

December 7, 2020

**VIA EMAIL**

Mayor John Tory and Members of City Council  
Toronto City Hall  
100 Queen Street West  
Toronto, ON M5H 2N2

**Attention: Planning and Housing Committee, Committee Administrator**

Your Worship and Members of Council:

**RE: Keele Finch Plus Study Final Report  
Proposed OPA 482 & Proposed OPA 483  
Submissions by NHD Developments Limited et al.  
Item PH19.1**

We are the lawyers for NHD Developments Limited and related companies (collectively, “NHD”) who own a number of residential and employment properties within the Keele Finch Plus Study area.

On behalf of NHD, both ourselves and our client’s consultants have written to the City of Toronto regarding the proposed Official Plan Amendments now identified as OPA 482 (the proposed Protected Major Transit Station Area or the “**PMTSA**”) and OPA 483 (the proposed Keele Finch Secondary Plan or the “**Secondary Plan**”). A copy of this previous correspondence is attached.

**OPA 482 / PMTSA**

We continue to have concerns regarding the methodology employed in designating the PMTSA and in distributing land uses and minimum densities to lands that are suited for significant redevelopment and intensification in proximity to existing transit infrastructure.

We note that recent revisions to the proposed densities within the PMTSA has resulted in a reduction in the minimum densities applicable to sites owned by NHD. This revision occurred without any corresponding discussion between the City and our client, notwithstanding our earlier correspondence on the PMTSA and active engagement in pre-application discussions for the properties on the west side of Keele Street south of Catford Road.

We also observe that City Staff now recommend that the Secondary Plan not be formally adopted by City Council until the Minister of Municipal Affairs and Housing (the “**Minister**”) has approved the PMTSA policies in OPA 482. This addresses somewhat the procedural concerns

outlined in our earlier correspondence; however, in our submission there is still a disconnect between the requirements of the *Planning Act* for detailed planning within a PMTSA and the bifurcated process of having separate Official Plan Amendments for the PMTSA and for the Secondary Plan, especially where the proposed PMTSA policies are only seeking to achieve the bare minimum requirements required by the legislation.

OPA 482 also proposes to reconfigure a portion of NHD's lands at 11 Catford Road & 20 Broadoaks Drive that are designated "Other Open Spaces" in the City's Official Plan. These "Other Open Spaces" lands were addressed in NHD's earlier correspondence. These lands are not City parkland and the historical designation of these lands was not intended to prevent further development. Any reconfiguration of these lands through OPA 482 should be considered in the context of NHD's proposal to further develop the site at 11 Catford Road & 20 Broadoaks Drive.

We anticipate providing further comments in this regard if and when the PMTSA policies in OPA 482 are sent to the Minister for approval.

### **OPA 483 / Secondary Plan**

We have reviewed the most recent draft of the Secondary Plan, and make the following observations and comments (in addition to those contained in earlier correspondence on our client's behalf):

- The distribution of proposed heights and development opportunities in Secondary Plan is concentrated at the Keele and Finch intersection. We are aware of the concerns raised by the fuel operators located east of Keele Street which suggest the potential for significant land use conflicts in this location. These conflicts may result in the development potential otherwise identified for this location not coming to fruition. Of course, this may significantly impact the intensification analysis under the PMTSA that we assume informs the Secondary Plan. The Secondary Plan may therefore overestimate the development potential at the Keele and Finch intersection, while in turn underestimating the development potential of other sites within the Secondary Plan area, such as those owned by NHD located further south along Keele Street, which are not in conflict with the fuel sites. We refer to proposed policies 4.2.4 and 4.2.5 in this regard.
- The requirement for height peaks in the Nodes and lower heights along the Corridors is, in our respectful submission, too simple an approach for an area that has a complicated mix of existing and future land uses. Rigid adherence to a Node-and-Corridor height structure will lead to lost opportunities for intensification on candidate sites that are capable of being redeveloped in the near term. The existing apartment sites owned by NHD at 11 Catford Road & 20 Broadoaks Drive and at 25 Broadoaks Drive & 3710 Keele Street are examples of sites that should not be unduly restricted to mid-rise forms of development simply because tall buildings are anticipated in the future at the Keele and Finch intersection. We refer to proposed policies 3.1.2, 3.2.1, and 3.2.3 regarding the Nodes and Corridors, and proposed the proposed policies in Section 7.2 and 7.3 and Map 9 with respect to the distribution of heights in the Secondary Plan area.

