



Creating thriving
urban neighbourhoods

September 18, 2020

BY EMAIL

Chair and Members of the Planning and Housing Committee
Committee Room 1
City of Toronto
100 Queen Street West
Toronto, ON M5H 2N2

Attention: Nancy Martins, Committee Administrator

Re: PH16.2 – Christie’s Planning Study – City Initiated Proposed Secondary Plan & Zoning By-law and Official Plan Amendment, Zoning By-law Amendment & Plan of Subdivision

2150-2194 Lake Shore Boulevard West & 23 Park Lawn Road

First Capital Realty (“FCR”) appreciates the opportunity to provide initial comments with respect to the draft City initiated Proposed Secondary Plan and Zoning By-law in respect of the area referred to as the Christie’s Planning Study.

At the outset, it is important to recognize that the area which is the subject of the City initiated work includes only four (4) sites: the FCR owned lands at 2150 and 2194 Lakeshore Boulevard West and 23 Parklawn Road (“FCR Site”) and two parcels located immediate to the north and to the west of the FCR Site owned by the City of Toronto (Block 7 and 8 on Draft Map 46-3). There is a need therefore to ensure that the draft planning instruments appropriately balance the long term planning goals of the City with the reality that the vast majority of the area is consolidated under one private ownership structure.

This creates a unique opportunity for a true private public partnership to ensure excellence in design and planning and also in the identification, design and provision of the appropriate infrastructure. This infrastructure is required not only to serve the FCR Site but equally importantly the long-standing deficiencies in the broader Humber Bay Shores community as they relate to both hard and soft infrastructure. FCR welcomes this partnership opportunity with the City and other public agencies such as Metrolinx, the Toronto District and Catholic School Boards and the local community.

We have had the opportunity to review the materials contained in Agenda Item 16.2 including the staff report, the draft Secondary Plan, the draft Zoning By-law and the other associated documentation. The purpose of this correspondence and our deputation is to provide FCR's initial and high level comments on these instruments. Given the volume of materials and the complexity of this matter, the City can appreciate and understand that further detailed comments will be forthcoming. As the majority and only private landowner in the Secondary Plan area, we look forward to remaining directly involved in the planning for the area and the final form of the planning instruments.

SASP 15 Foundation

As members of the Planning and Housing Committee will be aware, FCR assumed ownership of the FCR Site in June 2016 and assumed the appeal which had been previously filed in respect of OPA 231 by the prior owner. FCR was pleased to work with the City to arrive at a resolution of the OPA 231 appeal, resulting in the Site and Area Specific Policy 15 which provided a planning framework for the redesignation of the FCR Site to Regeneration Areas and General Employment Areas, as well as a planning framework for the future.

The SASP creates an important foundation for the preparation of the FCR private applications (Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision), (collectively, the "FCR Applications") and should similarly be reflected in the City-initiated instruments. The foundational elements of the SASP were the introduction of higher order transit, including a proposed GO Station; a true mix of uses across the FCR Site including the provision of robust employment opportunities through a wide variety of uses in both the General Employment and Mixed Use Areas designations; a range of housing types and unit sizes; securing affordable housing; the delivery of new public parkland and other open spaces to contribute to the extensive network of existing parkland in the community; and the provision of appropriate community space and facilities. FCR remains fully committed to these foundational elements of the SASP which are ably demonstrated in the FCR Applications and anticipates working with the City to ensure that the City initiated planning instruments remain aligned with that settlement.

By way of example, and without exception to additional comments below and to come, we note that the minimum required non-residential gross floor area has been increased significantly from the 98,000 m² in the SASP to 106,500 m² in draft Policy 5.5. Given that the substantial community space, either in the form of schools and/or other community facilities which is also detailed in the draft instruments, does not count towards the non-residential gross floor area requirement, the increase has not been substantiated nor is it reasonable. It is our position that the original agreed upon minimum of 98,000 m² should be maintained.

Achieving Reasonable Density to Deliver Real Community Benefits

Importantly, and as the Committee and the community is aware, First Capital has been forthright in its commitment to delivering a high order transit hub including a proposed GO Station thereby alleviating years of transportation and transit capacity constraints in the area. The introduction of this high order facility, which will be completed at a significant cost will be a substantial and permanent community benefit not only for the area which is the subject of the Christie's planning study but for the Humber Bay Shores community and communities further to the west. FCR is

actively engaged in discussions with Metrolinx through its own process in respect of the detailed design exercise for this important community asset.

