

October 8, 2019

File No. 147436

BY EMAIL
etcc@toronto.caEtobicoke York Community Council
Etobicoke Civic Centre
Main floor, 399 The West Mall
Toronto, ON M9C 2Y2Attention: Rosemary MacKenzie, Administrator

Dear Sirs/Mesdames:

**Re: Item EY9.1
Final Report – Sherway Area Secondary Plan**

We represent Cadillac Fairview, being the owner of the property municipally known as 25 The West Mall and commonly known as the Sherway Gardens shopping centre (the "Property"). Cadillac Fairview is the single largest landowner within the Sherway Area Secondary Plan and has been actively involved in the planning process, particularly as it relates to the Property's mixed-use development potential. Currently, Cadillac Fairview has an ongoing Official Plan Amendment application, submitted on July 11, 2019, to facilitate the development of eight new buildings on the northern and western periphery of the Property, accommodating new residential, retail, office and hotel uses while retaining the existing shopping centre in its entirety.

The Sherway Area study was completed in 2016 with City Council adopting the recommendations of the staff report on the findings of that study in December 2016. It was not until May 2019 that City staff hosted two public open houses to introduce the draft Secondary Plan. On June 28, 2019, on behalf of Cadillac Fairview, our client's land use planning consultant, Walker, Nott, Dragicevic Associates Limited ("WND"), submitted comments on the draft Secondary Plan, dated May 2019 (attached). On July 31, 2019, Cadillac Fairview and WND attended a meeting with planning staff to discuss our client's comments. Following that meeting, on August 19, 2019, WND provided additional comments on the draft Secondary Plan to City staff. On September 27, 2019, the staff report, dated September 23, 2019, including the draft Secondary Plan, was made publicly available.

Our client has reviewed the draft Sherway Area Secondary Plan to be considered at the October 10, 2019 meeting of the Etobicoke York Community Council. Although generally supportive of the overall vision cast by the draft Secondary Plan, our client has outstanding concerns and comments with the present draft, including but not limited to the following:

- **Public Parks:** The requirement in Policy 4.6.5 for public parks to have seven hours of sunlight is too prescriptive and should be revised to require "adequate sunlight". Although Map 43-4 (Greening Strategy) identifies three new public parks on the Property, we appreciate that Policy 4.3 now contemplates alternative locations and configurations for new public parks, which is appropriate. In particular, we believe that

there are opportunities where off-site parkland can be better accommodated and linked to existing natural areas.

- **Open Space:** The requirement in Policy 4.9 for a minimum of 10% of the gross site area within each Precinct to be open space is too prescriptive and will be difficult to implement given that there are multiple landownerships within each Precinct. This policy should be revised to delete the minimum percentage requirement and instead encourage the provision of open space.
- **Land Use:** Policies 5.2 and 5.3 (Mixed Use Areas 'A') should be revised to expressly allow for a hotel use, as they are complementary to the other permitted uses, including residential, institutional, retail, office and public transit facilities. Similarly, Policy 5.7 (Mixed Use Areas 'B') should be revised to allow for a hotel use.
- **Building Setbacks:** Policy 7.6 should be revised to allow for flexibility in the minimum building setbacks from street-facing property lines where it can be demonstrated that a lesser setback is appropriate.
- **Streetwall Heights:** Policy 7.11 and Map 43-7 should be revised to allow for additional flexibility where it can be demonstrated that increased streetwall heights are appropriate.
- **Building Stepbacks:** Policy 7.13 contains minimum building stepbacks above certain building heights, which is overly prescriptive for an Official Plan policy. The policy should be deleted to allow for detailed building design through the zoning by-law amendment process.
- **Tall Buildings:** With respect to tall buildings, we support planning staff's removal of the policies prescribing their locations and heights provided that the Property is considered a "landmark site" as per policy 7.15. However, we remain concerned with Policy 7.18 which requires a minimum tower separation of 30 metres. At a minimum, the requirement should be reduced to 25 metres to be consistent with the Tall Building Guidelines and should allow for additional flexibility where it can be demonstrated that a reduced separation is appropriate.
- **Unit types:** Policy 8.9.3 should be revised to contemplate units that can be converted to 2-bedroom and 3-bedroom units through the use of adaptable design measures.
- **Public Streets:** Map 43-3 (Streets and Block Plan) illustrates the existing private streets on the Property as eventually becoming public streets. Section 9 (Mobility) of the draft Secondary Plan should be revised to expressly acknowledge that, until such time as the entirety of Sherway Gardens may be redeveloped, our client requires the flexibility to preserve opportunities for future expansions which largely relies on maintaining the existing private road network; and
- **Sherway Gardens Precinct:** Policy 10.31 requires that new public parks be distributed throughout the precinct, but should be revised to allow for alternative locations and configurations for new public park(s) within or outside of the Sherway Gardens Precinct, in line with Policy 4.3. Additionally, Policy 10.32.1 should be revised to expressly acknowledge that the existing private ring road on the Property will be redesigned and

