



Project No. 15227

June 7, 2018

Councillor David Shiner, Chair, and Members
Planning and Growth Management Committee
c/o Nancy Martins
10th Floor, West Tower, City Hall
100 Queen Street West
Toronto, ON M5H 2N2

Dear Sirs/Madam:

Re: *Item PG30.4, June 7, 2018 Agenda*
Midtown in Focus: Yonge-Eglinton Secondary Plan OPA
2079-2111 Yonge Street, 1-31 and 35-39 Hillside Avenue East and
12-20 Manor Road East

We are the planning consultants to Glen Corporation with respect to the above-noted matter.

As we noted in our previous letters to City staff dated December 9, 2016 and December 29, 2017 (copies of which are attached as **Appendix 1**), Glen Corporation is the manager of lands owned by CSG – Yonge Manor Limited and CSG – Hillside Limited, located on the east side of Yonge Street between Hillside Avenue and Manor Avenue and comprising properties with municipal addresses 2079-2111 Yonge Street, 1-31 and 35-39 Hillside Avenue East and 12-20 Manor Road East (the “subject lands”). The subject lands are located within approximately 235-325 metres from the south entrance to the Eglinton subway station, and are accordingly within a “major transit station area” as defined by the Growth Plan.

Our previous letters requested that, as part of the study process, the *Mixed Use Areas* designation that applies to lands on the east and west sides of Yonge Street be extended easterly at least as far as necessary to include the properties at 31 Hillside Avenue East and 20 Manor Road East. As well, the letters expressed concern that the “Yonge Street South Village” character area, along with the proposed angular plane and setback requirements that were proposed to apply to the subject site, would result in further restrictions on intensification, rather than a more flexible approach to intensification. Finally, the letters expressed concerns with respect to the proposed minimum number and size of 2- and 3-bedroom units, the affordable housing provisions and the proposed Section 37 policies.

We have reviewed the proposed Official Plan Amendment (OPA) No. 405 released for review on May 18, 2018, and we continue to have a number of concerns, as outlined below.

Consistency and Conformity

With respect to the merits of the Yonge-Eglinton Plan as it applies to the subject lands, is our opinion that, as currently drafted, it is not consistent with the Provincial Policy Statement and does not conform with the Growth Plan for the Greater Golden Horseshoe (the “Growth Plan”). More specifically, the Yonge-Eglinton Plan does not optimize the use of land and infrastructure, particularly as it applies to the subject lands.

In this regard, the Yonge-Eglinton Plan does not take into account Provincial policy directions to optimize the use of land and infrastructure along transit and transportation corridors, and in particular within “major transit station areas”. In this regard, “optimization” means making something “as fully perfect, functional, or effective as possible”.

Land Use Designations

While Map 3 of Schedule II to OPA 405 proposes to redesignate the portion of the subject lands at 9 Hillside Avenue East from *Neighbourhoods* to *Mixed Use Areas*, for the reasons set out in our previous letters, it is our opinion that the boundaries of the *Mixed Use Areas* designation should be extended easterly to include at least the properties at 21 Hillside Avenue East and 12-16 Manor Road East, which are part of a larger assembly at 2079-2111 Yonge Street, 1-21 Hillside Avenue East and 12-16 Manor Road East that is subject to a site-specific by-law permitting a comprehensive redevelopment of those lands (By-law 809-84).

Further, it is our continued opinion that it would be appropriate and desirable to extend the *Mixed Use Areas* further east to include the properties at 31-33 Hillside Avenue East and 18-20 Manor Road East to better align the limits of the *Mixed Use Areas* designation with the intensification corridor boundary that has been established through the approval of the Art Shoppe development.

Following from the foregoing, we object to the designation of the properties at 21 Hillside Avenue East and 12 Manor Road East as *Parks and Open Spaces Areas* – *Parks*. As noted above, these properties have approved zoning in place to allow for a comprehensive redevelopment of the properties together with lands to the west fronting on Yonge Street. Furthermore, the *Parks* designation would not align with the Art Shoppe linear park, limiting its utility as a north-south connection.

