

January 28, 2020

File No.: 527471-53

SENT VIA E-MAIL: councilmeeting@toronto.ca

Ms. Marilyn Toft
City of Toronto
12th floor, West Tower, City Hall
100 Queen Street West
Toronto ON M5H 2N2

Dear Ms. Toft:

**RE: Golden Mile Secondary Plan
Item SC12.10 – January 29, 2020 City Council Meeting
Samuel Sarick Limited (“Sarick”)**

We are counsel for Sarick with respect to the above noted matter. Kindly ensure that a copy of this letter and all attachments is provided to the Mayor and all members of Council prior to the January 29, 2020 Council Meeting.

Sarick is the owner of lands within the Golden Mile Secondary Plan Study Area (the “**Study Area**”) at the southwest corner of Eglinton Avenue East and Warden Avenue, municipally known as 1911 and 1921 Eglinton Avenue East (the “**Lands**”). The Lands are currently used for a variety of uses, including the Ontario Court of Justice Criminal Courts, and mixed commercial uses.

The Eglinton Crosstown LRT is currently under construction along the Lands’ Eglinton Avenue East frontage. Transit stop locations are proposed on Eglinton at Warden Avenue and Hakimi Avenue/Lebovic Avenue, which are both adjacent to the Lands.

Sarick has been actively involved throughout the Secondary Plan process, including making two submissions to staff and participating in public meetings. Copies of the two submissions made are attached hereto. Through these various communications, Sarick has repeatedly stressed its concerns with respect to the proposed Golden Mile Secondary Plan (“**GMSP**”), specifically, the proposed extension of O’Connor Drive (the “**O’Connor Drive Extension**”), its alignment, and its associated impacts on the appropriate distribution of height and density throughout the Study Area.

The O’Connor Drive Extension

O’Connor Drive is proposed to be extended eastward, generally along the southern boundary of the Study Area. It is proposed to generally proceed along the southern boundary of the Lands, before curving in a northeast direction, through the Lands, as it nears Warden Avenue. This curve to the northeast (the “**Intrusion**”) is shown both in the Draft Golden Mile Transportation Master Plan, and the maps in the Draft Secondary Plan Policies for Golden Mile.

The Intrusion, as shown in the Golden Mile Secondary Plan, would pass through the existing building at 1921 Eglinton Avenue East, remove many existing parking spaces, and isolate the portion of the Lands south of the Intrusion, potentially rendering them unusable. It would also preclude the existing uses from continuing, including the Ontario Court of Justice Facility, and would result in a significant loss of employment density on the Lands, causing substantial business loss to Sarick. The Intrusion would also impact the current uses on the lands, and substantially restrict the redevelopment potential for the Lands.

The block at the immediate corner of Warden Avenue and Eglinton Avenue East is the corner of two major arterial streets, and is served by a major transit station. It is best suited for the maximum heights and densities permitted in the Secondary Plan. However, the Intrusion will reduce the block depth and unduly restrict the redevelopment potential for the block, and further result in sub-optimal intersection spacing south of Eglinton Avenue East.

While the proposed street network is marked as conceptual, our client's concerns are indicative of how a street network forced to fit within the arbitrary boundaries of the Study Area will produce policy outcomes that are at odds with the stated objectives and public comments on the Golden Mile Secondary Plan, including:

- The desire for an improved network of streets, parks, and open spaces;
- Height and density located close to transit; and
- That all street should provide safe and comfortable space for pedestrians and cyclists.

There are various alternatives to the proposed street alignment, partly outside of the Study Area, which will result in better transportation planning and produce better planning outcomes. Some of these alternatives have been previously provided to City Staff, and they are attached hereto.

In a recent meeting with City Staff, it was confirmed that the proposed street alignment, including the O'Connor Drive Extension, is preliminary and conceptual, to be delineated through further Environmental Assessment ("EA") study, which has yet to be completed. It was further confirmed that this future EA work, and the ultimate delineation of the street network, would not be impeded or predetermined in any way by the conceptual alignment that is currently depicted in the Secondary Plan, or the Draft Golden Mile Transportation Master Plan.

Sarick's request is that the street network, in particular the O'Connor Drive Extension, be revised and that the future EA consider the alternatives which we have provided to Staff, which will better achieve the stated objectives of the Secondary Plan. It is further requested that the Secondary Plan maps depicting the street network be revised to reflect that the alignment is conceptual, and not fixed.

Please do not hesitate to contact the undersigned if you have any questions regarding the above.

