

# PH19.1.9

**From:** [Adam Layton](#)  
**To:** [Planning and Housing; Councillor Bailao; Matt Armstrong](#)  
**Cc:** ["Abdul Alshoghri"; "Michael Nguyen"; Murray Evans \(evansplanning@sympatico.ca\); Morley, Piper; "Waqué, Stephen F."](#)  
**Subject:** Planning and Housing Committee Meeting - December 8, 2020 - Item PH19.1  
**Date:** December 4, 2020 12:23:41 PM  
**Attachments:** [Keele Finch Plus Study Response Letter - Proposed Official Plan Amendments 482 and 483 - December 4, 2020.pdf](#)

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Good afternoon,

On behalf of our Client, we are pleased to provide the attached submission with regard to Item PH19.1 of the December 8, 2020 Planning and Housing Committee Meeting agenda, being the proposed Keele Finch Plus Secondary Plan (OPA 482 and 483).

Please do not hesitate to contact me should you wish to discuss this matter further.

Best Regards,

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December 4, 2020

City of Toronto  
Community Planning, North York District  
5100 Yonge Street  
Toronto, Ontario  
M2N 5V7

Attn: Mr. Matt Armstrong, Planner, Community Planning

Dear Mr. Armstrong,

RE: Proposed Official Plan Amendments 482 and 483  
CTN Finch Inc.  
1285, 1295, 1315, and 1325 Finch Avenue West, and 30 Tangiers Road

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Evans Planning Inc. has been engaged by CTN Finch Inc. (the 'Owner') in order to assist with the redevelopment of its lands at 1285, 1295, 1315, and 1325 Finch Avenue West, and 30 Tangiers Road (cumulatively the 'subject property'). The lands are legally described as 'Part of Lot 20, Concession 3, West of Yonge Street'.

The subject property is located on the south side of Finch Avenue West, approximately 45 metres east of the intersection with Keele Street, and currently supports a number of structures including a 5-storey commercial office building, several 1-storey commercial buildings, a 1-storey union hall, and a surface parking lot. Access to the parking facility is provided from Tangiers Road, with several secondary accesses provided from Finch Avenue West.

The Owner has submitted applications to amend the City of Toronto Zoning By-law, and for Draft Plan of Subdivision approval to permit a multi-phase redevelopment of the subject property including:

- A new east-west oriented road extending from Tangiers Road
- New public parkland adjacent to the future Finch West LRT station
- Three mixed-use towers oriented along the Finch Avenue West frontage
- A mixed-use tower internal to the subject property adjacent to the future east-west road
- A new office building located at the intersection of the future east-west road and Tangiers Road

The applications have been deemed complete by the City as of February 10, 2020 as files **20 114224 NNY 06 OZ** and **20 114230 NNY 06 SB**. A Preliminary Report was considered by the City Planning and Housing Committee at its meeting on July 13, 2020, and a virtual Community Consultation Meeting was hosted by Councillor Pasternak and Councillor Perruzza on October 6, 2020. Since our applications will pre-date the adoption of the proposed Official Plan Amendments (OPAs) 482 and 483, it is our understanding that the

policies will not be applicable to the review of the aforementioned applications. Notwithstanding this, we still believe our input on the Proposed OPAs is important and necessary to the City in finalizing these documents.

The properties at 1285, 1295, 1315, and 1325 Finch Avenue West are currently designated as *Mixed-Use Areas* on Toronto Official Plan (TOP) Land Use Plan Map 16. This designation permits a broad range of commercial, residential, and institutional uses. These properties represent the majority of the lands within the southeast quadrant of Keele Street and Finch Avenue West. The property at 30 Tangiers Road is currently designated *Employment Areas*.

