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June 18, 2020
File No.: 146849.1001

By E-mail

Scarborough Community Council
City of Toronto
Scarborough Civic Centre
150 Borough Drive, 3rd Floor
Toronto, ON, M1P 4N7

Attention: Carlie Turpin, Secretariat

Dear Sirs/Mesdames:

**Re: Golden Mile Secondary Plan Study – Status Report
Item SC15.1: June 19, 2020 Scarborough Community Council
Meeting
1891 Eglinton Avenue East**

We are counsel for 2004085 Ontario Inc., the owner of the property municipally known in the City of Toronto as 1891 Eglinton Avenue East (the "**Property**"). A portion of the Property is located within the Golden Mile Secondary Plan ("**GMSP**") study area.

We have reviewed the Golden Mile Secondary Plan Study – Status Report (May 27, 2020), including the proposed GMSP policies.

Please find enclosed herewith a Memorandum prepared by Bousfields Inc. setting out our client's concerns with the proposed GMSP policies.

If you have any questions please do not hesitate to contact the undersigned.

Yours truly,



For: Calvin Lantz

CWL/ko

cc. Client
Lindsay Dale-Harris, *Bousfields Inc.*



BOUSFIELDS INC.

June 19, 2020 %

Project No. 1984

SENT VIA EMAIL: scc@toronto.ca

City of Toronto
Scarborough Civic Centre
150 Borough Drive, 3rd Floor
Toronto, ON, M1P 4N7

Attention: Carlie Turpin, Secretariat

**Re: Golden Mile Secondary Plan Study
Item SC15.1: June 19, 2020 Scarborough Community Council
Meeting
1891 Eglinton Avenue East (the "subject site")**

As you are aware, we are the planning consultants to 2004085 Ontario Inc. (the "owner") with respect to the above-noted site. The subject site is located at the southeast corner of Eglinton Avenue East and Pharmacy Avenue; the intersection location of the planned "Pharmacy" Crosstown LRT station. Please accept the following commentary regarding the Golden Mile Secondary Plan Study and make it available to Scarborough Community Council members prior to the June 19, 2020 Community Council meeting.

An Official Plan Amendment application (the "Application") on the subject site was filed with the City on June 19, 2020, which proposes to redevelop the northerly portion of the subject site, lands which are designated *Mixed Use Areas*, with a mixed use, transit oriented development comprised of new public and private streets, new public parkland, and residential uses with retail and office uses.

Prior to filing the Application, our client had met with City staff and attended a City-led open house (March 9, 2020). Further, and on behalf of our client, we submitted a letter to Community Planning, dated February 20, 2020, which detailed our requested revisions to the draft Golden Mile Secondary Plan ("GMSP") (**Attachment 1**).

We have now reviewed the most recent version of the draft GMSP made available to the public on June 5, 2020. Please find below our comments on the proposed draft mapping and policies. Many of our comments are consistent with those provided to Community Planning on February 20, 2020, as set out in **Attachment 1** to this letter.

Comments on Maps

- **Map 45-5, Development Density and Map 45-13, Building Types and Heights in Character Areas (and Policy 7.30)**

The *Mixed Use Areas* portion of the subject site is limited to a maximum FSI of 3.2 FSI and maximum building heights of 30 and 20 storeys.

First, it is our opinion that this density and height does not optimize the use of the land and infrastructure and is not based on a built form analysis/block plan for the subject site. Further, as the northerly portion of the subject site is located adjacent to lands designated *Mixed Use Areas* (lands which are contemplated for mixed-use development through the GMSP) and *General Employment Areas*, and as the closest low-rise residential area (designated *Neighbourhoods*) is over 100 metres away, there can be no adverse impact on existing, low density development.

Secondly, given the subject site's location within a Major Transit Station Area (MTSA), as defined by the 2019 Growth Plan, and given the absence of any sensitive land uses in the vicinity, there is no basis for the GMSP to conclude that the height and density as identified on the draft maps are appropriate. This arbitrary establishment of a maximum height limit has not been based on a thorough review of built form impacts.

- **Map 45-16, Conceptual Community Services & Facilities Map (Non Statutory)**

The Eglinton/Pharmacy intersection is identified as a Child Care Priority Area. In our opinion, this designation which is simply provided at every planned LRT station stop, is too broad to be of any assistance. The preferred location for Child Care Priority Areas should be identified through consultation with landowners and when site-specific development applications are filed with the City and the need for all community benefits is identified and balanced.

