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VIA DELIVERY AND EMAIL

Mayor John Tory and Members of Council
City of Toronto
c/o The Clerk
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Toronto, ON
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File No. 0229256.0001

VIA EMAIL AND MAIL

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Mr. Paul Farish
Senior Planner
Strategic Initiatives, Policy & Analysis
City Planning Division
City of Toronto
Metro Hall, 22nd Floor
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Dear Mayor Tory and Members of Council:

**Re: Midtown in Focus - Proposed Yonge-Eglinton Secondary Plan Update
Girl Guides of Canada – 50 Merton Street and 64 Merton Street**

We are the solicitors for Girl Guides of Canada (the "Girl Guides") which owns the property known municipally as 50 Merton Street (the "Property") which is located within the Yonge-Eglinton study area.

This letter contains written comments to City Council on the Midtown in Focus Study and report and the proposed Yonge-Eglinton Secondary Plan which accompanied that report. We would ask that our client be notified if the proposed Secondary Plan is adopted with or without revisions pursuant to subsection 17(23) of the *Planning Act*, as amended. We would also ask that this letter be considered the written submissions to City Council referenced in subsection 17(24) of the *Planning Act*.

Background

The Girl Guides' 50 Merton Street property is currently occupied by a three-storey building with approximately 15,000 square feet of office/meeting space. The basement is used solely for storage. The Girl Guides currently employ approximately 75 people in this location. That building is now at full capacity and the Girl Guides need additional space even with the current level of activity. The cost of simply renovating or modifying the space within the existing building envelope has been investigated and it is clear that it is neither

functionally nor economically practical to do that. It would in any event be only a short-term solution.

This is because the Girl Guides is currently in the process of reinventing its role in the healthy development of girls in Canada; with wide-sweeping innovations contemplated to both program content and program delivery models. The ability to adapt to and respond to girls' interests is a hallmark of this plan. These plans and pressures are leading the Girl Guides to consider how to best redevelop the Merton Street property to better deliver its new programs.

The purpose of Girl Guides of Canada is to promote the development, health and well-being of girls and young women by operating educational and related programs on topics such as leadership, self-esteem, citizenship, community service and issues impacting girls, young women and their wellbeing.

A new facility cannot be fully designed yet, because it will be dependent upon the final results of the program analysis and plan. However, that is far enough along now that the Girl Guides can, on a preliminary basis, share that the following are currently being contemplated for the Property:

- Training facilities for volunteers delivering programming;
- Focus group facilities to test programming;
- A variety of meeting spaces suitable for groups of girls ranging from 6 to 18 years old;
- A recreational activity space for children;
- A small conference space;
- Staff offices or workspaces which will need to be separated from the member activity spaces;
- A museum and archive;
- A research library and think tank facility for girls and young women related issues; and
- A hostel or dormitory space for girls and adult chaperones visiting from other parts of Canada or internationally.

In addition, a redevelopment would allow the Girl Guides Ontario Regional Council, which has had to lease approximately 15,000 square feet offsite to house an additional 80 to 90 staff, to relocate back into the same building.

It is anticipated that the space needed for the revitalized Girl Guides programming would easily exceed 50,000 square feet.



Redevelopment Important to Success

As a registered charity that is reliant upon public funds, the Girl Guides cannot easily upfront the costs of redeveloping this site. It cannot, due to charity tax rules prohibiting “unrelated business” activity, simply redevelop the site with a view to making a profit; even if it had the expertise to do so. It has therefore had to consider the possibility of a mixed-use (residential/institutional/office) redevelopment of the site with the participation of a commercial developer.

64 Merton Street

The Girl Guides have had to consider whether its Property alone represents the best redevelopment opportunity. As a result, Girl Guides have had preliminary and ongoing conversations with Greenrock Real Estate Advisors representing the owner of the abutting property, 64 Merton Street (Abraham J. Green Limited). Greenrock has commissioned a preliminary massing study for a potentially assembled joint site (see the attached Appendix A massing study prepared by Bousfields Inc.). That massing study demonstrates that a building meeting the majority of the standards proposed in the Secondary Plan can be developed on the combined site.

