floor plates, orientation, setbacks and separation distances with other tall buildings on the same block to maximize access to sunlight and sky view for surrounding streets..., open space...**" Our client's Concept Plan contains significant outdoor amenity space which will be subjected to intrusive and objectionable structural elements associated with the policies of the Update report.
- Policy 5.2.1 clearly provides that as a part of the development review and approvals process, a context plan may be required to be submitted to co-ordinate development with land owners on multiple sites within a block including but not limited to the building placements, separation distances and building heights;

- In addition, the context plan must demonstrate that the proposed development will ensure the orderly development of the context area to the satisfaction of the City. At the present, these provisions have been disregarded.
- The Tall Buildings section provides in Policy 3.3.4 that tall buildings or in-fill development potential must meet the provisions of Maps 21-5 to 21-7.
- Policy 3.3.6 goes on to say that **“In no instance will the height of a new tall building or high-rise addition to an existing apartment building exceed the height limits identified on Maps 21-8 to 21-10.”** Our client’s Concept Plan contemplates a mid-rise commercial office building that is permitted by the By-law and is contrary to Policy 3.3.6 and Map 21-8.
- Map 21-8 Maximum Tall Building Heights in the Yonge-Eglinton Area provides that no infill potential is permitted on our client’s property. This is inaccurate and unacceptable to our client and must be reconsidered. This Map effectively precludes all tall building potential or infill potential.
- Map 21-11 describes our client’s lands as an “Office Priority Area”. How can a site which is merely steps from the Yonge-Eglinton Centre be regarded as “Office Priority” and simultaneously deemed to be low-rise at development capacity with no infill potential? Our client is continuing with its Employment / Commercial uses of its lands and building and wants to improve its own property in accordance with the provisions of the current By-law.
- Policy 3.3.12 provides that where a development is proposed they would preclude the achievement of a tall building on an adjacent site in accordance with the policies of a Secondary Plan and development will only be permitted where the development potential of the adjacent site is amended prior to working currently with the decision on the proposed development.
- The mapping and policies contained in the Update have the effect of being confusing and do not work. Changes are required. Our client wants to move forward. This action and confusion is counter-productive.
- We ask of you what can be done to designate this property and the surrounding areas as an Office Priority Area.
- Maps 21-5 and 21-8 have the practical effect of excluding the development potential of the Society’s property.
- Section 3.3.11 of the Update further confirms that no additional development potential will be permitted on our client’s site.

Clearly, our client is currently entitled to be able to re-develop its property in a mid-rise form of building and wants to be able to secure this privilege in the Update which is the subject matter of your review.

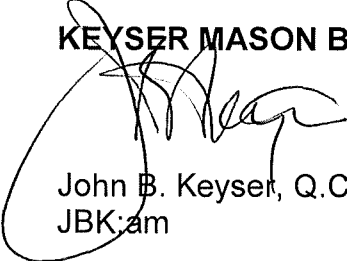
We would respectfully request copies of all future Planning and Growth Management Committee meetings as well as further reports and consideration of this matter by City Planning Staff, the Planning and Growth Management Committee and other committees of City Council.

We respectfully request your continuing interest in our client's affairs.

All of which is respectfully submitted.

Yours truly,

**KEYSER MASON BALL, LLP**



John B. Keyser, Q.C.  
JBK:am

*Enclosures:*

1. *Keyser Mason Ball LLP Letter of October 16, 2017*
2. *Overland LLP Letter of November 13, 2017*
3. *Tall Building Section 3.3.4 – 3.3.17*

October 16, 2017

**Delivered Via Email**

Mayor John Tory and  
Members of Council  
Toronto City Hall  
100 Queen Street West  
Toronto, ON M5H 2N2

**Attention: Ellen Devlin,  
Secretariat, Toronto and East York Community Council**

Your Worship and Members of Council:

**Re: 1 Eglinton Avenue East – Zoning Amendment Application  
City File No. 14 266776 STE 22 OZ  
Final Staff Report – Item TE27.4**

We are the solicitors for 2332356 Ontario Inc., hereinafter referred to as The Society of Energy Professionals ("**the Society**"), the owner of the property municipally known as 2239 Yonge Street ("**2239**") located on the east side of Yonge Street immediately south of the Jencel Property at 2245 Yonge Street, and situate one building south of the above-captioned 1 Eglinton Avenue East.

Our client's property comprises of a 5-storey office building which is fully tenanted and includes, on three levels, the offices of the Society who are the principals of 2239.

