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October 7, 2019

City of Toronto - City Planning
Etobicoke Civic Centre
399 The West Mall, 3rd Floor, South Block
Toronto, Ontario
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Attention: Ms. Melanie Melnyk, Senior Planner (Melanie.Melnyk@toronto.ca)

Re: Additional Public Input – Letter of Concern
Draft Sherway Area Secondary Plan (Proposed Official Plan
Amendment 469) and Draft Sherway Area Urban Design &
Streetscape Guidelines
Amexon Realty Inc., 701 – 703 Evans Avenue East

Dear Ms. Melnyk

Gagnon Walker Domes Ltd. (GWD) acts as agent and planning consultant for Amexon Realty Inc. (Amexon) the registered owner of the property municipally known as 701-703 Evans Avenue in the City of Toronto (the Property). The Amexon Property is located at the south east corner of Evans Avenue and The West Mall; at the south limit of the proposed Secondary Plan.

The Amexon Property is developed with 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 The West Mall and Evans Avenue street frontages. The existing buildings on the Amexon Property are considered "tall buildings".

Amexon Participation in the Sherway Area Study

Since its commencement in 2013, GWD has actively participated in the Sherway Area Study planning process on behalf of Amexon. 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 filed prior to Council's Direction in December 2016 to update the existing planning framework for the Sherway Area.

Further to previous participation and correspondence Amexon has requested that the Property be redesignated 'Mixed Use Areas' in the Secondary Plan. The re-designation of the Amexon Property to 'Mixed Use Areas' would facilitate the opportunity to introduce residential uses to currently permitted office uses as part of a comprehensive mixed use development featuring a combination of new and existing tall buildings.

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Most recently, GWD attended the Public Open House Meeting held on May 27, 2019 where Amexon's concerns regarding the future use of the Amexon Property for a office precinct were reiterated to City Planning Staff.

It is Amexon's position that the Secondary Plan should appropriately recognize mixed use intensification potential on the Amexon 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. Also of 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. On behalf of Amexon, 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.

Current Official Plan Land Use Designation and Official Plan Amendment 231

The Amexon Property is currently designated 'Employment Areas' in the City of Toronto 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. Amexon's conversion request was made to re-designate the Property from 'Employment Area' to 'Mixed Use Area'.

Official Plan Amendment 231 (OPA 231), as approved by City Council, recommended that the Amexon Property be designated 'Core Employment Areas', which does not permit residential uses. On that basis Amexon appealed OPA 231 to the Local Planning Appeal Tribunal (LPAT). Amexon's appeal remains active; however a hearing date regarding Amexon's site specific concerns has not yet been scheduled.

Page 11 of the Sherway Area Secondary Plan Final Report acknowledges Amexon's appeal of OPA 231 and summarizes Planning Staff's position that "*changes to the designation of these lands will be made through the two site specific appeal of OPA 231, if permitted.*" Notwithstanding City Planning's position on Amexon's appeal of OPA 231, 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 ongoing appeal of the 'Core Employment Area' land use designation advanced for the Property as part of OPA 231.

Additional Comments and Concerns with Draft Sherway Area Secondary Plan

The draft Sherway Area Secondary Plan currently advances a planning policy framework that does not appropriately consider the Amexon Property's intensification potential for a comprehensive mixed use development, featuring residential, office and



other commercial uses. Select draft policy is also advanced within the draft Secondary Plan that doesn't appropriately recognize the existing built conditions of the Property.

The following are additional comments and concerns on the draft Sherway Area Secondary Plan:

Proposed Designations and Planning Overlays

The following designations and planning overlays are directly applicable to the Property and/or immediately abutting public roads pursuant to the Maps included within the Draft Secondary Plan:

- Map 43-2 Structure Plan & Map 43-4 Greening Strategy:
 - *'Landscape Points of Entry'* (Intersection of The West Mall and Evans Avenue);
- Map 43-4 Greening Strategy:
 - *'Streetscaping/Tree Planting'* (The West Mall and Evans Avenue)
- Map 43-5 Land Use Plan:
 - *'Core Employment Area'*;
- Map 43-6 Building Setback Plan:
 - *'14m Ministry of Transportation of Ontario Setback'*;
- Map 43-7 Streetwall Height Plan:
 - *'4-6 Storey Streetwall'*;
- Map 43-8 Pedestrian and Cycling Network:
 - *'Proposed On Street Cycling Facility'* (Evans Avenue);
- Map 43-9 Precincts:
 - *'QEW Office Precinct'*.