Request

Proposed Map 21-6 (Development Potential Davisville Area) identifies much of the Davisville Character Area, including the Property, as having “No Tall Building Potential or Infill Potential”. Only a very small number of sites in the north end of the Davisville Character Area are identified as having Tall Building development potential. No lands south of Balliol Street are identified as having any tall building development potential whatsoever.

Despite the age of the building on the Property and its inadequacies, the Property is identified as having no infill potential.

The Girl Guides would ask that Map 21-6 (Development Potential (Davisville Area)) and Map 21-9, (Maximum Tall Building Heights (Davisville Area)) be deleted from the Secondary Plan for the time being and the applicability of the balance of the Secondary Plan policies, but in particular sections 4.3 and 4.5.6, be deferred from applying to the Davisville Character Area until a more comprehensive and detailed site by site analysis of development potential can be carried out.

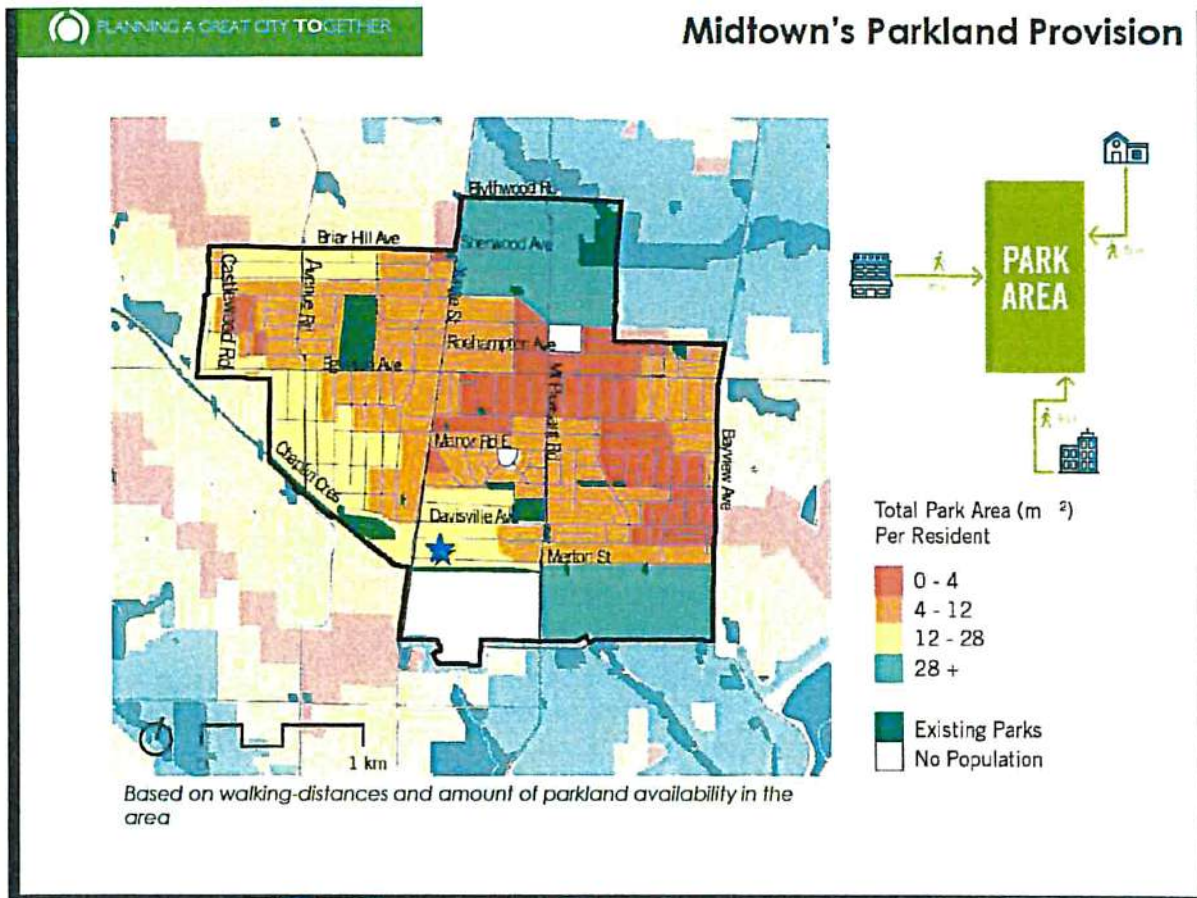
Alternatively, we would ask that both 50 and 64 Merton Street be designated as having Tall Building Potential in Map 21-6 and that Map 21-9 indicate a Maximum Height Range for the Property of between 32 and 35 storeys

