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May 9, 2016

Nancy Martins
Secretariat – City of Toronto Planning and Growth Management Committee
10th floor, West Tower, City Hall
100 Queen Street West
Toronto, Ontario
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Dear Mr. Chairman and Members of Committee:

**RE: PG12.8 – MIMICO-JUDSON SECONDARY PLAN AND URBAN DESIGN
GUIDELINES
May 11, 2016**

We act as legal Counsel to 1282555 Ontario Inc. (“The Toronto Film Studios”) and 1066266 Ontario Limited (“Roland”).

Our clients own lands within the Mimico-Judson Secondary Plan (the “Secondary Plan”) area on the block bounded by Portland Street, Buckingham Street, Newcastle Street and Audley Street (“Block D” in the Secondary Plan). Our two clients own lands representing 3.61 acres or 75% of Block D.

Our clients have been involved throughout the study process and have made previous submissions to the Committee. Our clients are supportive of the Mixed Use designation proposed for their properties. However, upon further review, they have concerns with other aspects of the proposed Secondary Plan east of Royal York Road. (Our clients are not concerned with the lands west of Royal York Road.) Key items of the Plan are either in dispute or not resolved by the Secondary Plan.

REQUEST:

That Planning and Growth Management Committee defer a decision on the Secondary Plan (east of Royal York) and direct City staff to meet with the landowners to resolve the concerns noted below, and establish a Working Committee to address outstanding issues.

Identified Concerns with the Draft Secondary Plan

A. Proposed Public Park & Park Policies

Many owners within the Plan area had anticipated public lands to provide a focus for a Grand Avenue Esplanade with animated dynamic public areas to connect the Mimico Train station to the large park lands to the east. This opportunity is lost in the Draft Secondary Plan

Instead, Map 35-3 depicts a traditional “future park” to be located within Block D only. No other new parks are proposed within the Secondary Plan area. Based on our calculations, the proposed park would be approximately 1.25 acres in size. The proposed Urban Design Guidelines go further by locating the park at the southern end of Block D – almost entirely upon The Toronto Film Studio’s lands.

The Toronto Film Studio site is 2.0 acres in size. The staff recommendation is that over 60% of this site be PARK without any implementation mechanism other than a faint hope that disparate Owners cooperate and work it out. This is unrealistic.

Further we question the need for the size and functioning of the proposed park in this location given the large amounts of parkland located in the immediate area, including Coronation Park and Grand Avenue Park.

By locating the one and only new park on Block D places undue burden on our clients above their statutory requirement to provide parkland for the future redevelopment of their properties. The burden of providing park within the Secondary Plan should be more equitably shared. By providing parkland on Blocks C, D and E, these parks would be developed faster, especially given that The Toronto Film Studio is operating a successful business on their property and thus do not anticipate immediate redevelopment of their lands. We therefore respectfully request:

- 1. That the location of parkland within the Secondary Plan area, if required, be provided on more than one block contemplated for redevelopment (i.e. Blocks C and E). Associated parkland policies (7.9 to 7.14) would require revisions.**

Further, the policies of the plan do not contain any mechanism for cost recovery or reimbursement for the over-dedication of parkland that the Secondary Plan proposes. We therefore respectfully request:

- 2. That cost recovery / sharing policies for parkland be incorporated into the Secondary Plan to ensure an undue financial burden is not placed on a few landowners and that reimbursement / recovery for any over-dedication be mandated.**

Lastly, the parkland policies include specific requirements for location (frontage on two public streets), size and shape reflective of a “Neighbourhood Park”, and overly restrictive sunlight provision policies. We feel that these policies are too prescriptive and additional flexibility is required to allow for the design of parkland within the Secondary Plan area. We therefore respectfully request:

- 3. That Policy 6.2(a) be revised to read:**

“To provide adequate sunlight onto parks located within the Secondary Plan area during the spring and fall equinoxes”

- 4. That Policies 7.10 and 7.11 be deleted and / or amended provide additional flexibility as to the location, size and shape of parkland being provided within the Secondary Plan area. Alternative locations and type of park should be explored.**

B. Built Form

Given the location of the lands in close proximity to the Mimico GO Station and the 76 Royal York TTC Route (which connects to the Bloor-Danforth Subway Line), it is our client’s opinion that the heights proposed on Map 35-6 should be increased to reflect the transit supportive neighbourhood envisioned within the study area. Our clients believe that increased height (and thus density) should be increased south of the 6 storey built form area shown along Portland Street. Our clients believe that heights of up to 30 storeys could locate within Block D and they are currently exploring a vision of Block D with their architect / urban designer, Mr. Michael Spaziani.