The following designations and planning overlays located on lands located within close proximity to the Property are also of interest to Amexon:

- Map 43-2 Structure Plan & Map 43-3 Streets and Block Plan
 - *'New Street: Fixed Location'* (West of the intersection of Evans Avenue and The West Mall);
- Map 43-4 Greening Strategy:
 - *'New Park – Preferred Location'* (Southwest quadrant of Evans Avenue and The West Mall);
 - *'Existing Parks and Open Spaces'* (Southwest quadrant and northeast of Evans Avenue and The West Mall).

Parks Open Spaces and the Public Realm

Section 4 of the draft Secondary Plan outlines policy for the implementation of a "Greening Strategy" including policies pertaining to new public parks and open spaces



and a streetscape strategy to improve the condition of the public realm along new and existing public streets. The following are Amexon's comments and concerns with the proposed policy provisions of Section 4 of the draft Secondary Plan:

- Pursuant to Policy 4.3, the City's preferred location for new public parks within the Sherway Area are identified on Map 43-4 to the Secondary Plan. While Map 43-4 does not identify any new parks or any existing parks and open spaces on the Amexon Property, a new park is identified at the southwest quadrant of The West Mall and Evans Avenue/Sherway Drive (see also Policy 10.22). Pursuant to Policy 4.6.5 any parkland conveyance should provide a minimum of seven hours of access to direct sunlight on public parks on March 21st and September 21st. Amexon's concerns regarding this policy relate to the preferred location of the new public park and existing open space and the constraints that this policy may place on the future intensification of the Amexon Property.

Amexon does not support policy that would restrict the intensification or redevelopment of the Property for taller built forms.

- Policy 4.9 requires a minimum of 10 percent of the overall gross site area of each of the Precincts identified on Map 43-9 to be open space (includes Privately Owned Publicly Access Spaces, private outdoor amenity areas at grade, but excludes driveways and existing streets). The Amexon Property is located in the 'QEW Office Precinct' (Map 43-9), which is comprised of the Amexon Property and the adjacent retail (bank) property municipally known as 689 Evans Avenue. By land size, this Precinct would be the smallest within the Secondary Plan Area. This Precinct is also constrained by major existing streets / highways and the presence of existing built development.

Given existing geographic constraints and the potential retention of portions of existing buildings/structures as part of a future Amexon intensification proposal Policy 4.9 should be removed from the Secondary Plan to allow for the appropriate determination of open space requirements and landscaping to be determined on a case-by-case basis during the processing of detailed site specific development applications.

- Policy 4.11 would benefit from additional clarity to make it sufficiently clear that this policy would only apply when required and appropriate. It is our recommendation that the first line of Policy 4.11 be revised to read: "As development proceeds over time, public parkland when determined required and appropriate, is encouraged to be consolidated...".

The Amexon Property and the 'QEW Office Precinct' are not identified as 'preferred' locations for public parks and open spaces.

- 'Landscape Points of Entry' are identified on Map 43-4 of the Secondary Plan including along both sides of The East Mall between Evans Avenue and The Queen Elizabeth Way. The extent of the Evans Avenue/The West Mall



'Landscape Point of Entry' appears to include the Amexon Property abutting the limits of The West Mall. Pursuant to Policy 4.15 'Landscape Points of Entry' shall be characterized by landscape and gateway feature elements such as trees, landscape beds, wayfinding, seating areas and public art to identify the main entry points into the Sherway Area.

The policy does not make it sufficiently clear as to whether the areas applicable to the Secondary Plan's 'Landscape Points of Entry' pertain to publicly owned lands, private development parcels or both. Furthermore, this policy should be reworded to replace the word "*including*" to "such as", to provide flexibility as to what features/elements may be included within these landscaped gateway areas. As drafted the word "*including*" suggests there is no flexibility to assess the appropriateness of the identified landscape elements of this policy, which is inappropriate if the extent of 'Landscape Points of Entry' are intended to apply to private lands. The design and composition of any 'Landscape Points of Entry' on private landholdings should be determined in consultation with development proponents/ adjacent landowners at the time of the review of site specific development applications.

- 'Streetscaping/Tree Planting' is identified along Evans Avenue and The West Mall on Map 43-4. It is unclear what Secondary Plan policy relates to this mapping overlay and if it is intended to apply specifically to lands located within the public right-of-ways to which they appear to be located.
- Policy 4.17 speaks to the City's recommended locations for public art as part of the redevelopment of the Sherway Area. As worded the policy suggests a requirement that public art be installed at certain locations - both public and private. It is our opinion that the wording of Policy 4.17 is inconsistent with the spirit and intent of the Official Plan which simply encourages that public art be included in significant private sector developments. This policy should be revised to be consistent with the Official Plan.