- **Map 45-6, Public Realm Plan**

The northwest corner of the subject site is identified as a location for potential POPS/Public Art, as are the lands surrounding each LRT station stop. In our opinion, the inclusion of a POPS space on a site and its location should be determined through site-specific development applications which may conclude that having an open space area (such as a POPS space) directly fronting onto busy arterial roads may not be desirable.

- **Map 45-11, Building Setbacks (and Policy 7.10)**

Map 45-11 and corresponding Policy 7.10 are too prescriptive and flexibility in the policy language should be provided.

Map 45-11 specifies that a 6.0-metre setback is required from all edges of the public park (Pharmacy-Eglinton Park [P4]). It is unclear in the GMSP the basis

for requiring 6.0 metres. Elsewhere in Toronto, less than 6.0 metres between a building face and a public park has been approved and appropriate public realm conditions have resulted.

With respect to the proposed 3.0-metre building setback along public streets (Eglinton Avenue East and Pharmacy Avenue), while we are not opposed to such a setback, the details of this should be determined through site-specific development applications as all properties within the GMSP having varying characteristics. We suggest that the word "generally" be added to Policy 7.10, which would provide flexibility in design.

- **Map 45-12, Base Building Heights (and Policy 7.26)**

The prescribed base building heights on Map 45-12 and corresponding Policy 7.26 are too prescriptive and greater flexibility in the policy language should be provided.

As the planned Eglinton Avenue East right-of way is 43 metres, heights greater than 6 storeys for base buildings may be appropriate adjacent to Eglinton Avenue East. This determination should be made when evaluating individual development applications.

Nonetheless, in the absence of detailed design reviews on a site by site basis, capping the maximum base building height adjacent to public streets in an official plan document is overly strict and may hinder the creativity in architectural design that should be encouraged within the Golden Mile area.

Comments on Policies

- **Policy 6.16**

While the Application submitted provides for a public park in the conceptual location shown on Map 45-6 (Pharmacy-Eglinton Park [P4]), the proposed size of the park differs from that specified in Policy 6.16.

The current version of the draft GMSP specifies a minimum park size of 3,692 square metres; how this very precise number can be determined at the Secondary Plan stage is not clear. While the Application submitted does propose a park of 2,823 square metres, this area has been determined in accordance with applicable and enforce Official Plan policies with respect to the provision of parkland on individual applications.

We also note that the establishment of precise park sizes within the GMSP is premature given the forthcoming Community Benefits Charge (CBC) introduced by Bill 108 in June 2019 which will consolidate Section 37

contributions and parkland dedication charges. As part of the CBC and Bill 108, the alternative parkland rates beyond 2% of the land for non-residential uses and 5% for residential uses have been removed. The draft GMSP should address these anticipated amendments.

- **Policies 7.26, 7.30, 7.44**

As identified in our February 20, 2020 letter, the GMSP's built form policies are, in our opinion, overly prescriptive. Matters related to building height (e.g. Policy 7.30), podium height (e.g. Policy 7.26), step backs (e.g. Policy 7.44(c)), floor plate (e.g. Policy 7.44(d)), building separation (e.g. Policy 7.44(e)), among other matters, are already addressed in the City's Tall Building Guidelines and Mid-rise Building Design Guidelines. We would suggest that such detailed numerical standards are best established in implementing zoning by-laws, depending upon individual site and context plan circumstances. Official Plans should provide for greater flexibility, and set out the planning and urban design basis for the built form policies – not the mathematical calculation.

- **Policies 7.49, 7.50 and 7.51**

We recommend the inclusion of the word "generally" in these policies as they are too prescriptive as currently written. We note that the recently approved TO Core policies with respect to shadowing now refer to "adequately limiting shadow" at certain times of the day on parks, school yards and sidewalks which provides the opportunity to evaluate the shadow impact – rather than simply requiring no shadow for certain periods of time.

- **Policy 4.5**

The northerly portion of the subject site is located within the Mixed Use Transit Nodes. Policy 4.5 provides that a minimum of 10 percent of the gross floor area of the development will be provided as non-residential uses. The amount of non-residential gross floor area for the northerly portion of the subject site was established through the City's previous MCR, which resulted in Site and Area Specific Policy (SASP) 435. We see no basis for the proposed changes to the existing non-residential provisions which have only recently been approved for the subject site.

- **Policy 13.9**

It appears that the draft GMSP has not been updated to reflect the pending *Planning Act* amendments (Bill 108) despite the inclusion of Policy 13.9. For example, Map 4 identifies a number of new park locations which are greater than 5 percent of the developable lands. It is anticipated that Bill 108 will repeal the alternative parkland conveyance provisions and require that parkland be

considered as just one of the community benefits identified in a community benefits by-law. If parkland well in excess of 5% is required, other community benefits (such as a day care) may not be secured.

