

NY10.2.7

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Our File No.: 150261

VIA EMAIL – nycc@toronto.ca

North York Community Council
City Clerk's Office, Ground Floor
North York Civic Centre
5100 Yonge Street
Toronto, ON M2N 5V7

Attention: Francine Adamo, Administrator

Dear Sirs/Mesdames:

**Re: Item NY10.2 Final Report - Laird in Focus - City Initiated Plan Amendment
RioCan Holdings Inc. 815-845 Eglinton Avenue East**

We are solicitors for RioCan Holdings Inc. ("RioCan"), the owner of the property known municipally as 815-845 Eglinton Avenue East, in the City of Toronto, as illustrated on the map attached as Schedule "A" (the "Property"). We are writing on behalf of our client to provide commentary in regard to Item NY10.2, the Laird in Focus, City Initiated Official Plan Amendment proposed as Site and Area Specific Policy No. 568 ("SASP 568").

As set forth below, RioCan's development applications for the Property are generally consistent with the City's Laird in Focus vision. Despite this general consistency and the ongoing co-operation between RioCan, the City of Toronto (the "City") and local stakeholders, there are a number of areas where the RioCan applications continue to deviate from SASP 568. As set out in the Staff Report¹ accompanying SASP 568, RioCan, the City, and the Leaside Property Owners Association (the "LPOA") will be participating in a mediation scheduled for November 18, 19 and 20, 2019 to potentially resolve these differences. RioCan supports Staff's recommendation #5 which proposes to withhold the Laird in Focus related Bills until the aforementioned mediation is complete and any refinements required to SASP 568 are addressed should a settlement between the Parties be reached.

¹ Staff Report from the Director, Community Planning, North York District to North York Community Council entitled "Laird in Focus – City Initiated Official Plan Amendment – Final Report" dated October 18, 2019.

Background:*The Property:*

The Property occupies a prominent street corner at the intersection of Eglinton Avenue East and Laird Drive, is 3.56 hectares (8.8 acres) in size, and is currently occupied by a retail plaza known as the "RioCan Leaside Centre". The existing Centre is comprised of approximately 11,500 m² of commercial retail uses, including large format Canadian Tire and Pet Smart stores, and a large surface parking lot.

The Property is a key component of the Laird in Focus Area as it is located at the southeast corner of Laird Drive and Eglinton Avenue East and will be the home of the secondary entrance to the Leaside Crosstown LRT station. For over three years, RioCan has been participating co-operatively with the City of Toronto (the "City") and local stakeholders in the processing of both its Official Plan amendment, rezoning and draft plan of subdivision approval applications for the Property and the City's concurrent processing of the Laird in Focus Study.

In 2015, further to the Eglinton Crosstown Light Rail Transit project, Metrolinx expropriated a portion of the Property fronting on Eglinton Avenue East to accommodate the secondary entrance to the proposed Laird Station.

The Applications and Appeals:

To facilitate a redevelopment of the Property, RioCan has made three Planning Act applications to the City of Toronto:

- an Official Plan Amendment Application;
- a Zoning By-law Amendment Application; and
- an Application for Draft Plan of Subdivision Approval (collectively the "RioCan Applications").

RioCan's applications are intended to permit a vibrant mixed-use community on the Property, with densities that are appropriate at a key intensification areas along Eglinton Avenue, and with a mix of uses (including residential, non-residential, community and parks and open space uses), that are consistent with the vision for the area evolving from the City's Laird in Focus Study through to SASP 568.

RioCan appealed its OPA Application to the Ontario Municipal Board (now the Tribunal) on October 2, 2017. On July 30, 2018, further to almost two years of technical review, consultation and discussion with City Staff, community representatives and the local Councillor, RioCan filed an application to amend the City of Toronto Zoning By-law and filed an application for Draft Plan of Subdivision Approval, both to permit a revised redevelopment plan for the Property (the "ZBA and SUB Applications"). RioCan appealed its ZBA and SUB Applications to the Tribunal on September 25, 2019.

The Planning Framework:

The majority of the Property is designated *Mixed Use Areas*, with an area along the southerly boundary of approximately 50 metres in depth designated *Employment Areas* by the City of Toronto Official Plan.

The Eglinton Connects Planning Study:

The Eglinton Connects Planning Study, undertaken by the City of Toronto, (the “**EC Planning Study**”) identified six “Focus Areas”, which are associated with future Crosstown LRT stations and are intended to be sites for future intensification and master planning. The lands bounded by Eglinton Avenue East, Laird Drive, Vanderhoof Avenue and Aerodrome Crescent, including the Property, are identified as the Laird Focus Area by the EC Planning Study.