Height

We continue to fundamentally disagree with the proposed Secondary Plan's approach of limiting the amount of tall building development potential on specified sites across the proposed Secondary Plan area without the benefit of more thorough planning and urban design analysis, such as that which accompanies a site-specific development application. Specifically with respect to the subject lands, it is our opinion that the "Midtown Mid-Rise" identification and 8-storey height limit on Map 21-14 are inappropriately restrictive, and that the height limit should be deleted or increased.

For the reasons outlined in our previous letters, it is our opinion that the imposition of numerical standards is generally inappropriate and undesirable in a policy document, and, even if a height limit were to be imposed, the proposed 8-storey limit is inappropriately low given the location of the lands within a major transit station area, as well as the existing and planned context. While Policy 5.4.10 has been introduced to provide some flexibility, by permitting "one additional storey" subject to conditions, it does not go far enough in our opinion. If the conditions can be satisfactorily addressed, it does not make sense to impose arbitrary numerical height limits.

Although Policy 2.4.1 asserts that "the boundaries of the Midtown Transit Station Areas maximize the size of the area and the number of potential transit users within walking distance of each station", the proposed Secondary Plan unreasonably limits height (and accordingly limits density and the number of potential transit users) within major transit station areas. On that basis, it is our opinion that OPA 405 conflicts with the policies of the PPS and Growth Plan and would not optimize the use of land and transit infrastructure.

Other Concerns

1. Built Form and Massing Policies

Proposed Policy 5.3.19(a) would require a 1.5 metre stepback above the second storey along all street frontages, while Policy 5.3.20(c) would require an additional 3 metre stepback above the seventh storey. At the rear, Policy 5.3.25(a) would require a 7.5 metre rear yard setback from any *Neighbourhoods*, and Policy 5.3.26 would require a rear 45-degree angular plane beginning from 10.5 metres above the 7.5 metre setback.

As noted above, it is our opinion that such detailed numerical standards are inappropriate and undesirable in a policy document. If such policies are to be

included, the requested expansion of the *Mixed Use Areas* designation, as set out above, becomes even more important in terms of achieving transit-supportive intensification on the subject lands.

2. Unit Size/Mix Policies

We have significant concerns with Policy 7.1, which would require 15% two-bedroom units with a minimum unit size of 87 square metres, 10% three-bedroom units with a minimum unit size of 100 square metres, and an additional 15% 2- or 3-bedroom units with no minimum size.

Similar to our comments above, such detailed numerical standards are inappropriate in a policy document. Furthermore, if such policies are to be introduced in the Official Plan, that should be done on a City-wide basis with the requisite comprehensive study and opportunity for broad-based consultation. Furthermore, it does not appear that staff have explicitly considered whether the proposed policies will have negative impacts on housing affordability. In our opinion, they will.

3. Rental Housing

Given the historical and continuing importance of Yonge-Eglinton as a rental apartment location within the City, we believe that the failure of the Secondary Plan to specifically address rental housing is a missed opportunity and fails to give appropriate weight to the policy directions in Section 3.2.1 of the Official Plan which promote the development of new purpose-built rental housing.

In light of the foregoing policy directions, it would be desirable to include policies in the Secondary Plan allowing for height and/or density bonuses for the provision of rental housing, as well as providing explicit recognition for purpose-built rental housing as a public benefit in the Section 37 policies. It is noted that Policy 9.4.2 as drafted does not list purpose-built rental housing as one of the eligible “facilities, services and matters” (although the list is not exclusive). In this regard, our client would be interested in developing rental housing on the subject site, provided that the Secondary Plan included a sufficiently supportive policy context.