- **Policy 9.2**

Policy 9.2(b) provides that development containing more than 80 new residential units will include larger units as follows: b) an additional minimum of 25 percent of the total number of units will have at least 2-bedrooms. The City-wide Growing Up Guidelines which have been endorsed by Council provide that as an overall objective, a minimum of 15 percent 2-bedroom units should be provided in new multi-unit developments. It is not clear on what basis the GMSP should be treated differently.

- **Policy 10.5**

Policy 10.5, among others, would provide that development may be requested to contribute to the delivery of community service facilities in a number of ways. However, it is unclear through what mechanism these contributions would be provided and under what conditions. We note that in future, community services and facilities in the future, are intended to be addressed through the community benefits by-law.

- **Policy 13.21**

In our opinion the Holding Provisions set out in Policy 13.20 include matters which lie well outside the ability of any individual landowner, or group of landowners to address. We note that the Eglinton Crosstown is being extended to this area, a major transit infrastructure investment by all three levels of government, and would suggest that the policies should include ways in which this transit infrastructure can be optimized, not identify ways other higher order transit priority measures can be used to restrict development.

We trust that the foregoing comments are of assistance in refining the proposed draft policies and mapping. Should you have any questions, please do not hesitate to contact the undersigned.

Yours very truly,

Bousfields Inc.



Lindsay Dale-Harris, FCIP, RPP



Stephanie Kwast, MCIP, RPP %



BOUSFIELDS INC.

ATTACHMENT 1 (

February 20, 2020 !

Project No. 1984

Emily Caldwell, MPL, MCIP RPP
(Acting) Senior Planner
Community Planning, City Planning Division
Scarborough Civic Centre
150 Borough Drive, 4th Floor
Toronto, ON, M1P 4N6

Dear Ms. Caldwell:

**Re: \$ *Draft Golden Mile Secondary Plan*
*1891 Eglinton Avenue East (the "subject site")***

As you are aware, we are the planning consultants to 2004085 Ontario Inc. with respect to the above-noted matter. The subject site is located at the southeast corner of Eglinton Avenue East and Pharmacy Avenue; the intersection where the future "Pharmacy" Crosstown LRT station will be located.

At this time, a development application for the subject site has not been filed with the City. However, a preconsultation meeting has been held with planning staff, a checklist received and the required studies initiated. The owner is intending to submit a zoning by-law amendment application for a mixed-use development on their completion.

Through various appeals and approvals for OPA 231, the northerly portion of the subject site was designated *Mixed Use Areas* (Site and Area Specific Policy (SASP) 435) which permitted the development of the *Mixed Use Areas* for residential uses subject to the provision of office space having a minimum gross floor area ("GFA") of 6,000 square metres or 5% of the total GFA of residential uses, whichever is smaller. The southerly portion of the subject site remained designated *General Employment Areas*.

Site-specific Zoning By-law 363-2010(OMB) applies to the subject site. This By-law zones the subject site ME (Mixed Employment) which permits a variety of employment uses including general industrial, offices, educational uses, hotels, places of entertainment, games arcades, restaurants, personal service shops, retail stores and ancillary open storage and recreational uses. The maximum gross floor area of all buildings on the site is 0.4 times the lot area and the maximum gross floor area of all retail stores, financial institutions, personal service shops, restaurants and places of entertainment is 16,260 square metres. No residential uses are permitted in ME zones.

The *Mixed Use Areas* portion of the subject site (northerly portion) is within the Golden Mile Secondary Plan (GMSP) Study area boundaries and is separated from the southerly portion of the subject site by a proposed public street.

In the Proposals Report, the northerly portion of the subject site is located within the West District (Map 2) and within Character Area 2: Mixed Use Transit Nodes (Map 3). In addition to the proposed public street that separates the northerly and southerly portions of the site, two new conceptual streets are shown within the *Mixed Use Areas* designation, and a new park is shown adjacent to Eglinton Avenue East, directly east of the subject site (Map 4). The northerly portion of the subject site is permitted a maximum 3.2 FSI (Map 5), and a maximum height of 30 storeys, although a small sliver fronting the new east-west public street is restricted to 25 storeys (Map 13). The Eglinton/Pharmacy intersection is identified as a Child Care Priority Area (Map16).

We have now had the opportunity to review the draft Secondary Plan (“the Plan”), and have a number of broad and specific concerns, which are described below.

