



June 6, 2018

Project No.: 14116-1

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

Dear Sirs/Madam:

**Re: Item PG30.4 - June 7, 2018 Planning and  
Growth Management Committee  
Midtown in Focus: Yonge-Eglinton Secondary Plan OPA  
313 Eglinton Avenue West**

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We are planning consultants to Hullmark with respect to its site at 313 Eglinton Avenue West, located at the southwest corner of Eglinton Avenue West and Avenue Road, ("the subject site").

On behalf of our client we are submitting the following comments with respect to the proposed Midtown in Focus: Yonge-Eglinton Secondary Plan OPA.

**Consistency and Conformity**

With respect to the merits of the Yonge-Eglinton Plan as it applies to the subject site, it 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 site.

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".

**Nodal Intensification and Height**

In reviewing the Yonge-Eglinton Plan, we are of the opinion that there has been insufficient analysis of intensification around higher order transit stations. Recognizing the land use and transportation planning benefits associated with

nodal intensification, it is our opinion that more consideration for increased heights and densities should be evaluated for the intersection of Avenue Road and Eglinton. This is of particular importance as it pertains to the subject site, which is already constrained due to the heritage listing of the property. The current policies could effectively negate any meaningful or feasible intensification of the site.

Our primary concern is that the Yonge-Eglinton Plan does not properly recognize the importance of intensification on the subject site given its location on the doorstep to the Eglinton-Avenue Road LRT station. In order to be able to accommodate the growth and intensification targets set out for the City over the next 15-25 years and, even more critically, to be able to increase the housing supply going forward to help address the affordability problems we collectively face, we will need to take advantage of opportunities to intensify in “major transit station areas”, where people can live and work without relying on a private automobile.

The approach in the Yonge-Eglinton Plan is counter-productive to those objectives. It would restrict, rather than support, the intensification potential of the subject site by imposing a height limit 7 storeys, excluding mechanical penthouse. Fundamentally, 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.

From a strategic perspective, planning for nodal intensification around key higher order transit stations provides significant potential for integrating land use and transportation planning objectives. There are limited opportunities to optimize intensification on sites in proximity to rapid transit stations to meet the objectives of the Growth Plan. Sites which are located within immediate proximity of subway stations (such as the subject site) provide an opportunity to maximize the number of potential transit users within walking distance of the station.

The distance to the Eglinton LRT station should be a key consideration in determining an appropriate height for the subject site. In our opinion, the apparent failure to take this consideration into account or to give it proper weight does not conform with the direction in the Growth Plan to maximize the number of potential transit users within walking distance of the station. Instead, the October 15, 2017 staff report appears to consider only the minimum density requirements set out in the Growth Plan.

In addition, the subject site, located on the south side of the Avenue, is a contextually appropriate location for increased height given its location to Eglinton

LRT station and the that there would be no resulting shadow impacts on adjacent neighbourhoods south of the site.

**Lack of Consultation**

On behalf of Hullmark, Borden Ladner Gervais LLP submitted a letters Paul Farish and to Gregg Lintern indicating concerns with the proposed policies and concerns with respect to a lack of meaningful and effective consultation (these letters are attached hereto). As stated in these letters, this lack of meaningful consultation may result in an inappropriate planning response to a significant capital investment in the midtown of the City (the Eglinton Crosstown).

**Deferral Request**

The foregoing is not a comprehensive list of all of the concerns that would arise from the application of the Yonge-Eglinton Plan to the subject site. If our request to exempt the subject site from the Yonge-Eglinton Plan is not granted, on behalf of our client, we request that the approval of the Yonge-Eglinton Plan be deferred, at least as it applies to the subject site, so that all of the concerns can be discussed with City Planning staff, and the results be reported to Council.

We appreciate your consideration of the foregoing submission. Should you require any additional information, please do not hesitate to contact the undersigned.