Land Use

Section 5 of the draft Sherway Secondary Plan outlines land use policy for the implementation of a dynamic mixed use Secondary Plan Area. The following are Amexon's comments and concerns with the proposed land use policies of Section 5:

- Map 43-5 designates the Amexon Property as 'Core Employment Area'. Pursuant to draft Policy 5.17 lands designated 'Core Employment Area' shall permit office and commercial uses to a maximum floor space of 1.5 times the gross site area.

Amexon does not support the designation of the Property as 'Core Employment Area'. It is Amexon's position that the Property should be designated 'Mixed Use Areas A - Residential' to permit residential intensification. The Amexon Property and the adjacent commercial property located at 689 Evans Avenue East are the



only lands within the Sherway Area located south of The Queensway that are proposed to be designated 'Employment Areas' in the Secondary Plan. The Amexon Property and the adjacent 689 Evans Avenue property represent an isolated pocket that does not border any other 'Employment Areas'. The 'Mixed Use Areas' designation represents the predominant land use designation that is proposed for other lands in the immediate context, including lands designated to permit residential land uses.

Opportunity exists to optimize the use of the Property by allowing for residential land uses to be permitted while preserving employment on the subject site.

The maximum densities for permitted residential and office uses as outlined in Section 5.0 are insufficiently low when reviewed and considered on a net site basis. The proposed densities are not reflective of sites, such as the Amexon Property, that are appropriate for tall buildings and intensification pursuant to Provincial Plans and planning objectives.

Development Capacity

Section 6 of the draft Sherway Secondary Plan outlines the proposed development capacity for the Sherway Area based on higher order transit not yet serving the Secondary Plan Area. The following is Amexon's comment pertaining to the development capacity policies of the draft Secondary Plan:

- The maximum gross floor area allocation outlined in Policy 6.1 shall be revised to recognize the opportunity for significant residential intensification and the retention of office uses (existing and/or proposed) on the Amexon Property.

Built Form

The following are Amexon's comments and concerns with the proposed built form policies of Section 7 of the draft Secondary Plan:

- Policies 7.13 and 7.18 outline built form criteria as they pertain to minimum building/tower setbacks and tower separation distances. The City's Tall Building Design Guidelines outline recommended tower performance standards which shall be reviewed for development applications "on balance". The inclusion of specific 'tall building' performance standards in the Secondary Plan would result in Official Plan policy that is unnecessarily inflexible and may serve to: undermine the City's Official Plan policies that direct growth to targeted growth areas, unreasonably restrict infill and intensification on underutilized sites, and discourage a site specific and contextual approach to building design. On this basis these policies, along with Policy 11.2, should be removed from the Secondary Plan prior to adoption to allow development applications to be reviewed in the context of the existing, City-wide mid-rise and 'tall building' design guidelines.



- Further to Policies 7.14 and 7.17, the two (2) existing office buildings located on the Amexon Property are considered 'tall buildings'. The Secondary Plan should acknowledge the existing built form and that the Amexon Property is suitable site for new 'tall building' development/intensification.
- Map 43-6 should be amended to remove reference to a prescribed numerical setback for lands subject to Ministry of Transportation Ontario (MTO) regulated corridors. Determination of the setback, including its extents is the jurisdiction of the Province and should be confirmed through consultation with the MTO through the development review process.

We also ask the City for clarification as to why the MTO setback pertains to the southeast corner of the intersection of Evans Avenue and The West Mall but not to the lands at the southwest corner.

Housing

The following are Amexon's comments and concerns with the proposed housing policies of Section 8 of the draft Secondary Plan:

- The requirement for a diverse range and mix of housing options as outlined in Policy 8.8 should be clarified to pertain to the Sherway Area as a whole rather than to any independent new residential / mixed use development.
- The residential unit mix advanced in Policy 8.9 is not supportable, particularly as outlined in Subsection 8.9.3 which outlines additional unit mix requirements that do not provide sufficient flexibility to respond to market conditions nor take under consideration marketplace challenges associated with the development of condominium units greater than 3 bedrooms in size.