4. Section 37 Policies

We have significant concerns with Policy 9.4.5, which provides that the amount of a monetary Section 37 contribution will be equal to 25% of the incremental market value of the gross floor area.

In our opinion, the proposed policy is inappropriate in a number of respects. First, as with the unit size/mix policies, any such policy should be considered

on a City-wide basis. Second, a formulaic approach to monetary contributions is not supported by the City's Section 37 implementation guidelines. Third, while the City's practice has been to use a percentage of the incremental increase in land value as a guideline for calculating a Section 37 contribution, that percentage has historically much less than 25%.

Proposed Approval Process

In our opinion, the proposed OPA cannot reasonably be considered to be part of a municipal comprehensive review and/or a provincial plan conformity exercise and, therefore, is not properly subject to Section 26 of the *Planning Act*.

Section 26(3)(a) requires Council to consult with the approval authority (in this case, the Ministry) and with prescribed public bodies with respect to any revisions to the official plan that may be necessary. There is no apparent evidence that the Ministry was consulted with respect to the revisions required as part of the exercise, and even if so, the public has no information on that consultation or its results.

In addition, Section 26(3)(b) requires Council to hold a special public meeting that is open to the public to discuss the revisions to the official plan that may be required. There is no evidence that such a meeting was held. While the special meeting of Council scheduled for June 7, 2018 (i.e. this Planning and Growth Management Committee meeting) purports to be the special public meeting required by Section 26(3)(b), we are of the view that it cannot properly be considered the required statutory meeting as it will not serve as an opportunity for members of the public to provide input on the "revisions that may be required" to bring the Official Plan into conformity with Provincial policies and plans (a meeting that in any event should occur near the beginning of the process).

Furthermore, as elaborated in our February 23, 2018 letter, it is our opinion that the proposed OPA cannot be considered a provincial conformity exercise, as it is not consistent with the 2014 Provincial Policy Statement ("PPS") and does not conform with the 2017 Growth Plan, both of which contain a number of policies that promote intensification and compact built form, particularly in areas well served by public transit.

Finally, it is our opinion that the proposed OPA cannot be considered the result of a "municipal comprehensive review" because it does not provide density calculations within the Major Transit Station Areas and none of the documents presented to the public during and in support of the review process appear to

provide any density calculations in terms of job and persons per hectare, as required by the 2017 Growth Plan.

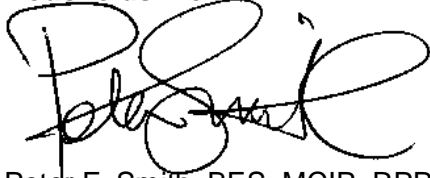
Request/Submission

For the foregoing reasons, we would request that OPA 405 not be adopted in its current form or, failing that, that the adoption of OPA 405 Plan be deferred, at least insofar as it applies to the subject lands, with a direction that City Planning staff address the comments noted herein and in our previous letters to staff.

We appreciate your consideration of the foregoing submission. Should you require any additional information, please do not hesitate to me, or Mike Dror, Senior Planner, of our office.

Yours very truly,

Bousfields Inc.



Peter F. Smith, BES, MCIP, RPP

cc: *Jordan Rose, Glen Corporation*
Adam Brown, Sherman Brown

Appendix 1: Previous Communications



December 9, 2016

Paul Farish, MCIP, RPP
Senior Planner, Strategic Initiatives, City Planning
City of Toronto
Metro Hall, 22nd Floor
55 John Street
Toronto, ON M5V 3C6

Dear Mr. Farish:

Re: \$ *Midtown in Focus*
Landowners and Developers Meeting November 14, 2016

We are planning consultants to Glen Corporation with respect to the above-noted matter.

Among other lands within the Yonge-Eglinton Secondary Plan Area, Glen Corporation is the manager of lands owned by CSG – Yonge Manor Limited and CSG – Hillsdale Limited, located on the east side of Yonge Street between Hillsdale Avenue and Manor Avenue and comprising properties with municipal addresses 2079-2111 Yonge Street, 1-31 and 35-39 Hillsdale Avenue East and 12-20 Manor Road East.