Reasons

The Study advanced the “fundamental principal that growth must be linked to the provision of infrastructure and community services/facilities”. In assessing the public realm and community services/facilities in the area, the Study determined that much of the Davisville Character Area actually benefitted from a very high level of parkland provision. As can be seen in the Study graphic below (the Property shown as a blue star), the ratio of park area per resident benefits from the proximity of the Kay Gardner Beltline Trail, Oriole Park, June



Rowlands Park and the Mount Pleasant Cemetery with the Moore Park Ravine and David A. Balfour Park only marginally further away.



The Property also benefits from proximity to public transit and other infrastructure, including the Davisville subway station and the proposed widening and transportation improvements to Davisville Avenue as a Community Street. The Kay Gardner Beltline Trail serves as a pedestrian and bicycle transit corridor, while offering the benefit of naturalize environment. Additional growth can be better accommodated on this Property from these perspectives, even when compared to other parts of the study area where more growth is permitted.

Whether a property has tall building potential or even infill potential appears to have been determined in part based upon whether a development application was sought. For example, the property which abuts the Girl Guides' site to the west, 30 Merton Street, has been identified as an infill development potential site. It is currently the subject of development applications (Application No. 17 173706 STE 22 OZ). That application was filed prior to the draft Map being finalized. We would suggest that it is inappropriate for the Secondary Plan to allocate development potential based upon whether an application has been filed or pre-consultation has occurred with respect to the redevelopment of the site. The process should not simply be a race.

Some sites and some landowners will be disadvantaged if infill and tall building potential is assessed, even in part, based upon whether a scheme has been proposed to the City. As



is the case with 50 and 64 Merton Street, if assembly of parcels improves redevelopment potential, the time needed to come up with a proposal is necessarily longer because several parties need to come to a consensus. Some owners by their very nature take longer to work through their needs and desires. Unlike a commercial developer, a charity has to consider its purposes, programming, stakeholders, funding and financing. It inherently takes longer to make decisions. That process of considering options and factors other than pure profit may be slower, but we would suggest it helps make the final redevelopment better.

A thorough urban design analysis and planning process should be followed prior to freezing lands from redevelopment or from tall building potential. The deferral of policies and two maps for the Davisville Character Area would allow the Girl Guides, likely in conjunction with Greenrock, to explore further with the City how redevelopment potential for the Property can be best implemented. Our client is of the view that there has simply not been enough work done through the Study to determine the Property has "No Tall Building Potential or Infill Potential" whatsoever. We suggest that a site specific analysis, with consideration of potential assembly of the two adjoining sites is required before a final determination can be made.

If that is not the City's preference, we would ask that Maps 21-6 and 21-9 designate the Property (and ideally 64 Merton Avenue as well) as having Tall Building Development Potential and a range of Tall Building Height Limits between 32 and 35 storeys. In support of that, and as the only site analysis that has been carried out, we refer you to Appendix A, which demonstrates that the assembled site is capable of accommodating a tall building that would meet the majority, if not all, of the built form guidelines found elsewhere in the draft Secondary Plan.

Setback and Separation Distance Policy

We would also suggest that some additional clarity respecting the interpretation of the setback and separation distance policies for tall buildings may be useful to ensure adjacent development does not export separation distance requirements onto the Property. The concern arises mainly from the fact that the side yard setback of the development at 68 Merton Street is less than the proposed policy in the draft Secondary Plan.