- Although added height is contemplated in certain areas of the Secondary Plan in the event of the closure of the Downsview Airport, no additional heights are contemplated on the west side of Keele Street. In our submission, this is not consistent with either the rationale presumably underpinning the Node-and-Corridor structure of the Secondary Plan itself, nor with the full range of development opportunities that exist for redevelopment on the west side of Keele Street. We refer to policies 7.3.6 and 7.3.7 in this regard.
- In our submission, the maximum permitted heights on the west side of Keele Street, south of Finch Avenue, and the Secondary Plan's insistence on mid-rise building typologies with artificially-restricted limits on the number of storeys is not conducive to an examination of the true development potential of sites within the study area. We refer to the midrise building typology policies in Section 7.2.
- The Secondary Plan is also unduly prescriptive with respect to the setbacks described in detail in the proposed built form policies. The policies should not be interpreted to require rigid adherence to setbacks and stepbacks that are more suited to analysis at the Zoning By-law Amendment and Site Plan Control stage of development. Insistence on specific performance standards at the level of the Official Plan will result in lost opportunities for redevelopment that would otherwise meet the broader goals and objectives of the Secondary Plan and fulfil the City and Province's policies with respect to intensification, efficient use of land, and the provision of housing and employment. We refer to policies 7.1.9, 7.1.11, 7.1.12, and 7.1.13, for example.
- As noted above, the Secondary Plan also proposes a reconfiguration of the lands designated "Other Open Spaces" on NHD's property at 11 Catford Road & 20 Broadoaks Drive. Similarly, the Secondary Plan shows and describes public connections and uses through the site in this location on various maps and in various policies. We reiterate that these lands are in private ownership and their historical designation was not intended to prohibit further development. The location of future connections, multi-use trails, cycling connections, walkways, or other public or quasi-public uses on these lands should not be considered in isolation of the further development of this site in the future. We refer to policies 5.3.4, 5.3.5, 5.3.7, 5.3.8, 6.1.2, 6.3.2, and 6.3.3.
- The policies requiring retail uses along the Keele Street corridor are overly prescriptive. It may not be possible to successfully develop retail uses in the manner specified by the Secondary Plan, particularly in light of height and setback restrictions imposed by the plan and the other competing goals and objectives of the plan. The City should consider less restrictive policies in this regard, which would, in our submission, create greater opportunities for successful mixed-use projects. We refer to policies 4.3.1, 4.3.2, 4.3.3, 5.1.2, 7.1.3, and 7.1.11 in this regard. In particular, we request that the properties at 11 Catford Road & 20 Broadoaks Drive and at 25 Broadoaks Drive & 3710 Keele Street be re-labelled as "Retail Permitted" rather than "Retail Required" on Map 4.

- We note the Housing policies in Section 8.3 requiring certain unit mixes and unit sizes. While acknowledging the objective of ensuring appropriate housing opportunities, our concern on behalf of our client is that these policies should not be interpreted inflexibly in the assessment of an individual development application.
- With respect to the policies regarding community services facilities in Section 9.3, as well as the specific reference to Local Community Agreements in policy 2.1.5(f), it is not clear how these policies are to be interpreted and applied in light of the new Community Benefits Charges regime under the *Planning Act*, which will be in effect early in the life of this Secondary Plan.
- The proposed designation of the lands at 11 Catford Road & 20 Broadoaks Drive as *Mixed Use Areas A, Apartment Neighbourhoods, and Other Open Spaces* by the Secondary Plan (and by OPA 482), and the imposition of a maximum height limit of 25-28 metres, should not be interpreted in a way that would unduly restrict the redevelopment potential of the site, or prevent an informed site-specific analysis in the context of a development application.
- The proposed designation of the lands at 25 Broadoaks Drive & 3710 Keele Street as *Mixed Use Areas A and Apartment Neighbourhoods* by the Secondary Plan (and by OPA 482), and the imposition of a maximum height limit of 15-28 metres, should not be interpreted in a way that would unduly restrict the redevelopment potential of the site, or prevent an informed site-specific assessment in the context of a development application.
- The proposed designation of the lands on the east side of Keele Street at 3765-3777 Keele Street and 10 Lepage Court, and at 3885 Keele Street as *General Employment Areas* by the Secondary Plan (and by OPA 482) should not preclude an assessment of whether these lands are capable of conversion from employment uses as part of the City's Municipal Comprehensive Review. If such lands are to be converted, then appropriate land use designations and height limits should be determined.

Please consider these comments, as well as the earlier submissions on behalf of NHD attached here, which are being submitted for consideration at the Public Meeting scheduled for December 8, 2020 by the Planning and Housing Committee.

Please provide us with written notice of the Committee's decision in this matter, as well as the consideration of OPA 482 and OPA 483 by City Council, and the consideration of any related matters by the Committee, Council, or any other committee of Council. Our contact information is provided herein.

Yours truly,  
**Overland LLP**



Per: Christopher J. Tanzola  
Partner

Encl.

c. Client



Overland LLP  
Christopher J. Tanzola  
Tel: (416) 730-0337 x. 112  
Direct: (416) 730-0645  
Email: ctanzola@overlandllp.ca

February 6, 2020

**VIA EMAIL**

Mayor John Tory and Members of City Council  
Toronto City Hall  
100 Queen Street West  
Toronto, ON M5H 2N2

**Attention: Matt Armstrong, City Planning Division**

Your Worship and Members of Council:

**RE: Draft Official Plan Amendment – Protected Major Transit Station Areas –  
Finch West Transit Station Area & Sentinel Transit Station Area**

We are the lawyers for NHD Developments Limited and Wedgewood Columbus Limited (together, “NHD et al.”) with respect to properties on both sides of Keele Street south of Finch Avenue West.<sup>1</sup>

We are writing to provide preliminary comments on the Draft Official Plan Amendment – Protected Major Transit Station Areas (the “Draft MTSA OPA”) which has recently been posted for public comments on the City’s Keele-Finch Plus Study website.