On behalf of our clients, we have reviewed the presentation materials from the November 14th meeting and wish to provide the following comments. As a general matter, we would suggest that the Yonge-Eglinton Secondary Plan Review offers an ideal opportunity to consider the appropriateness of the existing land use designations and the associated policies in a comprehensive manner. In this regard, we would note that the land use designation boundaries remain largely unchanged since at least the time of the 1993 Official Plan.

Despite that fact, there have been significant changes since that time both in terms of the policy context (through the intensification policies of the Provincial Policy Statement and the Growth Plan, in particular the identification of Yonge-Eglinton as an “urban growth centre” and the identification of Yonge Street and Eglinton Avenue as “intensification corridors”) and the level of transit accessibility (through the imminent introduction of the Eglinton-Crosstown LRT line). As well, considerable redevelopment has already occurred or is approved or proposed within the previously designated intensification areas.

In considering the planning period of the updated Secondary Plan, we should be planning in “next-generation” terms to anticipate and accommodate future

intensification that will result from the continuing forecast growth in the Greater Toronto Area and the City of Toronto and the investment in rapid transit infrastructure. In this context, the rounding out and potential expansion of the boundaries of the growth designations (e.g. *Mixed Use Areas*) to provide for appropriate intensification opportunities into the future would be desirable, particularly recognizing the extent of build-out of the current growth designations.

Although City staff indicated at the November 14th meeting that the City is “not in the redesignation business”, we are of the opinion that a Secondary Plan Review is precisely the time at which land use designations should be reviewed and amended, if such amendments are determined to be appropriate. We would also emphasize that the choice is not one of allowing for appropriate intensification or providing for the protection of stable neighbourhoods. It is clearly possible to provide for modest and appropriate redesignations of lands from *Neighbourhoods* to *Mixed Use Areas* or *Apartment Neighbourhoods* without destabilizing adjacent *Neighbourhoods*. In fact, establishing a reasonable quantum of growth designations with logical boundaries should assist in maintaining the stability of land use designation boundaries over the long term.

In the case of the subject site, the properties at 2079-2111 Yonge Street, 1-21 Hillside Avenue East and 12-16 Manor Road East are subject to an older site-specific by-law permitting comprehensive redevelopment of that portion of the ownership (By-law 809-84). However, the current *Mixed Use Areas* designation may be interpreted to apply to a smaller area, following the boundaries of the existing CR zoned lands i.e. 2079-2111 Yonge Street and 1-5 Hillside Avenue East. Those boundaries would allow for only a shallow building fronting Yonge Street, and would not continue the intensification corridor boundary that has been established through the approval of the Art Shoppe development.

On the foregoing basis, we would request that the boundary of the *Mixed Use Areas* designation be extended easterly at least as far as necessary to include the properties at 31 Hillside Avenue East and 20 Manor Road East. Provided that the principle of expansion of the *Mixed Use Areas* designation is accepted in accordance with the comments outlined above, we would be pleased to work with staff to refine the extent of the redesignation.

Finally, we note that the proposed Character Area map proposes to break down the *Mixed Use Areas* designation into various character areas. The proposal to identify this segment of Yonge Street as a “Midtown Village”, similar to Mount Pleasant Road and Bayview Avenue, may result on further restrictions on intensification, rather than a more flexible approach to intensification. If that is the intent, we would have additional concerns with this approach for the reasons outlined above.

Thank-you for your consideration of these comments. If you require any clarification or wish to discuss these matters further, please do not hesitate to contact me.

