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By E-mail
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City Council
12th Floor, West Tower
City Hall
100 Queen Street West
Toronto, ON M5H 2N2

Attention: City Clerk Secretariat

Dear Members of City Council:

**Re: PG27.2 – ConsumersNext Secondary Plan
Lansing Square (2550 Victoria Park Avenue, 2, 4, and 6 Lansing Square)**

We are counsel to Elad Canada Inc. (“**Elad**”), which has recently acquired an interest in the property commercially known as Lansing Square, and which is municipally known in the City of Toronto as 2550 Victoria Park Avenue, and 2, 4, and 6 Lansing Square (the “**Property**”).

For the reasons set forth in this letter, Elad strongly urges that Council defer consideration of the Draft ConsumersNext Secondary Plan.

As Elad's interest in the Property has arisen only recently, our client was not at liberty to make submissions to the Planning and Growth Management Committee (“**PGMC**”) meeting held on February 22, 2018, during which the PGMC considered the Draft ConsumersNext Secondary Plan, appended as Attachment 2 to the Final Report from Planning Staff, dated January 31, 2018 (the “**Draft Secondary Plan**”).

Having now had the opportunity to review the Draft Secondary Plan in detail, Elad and its consultants wish to express their concerns regarding the Draft Secondary Plan. On March 22, 2018, Elad and its consultants met with City staff to discuss their enthusiasm for the emerging vision for the area, and also to share their concerns regarding certain Draft Secondary Plan policies. We are aware that City staff have been directed by the PGMC to report back to Council regarding further consultation with certain deputants and to present additional recommendations as necessary, and that staff have submitted a Supplemental Report that only became publicly available on the afternoon of March 23, 2018 (the “**Supplemental Report**”). By this letter, our client strongly urges Council to defer consideration of the Draft Secondary Plan to allow the public sufficient time to consider and respond to the Supplemental Report, as well as for staff to address the concerns raised by our client and consultants, which engage matters of Provincial policy.

1. HOLDING POLICIES

As a general matter, our client shares the City's enthusiasm for the overall vision of the Draft Secondary Plan, which seeks to plan for employment and residential growth in a manner that takes full advantage of the transit-oriented location of lands within the area.

While Elad is supportive of the long-term vision and planning framework expressed in the Draft Secondary Plan, our client is quite concerned with the sections in the Draft Secondary Plan that appear to make residential development contingent upon the prior implementation or construction of higher order transit (e.g., Sections 1.13, 3.5, 6 (preamble), 6.4, 6.13, 9.16, and 9.17). As presently drafted, these policies appear to encourage a sequential approach to transportation and land use planning that has the potential to undermine Provincial direction for coordinated land use planning and transit-supportive development. Certain relevant excerpts of the Provincial policies are included as **Appendix 1** to this letter.

The policies under the Provincial Policy Statement, 2014 (the “**PPS**”) and the Growth Plan for the Greater Golden Horseshoe, 2017 (the “**Growth Plan**”) give express direction to plan for the efficient use of land, encouraging development at sufficient densities to ensure support and viability for existing and planned transit. Even though the Sheppard East LRT is fully funded and approved under the *Environmental Assessment Act*, the Draft Secondary Plan policies appear to encourage the City to withhold residential permissions until the implementation or construction of higher order transit. Such a sequential approach is contrary to Provincial policies that require coordination in transportation and land use planning, ultimately undermining the Provincial objective of transit-supportive development.

The development of lands located generally between Bayview Avenue and Highway 404 along the Sheppard East Subway Corridor (the “**SESC**”) present a case in point. Mixed-use redevelopment of those lands along the SESC did not occur until much later, following the construction of higher order transit—and as a result, the redevelopment of the area has been unnecessarily protracted over a significant period of time (and is in fact still ongoing today), to the detriment of transit-supportive development. The experience with the SESC illustrates that support for higher order transit should be in progress long before the actual construction of transit infrastructure.