We note at the outset that the City’s website provides extremely limited information regarding the Draft MTSA OPA. Furthermore we found the questions posed in the “online survey” interface to be very broad and largely unhelpful in the absence of any supporting background information being made available for review in advance of the City’s deadline for comments of February 6, 2020.

***Lack of background report or explanation***

The Draft MTSA OPA was released for public comments without any explanatory or supporting background report. NHD et al. has been participating in the Keele-Finch Plus Study process, and met with City Staff regarding the study in July 2019. NHD’s consultants and counsel provided detailed comments on the preferred concept in October 2019 and are providing additional comments on the Draft Official Plan Amendment for the Keele-Finch Study Area (the “Draft Keele-Finch Secondary Plan”) under separate cover. However, prior to the latest email update from the study team regarding the Draft MTSA OPA and the companion Draft Keele-Finch Secondary Plan, there had been no prior notice or warning that the City was considering

---

<sup>1</sup> 11 Catford Road & 20 Broadoaks Drive; 25 Broadoaks Drive & 3710 Keele Street; 3765-3777 Keele Street; 10 Lepage Court; 3885 Keele Street (on behalf of Joseph and Maria Rosa Cattana).

implementing through the current study what appears to be the City's first Protected Major Transit Station Area/Major Transit Station Area official plan amendment.

There has been no indication that the City had been undertaking the background work required to support the Draft MTSA OPA.

In our submission, therefore, City Staff should be required to provide more information and context prior to soliciting comments and opinions on the Draft MTSA OPA.

### ***Prematurity in light of the City's Work Program***

In the Chief Planner's September 30, 2019 report on "Growth Plan (2019) and Municipal Comprehensive Review / Conformity Exercise Requirements", which was submitted to the Planning and Housing Committee, the Chief Planner observed as follows with respect to Major Transit Station Areas:

*Through the MCR, the City is required to delineate the 160+ MTSA's within the City and to demonstrate that each MTSA is planned to meet the prescribed minimum density targets (200 residents and jobs per hectare for subways; 160 residents and jobs per hectare for light rail transit; 150 residents and jobs for GO Transit rail). ...*

*Given the number of potential MTSA's, the Q1 2020 work program report will provide prioritization criteria for Council's consideration, which will outline an orderly approach to completing the necessary work to achieve conformity with the Growth Plan (2019). This Q1 2020 report will also outline potential MTSA's that may be delineated in advance of the MCR's completion that are identified in the Planning Act as "Protected Major Transit Station Areas" or PMTSA's. The Growth Plan (2019) allows municipalities to delineate these PMTSA's in advance of the next MCR, provided that a very detailed implementation framework is brought into effect in accordance with Section 16(15) of the Planning Act. Such a framework must identify the number of residents and jobs per hectare, permitted uses and minimum densities with respect to buildings and structures in the area.*

To our knowledge, the proposed work program outlined above has not yet been reported to the Planning and Housing Committee or to City Council.

To our knowledge, Council has not approved criteria whereby either the Finch West Transit Station Area or the Sentinel Transit Station Area has been given priority as the first MTSA-exercise to be carried out in the City of Toronto and the first PMTSA to be implemented under the *Planning Act*.

The public has not been provided to date with evidence of, or an explanation of, the "very detailed implementation framework" that is referred to in the Chief Planner's report.

### ***Delineation of MTSA***

Section 16(15) of the *Planning Act* requires that the boundaries of the area around a PMTSA be delineated in an official plan. Under the Growth Plan (2019), Policy 2.2.4.2 requires a

municipality to delineate the boundaries of MTSA's in a transit-supportive manner that maximizes the size of the area and the number of potential transit users that are within walking distance of the station.

The Growth Plan (2019) defines a "major transit station area" generally as the area within an appropriate 500- to 800-metre radius of a transit station. The Growth Plan (2019) defines "transit supportive" as development that makes transit viable and that is consistent with Ontario's Transit Supportive Guidelines.

Furthermore, Policy 2.2.4.6 prohibits land use within MTSA's that adversely affect the achievement of the minimum densities required by the Growth Plan.

At first blush, the Draft MTSA OPA does "delineate" the Finch-West Transit Station Area and the Sentinel Transit Station Area, appearing to meet the bare requirements of the Growth Plan (2019) and the legislation; However, no information has been provided regarding the lands within a 500- to 800-metre radius that have been included and those that have been excluded, and why such inclusions and exclusions have been made. No information has been provided regarding the transit supportive nature of the lands that have been delineated and how such delineation is consistent with the Province's guidelines. No information or analysis has been provided to give insight into whether the delineation of these areas as proposed in the Draft MTSA OPA might adversely affect the achievement of minimum densities required by the Growth Plan.

