

Reply to the Attention of: Mary Flynn-Guglietti  
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Our File No.: 222681  
Date: October 9, 2019

**DELIVERED VIA EMAIL TO: ETCC@TORONTO.CA**

City of Toronto, City Clerk's Office  
Attention: Rosemary MacKenzie, Committee Administrator  
Toronto City Hall,  
100 Queen St. W., 13th fl. W.  
Toronto ON M5H 2N2

Dear Chair Mark Grimes and Members of Etobicoke York Community Council,

**Re: Etobicoke York Community Council Meeting of October 10, 2019  
ITEM #EY9.1  
Objections of Amexon Realty Inc. (701 – 703 Evans Avenue East, Toronto)  
Draft Sherway Area Secondary Plan (Proposed Official Plan Amendment 469) &  
Draft Sherway Area Urban Design & Streetscape Guidelines**

We are the solicitors retained on behalf of Amexon Realty Inc. ("**Amexon**") with respect to the above matter. Amexon is the registered owner of lands municipally known as 701-703 Evans Avenue (the "**Property**"), located in the City of Toronto (the "**City**"). The Property is located at the southeast corner of Evans Avenue and The West Mall, the south limit of the proposed Draft Sherway Area Secondary Plan.

Currently, the Property is designated "Employment Areas" in the City's Official Plan, and the Property consists of two (2) nine-storey office buildings. The southerly building on the Property (703 Evans Avenue) is comprised of multiple levels of above grade parking. Surface parking areas surround both buildings including along the Property's frontages on The West Mall and Evans Avenue.

**Amexon Participation in the Sherway Area Study**

Since its commencement in 2013, Amexon, through its planners Gagnon Walker Domes Ltd. ("**GWD**"), has actively participated in the Sherway Area Study planning process. This has included attendance at public and landowner meetings hosted by the City, as well as the submission of formal input through a series of letters dated September 9, 2013, September 22, 2014, July 24, 2015 and November 15, 2015, all of which were filed prior to Council's

Direction in December 2016 to update the existing planning framework for the Sherway Area.

As noted above, the Property is currently designated "Employment Areas" in the City's Official Plan. To facilitate the future intensification and redevelopment of the Property for mixed-use development, Amexon made a formal conversion request to the City of Toronto as part of the City's Municipal Comprehensive Review of its designated Employment Areas via its appeal of Official Plan Amendment 231 ("**OPA 231**"). Amexon's conversion request was made to re-designate the Property from "Employment Area" to "Mixed Use Area". As such, Amexon has been on record for years with respect to the designation of the Property.

Through participation and correspondence, Amexon has maintained this position and requested that the Property be re-designated "Mixed Use Areas" in the Secondary Plan. This re-designation would facilitate the opportunity to introduce residential uses in addition to the currently-permitted office uses as part of a comprehensive mixed-use development featuring a combination of new and existing buildings.

Most recently, GWD attended the Public Open House Meeting held on May 27, 2019 at which GWD reiterated to City Planning Staff Amexon's concerns regarding the future use of the Property for an office precinct. It is our respectful position that the Secondary Plan should recognize the mixed-use intensification potential on the Property given its gateway location, frontage on an existing major streets, location in close proximity to a future potential higher order transit station and presence within an existing and evolving mixed use development context. Of additional importance to Amexon is ensuring that its existing office buildings and site operations are thoroughly considered and reflected within the draft Secondary Plan policy framework.

The Sherway Area Secondary Plan – Final Report (dated September 23, 2019) includes draft Official Plan Amendment 469, draft Sherway Area Secondary Plan, and draft Sherway Area Urban Design & Streetscape Guidelines.

We ask that you please accept this letter of concern as additional formal public input prior to the consideration of draft planning policy and design guidelines for the Sherway Area.

### **1. Current Official Plan Land Use Designation and Official Plan Amendment 231**

As discussed above, OPA 231, as approved by City Council, recommended that the Property be designated "Core Employment Areas", which does not permit residential uses. On that basis, Amexon appealed OPA 231 (the "**OPA 231 Appeal**") to the Local Planning Appeal Tribunal ("**LPAT**"). Amexon's OPA 231 Appeal remains active; however, a hearing date regarding Amexon's site-specific concerns has not yet been scheduled. Nevertheless, the Sherway Area Secondary Plan Final Report (page 11) acknowledges the OPA 231 Appeal and summarizes Planning Staff's position that "changes to the designation of these lands will be made through the two site-specific appeals of OPA 231, if permitted."

Notwithstanding City Planning's position on the OPA 231 Appeal, it is Amexon's position that the approval of the Sherway Area Secondary Plan and Urban Design & Streetscape Guidelines would be premature in light of Amexon's OPA 231 Appeal, specifically with respect to the Property's proposed "Core Employment Area" land use designation under OPA 231.

Additional comments and concerns respecting the Draft Sherway Area Secondary Plan, and the Draft Sherway Area Urban Design & Streetscape Guidelines are generally provided below. For a detailed listing of Amexon's concerns respecting the Draft Sherway Area Secondary Plan, we are attaching a letter from Richard Domes of GWD, dated October 7, 2019.