Yours truly,
Dentons Canada LLP



per: Katarzyna Sliwa
Partner

Enclosures

Copy: City of Toronto Mayor and Council
Ms. Ulli Watkiss, Clerk, City of Toronto
Client

December 17, 2019

File No.: 527471-53

SENT VIA E-MAIL

Mr. Andrew Au and Ms. Emily Caldwell
City Planning, City of Toronto
150 Borough Drive, 4th Floor
Toronto ON M1P 4N7

Dear Mr. Au and Ms. Caldwell:

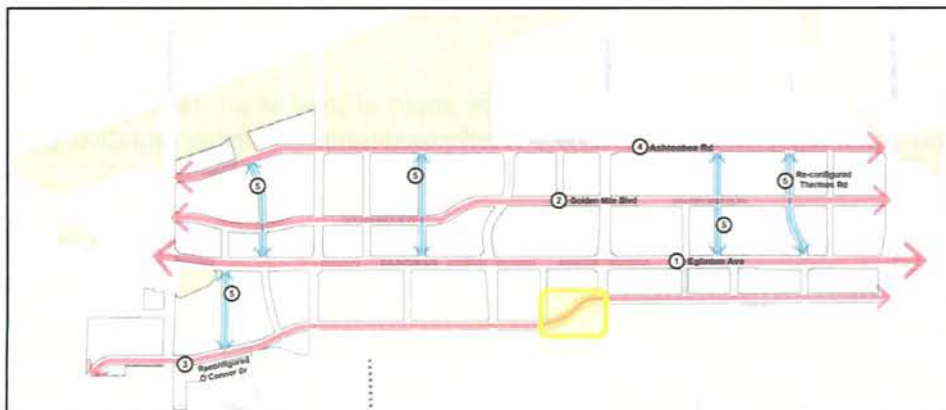
**RE: Concerns with the Proposed O'Connor Drive Extension Alignment
Golden Mile Secondary Plan Study and Transportation Master Plan
1911 and 1921 Eglinton Avenue East (the "Lands")
Samuel Sarick Ltd. ("Sarick")**

We are counsel for Sarick with respect to the above noted matter.

Sarick is the owner of the Lands, which are located at the southwest corner of Eglinton Avenue East and Warden Avenue, within the Golden Mile Secondary Plan Study Area (the "**Study Area**"). The Lands are currently used for a variety of uses, including a significant institutional use, being the Ontario Court of Justice (the Criminal Courts), and mixed commercial uses, all of which are planned to continue.

Sarick has repeatedly attempted to discuss its significant concerns with the Study Area and the eastward extension of O'Connor Drive through the Study Area with City Staff. The concerns continue to be disregarded.

On April 16, 2019, the Study Area was expanded to facilitate the eastward extension of O'Connor Drive through the Study Area (the "**O'Connor Drive Extension**"). At the June 3, 2019 Community Consultation Meeting, the 'Structure Plan – Streets' for the Study Area depicted the O'Connor Drive Extension as generally continuing eastward along the southern boundary of the Lands, with a northward jog west of Warden Avenue, highlighted in yellow, below (the "**Intrusion**"). The purpose of the Intrusion appears to be to provide for the continuation of the east-west road, by aligning the O'Connor Drive Extension with the



existing Civic Road, east of Warden Avenue, while avoiding the existing water tower at the southeast corner of Warden Avenue and Civic Road.

The 'Recommended Street Network and Signalized Intersections' in the Draft Golden Mile Transportation Master Plan, prepared in accordance with Phases 1 and 2 of the Municipal Class Environmental Assessment ("**Class EA**") process, also includes the Intrusion.

The impact of the Intrusion on the Lands is significant. The Intrusion will pass through the existing building at 1921 Eglinton Avenue East. It will also remove many existing parking spaces. It will preclude the existing uses from continuing, including the Ontario Court of Justice Facility, which will result in a significant loss of employment density on the Lands. This will cause substantial business loss to Sarick, impact the current uses on the lands and substantially impede the redevelopment potential for the Lands. It will also isolate a portion of the Lands potentially making them unusable. The City's expropriation of the Intrusion lands will come at considerable financial expense to the City.

Some of the stated objectives and public comments on the Golden Mile Secondary Plan Study include:

- The desire for an improved network of streets, parks and open spaces;
- Height and density located close to transit; and
- That all streets should provide safe and comfortable space for pedestrians and cyclists.

The proposed road alignment for O'Connor Drive, as it intersects with Warden Avenue and connects with Civic Road, fails to address these objectives. The alignment causes the Intrusion on the Lands, which reduces the depth of the block at the immediate corner of Warden Avenue and Eglinton Avenue East. This block is best suited for the maximum heights and densities permitted in the Secondary Plan, as the Lands are served by a major transit station, at the corner of two major arterial streets.