Absent such information, it is not possible to assess the conformity of the Draft MTSA OPA with the Growth Plan (2019) with respect to the delineation of the areas required by the *Planning Act*.

#### ***Residents and Jobs Per Hectare***

Similarly, the Draft MTSA OPA simply repeats the Growth Plan (2019) minimums for residents and jobs per hectare of 200 for the Finch West Transit Station Area and 160 for the Sentinel Transit Station Area.

No analysis or information related to these minimums is provided. While Section 16(15)(a) of the *Planning Act* requires a minimum to be set out and while Policy 2.2.4.3 of the Growth Plan (2019) provides for the 200 and 160 minimums that the Draft MTSA OPA employs, no rationale is provided for employing these minimum densities in this context, bearing in mind the direction provided in Section 1.2.3 of the Growth Plan (2019) that "the policies of this Plan represent minimum standards. Within the framework of the provincial policy-led planning system, decision-makers are encouraged to go beyond these minimum standards to address matters of importance, unless doing so would conflict with any policy of this Plan." In short, while any major transit station area in the Greater Golden Horseshoe has to be developed at these minimum densities, resorting to these specific minimum standards requires justification through a comprehensive planning assessment and/or a more robust policy framework to support optimization of higher order transit infrastructure based on the bare minimum standards. We have no information on why this base line is thought to be the appropriate minimum level for the Keele-Finch area.



In our view, absent a compelling rationale or explanation for the use of the minimum densities, the Draft MTSA OPA has not demonstrated conformity with the Growth Plan (2019).

### ***Authorized Uses of Land***

Section 16(15)(b) of the *Planning Act* requires the identification of authorized uses of land in the major transit station area and of buildings or structures on lands in the area.

The Draft MTSA OPA provides no specifics, but merely states that the land use policies and development criteria of the Official Plan continue to apply.

It is not apparent to us that it is sufficient to simply defer the *Planning Act's* requirements to the City's parent Official Plan (and Secondary Plans) in this context. An official plan can be amended in the future, which may adversely impact the planning within the MTSA. An official plan amendment for a protected major transit station area is to be sent to the Minister for approval, while the City is the approval authority for most local official plan amendments in Toronto. Where a plan or amendment is sent to the Minister for approval it is immune from appeal and presumably achieves conformity with the Growth Plan and implements the Province's land use planning vision.

It is our understanding that the companion Draft Keele-Finch Secondary Plan exercise is intended to be approved by City Council, rather than being sent to the Minister for approval as was the case with the Yonge-Eglinton (OPA 405) and Downtown (OPA 406) Secondary Plans. The Draft Keele-Finch Secondary Plan contains policies dealing with authorized lands uses and development criteria for lands otherwise covered by the Draft MTSA OPA. The Draft Keele-Finch Secondary Plan will have an obvious, direct impact on the ability to achieve the Growth Plan policies for this MTSA.

By relocating the important considerations of authorized land uses and development criteria for buildings or structures from the protected major transit station official plan amendment to the City's Official Plan (including the Draft Keele-Finch Secondary Plan), the Draft MTSA OPA may be circumventing the Minister's role in approving policies related to transit-supportive growth around major transit station areas.

No rationale has been provided as to why this planning exercise has been bifurcated between the Draft MTSA OPA and the Draft Keele-Finch Secondary Plan. It is not apparent that there is a basis to proceed with the planning for this area in this manner.

It would be important to understand the background to these proposed policies to know whether City Staff has considered this jurisdictional question regarding the requirements of Section 16(15)(b) of the *Planning Act*.

### ***Minimum Densities***

Section 16(15)(c) of the *Planning Act* requires the identification of minimum densities applicable to buildings and structures on lands within a protected major transit station area.

The Draft MTSA OPA provides schedules showing such densities for lands in both the Keele-Finch Transit Station Area and the Sentinel Transit Station Area. However, there is no background information provided accompanying the Draft MTSA OPA to explain what is being proposed. This falls well short of the “very detailed implementation framework” that was referred to in the Chief Planner’s September 2019 report to the Planning and Housing Committee.

To the extent that an explanation of the minimum densities is to be found in the Draft Keele-Finch Secondary Plan, we repeat our concerns above regarding (a) the role of the Minister in approving protected major transit station area policies, and (b) the reliance on these *minimum* densities to implement the *minimum* residents and jobs per hectare targets, which may not address the Growth Plan’s encouragement to go beyond minimum standards and to optimize the use of land in built-up areas where significant public investment has been made in infrastructure and transit.

***Summary and Request for Notice***

In summary, there is not enough public information available to support the Draft MTSA OPA that has been released for comment, and as such in our submission the document is premature at this stage. Nevertheless, we have attempted to identify our preliminary concerns with the document based on the legislative and policy requirements of the *Planning Act* and the Growth Plan (2019). We would expect that the “very detailed implementation framework” that supports the draft amendment will be shared with the public in due course.