FCR has been clear from the outset that the ability to deliver this much needed transportation and transit infrastructure to the broader community, as well as to the FCR Site, is contingent upon achieving a sufficient amount of realizable density. The development of this new mixed use community, including the provision of high order transit and the consideration of additional community benefits which were identified in the draft City instruments, can only be achieved if the resulting development scenario is reasonable, realizable, responds to market needs, and provides for an appropriate return on its investment. FCR and its consultant team remains committed to working with the City to identify and secure the appropriate community benefits in addition to the proposed GO Station, and the other benefits already secured through the SASP process such as affordable housing, to achieve this balance and to be able to ensure that the lands will develop in an orderly fashion.

To that end, certain provisions in the City's draft Zoning By-law, together with certain sections of the Staff Report, are of significant concern. In particular, there appears to be inconsistency in the manner in which the Staff Report considers key project data: for example Table 3 correctly refers to the gross floor area of the original (October 2019) and revised (May 2020) submissions whereas Table 4 which compares the City Proposal to the First Capital Applications uses entirely different numbers. It appears these may be based on gross construction area, taken from the development model, rather than the actual First Capital Applications. Moreover, the City Proposal numbers in Table 4 are inconsistent with the cumulative gross floor area in Table 2 which sets out the City numbers per phase. It is crucial that the proposed gross floor area density numbers in FCR's application, specifically the 557,642 m² residential gross floor area be achieved in order for this development and all of its components to be financially viable.

Finally, certain provisions contained within the draft City Zoning By-law, particularly as they relate to tower floor plates and setbacks, midrise building floor plates and building separations are overly restrictive, inconsistent with the City's own Tall Buildings Guidelines in many respects and are not reflective of the site context and overall development proposal. The result of the application of these and other standards discussed below will have the collective impact of significantly limiting the amount of density which can be realized on the FCR Lands. This will have a direct impact on the financial viability of the development and the extent to which additional substantial community benefits over and above those already committed to through the SASP process, can be expected or achieved.

Transportation Related Issues and the Need for Coordination with the Park Lawn Lakeshore TMP

The City Staff report references the on-going Park Lawn Lakeshore Transportation Master Plan and indicates that both it and the City initiated Secondary Plan exercise "have been aligned to ensure there is a coordinated approach to the recommended preferred network alternative". FCR supports this direction as the long-standing issues related to road congestion within the area have been clearly documented; the FCR Applications included the introduction of a Relief Road along the northern edge of the FCR Site with direct connections to the Gardiner. The extensive

transportation work done as part of the FCR Applications, all of which has been shared with the City, clearly demonstrates the benefit of this enhanced infrastructure.

Unfortunately, the current mapping associated with the draft Secondary Plan only shows this Relief Road (Street A) on the maps as providing a new rail underpass connection and offsetting traffic demands on Lake Shore Boulevard West and Park Lawn Road. It remains clear to FCR that the provision of direct connections between the Relief Road and both the Gardiner and Lakeshore Boulevard West will provide significant benefits to the immediately surrounding community and the communities to the west and is therefore an opportunity that should not be discounted. We remain optimistic the TMP process will arrive at the same recommendation. To that end we think it is critical that the mapping of the draft Secondary Plan be clearly annotated to indicate that the future alignment of Street A is not yet determined and that no final recommendation come forward until the TMP process has been completed and the “alignment” recommended in the staff report is achieved.

Additional Comments on the draft City Secondary Plan and Zoning By-law

First Capital is supportive of the Vision and Guiding Principles which are enunciated in the draft Secondary Plan. Additionally, First Capital is pleased that the proposed land use designations and block pattern generally follow the Concept Master Plan which has been developed over the past two years by First Capital and its team of consultants, subject to comments provided below and more detailed comments which will follow as these instruments go through further review.

As an overall comment however there is a level of specificity and requirement in the form of both mandatory and descriptive language contained within the draft Secondary Plan which is not appropriate in our respectful opinion for a high level policy instrument and particularly one intended to guide development of an area of land which will be built out over a period of 20 or more years.