Sarick's concerns are primarily rooted in the proposed street network being restricted to the artificial boundaries of the Study Area and its associated constraints, including the need to avoid the existing water tower at the southeast corner of Warden Avenue and Civic Road. There are multiple alternatives to the proposed street alignment which result in better transportation planning, and produce better planning outcomes. Attached hereto are three such examples, a brief description of each is provided below.

Alternative 1:

In Alternative 1, the O'Connor Drive Extension dips south slightly when intersecting Warden Avenue, passing the south side of the water tower before turning north and connecting with Civic Road. Benefits of this alternative include:

- Improving the signalized intersection spacing on the Warden Avenue corridor compared to the Structure Plan;

- The creation of a deep block at the south west corner of Eglinton Avenue East and Warden Avenue (approximately 150 to 160 metres deep), and a normalized development block that maximizes redevelopment potential in a major transit station area;
- The creation of a deeper block at the south east corner of Eglinton Ave. and Warden Ave. (with the potential addition of lands formerly used for Civic Road), that maximizes redevelopment potential in a major transit station area; and
- That it allows for the existing uses to remain on site in the short term (without major interruption).

Alternative 2:

In Alternative 2, the O'Connor Drive Extension also passes the south side of the water tower, before turning further south at the Manville Road intersection, ultimately continuing eastward and connecting with the existing signalized intersection at Birchmount Road. Benefits of this alternative include:

- Improving the signalized intersection spacing on the Warden Avenue, Sinott Road and Birchmount Road corridors compared to the Structure Plan;
- Maintaining and connecting to the existing signalized intersection at Birchmount Road;
- The creation of a deep block at Eglinton Avenue East and Warden Avenue (approximately 150 to 160 metres deep), and a normalized development block that maximizes redevelopment potential in a major transit station area; and
- That it allows for the existing uses to remain on site in the short term (without major interruption).

Alternative 3:

In Alternative 3, the O'Connor Drive Extension dips southward immediately east of Pharmacy Avenue, continuing eastward and connecting to the existing Lebovic Avenue and Warden Avenue signalized intersections. It turns north before reaching Birchmount Road to connect to the existing signalized intersection. The benefits of this alternative include:

- Improving the signalized intersection spacing on the Lebovic Avenue, Warden Avenue, Sinott Road and Birchmount Road corridors compared to the Structure Plan, and allows for flexibility of additional connections or cross streets at Warden Avenue;
- Maintaining and connecting to the existing signalized intersections at Lebovic Avenue, Warden Avenue, and Birchmount Road;
- The provision of a mid-block connector for larger blocks of land between Eglinton Avenue East and Comstock Road, which may also be more compatible with a 27m right-of-way width as illustrated on the proposed typical cross-section of the Structure Plan;

- The creation of a deep block at Eglinton Avenue East and Warden Avenue, and a normalized development block that maximizes redevelopment potential in a major transit station area; and
- That it allows for the existing uses to remain on site in the short term (without major interruption).

We welcome the opportunity to meet and discuss these and other alternatives with City and Ministry staff, prior to the approval of the Municipal Class EA, and prior to finalization of the street network in the Secondary Plan.

We are available to a meet at our availability in early January 2020.