The area surrounding the subject property is extremely well served by higher-order transit. The subject property is located within 100 metres of the existing Finch West Subway Station and Bus Terminal, and adjacent to the future Finch West LRT Station planned to be constructed on the City owned property at 3933 Keele Street. The Growth Plan for the Greater Golden Horseshoe (2019) identifies that the area within 500-800 metres of a rapid transit station is to be considered a major transit station area (MTSA), and is to achieve a target of 200 residents and jobs combined per hectare for those areas served by subways. The subject property is located within the proposed MTSA.

Further, the 'Big Move Regional Transportation Plan' identifies that the intersection of Keele Street and Finch Avenue West as a Mobility Hub, which includes the area within an 800 metre radius of the intersection of two or more rapid transit lines. It is intended that these 'Hubs' support transit integration and higher density development.

We have previously provided comments pertaining to the 'Keele Finch Plus' Planning Study in December 2017, the Proposed Policy Directions for the Keele Finch Secondary Plan in July 2019, and the Draft Official Plan Amendments for the Protected Major Transportation Station Area and Keele-Finch Secondary Plan in February 2020.

We have reviewed the revised Drafts of Official Plan Amendment 482 (Protected Major Transit Station Area) and 483 (Keele-Finch Secondary Plan) released on March 3, 2020, and provide the following comments:

**1. Section 3.1 – 'Nodes' Policies**

The subject property is identified as being within the Keele-Finch Node on the proposed Area Structure plan (Map 2). The introductory text within the draft Section 3.1 identifies that this node is to "be the main focus for development and a destination for shopping, dining, employment and recreation", and that it will 'be a hub of activity that supports high levels of job growth and social interaction." Proposed Policy 3.1.2 also describes that this Node is to have a mix of uses, a high concentration of employment, with a specific reference made to an employment cluster along Tangiers Road.

We request that specific clarification be included in this Section confirming the opportunity to include residential uses within a mixed-use built form. Given the proximity of the subject property to the

existing and proposed transit infrastructure we are of the opinion that the inclusion of these uses should be established outright in the description of the Keele Finch Node. It is our opinion that the inclusion of residential uses will be paramount to create the intended 'hub of activity' within this node.

## **2. Section 4.1 – Mixed Use Land Use Designation Policies**

The proposed Keele-Finch Secondary Plan Land Use plan (Map 3) identifies the 1285-1325 Finch Avenue West as both *Mixed Use Areas A* and *Mixed Use Areas B*, whereas the lands are currently designated *Mixed Use Areas* within the City of Toronto Official Plan (TOP).

Policies 4.1.1 describes that *Mixed Use Area A* would permit a full range of uses, including residential, whereas *Mixed Use Area B* is limited to non-residential uses, and appears to function as an *Employment Area* by another name.

The future redevelopment contemplated for the subject property consists of a mixed use format which proposes residential uses on all portions of the subject property whereon said uses are presently permitted by the *Mixed Use Areas* designation in the TOP. Per the proposed policies of the *Mixed Use Area B*, such development would no longer be possible on lands abutting the arterial functions of Finch Avenue west.

We request confirmation of the exact limits of the conceptual *Mixed Use Area B* designation. It appears that the limits of the *Mixed Use Area B* designation has been applied based on the historic rear property boundary of 30 Tangiers Road. The consolidation of the subject property under one ownership represents a unique opportunity to comprehensively plan a significant parcel of land adjacent to an Arterial Road and within a Mobility Hub and MTSA. As a result, this property line is of no further relevance.

On this basis, we respectfully request that a full range of uses, including residential, be permitted on those lands currently designated *Mixed Use Area*. The inclusion of these uses along the Finch Avenue West frontage will allow this assembly to be comprehensively coordinated to ensure the public realm and contribute to the establishment of transit supportive residential densities within an MTSA.

## **3. Section 4.1 – Employment Areas Land Use Designation Policies**

Proposed Policy 4.1.4 describes the permitted uses for the proposed *Core Employment Areas A* designation. Office uses are permitted within this proposed designation. Please clarify whether this would also include medical offices, clinics, or other related medical uses. The Owner's contemplated development seeks to replace and modernize a significant amount off office space, including medical uses which presently operate within the existing building on the subject property.