Together with the owner of 2245 Yonge Street, the "**Jencel Property**", we have participated in the future re-development of our client's property at 2239 Yonge Street and the Jencel Property adjoining it to the north.

Our client has been following the Application for the re-development of the lands situate at 1 Eglinton Avenue East for a high-rise, mixed-use building (the "**Development Property**"). We understand that the present proposal for re-development is to provide for a 65-storey building with a 9-storey podium which will provide employment uses and the balance of the 56 storeys will be condominium apartments.

For the record, we want to confirm that our clients have instructed us to join in and adopt the reasoning and the arguments contained in the Overland LLP letter to you of October 13, 2017 on behalf of the owner of the Jencel Property.

Our clients are greatly dissatisfied with the recommendation made in the Final Report prepared by your Planning Staff and dated September 29, 2017 recommending approval of the Application (the "**Staff Report**").

From our examination of the Staff Report, we have observed that the comments on the description of the built form, height and massing fails to give effect to the Tall Building Design Guidelines which were adopted by Council in May of 2013 (the "**Guidelines**").

As we have pointed out in our earlier letter to you of August 18, 2016, the Guidelines require a minimum of 12.5 metre tower setback from a side or rear lot line.

Our client's own property is located within 6 metres of the southerly boundary of the Development Property and is materially affected by the absence of consideration being given to the Guidelines.

The current limited setback of the podium and tower from Cowbell Lane is a reduced setback of 5 metres, whereas the first submission provided for a setback of 7 metres. The practical effect of the reduction in the setback is to require that the fundamental access to the Development Property will be affected from Cowbell Lane.

Cowbell Lane, from our client's observations, is slanted downward from Eglinton Avenue East, which is the northerly boundary of the Development Property and the incline, accompanied by the laneway width makes the entrance, the access for vehicles and there will be many bearing in mind that the building is to house approximately 108,000 sq.ft. of new offices, difficult to use and threatening to pedestrian safety and vehicular traffic on Cowbell Lane.

The design of the building must be reoriented in a manner that is similar to that which has been used at the Minto Property to the south and the Towerhill Developments at 2221 Yonge Street, which will allow for the heavy vehicles that provide services to the office building to gain access on to the Development Property in a manner that will make it function with safety and security.

We have examined the Transportation Study prepared for the Development Property and we find that the data that has been provided by the transportation consultant is at least 5 years old and does not in any manner reflect the current and anticipated uses of Cowbell Lane.

In addition, there is a further 58-storey building being built at 2221 Yonge Street which is a short distance from the Development Property.

Our client has joined with the Jencel Property owner in a re-development proposal that has been initiated with your Staff and is in the phase which will permit the design and the transportation study to be shared with your Staff in the coming weeks.

It is our respectful submission that the Staff Report should not be accepted at this time and should be deferred in order to allow the proposals of our client, the Society and the Jencel Property owner to be considered.

Reference is being made in the Staff Report with respect to a Limiting Distance Agreement which exists between our client and its neighbour to the south.

We underline the importance of you being advised that this Agreement does not limit the development potential of 2239 Yonge Street in a manner that would allow the current development to proceed without the existence of a further Limiting Distance Agreement or some further recognition of the importance of the use of the Guidelines to consider current development.

Section 3.2.3, which is headed "Separation Distances in the Guidelines, makes it clear that if tall buildings are constructed too close together, the following negative impacts may occur:

- excessive shadowing of surrounding streets, parks, open space, and properties;
- diminished sky views for pedestrians;
- heightened street level wind effects;
- loss of privacy for residents; and
- limited interior daylighting.

In our letter to you of August 18, 2016 we made reference to the proposition contained in the Guidelines that the separation between the balconies of the various properties must be at least 25 metres in accordance with these Guidelines. It does not appear that this will occur as it relates to the Jencel Property, our client's property or 2221 Yonge Street.

We respectfully request that you defer the current application in order to give effect to the concerns of our client and the owner of the Jencel Property with respect to particularly the absence of the setback provisions which have been referred to in both of our submissions.

We are asking that Staff be given an opportunity to consider any future development potential for the Jencel Property and our client's property.

Our client has been working with the owner of the Jencel Property throughout the period during which discussions with your staff have taken place and has given its support to these discussions.



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Our client is, as well, participating with the owner of the Jencel Property in the planned re-development of both of these property sites.

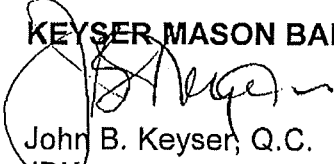
We are requesting your careful consideration of the current development proposal relationship to our clients' property, the Jencel Property and the effect on the community.