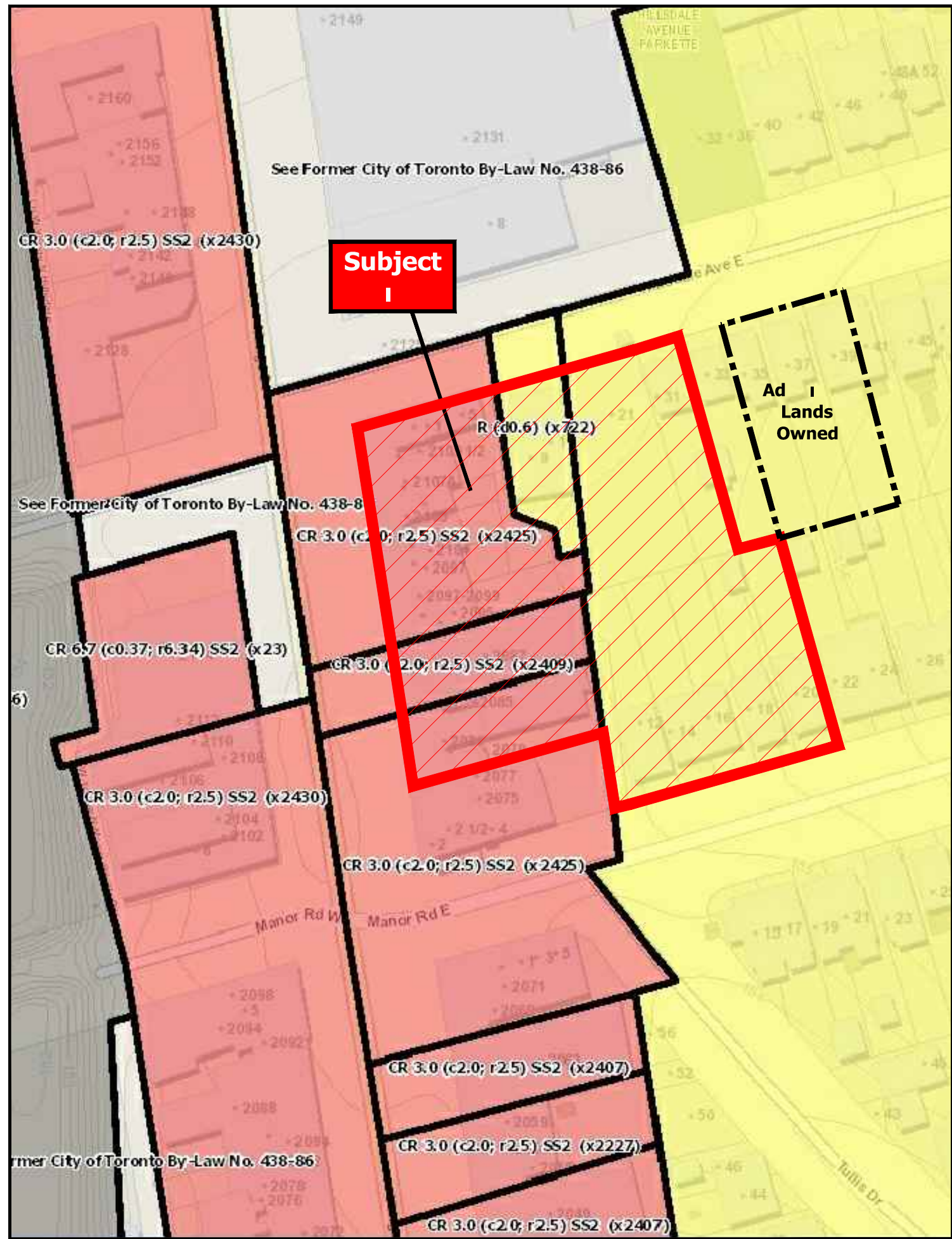
Yours very truly,

Bousfields Inc.