#### 4. Section 4.2 - Land Use and Compatibility Policies

We note that proposed Policy 4.2.2 now outlines a general terms-of-reference for the required Air Quality Assessment Study. The Owner has engaged the appropriate consultants and has provided a Study with respect to the proposed development of the subject property.

Proposed Policy 4.2.4 outlines that development within 270 metres of a fuel storage tank will be required to have an evacuation or shelter-in-place alert system established in coordination with the fuel distribution facilities. We request that terms of reference be provided with respect to these requirements or features.

Further, we wish to better understand whether the distances referenced within proposed Policy 4.2.4 form part of the rationale for the exclusion of residential uses from the proposed *Mixed Use Area B* designation.

We note that the City's Consultant undertook a review of the potential safety impacts of the fuel distribution terminals located northeast of the subject property within the 'Keele Finch Plus Noise, Air Quality and Safety Study' (WSP, dated January 23, 2020). The executive summary of this Study outlines that an assessment of safety risks was undertaken considering a total release scenario of gasoline resulting in a pool fire from the largest existing storage tank present at any of the terminals. The Study provides the following for the 'worst-case' assessment:

*"No restrictions on land use for developments between 175 m to 270 m (AEGL-1 impact area) from the fuel storage tanks. Developing within the AEGL-1 impact area of a fuel distribution terminal will require development proponents to work with the fuel distribution terminal operator to ensure proper evacuation or shelter in place alert systems are provided for."*

The supporting figure from the Study is shown in Appendix 1 of this letter, which illustrates that a portion of the subject property at the eastern boundary along Tangiers Road is within the AEGL-1 impact area. This would also appear to correspond with the proposed limits of the *Mixed Use Area B* designation. Given that the City's Consultant recommended that no land use restrictions should be imposed for lands within the AEGL-1 impact area, we reiterate our request that residential uses be permitted on all portions of the subject property which are currently within the *Mixed Use* designation of the TOP.

Based on discussions with City Staff, it is our understanding that this restriction is intended to facilitate an office corridor along Tangiers Road to serve as a transition to the employment uses east of the right of way. We suggest that there are better means to achieve this intent through built form interventions, such as step backs or internal demising, rather than land use prohibitions.

#### **5. Section 4.3 – Retail and Animation Policies**

We support the provision of retail and other non-residential uses at grade to animate the public realm along Finch Avenue West. Notwithstanding this, we suggest that the proposed Policy 4.3.3 should be revised to provide more flexibility to permit a mix of small and larger scale retail units along Finch Avenue West. We would also suggest that other uses aside from retail, restaurant, and services uses would satisfy the intent of activating the streetscape and should thus be permitted to be located at grade. Such uses could include places of amusement or entertainment, and offices.

#### **6. Section 5.1 – Major Public Streets**

Finch Avenue West between Romfield Lane and Tangiers Road is envisioned to have a 'Main Street Character' with wide sidewalks and additional space to accommodate pedestrians. The proposed Official Plan Amendment seeks to increase the width of Finch Avenue West from a 36-metre right-of-way to a 42-metre right of way.

The subject property has been subject to an expropriation by Metrolinx of small areas along its frontage to facilitate the construction of the LRT. As such, we do not understand the rationale for the increase in right-of-way width as it is our understanding that the Finch West LRT has been designed to be contained within the existing width of the right-of-way.

On this basis, we believe that sufficient width exists within the existing right-of-way to accommodate the streetscape improvements desired by the City.

#### **7. Section 5.3 – Parks and Open Spaces**

We support the inclusion of proposed Policy 5.3.2 which provides that the size, location and shape of new parks and open spaces should be determined through a development review process as this will provide flexibility. Notwithstanding this, we request clarification with regard to the interpretation of proposed Policy 5.3.3(b) which provides that a new park east of Keele Street and south of Finch Avenue West "...will be visible, but not front onto the areas Major Streets." What constitutes visibility for the purposes of this proposed Policy?