Please provide us with written notice of all Open Houses, Public Meetings, Committee Meetings, Council Meetings, reports, updates, and consideration of this matter. Our contact information is provided above and below.

Yours truly,  
Overland LLP



Per: Christopher J. Tanzola  
Partner

February 6, 2020

Mr. Matt Armstrong  
Planner  
Community Planning, North York  
North York Civic Centre  
5100 Yonge Street  
North York, Ontario M2N 5V7

Dear Mr. Armstrong,

**Re: *Keele Finch Plus Planning Draft Secondary Plan  
11 Catford Road & 20 Broadoaks Drive  
25 Broadoaks Drive & 3710 Keele Street***

---

As you know, we are planning consultants to the owners of lands noted above, located on the west side of Keele Street and south of Finch Avenue within the Keele Finch Plus Study Area.

This letter is a supplemental submission to our previous written submission dated October 9<sup>th</sup> and should be read in conjunction with a written submission made by Christopher Tanzola of Overland LLP in connection with comments dealing with a Draft Official Plan Amendment dealing with Protected Major Transit Station Areas.

This written submission complies with the deadline for comments on both draft Official Plan Amendments which were to be provided to the City of Toronto by February 6, 2020.

In terms of an overarching comment on the overall structure of the Draft Official Plan Amendment we make the following overall observations:

- The overall organization and arrangement of proposed maximum heights is based on the premise that the upper limit of heights should progressively decrease as a property is further away from the Keele Street and Finch Avenue West ("Keele/Finch") intersection;
- The upper limit of heights at Keele and Finch is inextricably tied to the airport operations designed to protect the operational needs of Downsview Airport;
- There is an evident pattern of decreasing height permission from the aforementioned upper limit at Keele and Finch.

The Draft Official Plan Amendment being advanced therefore works within these defined parameters to establish a height regime that uses this point of departure. We assume the proposed height limit of 25 metres applicable to our client's lands can be characterized as following the internal logic and structure of the Draft Official Plan Amendment to "Transition" from the upper limit established at Keele and Finch. We would however, simply observe that the proposed height limit of 25 metres proposed to be applied to our client's lands fails to "optimize" the potential of our client's lands in that they fail to, at the very least, take advantage of the planned right-of-way width of Keele Street at 36 metres, and would therefore not meet the full potential of a mid-rise building. This same point was further explained in our October 9, 2019 submission. In these circumstances, the internal logic of "Transition" may not conform with provincial direction to intensify in strategic growth areas and in particular where major transit areas are to be delineated for targeted growth.

We make the following submissions on other matters addressed in the Draft Secondary Plan:

1. Map 3 – Land Use – Keele Street frontage proposed to be designated "*Mixed Use Areas A*", internal lands proposed to be designated "*Apartment Neighbourhoods*" and central portion of site extending from Keele Street to Derrydown Road proposed to be designated "*Parks and Open Space Areas – Other Open Space Areas (Catford Neighbourhood District)*";
2. With specific regard to the width of the proposed *Mixed-Use Areas* designation, the apparent width of this proposed designation is shown on Map 3 as being thinner compared to the blocks north of Catford Road and south of Broadoaks Drive. There is no compelling reason for not adopting consistent depth of a proposed land use designation;
3. With specific regard to lands proposed to be designated Parks and Open Space Areas for the Catford Neighbourhood District block – the spatial extent of this proposed designation has been fundamentally altered as compared to the current Official Plan designation with a larger "flare" in land area as we move from east to west and is significantly larger approaching Derrydown Road. No rationale was provided in the Draft Official Plan Amendment for this additional proposed re-designation nor was there any response to the observations made in our October 9, 2019 regarding the historical circumstances surrounding the open space. We would observe that, although the lands are not proposed to be designated as "Parks", the inclusion of an expanded proposed "Parks and Open Space Areas – Other Open Space Areas" designation has the effect of designating these lands as a *de facto* Park without acknowledging the current ownership of these lands by our client and the historic manner in which they were made available for "Other Open Space" purposes. We would suggest that there are ample tools that would allow for additional mid-rise intensification to be accommodated along Keele Street for

the Catford Neighbourhood District while meeting the goals and objectives of the 'Other Open Space' land use designation, including providing opportunities for pedestrian connections between Keele Street and Derrydown Road and is explicitly stated in Policy 3.3.4 of the Draft Secondary Plan. We would also observe that the "site lines" between Keele Street and Bratty Road also noted in Policy 3.3.4 to be protected has not been clearly studied and no compelling rationale beyond the aforementioned desire to maintain a pedestrian connection;

4. For "Retail Required Areas" as identified on Map 5 of the Draft Secondary Plan and as described in Policy 4.3.3, it is our submission that this policy should be amended so that retail is encouraged rather than required. Given the presence of large format retailers in the immediate vicinity, it should be recognized that not all ground floor areas will have retail uses that will be occupied and be successful. In addition, an animated street frontage can be achieved through other means such as encouraging ground related units .

It is our client's intent to have discussions with City Planning including formal pre-application meetings for its lands culminating in filing development applications.