Mobility

Section 9 of the Sherway Area Secondary Plan outlines policies directed to improve mobility and connectivity through the Secondary Plan Area. The following are Amexon's comments and concerns with the proposed policies of Section 9:

- A new public road connection is proposed in the draft Secondary Plan and OPA 469 that contemplates the connection of Sherway Drive with the intersection of The West Mall and Evans Avenue. Amexon is concerned with potential negative impact that the proposed connection and resulting intersection re-configuration may have on the Property's existing driveway access.
- The existing office development includes surface parking and above grade parking structures. Retention of these parking conditions may be required as a part of any potential interim or long term site improvements and/or any significant mixed use intensification proposal where these existing components are to be retained.



Precincts

Section 10 outlines the policies applicable to each of the six (6) precincts identified on Map 43-9 of the draft Sherway Secondary Plan. The Amexon Property and the adjacent commercial (bank) site located at 689 Evans Avenue East comprise the full extent of the 'QEW Office Precinct'. The 'QEW Office Precinct' would be the smallest precinct in the Secondary Plan. Area specific policy pertaining to the 'QEW Office Precinct' is limited to Policy 10.35 which stipulates that the Precinct shall be *"maintained as a Core Employment Area, where office and commercial uses will be prioritized"*.

The following are Amexon's comments and concerns with Policy 10.35 of the draft Secondary Plan:

- Amexon does not support the 'QEW Office Precinct' policies. New policies should be included within the Secondary Plan to recognize and permit the opportunity for residential intensification on the Property in tall buildings as part of a comprehensive mixed use development.
- Pursuant to Policy 11.11, approval of a Precinct Plan should not guide future development on adjacent lands located outside of the approved Precinct. Precinct Plans should be developed and approved on their own merit based on an assessment of a number of factors, including but not limited to the existing and planned context.

Interim Uses

Implementation policies of Section 11 of the draft Secondary Plan outline proposed policies pertaining to the existing use of lands. Amexon's concern with the Interim Use implementation policies includes the following:

- Amexon does not support proposed restrictions to its ability to improve the existing office buildings as proposed through Policy 11.8. Imposing restrictions to development and building alterations beyond performance standards currently contained in the Zoning By-law is not appropriate and will serve to discourage site improvements.

Comments and Concerns with the Draft Sherway Area Urban Design & Streetscape Guidelines

The Draft Sherway Area Urban Design & Streetscape Guidelines are intended to accompany the Sherway Area Secondary Plan and provide additional non-policy guidance for matters of urban design and streetscape conditions.

The Sherway Area Urban Design & Streetscape Guidelines as advanced are premised on the use of the Amexon Property for employment uses, which conflicts with Amexon's future intended use of the Property. It is Amexon's position that the approval of the Sherway Area Urban Design & Streetscape Guidelines would be premature until such



time as Amexon's ongoing appeal of OPA 231 is resolved and its concerns with the Draft Sherway Area Secondary Plan are addressed to Amexon's satisfaction.

The following additional comments and concerns are provided as it pertains to the Draft Sherway Area Urban Design & Streetscape Guidelines:

- Current Land Uses - Page 5 identifies 'Employment Areas' to be preserved and enhanced along the south edge of the Secondary Plan Area. It is Amexon's position that the Property should be redesignated from 'Employment Areas' to 'Mixed Use Areas'. The re-designation of the Amexon Property to 'Mixed Use Areas' would facilitate the opportunity to introduce residential uses on the Property as part of a comprehensive mixed-use office/residential development.
- Existing Character - Page 6 includes a summary of the existing character of the Secondary Plan Area and references "mid-rise" office buildings located south of the shopping centre. It is our assumption that this reference is made to the office buildings located on the Amexon Property. We disagree with the characterization of the Amexon buildings as "mid-rise" buildings. At nine commercial storeys in height (and an identified right-of-way width of 27 metres for Evans Avenue and The West Mall) we feel the existing Amexon buildings should be more accurately described as "tall buildings".
- Tall Buildings – A maximum building height of "*generally*" 30 storeys is identified in Guideline 2.4.2. While it is acknowledged that this Guideline provides some flexibility for tall building proposals to exceed 30 storeys, Amexon recommends that this Guideline be removed to allow for tall building proposals, including their proposed building heights, to be assessed on a case-by-case basis. It is Amexon's opinion that the Property is ideally suited to accommodate the tallest buildings within the Secondary Plan Area. The southwest limit of the Secondary Plan Area currently accommodates a residential tower in excess of 30 storeys.
- Transitions – Section 2.5 of the Urban Design & Streetscape Guidelines (specifically Guidelines 2.5.2 and 2.5.6) speak to transitions between land uses. These Guidelines fail to consider that mixed use developments may incorporate a wide range of uses (including, but not limited to office and residential) within multiple buildings or within the same building. Residential and office uses within the same development or even the same building should be supported.
- Tower Stepbacks – Tower stepbacks for tall buildings along Evans Avenue should be assessed on a case-by-case base in consideration of the guidelines established through the City's approved city-wide Tall Building Design Guidelines.
- Parks – Guideline 3.1.4 directs that all Precincts within the Secondary Plan are to provide parks. It is Amexon's opinion that parkland requirements are more appropriately located within Secondary Plan policy and should be removed from the Sherway Urban Design & Streetscape Guidelines. Furthermore, the Amexon