Peter F. Smith, B.E.S., MCIP, RPP

cc: Jordan Rose, Glen Corporation
Adam Brown, Sherman Brown



See Former City of Toronto By-Law No. 438-86

**Subject
1**

CR 3.0 (c2.0; r2.5) SS2 (x2430)

See Former City of Toronto By-Law No. 438-86

CR 3.0 (c2.0; r2.5) SS2 (x2425)

R (d0.6) (x722)

Ad
Lands
Owned

CR 6.57 (c0.37; r6.34) SS2 (x23)

CR 3.0 (c2.0; r2.5) SS2 (x2409)

6)

CR 3.0 (c2.0; r2.5) SS2 (x2430)

CR 3.0 (c2.0; r2.5) SS2 (x2425)

Manor Rd W

Manor Rd E

CR 3.0 (c2.0; r2.5) SS2 (x2407)

CR 3.0 (c2.0; r2.5) SS2 (x2227)

Former City of Toronto By-Law No. 438-86

CR 3.0 (c2.0; r2.5) SS2 (x2407)



BOUSFIELDS INC.

Project No. 15227

December 29, 2017

Paul Farish, MCIP, RPP
Senior Planner, Strategic Initiatives, City Planning
City of Toronto
Metro Hall, 22nd Floor, 55 John Street
Toronto, ON M5V 3C6

Dear Mr. Farish:

***Re: 2079-2111 Yonge Street, 1-31 and 35-39 Hillsdale Avenue East and
12-20 Manor Road East
Midtown in Focus: Proposed Yonge-Eglinton Secondary Plan Update***

As you know, we are the planning consultants to Glen Corporation with respect to the above-noted matter.

As we noted in our previous letter dated December 9, 2016, Glen Corporation is the manager of lands owned by CSG – Yonge Manor Limited and CSG – Hillsdale Limited, located on the east side of Yonge Street between Hillsdale Avenue and Manor Avenue and comprising properties with municipal addresses 2079-2111 Yonge Street, 1-31 and 35-39 Hillsdale Avenue East and 12-20 Manor Road East (the “subject lands”). The subject lands are located within approximately 235-325 metres from the south entrance to the Eglinton subway station, and are accordingly within a “major transit station area” as defined by the Growth Plan.

Our December 9, 2016 letter requested that, as part of the study process, the *Mixed Use Areas* designation that applies to lands on the east and west sides of Yonge Street be extended easterly at least as far as necessary to include the properties at 31 Hillsdale Avenue East and 20 Manor Road East. As well, the letter expressed concern that the “Midtown Village” character area that was proposed to apply to the subject site might result in further restrictions on intensification, rather than a more flexible approach to intensification.

We have now reviewed the proposed Yonge-Eglinton Secondary Plan, which was received and endorsed by City Council on December 5, 2017 as a basis for stakeholder and public consultation. We have a number of concerns with the proposed secondary plan, which are described below. In particular, it is our opinion that the proposed secondary plan, as currently drafted, is not consistent with the Provincial Policy Statement and does not conform with the Growth Plan. We will separately be requesting a meeting with staff to discuss these concerns.

The two most significant concerns have to do with the extent of the *Mixed Use Areas* designation and the proposed height limit in the “Yonge Street South Village” character area.

1. Extent of the *Mixed Use Areas* Designation

While Attachment No. 3 to the staff report (Proposed Amendments to Land Use Designations) proposes to redesignate the portion of the subject lands at 9 Hillside Avenue East from *Neighbourhoods* to *Mixed Use Areas*, it is our opinion that the boundaries of the *Mixed Use Areas* designation should be extended easterly to include at least the properties at 21 Hillside Avenue and 12-16 Manor Road, which are part of a larger assembly at 2079-2111 Yonge Street, 1-21 Hillside Avenue East and 12-16 Manor Road East that is subject to a site-specific by-law permitting a comprehensive redevelopment of those lands (By-law 809-84).