Yours truly,
Dentons Canada LLP



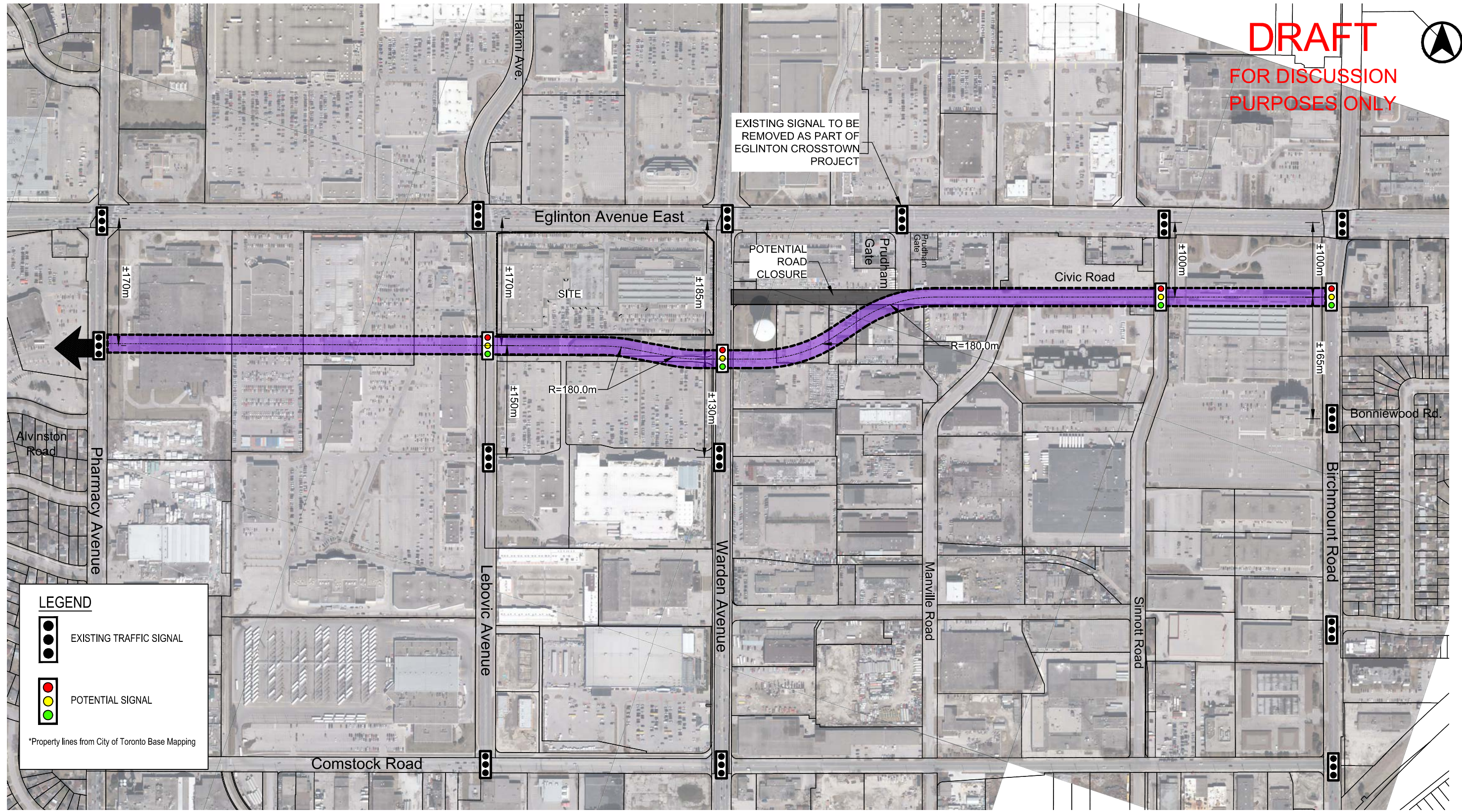
Katarzyna Sliwa

Enclosures

Copy: Hon. Jeff Yurek, Minister of the Environment, Conservation, and Parks
Hon. Steve Clark, Minister of Municipal Affairs
Hon. Doug Downey, Attorney General of Ontario
Mr. Andrew Nizielski, Ministry of the Attorney General, Director, Facilities Management Branch
Mr. Eric Tilley, Infrastructure Ontario, General Counsel
Councillor Gary Crawford, Councillor for Ward 20
Councillor Michael Thompson, Councillor for Ward 21
Mr. Gregg Lintern, City of Toronto, Chief Planner
Mr. Mike Williams, City of Toronto, Economic Development & Culture
Mr. Nick Pileggi, Macaulay Shiomi Howson Ltd.
Client

DRAFT

FOR DISCUSSION
PURPOSES ONLY



Date Plotted: December 16, 2019 File name: J:\8008-01\BA\Conceptual Road Plan\4, December 11, 2019\BA-1911 Eglinton Ave. Alternate-RP-R2-800801.dwg