General Employment Areas Designation

With respect to the policies related to the General Employment Areas designation (5.10 to 5.14) FCR supports the vision of a pedestrian friendly and transit supportive employment environment. We seek clarification on the notion of a “office node” that is contained in these policies. There is an opportunity to provide office uses throughout the site particularly in the Mixed Use Areas designation and that should be maintained. Within the General Employment Areas portion of the site it would be FCR’s intention that a broader range of employment uses (or Column 1 uses as per the reference later in the draft Secondary Plan) should be employed, maintaining flexibility to deliver employment uses beyond office.

Additionally it is important that the land use policies acknowledge that adjustments could be made to the boundary of the General Employment Areas designation through the development process provided that the minimum size agreed to of 1.4 hectares (net) is achieved at full build out, while providing the flexibility that is appropriate for a phased development of this size.

Sections 5.7 and 5.8 both speak to issues related to mitigation and compatibility with the adjacent Ontario Food Terminal. FCR has long maintained that the mixed use redevelopment of its lands

can and will achieve compatibility with the Food Terminal, and note that appropriate policy direction already exists in the in-force Official Plan to this end.

Mobility

With respect to Section 6 (Mobility) we are pleased to see that the draft Secondary Plan recognizes and responds to the comprehensive pedestrian and cycling first mobility network which is proposed by the FCR master plan concept. FCR is supportive of the majority of the policies which are found within this section. We note however that there is a specificity in some of the policies related to the Transit Hub which presupposes design elements that are as yet unknown and which therefore are both premature and are not appropriate in a Secondary Plan. In particular, Policies 6.19 to 6.21 speak to the servicing and support for the proposed Parklawn Go Station which remains subject to a separate design and approval process with Metrolinx.

Additionally, we note that Policy 6.17 speaks to barrier free access points being provided on lands which are not the subject of the draft Secondary Plan Area (south of the rail corridor and west of Park Lawn Road). As neither FCR, nor the City control the privately owned lands which are referenced in this policy, it is unclear how this direction can be achieved. In our view, consideration of the location of specific access points to the GO Station would be better addressed through the separate approval and design processes for the GO Station.

With respect to Mid-Block Connection (Policies 6.26 to 6.29) we again see a relationship between the draft Secondary Plan and the considerable pedestrian realm and connections work undertaken by the FCR design team to date. A review of the FCR concept plan and proposal shows that there is an extensive series of pedestrian and cycling connections throughout the site. Once again, however, the use of prescriptive design requirements (i.e. a 4 metre wide pedestrian clearway) in our view is inappropriate as Official Plan policy. For example, if site constraints were such that a clearway of 3.9 meters could be achieved that would trigger the need for an Official Plan amendment which is unreasonable given the complexity and long term build out of this proposal. Additionally, the mapping associated with these policies (Map 46-8) creates an unrealistic expectation with respect to the location and extent of certain connections (for example, under the existing railway tracks). Further refinement of these policies and mapping must be explored.

Parks and Open Space

FCR is generally supportive of the policies contained in Section 7 of the draft Secondary Plan. However, given the complex nature of the FCR proposal, including extensive underground servicing and loading in order to maintain a pedestrian-first surface realm, the precise nature and extent of the unencumbered parkland is still a matter to be resolved.

In particular, FCR has promoted a different distribution of parkland and believes that its proposal as contained in its Master Concept Plan for a combination of unencumbered parkland, other open spaces and other enhanced public realm areas more than adequately achieves the intent of a well-served community. To that end, First Capital looks forward to continuing to work with City staff on the final allocation and design of open space.

We note the onerous and prescriptive policy in 7.10 with respect to “no new net shadows” on 85% of the park for a “minimum of 5 continuous hours during the Spring and Summer Equinox”. In

order to evaluate the impact, intent and achievability of that proposal we will need to understand from the City what the baseline is and how the “new net shadows” are calculated.

Privately Owned Publicly Accessible Spaces (POPS)

The FCR Applications demonstrate and provide for FCR’s vision for an extensive and robust open space and pedestrian realm program. As is evidenced through the landscaping plans included in the FCR Applications, there are a range of open spaces proposed including extensive boulevards, plazas and squares, as well as additional open space areas referred to as “largos” throughout the plan.

The City has included within the draft Secondary Plan extensive policies related to POP spaces including (Policy 7.24, 7.25 and 7.27), many of which are overly prescriptive. Additionally, we note that POP space is typically eligible as a community benefit pursuant to Section 37 and is an important consideration in determining the distribution between on-site parkland dedication versus cash-in lieu (as per Official Plan Policy 3.2.3.2). Respectfully, First Capital believes that this is an overreach by the City at this stage and that it seeks to place additional limitations and restrictions on privately owned land which represents a taking. This is further complicated by provision elsewhere in the secondary plan which provides that the City at its own discretion can seek easements over private land (Policy 15.4).