dedicated as a public street only upon the full redevelopment of the entirety of the Property.

Generally, unless additional flexibility is provided within the draft Secondary Plan, the objectives and desired vision of the Secondary Plan will not be achievable. Finally, we note that the draft Sherway Area Urban Design & Streetscape Guidelines were only made available on October 2, 2019. Accordingly, we have not had sufficient time to thoroughly review the draft document.

Given the outstanding concerns, we ask that the draft Secondary Plan and the draft Urban Design & Streetscape Guidelines be referred back to planning staff for further consultation with affected landowners, including necessary revisions, prior to being considered by the Etobicoke York Community Council.

If you have any questions, please contact the undersigned or Maggie Bassani (mbassani@airdberlis.com / (416) 865-3401). In addition, please provide us with notice of all upcoming meetings and decisions of Council, including Committees of Council, at which the draft Secondary Plan and/or any related planning study will be considered.

Yours truly,

AIRD & BERLIS LLP

 Kim Kovar

KMK/mb

cc: Peter Nikolakakos, *Cadillac Fairview*
Andrew Ferancik, *Walker, Nott, Dragicevic Associates Limited*

Attachment

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AIRD BERLIS

28 June 2019

Melanie Melnyk
Strategic Initiatives, Community Planning
Etobicoke York District, City of Toronto
Etobicoke Civic Centre, 3rd Floor
2 Civic Centre Court
Toronto ON M9C 5A3

Attention: **Melanie Melnyk, Senior Planner**
 Strategic Initiatives, Etobicoke York District

Dear Ms. Melnyk:

RE: **Draft Sherway Area Secondary Plan**
 The Cadillac Fairview Corporation Limited
 Our File: 13.623.01

Walker, Nott, Dragicevic Associates Limited (“WND Associates”) is the planning consultant for The Cadillac Fairview Corporation Limited (“CF”) with respect to the above-noted Draft Sherway Area Secondary Plan (“SSP”) that is currently under consideration by the City of Toronto. CF owns and operates Sherway Mall at 25 The West Mall, which is bound by The West Mall to the west, The Queensway to the north, and Sherway Gardens Road to the east and south; and is the largest property within the SSP area (see Figure 1).



Figure 1: Excerpt from City of Toronto Draft Secondary Plan open house presentation;
Subject Site outlined in orange.

The Draft Sherway Area Secondary Plan was released on the City of Toronto's website earlier in May 2019, incorporating many of the findings and recommendations included within the City's Sherway Area Study that was completed in 2016. CF was an active participant in the Sherway Area Study process and provided comments throughout its duration including concerns regarding some of its draft policies, most significantly relating to the provision of new public roadways and parkland within the Subject Site.

WND is currently assisting CF with respect to the submission of an Official Plan Amendment application pertaining to the Subject Site to implement the framework for a mixed use community, and have been in discussions with Planning Department staff in this regard.

The Draft Sherway Area Secondary Plan contains a less prescriptive tower height policy framework than the Sherway Area Study, which we strongly support in order to provide the necessary flexibility to achieve the desired vision of the plan.

The Draft Secondary Plan also includes a number of streetscape-oriented policies that generally speak to creating an attractive and safe place that is publicly-accessible and supports a range of social and recreation activities in a connected system (Section 2.3.2); that provides streetscape amenities such as street furniture and wayfinding elements (Section 9.8.4); includes street edges lined with new buildings oriented toward them (Section 2.3.1); and provides pedestrian-scaled streets that are functionally and aesthetically oriented toward improving pedestrian experiences (Section 9.8.4); among others.