With respect to proposed Policy 5.3.11, we continue to suggest that credit should be provided to the proponent of a development which includes the provision of Privately-Owned Public Spaces, either from a Community Benefits or Parkland Contribution perspective.

#### **8. Section 5.4 – Streetscapes and Views**

We require clarification on this policy, in particular:

- Is the proposed widening of Finch Avenue West from 36 metres to 42 metres in order to facilitate the streetscape improvements outlined in proposed Policy 5.4.1?
- Will any 'improvements' provided by the proponent of development be eligible for credit from a Community Benefits perspective?

In order to be consistent with other Secondary Plans within the City, such as the Sheppard West/Dublin Secondary Plan, we also suggest that the proponent of a development should be able to include the area of any lands conveyed for road widening as part of the lot area for the purposes of calculating of project density.

#### **9. Section 6.2 – Public Streets**

While we support the latter portion of proposed Policy 6.2.2 which provides that the location, alignment and design of new streets will be determined through further study as part of a development review process, we have concern with the requirement that all new public streets have a 20-metre right-of-way width. The proposed development plan contemplates a new east-west road with an ultimate width of 18.5 metres. The cross-section of the proposed road is based on the City Development Infrastructure Policy and Standards (DIPS) Standard 2A, with modified sidewalk widths to adhere to contemporary standards (minimum 2.1 metres). The majority of the right-of-way (16.5 metres of the full 18.5 metre right-of-way), is to be provided by the Owner as part of the applications currently being considered by the City. A future land dedication will be required on the south side to provide for the future 2.1 metre sidewalk and full 5.0 metre boulevard.

A further north-south right-of-way is also to be provided with the same ultimate width. The Owner intends to convey 9.5 metres of the north-south portion of the new public street will be dedicated as part of the applications currently being considered by the City. A future land dedication will be required by adjacent properties to provide for the remaining 9.0 metres to realize the full width of the 18.5 metre right-of-way.

The existing Tangiers Road continues to be identified as a *Primary Street*, and abuts the subject property to the east. Proposed Policy 6.2.3 identifies two extensions of Tangiers Road: south to Lepage Court with a width of 23 metres, and north to The Pond Road with a width of 27 metres. We require clarification as to the intended width of Tangiers Road south of Finch Avenue West abutting the subject property.

#### **10. Section 6.5 – Transportation Demand Management and Parking**

We support the implementation of alternative parking rates within the area.

#### **11. Section 7.1 – Site and Urban Design Standards for all Buildings**

Given the context of the area, it should be expected that some shadow impacts may occur on Finch Avenue West and Keele Street, particularly for those locations within proximity of the transit connection between the existing subway line and future LRT. It is reasonable to conclude that tall buildings are likely to be constructed within this area. We suggest that policies regarding shadow impacts (such as 7.1.4 and 7.1.8(b)) should provide the necessary flexibility to permit such development to occur. Further, we request clarification with regard to what constitutes an acceptable shadow impact.

With regard to proposed Policy 7.1.12, please clarify the following:

- Is the second storey permitted to encroach into the 2-metre setback?
- To what point are encroachments permitted? Is a 0 metre/nil setback considered appropriate?
- Does this setback apply to structures below grade as indicated in proposed Policy 7.1.10?

With regard to proposed Policy 7.1.13, by what metric will impacts to the tree canopy and tree growth be assessed?

## **12. Section 7.2 - Building Types and Urban Design Standards**

We recognize the limitations that currently exist within the Keele-Finch area due to the operations of Downsview Airport. However, it is expected that this facility will cease operations in the near future, potentially as early as 2023. Accordingly, we request that the description within the opening paragraph of Section 7.2 which states that 'the dominant building type in the area will be well-proportioned mid-rise buildings' should be revised to reflect both the current opportunity for tall buildings subject to compliance with the existing height limits resulting from airport flight operations, and once the airport ceases operations.