Yours very truly,

**Bousfields Inc.**



Michael Bissett, MCIP, RPP

MB:klh:jobs

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**File No. 085644/000014**

May 10, 2018

**Delivered by Email (glintern@toronto.ca)**

Mr. Gregg Lintern  
Chief Planner & Executive Director  
City Planning Division  
Toronto City Hall  
12<sup>th</sup> Fl. E., 100 Queen Street W.  
Toronto, ON M5H 2N2

Dear Mr. Lintern:

**Re: Midtown in Focus: Proposed Yonge-Eglinton Secondary Plan Update**  
**Subject Property: 313 Eglinton Avenue West**

We represent Hullmark Developments Ltd., the owner of property located at 313 Eglinton Avenue West (the “**Subject Property**”). The Subject Property is situated in the southwest corner of Eglinton Avenue West and Avenue Road, directly across the street from the planned Avenue Road underground station for the Eglinton Crosstown LRT project.

On behalf of our client, we write to express concern regarding the lack of meaningful and effective public consultation since the release of the draft Midtown in Focus: Proposed Yonge-Eglinton Secondary Plan Update in November 2017.

Our client provided comments in writing to the City on February 22, 2018. The letter is attached for your ease of reference, and emphasizes the fundamental mismatch between investment in higher order transit across the street from the Subject Property, at the intersection of two of the City’s most prominent streets, and the proposed designation and built form limits encumbering the Subject Property.

Following submission of this feedback, Mr. Bissett attempted to arrange a meeting with the City to discuss these concerns. It was reasonably expected that property owners might have an opportunity to discuss the proposed policy directions for their specific properties, and to engage in dialogue about alternatives, in a direct one-on-one meeting. Instead, in late April our client was invited to a group session on May 8, 2018, at which City staff presented proposed changes to the Plan and an update on timelines and reporting. The explanation for this group meeting / presentation approach was, “Given the interest in the plan, we are unable to meet with you each individually.”

Respectfully, this is a completely inadequate approach to consultation. It is not sufficient to advise that, due to a high level of interest in this planning exercise, the City will or must diminish the opportunity for meaningful consultation. What is at stake is the appropriate planning response to the most significant capital investment ever made across the midtown of the City. If it takes time

to get it right, that time should be devoted to the task. Instead, we are now advised that the revised Plan will be released on May 18 and will be considered by PGM Committee on June 7. It would appear that after May 18, the window for direct discussion of the proposed revised policies will effectively be closed, as one cannot reasonably consider the opportunity to make a deputation on site-specific concerns at a busy Committee meeting to be a viable forum for policy discussion. In fact, we would expect that even now the opportunity for dialogue is limited given the impending release of the revised Plan, which we understand is substantially altered.

All of the foregoing is exacerbated by the City's identification of the Official Plan Amendment as being initiated pursuant to section 26 of the *Planning Act*. For this reason, and to the extent properties fall within major transit station areas, it would appear that there will be no opportunity to appeal the plan to the Local Planning Appeal Tribunal following its approval. In these circumstances, it is our client's submission that the City bears an even greater onus to engage in meaningful and direct consultation with affected property owners.

Accordingly, we respectfully request that the PGM Committee meeting on this item be deferred, so that effective consultation with directly affected owners can be commenced upon release of the revised Plan on May 18.

We further request the opportunity to meet directly with City staff to understand and discuss the proposed policy direction for the Subject Property, before May 18, 2018.

We look forward to hearing from you.

Yours very truly,  
**BORDEN LADNER GERVAIS LLP**



Pitman Patterson  
JPP/sa

Enclosure

cc: Mr. Paul Farish, Senior Planner, City of Toronto  
Ms. Leona Savoie, Hullmark Developments Ltd.  
Mr. Michael Bissett, Bousfields

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**File No. 085644/000014**

February 22, 2018

**Delivered by Email (paul.farish@toronto.ca)**

Paul Farish, Senior Planner  
Strategic Initiatives  
City Planning Division  
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55 John Street, Toronto  
Toronto, ON M5V 3C6

Dear Mr. Farish:

**Re: Midtown in Focus: Proposed Yonge-Eglinton Secondary Plan Update**  
**Subject Property: 313 Eglinton Avenue West**

We represent Hullmark Developments Ltd., the owner of property located at 313 Eglinton Avenue West (the “**Subject Property**”). The Subject Property is situated on the southwest corner of Eglinton Avenue West and Avenue Road, directly across the street from the planned Avenue Road underground station for the Eglinton Crosstown LRT project.