Further, it is our opinion that it would be appropriate and desirable to extend the *Mixed Use Areas* further east to include the properties at 31-33 Hillside Avenue East and 18-20 Manor Road East to better align the limits of the *Mixed Use Areas* designation with the intensification corridor boundary that has been established through the approval of the Art Shoppe development. The properties noted above, with the exception of 33 Hillside Avenue East, are already under our client’s control and have been for over 50 years. With the exception of 18 Manor Road, which was acquired in 2009, the other properties were acquired in 1959 and the early 1960s.

In terms of an overall vision, we remain of the opinion that the Yonge-Eglinton Secondary Plan Review offers an ideal opportunity to be forward-looking and to comprehensively consider the appropriateness of existing land use designations and the associated policies in light of recent policy changes, infrastructure investment and development activity. The need to look forward is now particularly important given the proposed amendments to the Planning Act, which will almost certainly diminish the potential for site-specific amendments to the Official Plan in the future.

In explaining the proposed redesignations put forward by staff, the October 25, 2017 staff report outlined a number of principles which we believe provide a reasonable basis on which to consider the requested expanded redesignations as set out above.

“Midtown in Focus is proposing to reconcile land use designations in key areas to support transit-oriented intensification in a form that is appropriately scaled and takes into account surrounding lot fabric, context and character. These amendments are intended to proactively plan for change in Midtown in a way that aligns with the Midtown in Focus vision -

rather than react to destabilizing pressures. Minor adjustments to land use designations ... are proposed. Through these redesignations, incremental intensification is planned for in a way that respects the identified character of these areas and secures important public realm and landscaping features. By proactively planning the evolution of these areas, these amendments also minimize speculative, destabilizing development pressures on communities.”

It is clear from the foregoing that, while staff are supportive of redesignations that support transit-oriented redevelopment, the countervailing concern is protecting low-rise neighbourhoods from speculative or destabilizing pressures. In fact, drawing the boundaries too tightly will achieve neither of these objectives, particularly in a case such as this, where our client has owned the lands for many years and a redevelopment has already approved on a substantial portion of the landholdings. Furthermore, as set out below, increasing the depth of the *Mixed Use Areas* designation would better allow for built form transition to be provided within the development site and, accordingly, would help to address our concerns with respect to the proposed neighbourhood transition policies (see point # 3 below).

2. Height

It is our opinion that proposed Policy 4.1.5, which would limit the height of buildings in the "Yonge Street South Village" to a height equivalent to the adjacent planned right-of-way width (i.e. 27 metres, or approximately 8 storeys), is inappropriately restrictive and should be deleted.

Firstly, it is our opinion that the proposed imposition of numerical height limits (and other such numerical standards) is generally inappropriate and undesirable in a policy document and is more appropriately included in a regulatory document (the zoning by-law) or a guideline document. Fundamentally, the imposition of numerical standards in an Official Plan has the potential to stifle creativity, to unnecessarily trigger the requirement for site-specific official plan amendments, and to create unnecessary technical debates (e.g. are mechanical penthouses included in the 27 metres?, what about wrapped mechanical penthouses?, how is height measured on a sloping site?, etc.).

Secondly, even if a height number were to be inserted in the secondary plan, the proposed limit of 27 metres is inappropriately low and does not appropriately take into account the location within a major transit station area or the existing and planned context. The existing and planned context within this segment of Yonge Street includes the Art Shoppe south building (12 storeys, 44.7 metres, under construction), Allure, 23 Glebe Road West (10 storeys, 39.7 metres, built), 2112-2114 Yonge Street (10 storeys, 35.6

metres, approved) and J. Davis House, 1985 Yonge Street (9 storeys, 37.7 metres, under construction). It is noted that the foregoing heights include mechanical penthouses, with the exception of Art Shoppe.

It appears that the proposed 27-metre height limit was taken directly from the Mid-Rise Building Guidelines, which apply generically to *Avenues* throughout the City. It does not appear that there was any area-specific analysis to evaluate whether the generic standard was appropriate in this context, having regard to both the area's subway access and the taller mid-rise buildings that have been built and approved within the area. In our opinion, the imposition of a 27-metre height would result in new development that would fit less harmoniously with the existing and planned context and would not optimize the use of land and transit infrastructure.