First Capital has from the outset been committed to a well-designed public realm and continues to seek the ability to emphasize pedestrian and cycling connectivity supported by transit throughout this site. However, the mandatory and prescriptive nature of these policies, combined, unduly complicates and restrains the development. To that end First Capital respectfully objects to the policies referenced above. We look forward to continuing to work with the City to identify appropriate mechanisms to both acknowledge the benefit of and secure any POPS space.

Community Services and Facilities, Infrastructure and Servicing

FCR has already committed through SASP 15 to extensive infrastructure and community benefits which will contribute positively to the broader Humber Bay Shores Community. We understand the intent of the policies in Section 6 of the draft secondary plan and appreciate and support the introduction of community facilities and services to ensure a complete community within the area. We also note however that many of these community services and facilities have long been needed within the Humber Bay Shores and Parklawn area and that the City did not secure them through previous development applications. The Park Lawn Lakeshore TMP, which was initiated prior to the FCR Applications, is indicative of the pre-existing nature of infrastructure backlog in the community.

Whilst First Capital remains committed to providing for community benefits and its fair share of the cost of those benefits it cannot be the case that, in addition to the GO Station, the FCR Applications become the mechanism by which all community service needs for the broader area are met.

Similarly, with respect to the servicing provisions contained in Section 9, First Capital understands that development can only occur with appropriate servicing and infrastructure. However, the draft Secondary Plan is currently lacking in providing for incentives to development to provide for

necessary municipal infrastructure at the outset and to make it clear that development charge credits will and should be made available when that occurs. We look forward to advancing discussion with the City on appropriate cost sharing, Development Charge Credits and other funding mechanisms to ensure a fair and reasonable distribution of costs associated with City identified service needs.

Built Form

The Built Form policies contained in Section 10 of the draft Secondary Plan are generally reflective and responsive of the carefully designed master concept plan which has evolved through the over two years of design and consultation work First Capital has undertaken. FCR's built form concerns are primarily related to overly restrictive provisions in the draft ZBA, as noted above. Specific comments with respect to the Built Form policies in the Secondary Plan will be provided as the draft evolves.

Urban Design Guidelines

We appreciate and understand the work which has been undertaken by the City in preparing the draft Urban Design and Complete Streets Guidelines. We were surprised to see these come forward at this early stage particularly given that we have yet to receive comments on the detailed design work provided in the Guideline document prepared by the FCR consulting team as part of our complete application.

We understand that guidelines are intended to assist in achieving design excellence and will review and provide comments at the appropriate stage in the community consultation and review process. We would appreciate however if equal consideration and care is given by staff in their review of the comprehensive and highly detailed Urban Design, Landscape and Planning considerations articulated in the FCR Applications. This is particularly the case as the FCR Applications were deemed complete well in advance of the issuance of these draft Guidelines and as such must be assessed in the context of the in-force planning instruments (OP and ZBL) at the time the FCR Applications were made.

Finally, it is inappropriate in our view for the draft guidelines to be referenced in the secondary plan (Policy 6.8 or 6.9 for example) as such reference could be construed as elevating these guideline documents which are non-statutory and are not subject to appeal. If, to the contrary there are specific guidelines which the City feels should be mandatory in their application, then these should be expressly included in the draft zoning by-law for the area and assessed as such.

Next Steps

The planning process to date, both in respect of the FCR Applications and the City initiated planning instruments have been characterized by a high degree of consultation and collaboration among FCR and its consultant team, City staff and the community.

FCR appreciates and agrees with staff's invitation articulated in the Staff Report, to continue to work together and with other stakeholders to resolve the outstanding areas of difference. While it remains the case that the FCR Applications must be assessed against the in-force planning instruments, it remains a common goal of FCR and the City to ensure greater alignment between

the proposed planning instruments, the in force SASP and the FCR Applications, thereby achieving the shared vision for a vibrant new mixed use community.

Thank you for the opportunity to share these comments and to provide a deputation to the Committee.

Sincerely yours,

A handwritten signature in blue ink, appearing to read 'Jodi Shpigel', written in a cursive style.

Jodi Shpigel
Senior Vice President, Development