In order to bring the Draft Secondary Plan policies into consistency with the PPS and conformity with the Growth Plan, we propose the following policy language, which adds nuance in encouraging interim development pending the construction of higher order transit. This proposed language is to be inserted at various points of the Draft Secondary Plan (e.g., following Section 1.1.2, as well as in other locations where holding provisions are discussed):

The Secondary Plan Area enjoys an existing level of transit service through existing surface bus routes and an excellent level of vehicular access to major streets and the series 400 highway system. This current level of accessibility offers existing opportunities for intensification that should be encouraged and maximized in advance of the construction of higher order transit.

2. STATED DENSITY MAXIMUMS

The Draft Secondary Plan provides for maximum densities and heights (as indicated on Maps 38-4 and Map 38-10), which appear to follow the upper limit of 3.5 FSI that was initially established in the Sheppard East Subway Corridor Secondary Plan (the “**SESCSP**”), as originally adopted by Council. However, since its adoption, the SESCSP has been updated on several occasions, with site-specific amendments to permit densities approaching 4.0 FSI. Our client and its consultants question whether the maximum densities currently expressed in the Draft Secondary Plan should be re-calibrated to better recognize these updates to the SESCSP, especially given that the Property is located at the intersection of Victoria Park Avenue & Sheppard Avenue—a location that arguably enjoys better locational and transit attributes (given that the Sheppard East LRT has been fully funded and approved), compared to the lands located at the intersections of Bayview Avenue & Sheppard Avenue and Don Mills Avenue & Sheppard Avenue, both of which have densities within the aforementioned nodes greater than 3.5 FSI. For instance, a density maximum of 3.99 FSI has been approved in the Parkway Forest area, located at Sheppard Avenue and Don Mills Road. Other high-density approvals include the mixed-use development by Tribute Communities at 2135 Sheppard Avenue East & 299 Yorkland Boulevard at 3.95 FSI and the mixed-use development by Tridel at 2205 Sheppard Avenue East at 3.78 FSI.

Re-calibrating the maximum densities for the Property more fully acknowledges what has been established elsewhere along the Sheppard Avenue corridor as “benchmarks” for appropriate density and intensification. Unduly restricting the intensification of lands runs counter to the numerous Provincial policies that encourage intensification and the efficient use of land.

3. MINIMUM UNIT SIZES AND UNIT MIX

Section 7.2 of the Secondary Plan requires that development containing more than 50 residential units will include a minimum of 30% of the total number of units as 2-bedroom units, and that half of the required 2-bedroom units are to contain a minimum of 90 square metres of gross floor area. This policy further requires that a minimum of 20% of the total number of units be provided as 3-bedroom units, and that half of the required 3-bedroom units are to contain a minimum of 106 square metres of gross floor area.

As a well-established and experienced home builder, Elad has significant experience developing successful communities and familiarity with market conditions within the Sheppard Avenue corridor (e.g., Parkway Forest). Based on its experience, our client is concerned that the imposition of minimum unit sizes will make residential units unaffordable for individuals and families, with the unintended effect of discouraging development, contrary to the objectives articulated in Provincial policies.

To address these concerns, our client proposes the following modified policy language to Section 7.2:

7.2 *Development containing more than 50 residential units will **be encouraged to** include:*

7.2.1 *A minimum ~~30%~~ **40%** of the total number of units as 2-bedroom units. Half of the required 2-bedroom units will contain ~~a minimum of~~ **an average of** 90 square metres of gross floor area; and*

7.2.2 *A minimum of ~~20%~~ **10%** of the total number of units as 3-bedroom units. Half of the required 3-bedroom units will contain ~~a minimum of~~ **an average of** 106 square metres of gross floor area.*

For the reasons expressed in this letter, it is our client's position that the consideration of the Draft Secondary Plan should be deferred by Council to allow the public sufficient time to consider and respond to the supplemental staff recommendations, as well as for staff to address the concerns raised by our client and consultants, which engage matters of Provincial policy.

Please provide us with notice of all upcoming meetings of Council and Committees of Council at which the Draft Secondary Plan will be considered, and we ask to be provided with notice of Council's decision with respect to this item, as well as any other upcoming meeting or decision regarding the Draft Secondary Plan.