## **13. Section 7.2 – Building Types and Urban Design Standards, Mid-Rise Buildings**

We continue to disagree with the classification of Mid-Rise buildings as being between 5 and 11 storeys in height for residential or mixed-use buildings, and 5 and 9 storeys for non-residential buildings. We suggest that the height of a Mid-Rise building should be dependent on the width of the abutting ROW, as is outlined in the City's Mid-Rise Guidelines.

With regard to proposed Policy 7.2.10, is the requirement for a minimum of five hours of sun on sidewalks intended to apply to sidewalks immediately adjacent to a development site, or the opposite side of a street?

With regard to proposed Policy 7.2.11, under what conditions would a 'perception step-back' be required above the sixth storey?

Above a certain height the angular plane would not be visible from the street. On deep lots, intrusions should be permitted beyond a certain setback from the public realm.

## **14. Section 7.2 - Building Types and Urban Design Standards, Tall Buildings**

With regard to 7.2.14, the height of the base building should be the greater of 7-storeys or 80% of the right-of-way, not the lesser.

We request clarification as to why the building separation in this area within proposed Policy 7.2.18 should be greater than the 25-metre standard applied elsewhere in the City. Further, we suggest that there should be consideration given to reduced tower separation in certain circumstances.



Please also clarify if this separation distance would apply to Mid-Rise buildings above 7-storeys.

#### **15. Section 7.3 – Minimum and Maximum Building Heights**

We suggest that the *Potential Additional Height Zone* permissions should become applicable upon the cessation of flight operations at Downsview Airport, rather than ‘airport’ operations as currently described in the introductory paragraphs to Section 7.3. Following the cessation of flight operations, there should be no need to restrict height in order to protect the operational needs of the facility.

The subject property is identified on the *Minimum Height Plan* (Map 8) as requiring a minimum height of 4-storeys, and on the *Maximum Height Limits Plan* (Map 9) as being in a Mid-Rise Building area with a maximum height of 35 metres. Map 9 also identifies that the subject property is within a *Potential Additional Height Zone*. While we have no concerns regarding the requirement for minimum height, we strongly disagree with both the classification of the subject property as a Mid-Rise building site and the establishment of a 35-metre height limit. Given that the intersection of Keele Street and Finch Avenue West is established as a Transit Node, with an existing subway station with bus terminal, and future LRT station, we question the need to limit potential building height in proximity to the intersection of Keele and Finch.

A report titled ‘*Keele Finch Plus Downsview Airport Operational Needs Assessment*’ dated November 2, 2016 was prepared by a consultant for the City (Arup) as part of the background work in support of the Keele Finch Plus (KFP) Study. The report provided an assessment of the height limitations for lands within the KFP Study Area, including a review of how airport operations may be affected by the height limitations under Former City of North York Zoning By-law 7625. The Arup report notes that greater building heights may be achievable in areas of lower topography. Of particular note is that the report provided a specific evaluation of the property at 1315 Finch Avenue West as an example of how the method of calculating the airport height limits differed from that within the Zoning By-law. Specifically, this assessment provided that a maximum building height of +/-45.9 metres may be permitted at the subject property without any negative impact on the operations of the airport. Notwithstanding this, a topographic survey undertaken by the Owner has demonstrated that the ground elevation of the subject property is lower than provided within the Arup report, which may permit even greater heights than envisioned therein.

It has also been confirmed by our aviation consultant that buildings may be constructed which are taller than the proposed height limit of 35 metres without impacting the operations of Downsview Airport.

Accordingly, we request that both tall and mid-rise buildings be permitted on the subject property, and that specific height limitations be determined on the basis of an evaluation of the airport height limits rather than the 35 metre limitation as is currently contemplated.

We support the intent to permit additional height in the Secondary Plan area once Downsview Airport ceases operations. We respectfully suggest that the additional heights be prescribed in the document, or at a minimum, a programme/process be identified to achieve the additional height.