The EC Planning Study defines a number of objectives and key planning directions for the Laird Focus Area. These objections and directions were carefully considered by RioCan and its consulting team in the preparation of the proposed redevelopment scheme for the Property.

Official Plan Amendment No. 231:

Official Plan Amendment No. 231, which has been appealed to the Ontario Municipal Board (now the Tribunal) by a number of parties including our client, would change the designation of the Employment Areas portion of the Site to General Employment Areas, and would introduce a new Site and Area Specific Policy 396 (“**SASP 396**”).

The policies of OPA 231 were considered by RioCan and its consulting team in the preparation of the proposed redevelopment scheme for the Property which integrates and expands upon the provisions of SASP 396.

The Laird Focus Area Planning Study:

On November 30, 2016, after the OPA Application was submitted, the City launched the Community Engagement portion of the Laird in Focus Planning Study (the “**LIF Study**”). RioCan has been an active member of the LIF Study. RioCan supports the policy direction of the EC Planning Study and the LIF Study and believes that its vision for the Property responds well to the overall goals, guidelines and principles of the LIF Study and includes many similar elements in the proposed redevelopment scheme as are recommended in the Laird in Focus Structure and Demonstration Plans.

RioCan’s OPA Application and ZBA and SUB Applications were staggered in time allowing RioCan, City Staff, and local stakeholders to engage with and comment upon the proposed redevelopment scheme and to co-ordinate the planning for the Property in concert with the LIF Study.

The Proposed Redevelopment of the Property and Site and Area Specific Policy No. 568:

The proposed redevelopment scheme for the Property has evolved from the original OPA Application, through the 2018 Submission to the current scheme which was submitted to the City as a ZBA and SUB Application resubmission and a further Official Plan amendment resubmission on July 5, 2019 (the “2019 Resubmission”). This evolution has resulted in a revised redevelopment scheme that incorporates comments received from City Staff pursuant to a series of working meetings which took place throughout 2018 and 2019 and a public consultation process organized by SvN Architects + Planners that included meetings with the LPOA, the Leaside Business Park Association and the members of the former Ward 26 Councillor’s Development Committee. The current evolved redevelopment scheme is consistent with SASP 568, with the exception of a number of key deviations.

The key areas of deviation include:

- **Building Setbacks (Policy 7):** Setback deviations include: setbacks of the 1st underground level abutting public streets (for tree planting), and setbacks along Vanderhoof Avenue that would impact the location of the proposed office building.
- **Building Massing and Height (Policy 9):** Building Massing and Height deviations include: differences in the heights of proposed tall buildings, and variations in the proposed streetwall height along Eglinton Avenue East and Vanderhoof Avenue; and
- **Mobility (Policy 10):** The inclusion of an internal private road which will facilitate the ability to location loading activities underground as the “local street” internal to the Property.

Further, there are a number of policy interpretations which can be discussed with Staff that may or may not result in a need for revisions or adjustment to achieve consistency between the RioCan applications and SASP 568.

The Ongoing Tribunal Process:

As noted earlier, RioCan appealed its OPA Application to the Tribunal in October of 2017 (the “OPA Appeal”). A nine (9) day hearing in regard to the OPA Appeal was scheduled to begin on November 12, 2019. Further to extensive consultation with the City and the LPOA, the Parties advised the Tribunal of their desire to work to potentially bring together all of the RioCan Applications into one Tribunal process that would begin with a case management conference (“CMC”) followed by a mediation.

A CMC date has now been scheduled for November 14, 2019 and the City, the LPOA and RioCan have agreed to participate in a mediation scheduled for November 18, 19 and 20, 2019. It is RioCan’s hope that the Parties will be able to continue to work together co-operatively through

the mediation to reach a resolution on the outstanding deviations between the RioCan application and SASP 568.

RioCan supports Staff's recommendation #5 which proposes to withhold the Laird in Focus related Bills until the aforementioned mediation is complete and any refinements required to SASP 568 are addressed should a settlement between the Parties be reached.

We would also ask to be provided with notice of any adoption of SASP 568 by the City.

Yours truly,

Goodmans LLP



Anne Benedetti

AKB/

Encl

cc: Andrew Duncan, RioCan Holdings Inc.
Sarah O'Connor, City Legal
John Andreevski, City Planning

SCHEDULE "A"

Map of the Property

