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Delivered by Email (scc@toronto.ca)

Scarborough Community Council
City Clerk's Office
Scarborough Civic Centre
3rd floor, 150 Borough Drive
Toronto, ON M1P 4N7

Attention: Carlie Turpin, Committee Administrator

Dear Ms. Turpin:

**Re: Letter of Objection - SCC Agenda Item SC2.8
Golden Mile Secondary Plan Study Status Update and Proposed
Boundary Expansion (Ward 16, 20, 21)
City File No. 17 134997 EPS 00 TM
Scarborough Community Council meeting on January 15, 2019**

We are the solicitors for 10285773 Canada Corp. operating as Artlife Developments (together, "Artlife"). Artlife is the Owner of the property municipally known as 1861 O'Connor Drive in the City of Toronto ("Subject Property") and seeks to redevelop its property. A location plan / context plan filed with the redevelopment proposal is attached as **Attachment 1**.

On behalf of Artlife, we respectfully request that the members of the Scarborough Community Council refuse to adopt planning staff's recommendations that would extend the boundaries of the Golden Mile Secondary Plan area to include lands located west of Victoria Park Avenue, which includes the Subject Property (the "**West Expansion Lands**"). Artlife takes no position on the extension of the boundaries of the Secondary Plan area located east of Victoria Park Avenue.

In our view, amending the boundaries of the Secondary Plan to include the West Expansion Lands is premature and inappropriate at this time for the reasons set out in this letter.

Background

On December 17, 2018, Artlife submitted a zoning by-law amendment application to permit the development of a ten-storey, mid-rise mixed-use apartment building with 222 units and

commercial space on the ground floor (“**Proposed Development**”). This application was submitted following at least two meetings with City staff in 2018.

The zoning by-law amendment application was accompanied with a Planning Justification Report that demonstrates how the Proposed Development conforms to the existing policy context, including the O’Connor Drive Avenue Study (“**OPA 207**”) and accompanying Urban Design Guidelines. These documents, adopted by Council in 2012, provide direction for how lands along O’Connor Drive and west of Victoria Park Avenue are to be developed. In particular, the study recognized O’Connor Avenue and Victoria Park Avenue as a “Key Intersection” and concluded that mid-rise buildings would be appropriate for this area. Unlike the Golden Mile Secondary Plan, OPA 207 and the O’Connor Drive Urban Design Guidelines are in force and effect and would apply to the Subject Property.

Expansion is Premature as the *Environmental Assessment Act* Process Has Not Commenced

The re-alignment of a major road such as O’Connor Drive typically requires the City to complete an environmental assessment process in accordance with the *Environmental Assessment Act*. As part of this process, the City is required to undertake a comprehensive assessment of the proposed undertaking, including advising of the purpose of the re-alignment, identifying alternatives to the re-alignment that may achieve the same objectives, assessing potential impacts and completing public consultation.

None of these steps have been taken for the proposed O’Connor Drive re-alignment, and certainly not to the extent required under the *Environmental Assessment Act*. It is unclear whether there are more appropriate alternatives to the proposed re-alignment, and if not, which lands would be required to facilitate the undertaking. It is also possible that the re-alignment would not be approved by the Minister of Environment, or would require more lands than those included as part of the West Expansion Lands. These critical factors are unknowns at this time.

Without following the proper process for a major undertaking such as this one, the recommendation to include the West Expansion Lands in the Secondary Plan is both premature and inappropriate.

The Proposed Development Conforms to the City’s Official Plan

The Proposed Development does not require an official plan amendment to permit. Only a rezoning is required to facilitate the redevelopment of the Subject Property to update density, coverage and height restrictions. The Proposed Development also directly responds to policy directions supporting intensification as set out in OPA 207 and the O’Connor Drive Urban Design Guidelines.

To comply with Section 24 of the Planning Act, Council cannot pass a by-law for any purpose that does not comply with an approved official plan. In our view, it would be inappropriate to delay the processing of the development applications for the Proposed Development in any way arising from a potential re-alignment of O’Connor Drive, particularly when that re-alignment is based in part on a development that is not supported by City staff and has not been approved. This includes amending the Secondary Plan boundaries to include the West Expansion Lands for

the purpose of analyzing “potential built form enhancements” arising from a potential future re-alignment (see page 4 of the Staff Report dated December 17, 2018).

Expansion is Premature as the West Expansion Lands are Located Outside of the Scarborough Community Council Area

Staff’s recommendation to amend the boundaries of the Secondary Plan area to include the West Expansion Lands also conflicts with the City’s own Ward boundaries. Not only is Victoria Park Avenue the dividing line between two Wards, but the West Expansion Lands are not even governed by Scarborough Community Council. The West Expansion Lands are part of Ward 16, Don Valley East, and governed by the North York Community Council. It is also unclear whether residents west of Victoria Park Avenue that will be affected by this amendment have been properly notified.

Based on our review of existing Secondary Plan areas in the City, there are no Secondary Plans that straddle the Scarborough Community Council and the North York or Toronto & East York Community Councils. To date all matters that address the Golden Mile Secondary Plan have been considered by Scarborough Community Council or City Council. It would be illogical to extend the boundaries of the Secondary Plan to areas governed by North York Community Council now when it has not actively participated in the development of this policy framework.