We are respectfully requesting notice of your decision and any further public meetings which take place in order for these discussions and the application proceeding.

All of which is respectfully submitted.

Yours truly,

**KEYSER MASON BALL, LLP**



John B. Keyser, Q.C.  
JBK:am



Overland LLP  
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November 13, 2017

**VIA EMAIL**

Mayor John Tory and Members of Council  
Toronto City Hall  
100 Queen Street West  
Toronto, ON M5H 2N2

**Attention: Nancy Martins,  
Planning and Growth Management Committee Administrator**

Your Worship and Members of Council:

**RE: Midtown in Focus: Proposals Report (the "Report")  
Item PG24.10**

We are the lawyers for Jencel Properties Inc. ("**Jencel**"), the owner of the property municipally known as 2245 Yonge Street, which is located on the east side of Yonge Street, just south of Eglinton Avenue (the "**Jencel Property**"). The Jencel Property is located at the heart of the Midtown study area and at the Yonge-Eglinton Centre crossroads – at "the geographic centre of the City" as stated in the above-noted Report; the Jencel Property currently contains a two-storey commercial building with a Tim Horton's restaurant at grade and a hair salon above, as well as a single residential apartment unit at the rear of the second storey.

Together with our client, we have been actively engaged in the ongoing planning processes surrounding the Midtown Study Area and the Yonge-Eglinton Centre. Most recently, we wrote to and appeared before Toronto and East York Community Council to express our concerns with the approval of the 1 Eglinton Avenue East development (City File No. 14 266776 STE 22 OZ) ("**1 Eglinton**"). A copy of our correspondence is attached.

Our client has been a vocal and persistent advocate of comprehensive and coordinated development of the south east corner of the Yonge-Eglinton Crossroads, the intersection of these "two great streets" as described in the Report.

For that reason, we are exceedingly disappointed with the Report and with what seems to be City Planning's indifference to the future of both the Jencel Property and the long term comprehensive and coordinated planning of the southeast corner of these "two great streets".

Given one of the recommendations in the Report is for City Planning staff to undertake stakeholder and local property owner consultation, **we are specifically requesting that City Planning meet with our client to discuss the future of the Jencel Property in light of recent planning approvals in the area and in light of the directions set out in the Report**

**and the draft Yonge-Eglinton Secondary Plan. We are requesting this specific consultation so that we might understand City Planning's vision for the long term development of the southeast corner of the Yonge Eglinton Crossroads.**

**In addition, we are also requesting that City Planning be specifically directed to report back to the Planning and Growth Management Committee regarding opportunities for development of the Jencel Property in light of the foregoing.**

In terms of specific commentary on the draft Secondary Plan presented via the Report, we note the following:

- The Secondary Plan incorporates tall building performance measures such as maximum 750-square-metre floorplates (Policy 3.3.14) and 12.5-metre setbacks from property lines (Policy 3.3.15), and increased separation requirement above 30 storeys (Policy 3.3.15). The plan also says that City of Toronto urban design guidelines will be used in the review of development proposals (Policy 3.3.32). These requirements and guidelines were not observed in City Council's recent approval of the 1 Eglinton Proposal,<sup>1</sup> with the effect that a tall building of nearly 70 storeys in excess of the 750-square-metre floorplate is to be positioned only 6.8 metres from the boundary of the Jencel Property. City Planning's review of the development proposal actually resulted in the tower being moved *closer* to the property line than originally proposed.
- The Secondary Plan appears to identify the Jencel Property as having no additional development potential on Map 21-5 ("sites at development capacity") and Map 21-8 ("no tall building potential or infill potential") adjacent to a proposed height limit of 70 storeys. Firstly, this ignores the zoned height limit for the Jencel Property of 61 metres. Secondly, if approved, this would appear to crystallize an intention that a 2-storey retail frontage remain at the heart of the Yonge-Eglinton Crossroads past the planning horizon for these lands. This is contrary to Policy 4.4.1, which states the under-utilized sites in the Midtown Cores will be developed to foster transit supportive densities. This is also contrary to the policies regarding the Yonge-Eglinton Crossroads which speak to high quality architecture and design (Policy 4.4.3.1) and a unifying and comprehensive design at the corners of the intersection (Policy 4.4.3.3).
- If, contrary to indication, the intention is that the Jencel Property retains some development potential, the recent approval of the 1 Eglinton proposal is contrary to the intent of the draft Secondary Plan since it leaves the Jencel Property essentially an orphan to be developed on its own:
  - Policy 3.2.11 calls for co-ordinated and shared access and servicing areas between properties;
  - Policy 3.3.12 requires a consideration of the development potential of neighbouring sites;

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<sup>1</sup> The 1 Eglinton proposal was approved by City Council at its meeting of November 7, 8, and 9, 2018, but the necessary Zoning By-law Amendment has not yet been enacted.