If you have any questions or would like to discuss any of this further, please do not hesitate to contact the undersigned or Daniel Rende of our office at 416-947-9744. For ease of reference, we have attached a copy of our letter dated October 9, 2019 hereto.

Yours truly,

**Bousfields Inc.**



Tony Volpentesta, MCIP, RPP

TJV/kah:jobs

cc: *Mark Pavkovic, James Bujak – NHD Developments Limited*  
*Christopher Tanzola - Overland LLP*

October 9<sup>th</sup>, 2019

Mr. Matt Armstrong  
Planner  
Community Planning, North York  
North York Civic Centre  
5100 Yonge Street  
North York, Ontario M2N 5V7

Dear Mr. Armstrong,

**Re: *Keele Finch Plus Planning Study and Proposed Secondary Plan  
11 Catford Road & 20 Broadoaks Drive  
25 Broadoaks Drive & 3710 Keele Street***

---

We are planning consultants to the owners of lands noted above, located on the west side of Keele Street and south of Finch Avenue within the Keele Finch Plus Study Area.

Further to our meeting held on July 29, 2019, the purpose of this letter is to provide comments with respect to the latest preferred concept (from the June 20, 2019 Open House) for the study area in relation to the subject sites.

Description of the Subject Lands

***Site 1: 11 Catford and 20 Broadoaks Drive***

- Just outside the Keele-Finch Node Boundary
- Easterly portion within Keele Corridor South
- SW portion of Finch West MTSA
- Proposed to be designated *Mixed Use Areas "A"* along Keele Street, *Apartment Neighbourhood* in the rear with the middle portion designated *Parks and Open Space Areas*
- Keele Street planned ROW 36 metres
- Proposed minimum height – 4 storeys (12 metres) along Keele and 2 storeys (6 metres) in the rear
- Proposed maximum height - mid-rise, maximum 25 metres

***Site 2: 25 Broadoaks Drive and 3710 Keele Street***

- Partially within Keele Corridor South
- SW portion of Finch West MTSA

- Designated *Apartment Neighbourhoods*
- Keele Street planned ROW 36 metres
- Proposed minimum height - 2 storeys (6 metres)
- Proposed maximum height – Mid Rise, 25 metres along Keele and Low Rise, 15 metres internal to the site

The subject sites are located within the Finch West Transit Station Area. We note that both sites are within 800 metres or less direct walking distance to the Finch West Subway Station and future LRT Stop. According to *A Place to Grow (2019)*, areas within this distance represent a 10-minute walk and will be delineated to create Major Transit Station Areas.

Furthermore, we note that the province's recently updated Growth Plan, *A Place to Grow (2019)*, stresses the importance of intensification and growth in strategic areas and areas with planned or existing higher order transit.

Specifically, Policy 2.2.1(2)c) states that "within settlement areas, growth will be focused in:

- i. delineated built-up areas;
- ii. strategic growth areas;
- iii. locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and
- iv. areas with existing or planned public service facilities;"

The Growth Plan defines *higher order transit* as:

*Transit that generally operates in partially or completely dedicated rights-of-way, outside of mixed traffic, and therefore can achieve levels of speed and reliability greater than mixed-traffic transit. Higher order transit can include heavy rail (such as subways and inter-city rail), light rail, and buses in dedicated rights-of-way.*

As noted above, the subject properties are located within future potential *Major Transit Station Areas* as they are all within 500 – 800 metres of the existing Finch West Subway Station and planned LRT stop at Finch Avenue and Keele Street.

Policy 2.2.4(2) of the Growth Plan states that these areas will be planned to maximize the number of transit users within walking distance of the station. Policy 2.2.4(3) states that MTSA's served by subway service will be planned for a minimum density of 200 residents and jobs per hectare.

We note that the Keele Finch Plus Study, specifically policy direction BT8, describes midrise buildings as approximately 35 metres for mixed use and residential and 37 metres for non-residential. The subject sites, as noted above, are identified as mid-rise sites by the study. Nonetheless, the study classifies mid-rise buildings into two categories with the first category up to height of 35 metres, generally located closer to the intersection of Keele Street and Finch Avenue West, and a second category up to a height of 25 metres. The subject sites are limited to maximum heights of 25 metres despite being identified as sites for “mid-rise” buildings.

Accordingly, we are of the opinion that full mid-rise potential should be accommodated subject to meeting the purpose and intent of the remaining built form policies (setbacks, angular planes, etc.) given its identification as a mid-rise site and location within a potential MTSA. In consideration of the applicable Growth Plan policies provided in this letter, which are a selection and not an exhaustive review, we are of the opinion that the current height limits within this study and specifically the height limits of mid-rise buildings do not achieve the planned function for MTSA as required by the Growth Plan and therefore does not optimize the potential of both sites to accommodate infill intensification.