We therefore request:

5. That the height limit on Map 35-6 for Block D be revised to allow for greater heights.

6. That Policy 6.6 be amended to delete “only” and add “and Block D” such that it reads:

“On Block C and Block D, tall buildings may pierce the angular plane for a portion of the street frontage”.

C. Housing Policy

Policy 7.1 requires a minimum of fifty percent (50%) of all new residential units to have three or more bedrooms. Given the significant low density neighbourhoods surrounding the Secondary Plan area we question the need for this requirement. This requirement is unprecedented, both in the City of Toronto and the Province of Ontario. In fact other recent Secondary Plans require significantly less three bedroom units. Mimico-by-the-Lake Secondary Plan (OPA 197), for example, only requires five percent (5%) of new units be developed for three bedroom units. We therefore request:

7. That Policies 7.1 be amended to change “fifty percent (50%)” to “five percent (5%)”.

D. Environmental

Policies 2.8, 8.1 and 8.2 require environmental studies prior to residential and sensitive land uses being introduced into the Secondary Plan area. While we do not disagree with these requirements, we believe that mitigation costs should only be borne by the developer of the residential / sensitive land use if the employment use to be mitigated is operating legally under Provincial legislation (i.e. they have valid Environmental Compliance Approvals). We therefore request:

8. That Policy 2.8 b) be amended to add at the end of the sentence: “...provided the employment use is operating legally under Provincial legislative requirements.”

In addition, given the Secondary Plan area is intended to contain a mix of both employment and residential uses, it may be appropriate for the City to identify the Secondary Plan area as a Class 4 area under NPC-300. A Class 4 area under NPC-300

recognizes urban, infill development areas for purposes of noise evaluations and was specifically intended for regeneration areas such as Mimico-Judson. We therefore request:

9. That a new Policy 8.4 be added as follows:

“The Secondary Plan Area is considered a Class 4 area under NPC-300.”

E. Business Expansion and Retention

While our clients support the expansion and retention of businesses as the Secondary Plan area develops, Policy 3.3 which requires minimum FSI requirements for non-residential uses is not clear and appears to be problematic from an implementation perspective as currently written. For example, is the FSI requirement associated with the land area (i.e. 0.45 FSI of the land area) or the proposed building area (i.e. of a proposed 3.0 FSI building, 0.45 FSI of the building area is to be non-residential)? We believe the intent of this policy is to apply it on a building component basis as appears to be contemplated in the Hemson background study. To this extent we request:

10. That Policy 3.3 (a) and (b) be revised to add “of the building” after “FSI”.

Further, we believe to require minimum non-residential gross floor area in townhouse or low rise buildings of less than 4 storeys to be unrealistic, especially in the interior of the Secondary Plan area. We therefore request:

11. That Policy 3.3 (c) be deleted and a new stand alone paragraph be added which states:

“Within townhouses or low rise buildings (up to and including 4 storeys) it is strongly encouraged that non-residential uses be provided.”

F. Section 37 Requirements

Policy 9.15 requires immediate Section 37 requirements for any residential development proposed in the Secondary Plan Area and sets the base value at 0 square metres. This is unprecedented and in fact not consistent with the application of Section 37 requirements in other recent regeneration areas (such as in OPA 271, Dupont Street) and secondary plan areas (such as OPA 197, Mimico-by-the Lake). We therefore request:

12. That Policy 9.15 be deleted in its entirety.

G. Process to Proceed

We had anticipated that the secondary Plan would provide the appropriate Official Plan policies that would guide future zoning applications. Instead, s. 9.8 of the Secondary plan requires that future Official Plan Amendments are required by way of Block Plans. In our view, all outstanding O.P. issues should be resolved before the Secondary Plan east of Royal York is adopted. The current draft simply invites appeals of the Secondary Plan where instead outstanding issues should be resolved before the Secondary Plan proceeds.

In conclusion, we believe that the Secondary Plan east of Royal York needs further consideration by the landowners and City. We believe that a number of landowner concerns can be addressed through an open and co-operative dialog and will result in a Secondary Plan which is clear, concise and can be implemented. We therefore request a deferral of the adoption of the Secondary Plan east of Royal York to allow these discussions to occur.

In the absence of a deferral, we anticipate that the City is merely opting into a litigated Ontario Municipal Board hearing when initial preparatory work and consultations have not been finalized. We request that Committee defer the Secondary Plan in order that outstanding issues can be resolved.

Thank you.

Yours very truly,

HOROSKO PLANNING LAW



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cc: Clients
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