- o Policy 3.7.4 speaks to improved connectivity and requiring consolidated site access;
- o Policy 5.2 is a specific policy requiring context plans in order to achieve coordinated and orderly development (Policy 5.2.1(d)). Specific reference is made to site circulation, servicing, and loading (Policy 5.2.2).

Taken together, these policies coupled with the recent recommendation for approval of the 1 Eglinton proposal, indicate to us that, at present, City Planning does not to have a coherent vision for the development of the Jencel Property beyond the current two-storey Tim Hortons and hair salon. It is not clear how the principles espoused in the Report or the directions set out in the draft Yonge-Eglinton Secondary Plan are intended to be implemented on this property given these circumstances.

Please provide us with notice of the decision of the Planning and Growth Management Committee, as well as notice of further reports and consideration of this matter by City Planning, the Planning and Growth Management Committee, City Council, and other committees of Council. Our contact information is provided above and below.

Thank you for your attention to this matter.

Yours truly,  
**Overland LLP**



Per: Christopher J. Tanzola  
Partner

Encl.

c. A. Dharamshi (Jencel Properties)

## Tall Buildings

- 3.3.4 Tall buildings will only be permitted on sites and/or areas specifically identified as having *tall building development potential* or *on infill development potential* on Maps 21-5 to 21-7 and where the tall building satisfies and meets all policies of this Secondary Plan. A tall building is defined as a building with a height greater than the maximum mid-rise building heights identified for each Character Area in Section 4 of this Secondary Plan.
- 3.3.5 No tall buildings will be permitted on sites and/or areas not specifically identified as having *tall building development potential* or *infill development potential*. The types of buildings permitted on these sites and/or areas will be as defined in the specific Character Area policies and/or the policies in the Official Plan for lands designated *Neighbourhoods*.
- 3.3.6 In no instance will the height of a new tall building or a high-rise addition to an existing apartment building exceed the height limits identified on Maps 21-8 to 21-10. The heights of buildings for sites and/or areas identified as having a height range will be specifically determined through rezoning applications or a City-initiated Zoning By-law amendment. The objective in the areas with a height range is to ensure height variability within the permitted height ranges, with the highest heights located in closest proximity to transit stations.
- 3.3.7 Height limits for sites identified as requiring comprehensive study will be in accordance with heights established in the Zoning By-law or as may be determined through a comprehensive study for the site in consultation with the public.
- 3.3.8 The redevelopment of any school sites identified as *development potential to be determined* on Maps 21-5 to 21-7 and the introduction of additional uses will be determined through a comprehensive study of the site and/or area in consultation with the public. The objective for these sites will be to ensure the sites continue to act as civic hubs of community activity with improved school yards accessible to the public.
- 3.3.9 The building heights established on Maps 21-8 to 21-10 are based on a storey height of 3.0m for residential development and 4.0m for commercial development. Ground floors on priority and secondary retail streets are based on a 4.5 metre floor to ceiling height. The commercial storey height will only be applied to office and/or institutional uses located within a building. Building mechanicals are permitted above the height limits, provided the mechanicals are not wrapped with uses. Mechanicals will be designed to be discrete and unobtrusive.

- 3.3.10 Where a development site includes different height permissions on Maps 21-8 to 21-10, the permitted height of the building will be the average height of the height permissions for each portion of the site.
- 3.3.11 Where a site identified as a *tall building development potential* site or *infill development potential* site identified on Maps 21-5 to 21-7 is rezoned to permit the development permissions in this Secondary Plan, the site will become a *site at development capacity* without the need to amend this Secondary Plan. No additional development potential will be permitted on the site. The City will monitor development approvals in the area and may amend the development potential on Maps 21-5 to 21-7 to reflect outcomes of development approval processes at any time.
- 3.3.12 Where a development is proposed that would preclude the achievement of a tall building on an adjacent site in accordance with the policies of this Secondary Plan, the development will only be permitted where the development potential of the adjacent site is amended prior to, or concurrently with, a decision on the proposed development.
- 3.3.13 On sites identified as an *infill development potential* site on Maps 21-5 to 21-7, the only permitted infill development that may be considered is as follows:
- (a) A high-rise (tall building) addition on top of an existing apartment building that is greater than 10 storeys in height may be permitted subject to:
    - (i) Ensuring no additional shadow impacts are created on the public realm and additional shadow impacts on adjacent sites are minimal and do not impact outdoor amenity space;
    - (ii) Providing the minimum tall building separation distances for the addition as stipulated in this Secondary Plan; and
    - (iii) Meeting the tall building policy directions and performance standards for the addition as stipulated in this Secondary Plan.
  - (b) A high-rise (tall building) addition resulting from the partial demolition of an existing apartment building that is equal to or less than 10 storeys in height and redevelopment of the demolished portion of the building and underutilized portion of the site with a new tall building may be permitted subject to:
    - (i) Providing a minimum 15 metre facing distance between new and retained existing units;