LEGEND

- EXISTING TRAFFIC SIGNAL
- POTENTIAL SIGNAL

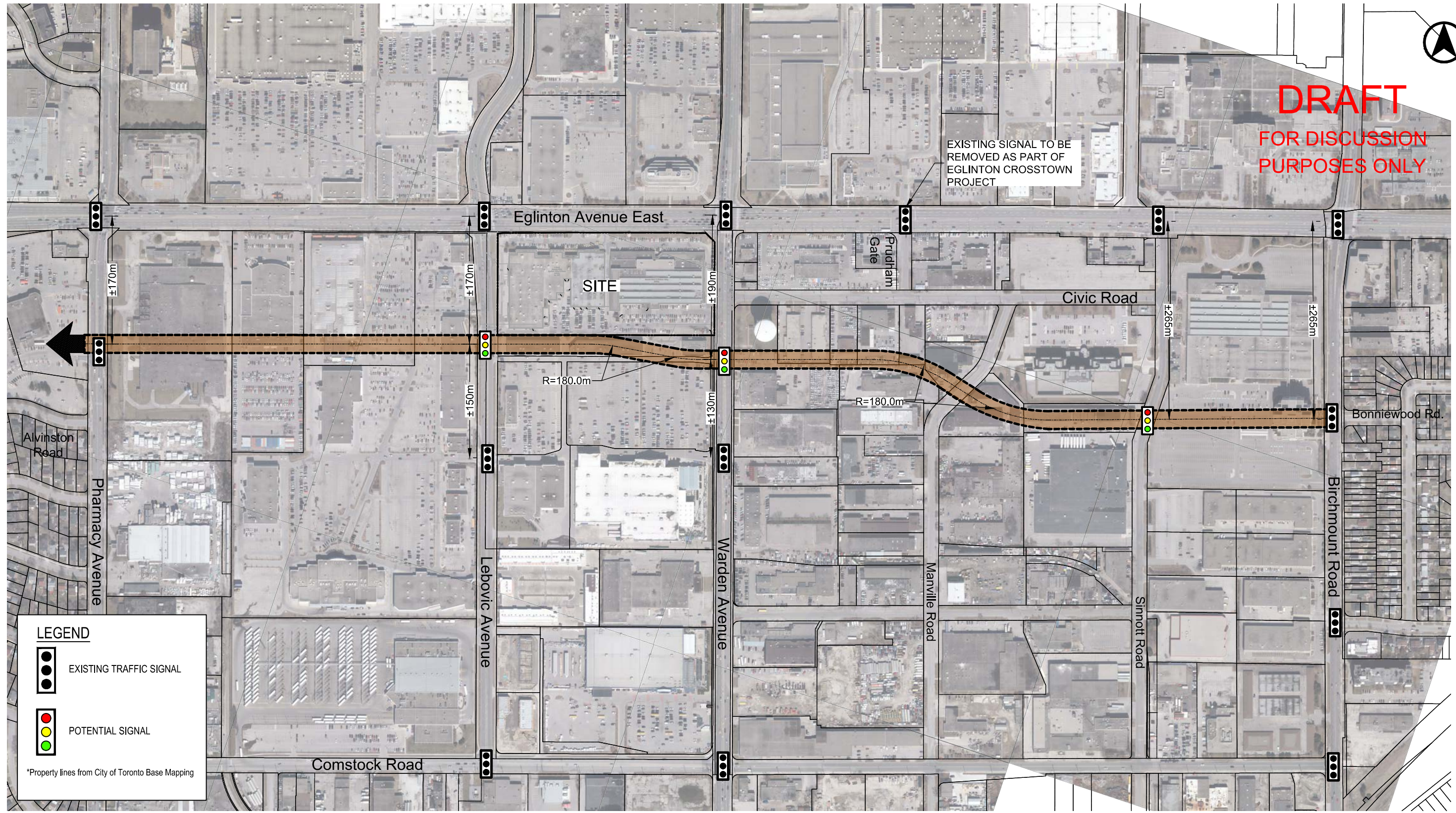
*Property lines from City of Toronto Base Mapping

	<p>1911 Eglinton Ave. Conceptual Road Plan Design Speed of 60 km/h Alternate Plan - Option 1</p>	Project: 1911 Eglinton Ave.	Scale
		Project No. 8008-01	NOT TO SCALE
Date: October 28, 2019	Drawing No. ALT-01		
Revised: December 16, 2019			





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FOR DISCUSSION
PURPOSES ONLY

EXISTING SIGNAL TO BE
REMOVED AS PART OF
EGLINTON CROSTOWN
PROJECT



Date Plotted: December 16, 2019 Filename: J:\8008-01\BA\Conceptual Road Plan\4_2019\BA-1911 Eglinton Ave. Alternate-RP-R2-800801.dwg

LEGEND

-  EXISTING TRAFFIC SIGNAL
-  POTENTIAL SIGNAL

*Property lines from City of Toronto Base Mapping



1911 Eglinton Ave.
Conceptual Road Plan
Design Speed of 60 km/h
Alternate Plan - Option 2

Project: 1911 Eglinton Ave.
Project No. 8008-01
Date: October 28, 2019
Revised: December 16, 2019