We have significant concerns with the limits presented in proposed Policy 7.3.6, which reference a maximum height of 27 storeys at the southeast corner of Keele Street and Finch Avenue West, decreasing to 12 storeys at the intersection of Finch Avenue West and Tangiers Road. We agree that greater heights should be permitted on those lands nearest to the transit station(s) with a transition to the mid-rise height as one progresses towards the outer edges of the study area, but suggest that there are numerous urban design and built form interventions that would maintain the intent of the Secondary Plan (maintaining a pedestrian scale and allowing sunlight to reach the street) while permitting a greater building height than identified in the draft policies.

We suggest that a general range of heights be provided within the Secondary Plan, with a process be identified which would allow the final determination of height based on the impact of individual proposals on the public realm.

Specific to the criteria proposed in proposed Policy 7.3.7, we have the following comments:

- 7.3.7(a) – If the intent is to ensure a significant number of jobs are provided as part of a comprehensive redevelopment, the existing provision of office/commercial space provided on a property proposing redevelopment should be taken into account. Additional height should be permitted if an increase in such floorspace is provided.
- 7.3.7(b) – Refer to our previous comments regarding the proposed Urban Design policies of the draft Secondary Plan.
- 7.3.7(c) – It is not feasible to require that a proponent of a development application for a single property, or group of properties, provide a shadow analysis for ‘all other sites in the Potential Additional Height Zone’. Refer to our previous comments regarding shadow impacts resulting from tall building in proximity to higher order transit.
- 7.3.7(d) – We continue to question the need for an Aviation Study in support of Potential Additional Height. Given that additional height would only appear to be possible in the event of the cessation of operations of Downsview Airport, said study would appear to be unnecessary.
- 7.3.7(e)– How does a *Cumulative Infrastructure Impact Assessment* differ from the typical traffic and functional servicing reports that would accompany a standard development proposal? We also reiterate our response to proposed Policy 7.3.7(c). It is not feasible to require that a proponent of a development application for a single property, or group of properties, provide an analysis of all other potential tall building developments within the ‘Potential Additional Height Zone’.

## 16. Section 8 – Housing

We have concerns regarding the provisions of proposed Policy 8.3.2 requiring that residential developments include a mix of tenures. It is not clear how such a mix of tenures would be established, or reasonably function.

We note that the Owner's proposal will provide new, modern office floor area to replace the existing, aging workplace facilities on the subject property. However, to provide this regeneration, a site-specific economic balance must be achieved to produce a project that is viable. The flexibility to provide a sufficient supply of market rate housing through the future redevelopment of the property is paramount to this balance.

Similarly, we feel that the provisions of proposed Policy 8.1.5 outlining unit sizes are too prescriptive and would be more appropriately contained within a Zoning By-law.

## 17. Section 9 – Community Service Facilities

We note that proposed Policy 9.3.2(b) permits additional height in exchange for the provision of floor area for Community Service Facilities. We support this principal, but wish to understand why the minimum amount of time for which rental of a replacement space for a Community Service Facility must be guaranteed has been increased from 10-years in previous drafts to 25-years in this final draft.

Given the size, prominence, and singular ownership of the subject property as well as its proximity to the existing and proposed transit at the intersection of Keele Street and Finch Avenue West, we suggest that there are opportunities inherent to the redevelopment of these lands which will be hampered by the current structure of the Draft Secondary Plan Policies provided by City Staff. We wish to continue our ongoing discussions with City Staff regarding the redevelopment of the subject property, and request that we continue to be circulated/notified as the Study and/or Secondary Plan progresses.

Yours truly,



Adam Layton, RPP, MCIP

cc. CTN Finch Inc.  
Planning and Housing Committee Chair Ana Bailao and Members of Committee  
Nancy Martins, Committee Administrator  
Stephen F. Waqué, Borden Ladner Gervais LLP  
Piper Morley, Borden Ladner Gervais LLP

## Appendix 1 – Keele Finch Plus Noise Air Quality and Safety Study Safety Impact Contours – Total Release Scenario