We would request confirmation that the policy does not require a full 25 metres separation between that building and any building on 50 and 64 Merton Street or a modification to the policy to ensure reduced side yard setbacks on adjoining properties will not disadvantage the development potential of the Property or 64 Merton Street.

Overly Prescriptive Provisions

In general terms, because no definitive design for a redevelopment is yet available, our client is of the view that there are a number of provisions in the draft Secondary Plan which are overly prescriptive and do not allow for the appropriate flexibility needed to address site conditions. For example, the open space ratio provision in section 4.3.8 restricts the flexibility normally needed to respond to site specific characteristics. The proposed "no net new shadowing" provision that applies to parks and open spaces is very restrictive and we expect will be impractical and unduly onerous, necessitating an Official Plan Amendment for



even a square centimetre of new net shadowing for an extra minute. That provision, like the tower floor plate limit of 750 square metres and the minimum tower separation distances, differ from the Tall Building Urban Design Guidelines used elsewhere in the City. Continued use of those Guidelines is preferable and more appropriate. There is also some concern around the provisions requiring a specific percentage of two and three bedroom units and affordable housing and the section 37 policies which the residential proponent could better address once the entirety of the development is known and the other advantages to the City and the public interest are established. Allowing flexibility, particularly in a mixed use development where an important community resource is to be retained and improved, is more appropriate.

Provincial Policy and Growth Plan

In general terms and as our previous comments on specific proposed provisions and standards highlights, the approach of the Secondary Plan to impose strict numeric and site specific limits is unfortunately inconsistent with the policies in the Provincial Policy Statement and do not conform with the provisions of the Growth Plan which promote intensification, employment, efficiency, resiliency through accommodating institutional uses, finding locations for meeting places, cultural facilities and public institutions like the Girl Guides and compact built forms in areas in close proximity to public transit

Public Benefits of Developing this Site

As described above, one goal of a redevelopment of the Property is more office space for the Girl Guides' Ontario Regional staff. With the additional staff that the reimagining of the Girl Guide's programming will entail, our client expects the number of people employed at this location will increase by more than 100, more than doubling the amount of jobs on the Property. We also understand that Greenrock's current offices at 64 Merton Street would likely remain in the redevelopment. This would implement the Study's goal of increasing employment for the area and more than satisfy the Merton Street Character Area policy in section 4.5.6.3: "[d]evelopment will replace existing office spaces, should provide additional office and institutional uses within mixed use developments." Increased employment is particularly appropriate given the close proximity to the Davisville subway station and the plans to widen and improve transportation on Davisville Avenue as a Community Street.

The Girl Guides already provide and are part of the community services for this area. Redevelopment of this scale (15,000 square feet to 50,000 square feet) will certainly augment the level of services provided to the community.

In addition, we would like to engage in discussion over whether the new Girl Guides program space could serve wider-community functions. Discussion about how that space can be configured and potentially shared with other public or community service providers should be part of the analysis of the suitability of this site for infill redevelopment. As mentioned above, these benefits should be considered when establishing section 37 obligations.

Summary and Conclusion

A deferral of maps 21-6 and 21-9, along with the application of the policies to the Davisville Character Area would allow for a more careful consideration of how the Character Area and



the Property should be dealt with the Secondary Plan. If a deferral of the policies and the maps is not considered desirable, we would simply ask that the combined 50 and 64 Merton Street sites be designated lands with tall building potential on map 21-6 and that map 21-9 indicate a maximum height range for this site of between 32 and 35 storeys. Our comments with respect to the other provisions would then be applicable.

We would be pleased to meet with the City further to answer questions, discuss comments and the proposals. The Girl Guides may wish to provide further comments prior to Council adoption of the Secondary Plan.

If you have any questions please contact us.

Yours very truly,

MILLER THOMSON LLP

Per: 

David Tang
Partner
DT/II

cc: Mr. David Pause
Ms. K. Kim Gallately

Enclosure



Appendix A

SITE 2

50-64 MERTON STREET, TORONTO

STATS

Site Area: approx. 2,807 sm (0.69 ac.)

Character Area: Midtown Special Places-Merton Street