In addition, we note that the Land Use figure attached to the Open House materials presented on June 20, 2019 identifies a portion of the 11 Catford Road/20 Broadoaks Drive property as “Parks and Open Space”. As you know, the City of Toronto Official Plan designates the portion of the Catford/Broadoaks site as “Other Open Space Areas (Including Golf Courses, Cemeteries, Public Utilities)” (Map 16). It should be emphasized that the lands in question designated as “Other Open Space” are owned by our client. As such, given the fact that that these lands are in private ownership, we would highlight and emphasize the direction and guidance provided in Section 4.3.7 of the Official Plan which states that “Parks and Open Space Areas that are privately owned are not necessarily open to the public nor intended to be purchased by the City. If an application is made to develop such lands and the City or a public agency does not wish to purchase these them to extend the public open space system, the application will be considered on the basis of its consistency with the policies of this Plan.” We would therefore request confirmation that the Keele Finch Plus Study does not propose to re-designate lands presently designated “Other Open Space” to “Parks”.

In dealing with the lands designated “Other Open Space”, it is important to note that since the date of construction of the two existing 9-storey buildings on site by our client in 1968, despite zoning for Open Space and the aforementioned “Other Open Space” designation, there is no existing agreement nor was there any prior agreement that these lands would forever remain zoned and designated to prevent any future redevelopment of these lands. Public planning documents demonstrate that this was specifically confirmed by the City of North York in the 1980s at the time a third building



was proposed for the site on the location of the existing open space, and it was confirmed again in the 1990s when a similar redevelopment proposal was advanced by the owner. It is for the foregoing reasons that our client would strongly oppose any change to the existing Official Plan designation that currently applies to the subject lands.

If you have any questions or would like to discuss any of this further, please do not hesitate to contact the undersigned or Daniel Rende of our office at 416-947-9744.

Yours truly,

**Bousfields Inc.**



Tony Volpentesta, MCIP, RPP

TJV/kah:jobs

*cc: Mark Pavkovic, James Bujak – NHD Developments Limited*



Overland LLP  
Christopher J. Tanzola  
Tel: (416) 730-0337 x. 112  
Direct: (416) 730-0645  
Email: ctanzola@overlandllp.ca

October 4, 2019

**VIA EMAIL**

Mayor John Tory and Members of City Council  
Toronto City Hall  
100 Queen Street West  
Toronto, ON M5H 2N2

**Attention: Matt Armstrong, City Planning Division**

Your Worship and Members of Council:

**RE: Keele Finch Plus Study / Secondary Plan  
3765-3777 Keele Street and 10 Lepage Court; 3885 Keele Street  
Submissions by NHD Developments Limited et al.**

We are the lawyers for NHD Developments Limited and Wedgewood Columbus Limited (together, "NHD et al.") with respect to the properties at 3765, 3771, and 3777 Keele Street and 10 Lepage Court on the east side of Keele Street, south of Finch Avenue West. We are also writing concerning 3885 Keele Street, which is owned by Joseph and Maria Rosa Cattana (collectively, the "Keele/Lepage Properties")

The Keele/Lepage Properties are currently used for retail, restaurant, and automotive uses including automobile storage and surface parking.

We have been monitoring the progress of the Keele Finch Plus Study and understand that City Staff will soon be presenting a draft Secondary Plan for consideration by North York Community Council.

The draft concept plan put forward through the Keele Finch Plus Study in 2018 shows the Keele/Lepage Properties with a mid-rise built form, which would appear to be supportive of a mixed-use redesignation for these lands given their location along Keele Street at the edge of the existing employment area and across the street from high-rise and mid-rise residential development. The concept plan shows a network of streets, parks and open spaces, and connections linking the two side of Keele Street and providing for finer grain connections within the lands that are currently composed of larger parcels and designated employment uses only, pursuant to their *General Employment* designation through Official Plan Amendment No. 231.

We agree that the area on the east side of Keele Street, south of Finch Avenue West, that includes the Keele/Lepage Properties would be appropriately redesignated for a mix of uses to take advantage of its proximity to existing higher order transit in the form of the new Finch West Subway Station and the future Finch Avenue West LRT and recognizing its proximity to the

residential uses that already exist on the west side of Keele Street and the retail/commercial uses that already occupy the site and that also exist in close proximity.

However, in the Interim Report, City Staff state that no lands use re-designations will be proposed through the Keele Finch Plus Study for employment lands, as such conversions are (were) required to take place through a Municipal Comprehensive Review. This was the case under the 2017 Growth Plan, then in effect.

The 2019 Growth Plan, now in effect, presents an opportunity for the conversion of employment lands in advance of a Municipal Comprehensive Review. The Keele/Lepage Properties are currently identified within the Provincially Significant Employment Zone (“PSEZ”) – “400 / 407 Keele Dufferin”. Submissions were made on behalf of NHD et al. to the Province on (Ontario Growth Secretariat) on February 28, 2019 regarding the designation of these properties, and others, within PSEZs. These submissions are attached to this letter. In addition, the Province has indicated that, after May 2, 2019, it will consider requests for reconsideration of the boundaries of designated PSEZs that are supported by local municipalities.