Property is located in the 'QEW Office Precinct' (Map 43-9), which is comprised of the Amexon Property and the adjacent retail (bank) property municipally known as 689 Evans Avenue. By land size, this Precinct would be the smallest within the Secondary Plan Area. This Precinct is also constrained by major existing boundary streets/ highways and the presence of existing built development. Given existing geographic constraints and the potential retention of portions of existing buildings/structures as part of a future Amexon intensification proposal determination of open space requirements should be assessed during the processing of a future site specific development application(s).

- Evans Avenue Street Section – Section 4.7 outlines a conceptual street cross section for Evans Avenue and includes direction that Evans Avenue should have a consistent and “minimum” public right-of-way of 27.0 metres. Amexon cannot support the conceptual street sections until it is confirmed what right-of-way width the City requires along the Property’s Evans Avenue street frontage.

Provincial Plans

It is our opinion that draft OPA 469 (including the draft Sherway Area Secondary Plan and Sherway Area Urban Design & Streetscape Guidelines), as currently advanced, is not consistent with the Provincial Policy Statement and does not conform to the Growth Plan.

The Amexon Property is located within approximately 700 metres of the future planned transit station at The Queensway and The West Mall. As a result the Amexon Property is located within a 'Major Transit Station Area' as defined within the 2019 Growth Plan for the Greater Golden Horseshoe. Generally 'Major Transit Station Areas' are growth areas that are planned to be transit-supportive in design, mixed-use in nature and of higher density that shall provide convenient and efficient connections to transit stations, transit stops and other major trip generators.

In consideration Amexon’s conversion request to permit residential uses on the Property and its ability to accommodate intensification and redevelopment, it is our opinion that draft OPA 469 is not consistent with the Provincial Policy Statement and/or does not conform to the Growth Plan for the Greater Golden Horseshoe, as generally summarized below:

- Is not Consistent with the Provincial Policy Statement 2014, including but not limited to policies 1.1.1, 1.1.3.1, 1.1.3.2, 1.1.3.3, 1.1.3.4, 1.1.3.6, 1.2.6.1, 1.3.1.c, 1.4.3, 1.5.1, and 1.6.7.4 as it, amongst other concerns, does not manage development towards the achievement of efficient and resilient development and land use patterns, does not advance an appropriate mix of land uses on the Property, does not reasonably promote regeneration and intensification, discourages compact mixed use development that incorporates employment and other uses, and does not appropriately integrate transportation and land use considerations.



- Does not conform to the Growth Plan for the Greater Golden Horseshoe 2019, including but not limited to policies 1.2.1, 2.2.1.2, 2.2.1.3, 2.2.1.4, 2.2.2.3, 2.2.4.6, 2.2.4.9, 2.2.4.10, 2.2.6.2, 3.2.1.1, and 3.2.2.1, as it, amongst other concerns does not support the achievement of complete communities, results in development that will not make efficient use of land and existing/planned infrastructure and does not appropriately manage and prioritize growth and intensification on lands located, by definition, within a Major Transit Station Area.

Concluding Remarks

As noted above and consistent with previous submissions made to the City as part of the Sherway Area Study since 2013, Amexon has significant concerns with the draft Sherway Area Secondary Plan policy framework as included within proposed OPA 469. The draft Secondary Plan fails to appropriately identify and plan for the intensification and redevelopment of the Amexon Property for a mix of office, retail and residential land uses within tall buildings.

Amexon is 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 Amexon 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.

Regards,

A handwritten signature in blue ink, appearing to read 'Richard Domes', written over a faint circular stamp.

**Richard Domes, B.A., C.P.T.
Principal Planner**

**c.c.: J. Azouri, Amexon Realty Inc.
M. Gagnon, Gagnon Walker Domes Ltd.
M. Flynn-Guglietti/ K. Sutton, McMillan LLP**