Yours truly,



For Calvin Lantz

CL/jsc

cc. Tony Volpentesta, *Bousfields Inc.*
Alun Lloyd, *BA Group*
Clients

APPENDIX 1

PROVINCIAL POLICY STATEMENT, 2014

1.1.1.2 Land use patterns within *settlement areas* shall be based on:

a) densities and a mix of land uses which:

1. efficiently use land and resources;
2. are appropriate for, and efficiently use, the *infrastructure* and *public service facilities* which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion; [...]
5. are *transit-supportive*, where transit is planned, exists or may be developed;

[The PPS defines “transit-supportive” as: “in regard to land use patterns, [...] development that makes transit viable and improves the quality of the experience of using transit. It often refers to compact, mixed-use development that has a high level of employment and residential densities.”]

[...]

1.1.3.2 Land use patterns within *settlement areas* shall be based on:

a) densities and a mix of land uses which:

1. efficiently use land and resources;
2. are appropriate for, and efficiently use, the *infrastructure* and *public service facilities* which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion; [...]
5. are *transit-supportive*, where transit is planned, exists or may be developed; [...] and

b) a range of uses and opportunities for *intensification* and *redevelopment* in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for *intensification* and *redevelopment* where this can be accommodated taking into account existing building stock or areas, including *brownfield sites*, and the availability of suitable existing or planned *infrastructure* and *public service facilities* required to accommodate projected needs. [...]

1.2.1 A coordinated, integrated and comprehensive approach should be used when dealing with planning matters within municipalities [...] and with other orders of government, agencies and boards including:

- a) managing and/or promoting growth and development;
- b) economic development strategies; [...]

d) infrastructure, [...] multimodal transportation systems [...]

1.6.7.4 A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation.

1.6.7.5 Transportation and land use considerations shall be integrated at all stages of the planning process.

[emphasis added]

GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE, 2017

1.1 The Greater Golden Horseshoe [...]

Now is the time to build on the progress that has been made towards the achievement of complete communities that are compact, transit-supportive, and make effective use of investments in infrastructure and public service facilities. [...]

[The Growth Plan defines “transit-supportive” as “[r]elating to development that makes transit viable and improves the quality of the experience of using transit. It often refers to compact, mixed-use development that has a high level of employment and residential densities.”]

1.2.1 Guiding Principles [...]

The policies of this Plan regarding how land is developed, resources are managed and protected, and public dollars are invested are based on the following principles: [...]

- Prioritize intensification and higher densities to make efficient use of land and infrastructure and support transit viability. [...]
- Improve the integration of land use planning with planning and investment in infrastructure and public service facilities [...]

2.1 Context [...]

This Plan recognizes transit as a first priority for major transportation investments. It sets out a regional vision for transit, and seeks to align transit with growth by directing growth to major transit station areas and other strategic growth areas, including urban growth centres, and promoting transit investments in these areas. To optimize provincial investments in higher order transit, this Plan also identifies priority transit corridors and the Province expects municipalities to complete detailed planning for major transit station areas on these corridors to support planned service levels. [...]

Communities need to grow at transit-supportive densities, with walkable street configurations. Compact built form and intensification efforts go together with more effective transit and active transportation networks and are fundamental to where and how we grow. They are necessary to ensure the viability of transit; connect people to homes, jobs and other aspects of daily living for people of all ages; and meet climate change mitigation and adaptation objectives. Moreover, an increased modal share for active transportation and transit, including convenient, multimodal options for intra- and inter-municipal travel, supports reduced air pollution and improved public health outcomes. [...]

2.2.4 Transit Corridors and Station Areas [...]

8. All *major transit station areas* will be planned and designed to be *transit-supportive* [...]

10. Lands adjacent to or near to existing and planned *frequent transit* should be planned to be *transit-supportive* and supportive of *active transportation* and a range and mix of uses and activities.

[The Growth Plan defines “frequent transit” as a “public transit service that runs at least every 15 minutes in both directions throughout the day and into the evening every day of the week”.]

[emphasis added]