As well, we have identified a number of other concerns with the proposed secondary plan policies, as set out below:

3. Proposed Policy 4.1.5 would also require that buildings be within a front 45-degree angular plane above a height equal to 80% of the right-of-way width and within a 45-degree rear angular plane, while Policy 4.1.8 would require a 7.5 metre setback. As with the proposed 27-metre height limit, it appears that the angular planes and the rear yard setback were simply imported from the Mid-Rise Building Guidelines. As noted above, it is our opinion that such detailed numerical standards are inappropriate and undesirable in a policy document. If such policies are to be included, the requested expansion of the *Mixed Use Areas* designation, as set out above, becomes even more important in terms of achieving transit-supportive intensification on the subject lands.
4. Proposed Policies 3.2.20(a), 4.1.6 and 4.1.10 would require setbacks of 1.5 metres at grade on Yonge Street and 3.0 metre side yard setbacks along Hillsdale Avenue East and Manor Road, and a minimum 1.5 metre setback above the second storey. As noted above, it is our opinion that such detailed numerical standards are inappropriate and undesirable in a policy document but, if such policies are to be included, the requested expansion of the *Mixed Use Areas* designation becomes even more important in providing flexibility.
5. We have significant concerns with proposed Policy 3.6.2, which would require 30% two-bedroom units and 20% two-bedroom units, and would specify minimum unit sizes of 90 square metres for half of the two-bedroom units and 106 square metres for half of the three-bedroom units. Similar to our comments above, such detailed numerical standards are inappropriate in a policy document. Furthermore, if such policies are to be introduced in the Official Plan, that should be done on a City-wide basis with the requisite

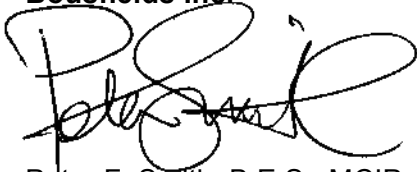
comprehensive study and opportunity for broad-based consultation. There is no apparent rationale for imposing such requirements in Yonge-Eglinton when they do not apply elsewhere in the City.

6. We have similar concerns about the proposed affordable housing provisions in Policy 3.6.4, which would require 10% of the total residential gross floor area as Affordable Rental Housing or 15% of the total residential gross floor area as Affordable Ownership Housing, or a combination of the above. Moreover, no definitions are provided for Affordable Rental Housing or Affordable Ownership Housing, and it appears from a review of proposed Section 5.3 that affordable housing would not be an eligible Section 37 contribution, contrary to the City-wide policies in Policy 5.1.1(6) of the Official Plan. Similar to the proposed unit size policy addressed above, if such policies are to be introduced in the Official Plan, that should be done on a City-wide basis with the requisite comprehensive study and opportunity for broad-based consultation.
7. Finally, it is our opinion that proposed Policy 5.3.5, which provides that the amount of a monetary Section 37 contribution will be equal to 25% of the incremental market value of the gross floor area, is inappropriate in a number of respects. First, as with the unit size and affordable housing policies, any such policy should be considered on a City-wide basis. Second, a formulaic approach to Section 37 contribution is specifically rejected in the City's Section 37 implementation guidelines. Third, while the City's practice has been to use a percentage of the incremental increase in land value as a guideline for calculating a Section 37 contribution, that percentage has historically been 7-15% of the increased land value, not 25% of the increased gross floor area.

Thank-you for your consideration of these comments. If you require any clarification or wish to discuss these matters further, please do not hesitate to contact me.

Yours very truly,

Bousfields Inc.



Peter F. Smith, B.E.S., MCIP, RPP

cc: *Jordan Rose, Glen Corporation*
Adam Brown, Sherman Brown