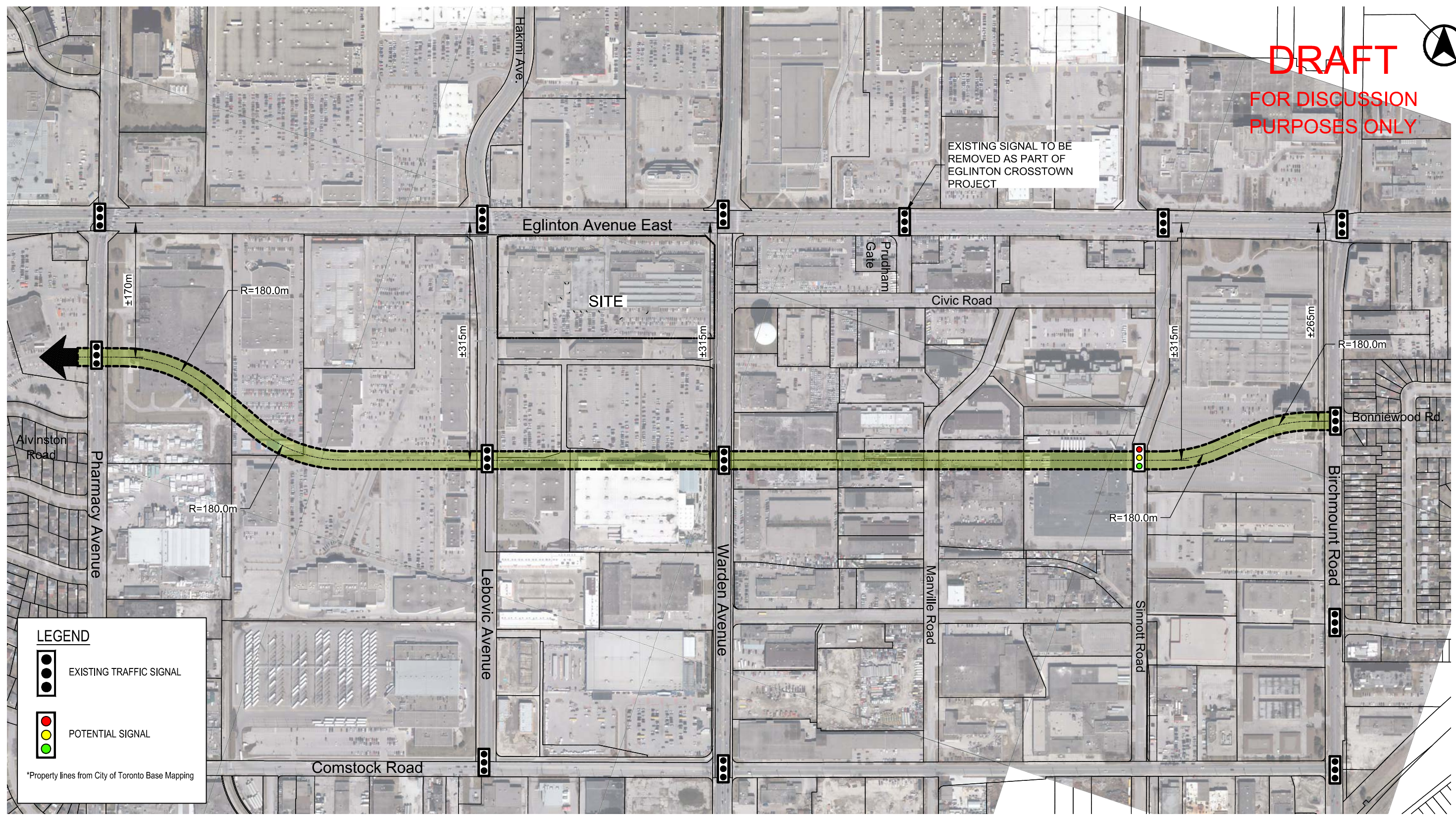
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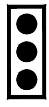
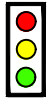
FOR DISCUSSION
PURPOSES ONLY



EXISTING SIGNAL TO BE
REMOVED AS PART OF
EGLINTON CROSSTOWN
PROJECT




LEGEND

-  EXISTING TRAFFIC SIGNAL
-  POTENTIAL SIGNAL

*Property lines from City of Toronto Base Mapping

Date Plotted: December 16, 2019 Filename: J:\8008-01\BA\Conceptual Road Plan\4, December 11, 2019\BA-1911 Eglinton Ave. Alternate-RP-R2-800801.dwg

	1911 Eglinton Ave. Conceptual Road Plan Design Speed of 60 km/h Alternate Plan - Option 3	Project: 1911 Eglinton Ave. Project No. 8008-01 Date: October 28, 2019 Revised: December 16, 2019	Scale <p style="text-align: center; font-size: 1.2em;">NOT TO SCALE</p>
			Drawing No. <p style="text-align: center; font-size: 1.2em;">ALT-03</p>

June 24, 2019

Attn: Emily Caldwell, Project Lead and Planner, Planning Department

Re: Golden Mile Secondary Plan Study
Comments on Emerging Development Alternatives
Comments on O'Connor Drive Re-Alignment
1911/1921 Eglinton Avenue East (subject property)
Southwest corner of Eglinton Ave. East and Warden Avenue
Samuel Sarick Ltd.