We generally support these policies, and the guiding principle that development of the Sherway Area should result in "...a cohesive, urban appearance, oriented toward street edges to provide a comfortable pedestrian realm" (Section 2.3.1) which supports "Safe and convenient movement through the area and beyond [which] will be enhanced by providing improved opportunities for walking, cycling and public transit use..." (Section 2.4.2). That being said, we have significant concerns with some of the ways in which the Draft Secondary Plan proposes to achieve these objectives.

The Draft Secondary Plan states in a number of sections, and primarily in Sections 9.1 and 9.4, that new public streets are to be created to provide improved opportunities for mobility and transit, and that existing private streets that the plan identifies are to be dedicated to the City to "...ensure appropriate access and linkages, building frontage and address as adjacent development proceeds." Map XX-3 identifies new public streets to be dedicated on the Subject Site, and Section 10.30.1 requires the ring road around the shopping centre to be dedicated as a public street.

We do not support the Draft Secondary Plan policies regarding the provision of new public streets through the Subject Site, and are of the opinion that any reference to the provision of new public streets on the Subject Site should be deleted. The streetscape-oriented objectives identified by the Draft Secondary Plan can be achieved with the existing private streets maintained on the Subject Site, especially considering that the proposed redevelopment on the Subject Site will be oriented to have frontage on existing public streets along The West Mall, The Queensway, and Sherway Gardens Road. Because the Draft Secondary Plan policies regarding streetscape design can be adequately achieved with the existing private road network on the Subject Site, there is no need for the conveyance of these streets for public ownership. Sherway Gardens is a significant regional shopping centre that continues to grow and attract visitors from across the City and abroad; maintaining flexibility to preserve the opportunity for future expansion largely relies on keeping the existing private road network under private ownership. The conveyance of this road

network would severely limit future possibilities of redevelopment and expansion because it would effectively sever the existing shopping centre off from its surrounding lands.

The Draft Secondary Plan also includes policies regarding parks. We are in agreement with the guiding principle that,

The Sherway Area will emerge as a green, safe and attractive place consisting of public streets, parks, promenades, streetscape improvements and Privately Owned Publicly Accessible Spaces that create a connected system and support a range of local social and recreation activities. (S. 2.3.2)

We are not, however, in agreement with Policy 10.29 which requires at least three parks on the Subject Site, or any other provision that requires any specific number of parks or in specific locations on the Subject Site, including maps XX-2, XX-4, XX-6, and XX-8. The prescriptive nature of these park policies with respect to the Subject Site limits its potential for intensification, especially considering other already-existing constraints such as the location of existing private roadways, setback requirements from public rights-of-way, on-site easements, the requirement of an on-site transit hub, and parking requirements. The constraints created by the parkland requirements are further exacerbated given that the Draft Secondary Plan strongly discourages above-grade parking. The ability to provide greater vehicular and pedestrian connections to promote better on-site mobility is constrained as a result. Considering the City does not accept encumbered parkland, the locations of these on-site parks will further constrain potential below-grade parking structures that can accommodate parking volume requirements.

Recognizing the reasons why the specified on-site parks cannot be accommodated on the Subject Site above, Section 4.4.2 of the Draft Secondary Plan provides that off-site parks are also appropriate and are second in priority to on-site parks. There are significant opportunities where off-site parkland may be better-accommodated to serve prospective on-site and nearby residents, and where better linkages and connections may be made to existing natural areas. We would be happy to discuss these opportunities with City staff to resolve our opposition to the on-site parkland requirements on the Subject Site.

The objectives of the Secondary Plan are not achievable for the reasons we have discussed above, and therefore, we do not support it in its current form. Furthermore, we have not been provided with sufficient time nor opportunities to consult on the implementation of its policies or realistic alternatives. We request further consultation with staff before they send this report forward to Etobicoke York Community Council for consideration. We would be willing to participate in a working group-type of process with staff to try and arrive at a mutually supportable plan. Moreover, we have additional issues with the Secondary Plan that we would like to discuss in future stakeholder meetings.

Thank you for giving us this opportunity to provide comments on this important policy document which will set the framework for growth in this area for the next several decades. We look forward to discussing this matter with you in the near future, and before the Draft Secondary Plan is considered by Etobicoke Community Council in the Fall of 2019.

Yours very truly,

WND associates
planning + urban design

A handwritten signature in black ink, appearing to read "A Ferancik".

Andrew Ferancik, MCIP, RPP
Principal

cc. Corwin Cambray, City of Toronto
Peter Nikolakakos, The Cadillac Fairview Corporation Limited