The *Midtown in Focus: Proposed Yonge-Eglinton Secondary Plan Update* (the “**Plan**”) provides for two types of major transit station areas at Policy 3.1.6:

[...] Two types of major transit station areas are identified:

- (a) Transit nodes which are defined geographies with clusters of uses and varying levels of intensity. Transit nodes include:
  - (i) a Station Area Core, which includes the rapid transit station(s) and will have the most intense density, use and activity within the major transit station area, including a concentration of employment uses; and
  - (ii) a Secondary Zone that supports transit-supportive development in a compact urban form and contributes to a high level of employment. The intensity of development will be markedly less than the Station Area Core with transitions in height and scale to adjacent areas.
- (b) Transit corridors which are oriented along major transit routes and make up the Eglinton Way Village. The corridors will have a midrise character and buildings that are designed to respond to the historic character of the Village and the scale and intensity of surrounding *Neighbourhoods*.



Despite its location in the immediate proximity of the planned station, the Subject Property is designated in the Plan (Map 21-2 - Area Structure) as a “Secondary Zone” node, meaning it is planned for lower development intensity than a “Station Area Core” node.

We note that the areas surrounding all of the other Major Transit Stations in the Plan Area are designated as “Station Area Core”, with the exception of the Chaplin Crescent station.

Given the location of the Subject Property on the corner of two major streets and immediately across from the planned station, it would be more appropriate to categorize the Subject Property and other properties proximate to the station as falling within a “Station Area Core”, as is the case with properties immediately surrounding the other Major Transit Stations along major roads in the Plan area.

The Subject Property is also identified as being within the Eglinton Way Character Area in Policy 4.1. Policy 4.1.5 unreasonably limits the built form in the Eglinton Way Character Area:

4.1.5 The maximum building heights will be in accordance with the following:

(b) Eglinton Way:

- (i) Buildings will not exceed a maximum height equivalent to the adjacent right-of-way width (27m);
- (ii) An angular plane will be taken from a height equivalent to 80 per cent of the right-of-way width on Eglinton Avenue and side streets on corner sites. Subsequent storeys must fit within a 45-degree angular plane from this point;
- (iii) Building height will not exceed a 45-degree angular plane beginning from:
  - a height of 10.5 metres above the rear 7.5 metre setback for shallow lots ( $\leq 41\text{m}$ ); and
  - the rear property line for deep lots ( $> 41\text{m}$ ).

In our view, the height restriction of 27 m in Policy 4.1.5(b)(i) and the angular plane limit in Policy 4.1.5(b)(iii) are particularly unreasonable with respect to the Subject Property, in light of its location in the immediate vicinity of a planned Major Transit Station.

Restricting the built form of the Subject Property and other properties within the Eglinton Way Character Area close to the station in these ways is an underutilization of the land around a major transit station. We ask that the limits on maximum height and angular plane be altered to allow for optimal use of the lands in this Character Area so as to permit greater intensification close to the Major Transit Station. Depicting a Station Core Area around this station site would be consistent with this approach.

The massive investment in higher-order transit in this area calls for higher density permissions in the surrounding areas. In addition, the *Growth Plan 2017* calls for transit-supportive development in higher-order transit corridors (see, for example, Policy 2.2.4). While some lower density building forms are now adjacent or close to the Secondary Zone as shown in the Plan, the City should plan now for the prospect of more intense development at this intersection. The Plan fails to capitalize on the public investment as directed by the Growth Plan and artificially constrains land use to its least efficient form just metres away from a higher-order transit station.

We would be pleased to discuss these concerns with City Staff. Given our client's interest in the Plan, we would request notification of any future committee and council meetings and decisions with respect to this matter.

Yours very truly,

**BORDEN LADNER GERVAIS LLP**



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