Dear Ms. Caldwell,

Macaulay Shiomi Howson Ltd. (MSH) are the planning consultants for Samuel Sarick Ltd., owners of the subject property, which is located at the southwest corner of Eglinton Avenue East and Warden Avenue. The property is located within an active urban environment comprised of largely commercial and industrial buildings. The subject lands are currently home to two large floorplate buildings of 1-2 storeys and are used for commercial, retail, restaurant, flea market and Provincial Court uses.

The Eglinton Crosstown LRT is under construction along the frontage of the subject lands and transit stop locations are proposed at Warden Ave. and Hakimi Ave./Lebovic Ave. which are both adjacent to the subject lands.

Figure 1 – Location/Context Map



Official Plan

The subject lands are designated Employment by the City of Toronto Official Plan. Eglinton Avenue is a higher order transit corridor (Map 4). The subject lands are also outlined in the Site and Area Specific Policies (#129), which permits retail and service uses, including stand-alone retail stores and power centres.

Samuel Sarick Ltd. has an active appeal of OPA 231, which includes policies and mapping related to employment lands.

Golden Mile Secondary Plan Study

In 2017, the City of Toronto initiated a Secondary Plan Study for the Golden Mile area (generally lands on both sides of Eglinton Avenue East, from Victoria Park Boulevard to Birchmount Road). Several public meetings and input opportunities have been held through 2017 and 2018.

In June 2018, at Community Consultation Meeting #3, three alternative development options were proposed by the City and its consultant (SVN Architects and Planners). Further, in October 2018, a presentation was made to the City Design Review Panel, which included a recommended alternative.

The subject lands are outlined as being within the Employment District on all three alternatives. The Employment District includes a thin stretch along the south side of Eglinton Ave., which is intended for preserved and enhanced employment uses of up to 11 storeys.

Alternatives 1 (mid-rise Eglinton) and 2 (three gateways) largely treat the subject lands similarly, with proposed mid-rise buildings, while taller and more dense development is proposed along north-south roads or in gateways (the central gateway is north of the site).

Alternative 3 (transit nodes and central hub), shows tall buildings on the subject lands, closest to the main intersections at Eglinton Ave. (Warden and Lebovic).

Planning Discussion/Analysis

Following are comments to the City and consulting team, from Samuel Sarick Ltd. in regard to the three alternatives along with recommendations:

- 1) Review the function of the current “Employment Area” and proposed “Employment District”;

Currently, the employment area on the south side of Eglinton Ave. does not function as a typical business park (i.e. one which would normally include only industrial, manufacturing or office uses). The area includes many retail uses and power centres.

The employment lands fronting on Eglinton Ave., more specifically, including the subject lands, are not true employment uses. The subject lands include a flea market, restaurants, retail, office and Provincial Court uses.

From this perspective, it is our opinion that this is not an employment area that should be maintained and enhanced. A hard line has been drawn between residential/mixed-use and employment uses in an area where, thanks to the higher order transit line now under construction, should be 'opened up' for a mix of uses, including residential and commercial.

This shift from retail employment along Eglinton to mixed use, may serve as a catalyst for redevelopment of the lands further south, to more viable employment uses that can relate more closely to the mixed use and transit stops.

2) Review the appropriate location for height and density;

While Alternatives 1 and 2 include high density development within a 400 metre walk of higher order transit stations, most of the height and density is actually located away from the transit stops. In our opinion, Alternative 3 best exemplifies the intent of planning for transit.

The tallest buildings and the highest densities should be located closest to the transit stops. Typically, this includes a gradation of density, away from major transit stations. In the case of the Golden Mile, this may be part of the scenario that includes other important hubs and gateways that can also accommodate substantial density.

The transit station areas should include the tallest heights and highest densities. This means that Alternative 3 is the best and most transit supportive plan of the three.

3) Determine the role that transit node sites should play in the future planning of the area;

In our view, it is not appropriate to draw a hard line between employment and mixed use along a major arterial road (Eglinton Ave.), especially on a site that immediately abuts two major transit stations. In our view, this is not the best way to take advantage of significant transit investment.

Similarly, it is not appropriate to expect all employment uses to be located on certain lands and not on others (i.e. within residential neighbourhoods) along a corridor that includes several transit nodes. In our view, a mixing of uses within and among developments will provide for more equitable distribution of uses and support for transit.