Conclusion and Requested Relief


Our client has serious concerns that extending the boundaries of the Secondary Plan area to include the West Expansion Lands will delay the processing of their development applications for the Proposed Development. This is particularly the case as the proposed re-alignment contemplated by the Secondary Plan is inconsistent with the existing policy framework that applies to the Subject Property and that would currently facilitate development.

If delays occur as a result of being included in the Secondary Plan area our client would effectively be precluded from making productive use of the Subject Property, despite complying with official plan policies and urban design standards, and would suffer irreparable damages. Further, if the City decides to expropriate all or part of the Subject Property to acquire the road, its actions to prematurely extend the Secondary Plan area form part of the scheme that must be screened out in assessing the market value of the lands expropriated.

Accordingly, we request that Community Council defer the consideration of this Item until the next Community Council meeting such that staff can consider the issues raised in this letter and notify residents west of Victoria Park Avenue that will be affected by the proposed amendment.

We will be in attendance at the Community Council meeting tomorrow to respond to any questions Council may have and thank you for your time in considering our request.

Yours very truly,
BORDEN LADNER GERVAIS LLP



Stephen F. Waqué/Isaac Tang
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/Encl.

Cc: Clients
All Members of Scarborough Community Council

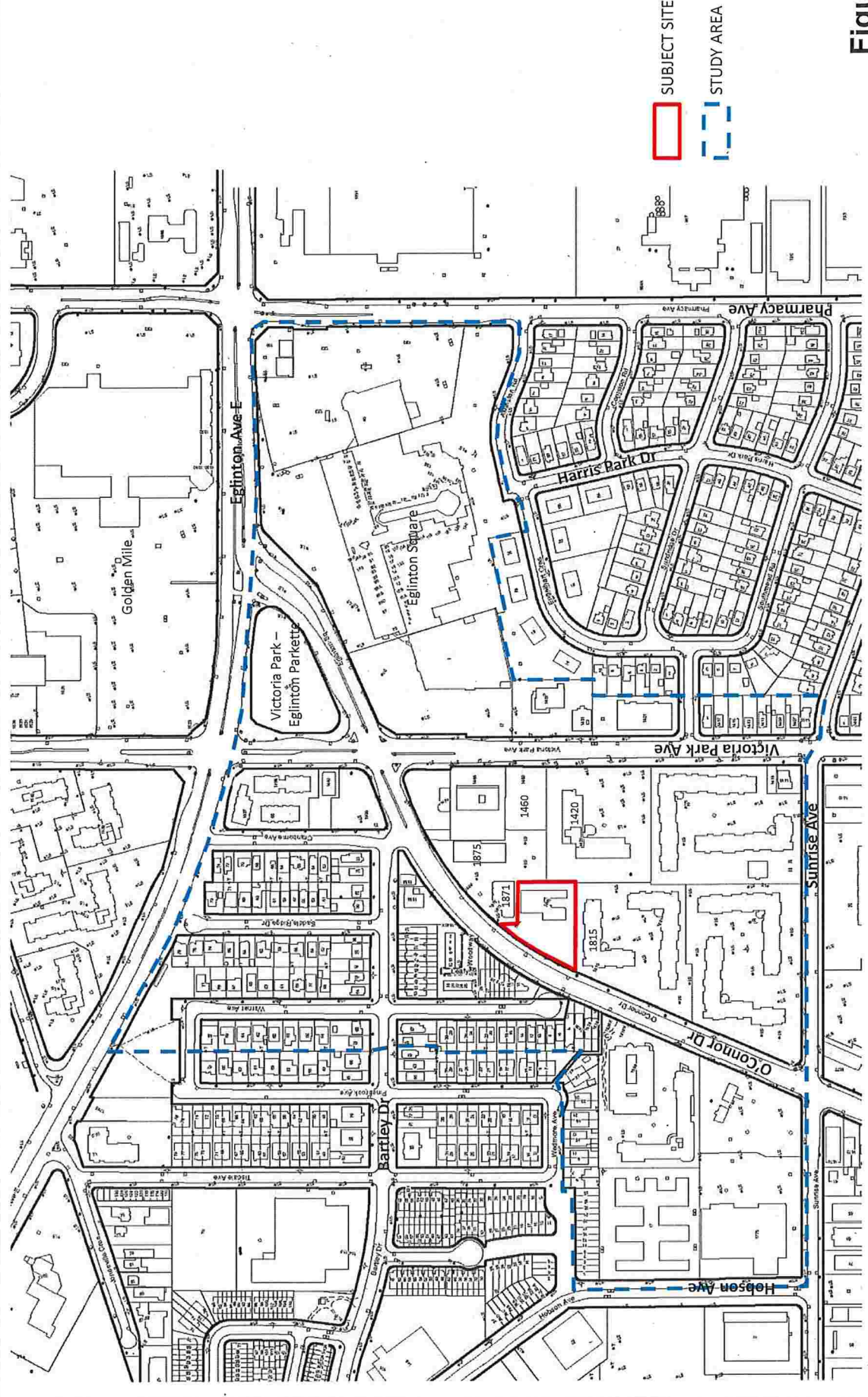


Figure 1



LOCATION PLAN / CONTEXT PLAN

Source: City of Toronto, Geospatial Competency Centre, December, 2015