In that regard, we are requesting that the City lend its support to the removal of the Keele/Lepage Properties from the PSEZ and indicate such support to the Province. Such a position would be consistent with the work done on the Keele Finch Plus Study, which has identified opportunities on the east side of Keele Street for mixed-use development, as demonstrated by the draft concept plan, and which we anticipate will be supported by the framework of the draft Secondary Plan.

At the same time, we also ask the City to provide for mixed-use opportunities on the Keele/Lepage Properties through the Keele Finch Plus Study and the Secondary Plan exercise, and consider mechanisms by which these lands could be redesignated for a mix of uses that would support the overall vision of the area.

Please consider these submissions in your review of the Secondary Plan and please provide us with written notice of North York Community Council and City Council’s consideration of this matter, as well as any other reports, decisions, meetings, public meetings with respect to the Keele Finch Plus Study and Secondary Plan.

Yours truly,  
**Overland LLP**



Per: Christopher J. Tanzola  
Partner

Encl.  
c. Client  
K. Matsumoto (City Legal)  
J. Cantos (City Planning)  
Councillor J. Pasternak (Ward 6)  
Councillor A. Perruzza (Ward 7)



McCarthy Tétrault LLP  
PO Box 48, Suite 5300  
Toronto-Dominion Bank Tower  
Toronto ON M5K 1E6  
Canada  
Tel: 416-362-1812  
Fax: 416-868-0673

**John A.R. Dawson**  
Counsel  
Direct Line: (416) 601-8300  
Direct Fax: (416) 868-0673  
Email: jdawson@mccarthy.ca

*Assistant: Chiu, Stephanie Ying Hui  
Direct Line: (416) 601-7863*

February 28, 2019

**Via Email and Courier**

Ontario Growth Secretariat, Ministry of  
Municipal Affairs  
777 Bay Street  
c/o Business Management Division  
17th Floor  
Toronto, Ontario  
M5G 2E5

**Attention: Charles O'Hara**

Dear Sirs/Mesdames:

**Re: EBR Postings O13-4504 and O13-4506  
Proposed Amendments to the Growth Plan for the Greater Golden Horseshoe,  
2017 (the "Growth Plan")**

We are the solicitors for NHD Developments Limited ("NHD"), which itself or associated companies therewith owns well over 100 properties located within employment areas across the Greater Golden Horseshoe, as well as properties outside such areas. Our clients are particularly concerned with the proposed new policies respecting employment areas, and would therefore like to offer the following comments:

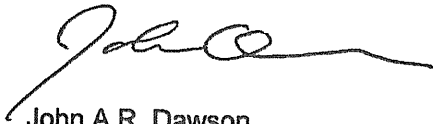
1. In no circumstance should the boundary of any proposed "provincially significant employment zone" be extended beyond those forming the basis for this consultation. Landowners on both sides of such a boundary should be afforded a fair opportunity to make representations on the merits (or lack thereof) of any such identification, and the possibility of shifting boundaries would mean that is not possible.
2. The identification of "provincially significant employment zones" ("Identification") is premature until, at the very least, the policies within the Growth Plan respecting employment areas and employment uses otherwise are finalized so the implications of Identification can be assessed.
3. There should be a transparent process which is fair to affected owners by which the basic nature of uses within a potential provincially significant employment zone can be understood prior to Identification. Growth Plan policies provide direction respecting the relationship between contaminant-emitting industries and other employment uses as well as sensitive uses and basic fairness requires that affected owners be able to understand

the potential issues and make representations on the appropriateness of any proposed Identification. As an example of this concern, our client owns a property at 2025 – 2087 Dundas Street East, Mississauga, located just to the east of land proposed to be Identified. NHD would submit that, in order to properly acknowledge the nature of the Dundas Street corridor including NHD's property, the Dundas Street frontage should not be used by contaminant-emitting industries. However, if those lands are Identified now NHD will not know whether this will prove to be the case and thus how its lands would be affected.

4. Provincially significant employment zones should not be identified in the absence of a review which assesses the impacts on surrounding properties and neighbourhoods. One can envision that in the lower intensity context of some suburban locations the potential for impacts may be low and Identification might proceed on the basis of a relatively high level analysis. However, in more intensely used urban areas such as Mississauga or Toronto a sufficient analysis will require a more detailed review of a number of matters typically including, but not limited to, such matters as physical impacts on proximate properties and the consequential implications for achieving Growth Plan targets and forecasts, area-wide servicing and the operation of the entire local road network (i.e. not just adjacent highways). For example, associated companies to NHD own properties at 5200 Dixie Road in Mississauga and 3765-3777 Keele Street and 10 LePage Court in Toronto which are within corridor areas and have attributes which make them suitable for mixed-use intensification. We submit that these properties would, on a closer review, not merit Identification.

NHD and associated companies thereto owns 84 separate properties on which the proposed amendments to the Growth Plan would result in Identification, so these proposals directly and significantly affect its interests. We respectfully request the opportunity to meet with staff of the Minister, Growth Secretariat or Ministry in order to discuss these concerns. Please do not hesitate to contact us in that regard. Thank you for your kind consideration.

Yours truly,



John A.R. Dawson

JAD