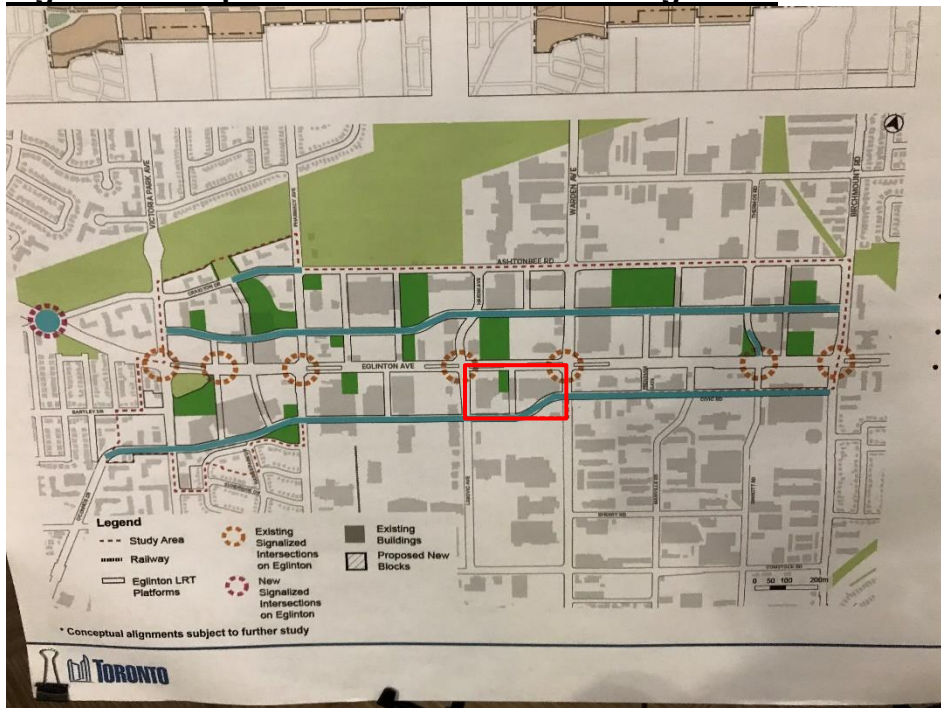
As noted above, transit node sites should incorporate significant heights and densities, while allowing for a variety of uses.

O'Connor Drive – Proposed Re-alignment

On June 3, 2019, representatives for the Owner attended an Open House hosted by the City of Toronto, related to the Golden Mile Secondary Plan Study, but specifically related to transportation matters.

At the meeting, a 'preferred' O'Connor Drive reconfiguration and extension was proposed by staff and the consulting team. Figure 2, illustrates the proposed re-alignment.

Figure 2 – Proposed O'Connor Drive Re-alignment



Specifically, as it relates to the subject lands, the proposed reconfiguration has the proposed road curving in a northeast direction as it nears Warden Avenue. This proposed alignment has the effect of reducing the depth of the subject lands, in the very area where the highest densities should be located (i.e. closest to the major transit station at Eglinton Ave. and Warden Ave.).

It is our opinion that this re-alignment is not supportable for the subject lands and for the Secondary Plan Area as a whole, as it does not support a transit friendly development pattern. This re-alignment, along with the north/south road proposed through the subject lands, has a negative impact on the usability of the corner land parcel, which, as noted, should be the lands that are most dense and supportive of transit use.

Recommendations

The Golden Mile Secondary Plan Study presents a unique opportunity, within the City of Toronto, to re-imagine an outdated, suburban and motor vehicle reliant development area into a new transit-based community with a mix of uses.

The proposed O'Connor Road re-alignment also presents opportunities to correct and improve the road system in the area to support new and intensified development.

With regard to the Study, the proposed road re-alignment and the subject lands, we would recommend the following to the Secondary Plan team:

- 1) Remove the proposed "Employment District" designation and replace it with a more flexible mixed-use designation;
- 2) Endorse Alternative 3 as the 'preferred alternative' and continue to refine the plan for lands closest to Major Transit Stations, along with other potential hubs and gateways, to ensure that they include the tallest heights and highest densities along the corridor.
- 3) Be 'permissive' rather than 'prescriptive' as it relates to employment uses throughout the Secondary Plan Study Area, so that an equitable distribution of employment uses can occur, along the transit corridor.
- 4) Reconsider the proposed O'Connor Road re-alignment, especially as it is currently proposed to intersect with Warden Ave. The re-alignment, along with the proposed road network has a negative impact on the achievement of the overall goals and objectives of the Secondary Plan Study, in relation to transit friendly and supportive development in major transit station areas.

Thank you for providing this opportunity to review and comment. As the landowner of a significant property within the Secondary Plan Study area, we have made a request to meet with staff and the consulting team to review our concerns and begin to work toward a resolution. Please advise when we can meet to discuss these and other matters in more detail.

Should you have any questions regarding the information contained herein, please contact me directly, thank you.

Sincerely,

MACAULAY SHIOMI HOWSON LTD.

Nick Pileggi

Nick Pileggi, MCIP, RPP
Associate Principal