## **2. Comments and Concerns with Draft Sherway Area Secondary Plan**

Amexon's concerns with the Draft Sherway Area Secondary Plan may be generally summarized as follows:

- The planning policy framework does not appropriately consider the Property's intensification potential for a comprehensive mixed-use development, featuring residential, office and other commercial uses;
- Draft policy in the Secondary Plan does not appropriately recognize the existing built conditions of the Property;
- Concerns respecting the Secondary Plan's Section 4 – Parks Open Spaces and the Public Realm, which outlines policy for the implementation of a "Greening Strategy";
- Concerns respecting the Secondary Plan's Section 5 – Land Use, mainly the designation of the Property as "Core Employment Area" instead of "Mixed Use Area";
- Concerns respecting the Secondary Plan's Section 6 – Development Capacity, mainly that it fails to recognize the opportunity for significant residential intensification and the retention of office uses on the Property;
- Concerns respecting the Secondary Plan's Section 7 – Built Form, mainly that it introduces inflexible performance standards which are unreasonably restrictive on intensification opportunities, possibly undermine the City's Official Plan regarding targeted growth areas, fails to recognize existing built forms on the Property, and prescribes numerical setbacks;
- Concerns respecting the Secondary Plan's Section 8 – Housing, mainly that the range and mix of housing options should pertain to the area as a whole, and that the policies contained within are inflexible and do not take into account market conditions;

- Concerns respecting the Secondary Plan's Section 9 – Mobility, mainly with respect to the potential negative impact on the Property's access of the proposed new public road connections on the adjacent intersection, and the Property's ability to retain its existing surface and above-grade parking structures;
- Concerns respecting the Secondary Plan's Section 10 – Precincts, specifically that Amexon does not support the "QEW Office Precinct" policies, that residential intensification should be recognized and permitted within the Property buildings, and that precinct plans should be developed and approved on their own merit; and
- Concerns respecting the Secondary Plan's Section 11 – Interim Uses, mainly that Amexon is restricted in its ability to improve the existing office buildings.

### **3. Comments and Concerns with the Draft Sherway Area Urban Design & Streetscape Guidelines**

Amexon's Concerns with the Draft Sherway Area Urban Design & Streetscape Guidelines may be generally summarized as follows:

- The guidelines are premised on the use of the Property for employment uses, which conflicts with Amexon's intended future use of the Property, and approval would be premature while the OPA 231 Appeal is ongoing;
- Amexon disagrees with the characterization of the nine-storey buildings on the Property as "mid-rise" in terms of existing character;
- Amexon disagrees with the provision of a guideline of 30 storeys as a maximum building height, in part due to existing built conditions;
- The guidelines fail to consider that mixed use developments may incorporate a wide range of uses (including office and residential) within the same or multiple buildings;
- Tower setbacks for tall buildings should be assessed on a case-by-case basis;
- Parkland dedication requirements do not appropriately form part of urban design and streetscape guidelines and should therefore be removed. Additionally, the requirements do not reflect the geographic constraints of the existing built conditions;
- The "minimum" right-of-way required for the conceptual street cross section cannot be supported until it is confirmed what right-of-way width is required.

#### **4. Provincial Plans**

For the reasons provided in greater detail in the GWD letter dated October 7, 2019, it is respectfully submitted that the draft OPA 469, as currently drafted, and in light of Amexon's appeal of OPA 231, is not consistent with the Provincial Policy Statement (2014), and does not conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) (the "**Growth Plan**"). Importantly, the Property is located within a "Major Transit Station Area" as defined within the Growth Plan, and as such, is within a growth area that is planned to be transit-supportive in design, mixed-use in nature, and of higher density that is to provide convenient and efficient connections to transit stations, transit stops, and other major trip generators.

#### **Conclusions**

For the reasons listed above, and for the additional reasons and details provided in the attached GWD letter dated October 7, 2019, Amexon is greatly concerned with the insufficient regard that draft OPA 469 (including the draft Sherway Area Secondary Plan and Sherway Area Urban Design and Streetscape Guidelines) has placed on the current and future intended use of Property. It is also Amexon's position that the approval of draft OPA 469, the draft Sherway Area Secondary Plan and the draft Sherway Area Urban Design & Streetscape Guidelines would be premature in light of Amexon's ongoing appeal of OPA 231.

In lieu of the above concerns, Amexon does not support the Recommendations of the Sherway Area Secondary Plan Final Report, and requests that they not be endorsed by Etobicoke York Community Council or City Council.

Should you have any questions or concerns with respect to the above or attached, please do not hesitate to call or email the undersigned.

Yours truly,



Mary Flynn-Guglietti\*

\*A Professional Corporation

Cc. J. Azouri, Amexon Realty Inc.  
M. Gagnon, Gagnon Walker Domes Ltd.  
R. Domes, Gagnon Walker Domes Ltd.