- (ii) Meeting the tall building policy directions and performance standards for the addition as stipulated in this Secondary Plan
  - (iii) Meeting all other Character Area specific policy directions of this Secondary Plan, such as, but not limited to, base building heights; and
  - (iv) Meeting all other applicable criteria in policy 4.2.4 of the Official Plan and rental replacement requirements.
- 3.3.14 Residential tall building floor plates will not exceed 750 m<sup>2</sup> measured from the exterior of the main walls at each floor above the base building (gross construction area), excluding balconies. The floor plate for a tall non-residential building may be permitted to exceed 750m<sup>2</sup> where it can be demonstrated to the satisfaction of the City that the impacts of a larger floor plate can be sufficiently mitigated.
- 3.3.15 Unless otherwise indicated in this Secondary Plan, development will set back the tower portion of a proposed building a minimum of 12.5 metres from the side and rear property lines or centre line of an abutting lane to ensure a separation distance of 25 metres or greater between the tower portion of proposed building and an existing or planned tall building. Where the 12.5 metre set back to the side or rear property line is not possible with a 750 m<sup>2</sup> floor plate, the floor plate of the tower portion of the tall building will be reduced to provide the required set back distance. Where the heights of buildings exceed 30 storeys, the separation distance between tall buildings will be proportionally increased above the 30th storey by reducing the size of the tall building floor plate.
- 3.3.16 A minimum 12.5 metre separation distance will be required between the tower portion of a tall building and a school yard.
- 3.3.17 The tower portion of any tall building, including balconies, will step back a minimum 3.0 metres from the face of the base building along all street, park and open space frontages, unless otherwise noted in this Secondary Plan. The minimum step back for buildings that exceed a height of forty storeys may be required to be increased to assist in mitigating the perception of the tall building at grade.

## Sunlight Protection and Wind Conditions

- 3.3.18 Development will ensure coordination of tall building location, floor plates, orientation, setbacks and separation distances with other tall buildings on the same block to maximize access to sunlight and sky view for surrounding streets, parks, open space and properties, and to maximize comfort and enhance the utility of sidewalks, parks, open spaces (e.g. school yards, outdoor amenity spaces and privately-owned publicly-accessible open spaces) and institutional uses.
- 3.3.19 Development will be located and designed to protect access to sunlight on parks and open spaces. Development proposals will demonstrate that no net new shadow is cast on the following parks and open spaces on March 21st and September 21st from 9:18 a.m. to 6:18 p.m:
- (a) Eglinton Park, the largest and most significant park in the area;
  - (b) Redpath Avenue Parkette and the proposed expansion to the Parkette as shown on Map 21-4;
  - (c) June Rowlands Park;
  - (d) Oriole Park;
  - (e) Charlotte Maher Park; and
  - (f) The school yard at Northern Secondary School shown on Map 21-4.
- "Net new shadow" means shadow cast by a proposed development in excess of the shadow already cast by existing and approved buildings and structures as well as buildings and structures permitted as-of-right in the Zoning By-law.
- 3.3.20 It is a key objective of this Secondary Plan to maximize the amount of sunlight on other parks and open spaces in the Secondary Plan area not identified in policy 3.3.19. The height limits and other general and Character Area policy directions established in this Secondary Plan result in acceptable shadow impacts.
- 3.3.21 Buildings will be sited, massed and designed to reduce and mitigate wind impacts on the public realm. Pedestrian-level wind conditions should be suitable for sitting and standing, with higher standards applied to sites adjacent to parks and open spaces, the Park Street Loop and priority and secondary retail streets identified on Map 21-11. Adjustments to building design may be required to mitigate wind impact. Adjustments may relate to the form, setbacks or stepbacks of building mass. Protective screens and other incidental add-ons or