1. ! Density

The *Mixed Use Areas* portion of the subject site limited to a maximum FSI of 3.2 FSI (Map 5). In our opinion, this density does not optimize the use of the land and infrastructure is not based on a built form analysis/block plan for their subject site. There is no basis for the Plan to conclude that this density optimizes the use of the land given its location within a Major Transit Station Area (MTSA) as defined by the 2019 Growth Plan.

2. ! Height

The northerly portion of the subject site is permitted a maximum height of 30 storeys while a small sliver of land fronting the new east-west public street is restricted to a maximum height of 25 storeys (Map 13). The Plan fails to demonstrate why greater tower and base building heights would not be appropriate. This arbitrary establishment of a maximum height limit has not been based on a thorough review of built form impacts, which would include the preparation of Wind Studies, Shadow Studies, etc.

3. ! Built Form Provisions

Further, the Plan’s built form policies are, in our opinion, overly prescriptive Matters related to building height (e.g. Policy 7.29), podium height (e.g. Policy 7.25 which refers to Map 12), step backs (e.g. Policy 7.43(c)), floor plate (e.g. Policy 7.43(d)), building separation (e.g. Policy 7.43(e) and Policy 7.44(d)), among other matters, are already addressed in the City’s Tall Building Guidelines and Mid-rise Building Design Guidelines and in Council recommended OPA 380. We would suggest that such detailed

numerical standards are best established in implementing zoning by-laws, depending upon individual site and context plan circumstances. Official Plans should provide for greater flexibility, and set out the planning and urban design basis for the built form policies – not the mathematical calculation.

4. ! Shadow Impact

Policy 7.46 provides policies with respect to development limiting shadow impact. We note that the recently approved TO Core policies with respect to shadowing now refer to “adequately limiting shadow” at certain times of the day on parks, school yards and sidewalks which provides the opportunity to evaluate the shadow impact – rather than simply requiring no shadow for certain periods of time.

5. ! Childcare Priority Area

The Eglinton/Pharmacy intersection is identified as a Child Care Priority Area (Map16). In our opinion, this designation is too broad and is provided at every future LRT station stop. The preferred location for Child Care Priority Areas should be identified through consultation with landowners and when site-specific development applications have been filed with the City and the need for all community benefits identified and balanced.

6. ! Bill 108 Provisions

It appears that the draft Secondary Plan has not been updated to reflect the pending *Planning Act* amendments (Bill 108) despite the inclusion of Policy 13.8. For example, Map 4 identifies a number of new park locations which are greater than 5 percent of the developable lands. It is anticipated that Bill 108 will repeal the alternative parkland conveyance provisions and require that parkland be considered a just one of the community benefits identified in a community benefits by-law. If parkland well in excess of 5% is required, other community benefits (such as day care) may not be secured. The draft Secondary Plan should be address these anticipated amendments.

7. ! Non-Residential GFA requirements

The northerly portion of the subject site is located within Character Area 2: Mixed Use Transit Nodes. Policy 4.5 provides that a minimum of 10 percent of the gross floor area of the development will be provided as non-residential uses. The amount of non-residential gfa was required through the approval of OPA 231 and SASP 435. We note that OPA 231 has yet to receive final approval. We can see no basis for the proposed changes to the existing non-residential provisions which have only recently been approved.

8. ! Approval Linkeed to Transit Infrastructure

Policy 4.13 provides that in no event will a development proposed be approved that... [criteria listed in a) and b)]. Clarity around what "approved" means is required. With respect to a) we question what is actually meant by transit infrastructure – is this the still to be completed Eglinton Crosstown, the capacity of the trains on the Crosstown, the signal timing on the Crosstown – or some other transit network. We also question the inclusion of built form policies and transit policies in the same sub-paragraph.

9. ! Requirements for Two bedroom units above City-wide Guideline

Policy 9.2(b) provides that development containing more than 80 new residential units will include larger units as follows: b) an additional minimum of 25 percent of the total number of units will have at least 2-bedrooms. The City-wide Growing Up Guidelines which have been endorsed by Council provide that as an overall objective, a minimum of 15 percent 2-bedroom units should be provided in new multi-unit developments. It is not clear on what basis the Golden Mile should be treated differently.

10. Provision of Community Benefits

Policy 10.5, among others, would provide that development may be requested to contribute to the delivery of community service facilities in a number of ways. However, it is unclear through what mechanism these contributions would be provided and under what conditions. We note that in future, community services and facilities in the future, are intended to be addressed through the community benefits by-law.

11. Basis for determining Adequacy of Infrastructure

It is not clear on what basis development applications will be required to demonstrate that there is "adequate transportation, servicing and community infrastructure capacity within the broader Golden Mile area (*not defined*) to accommodate the proposed level of intensification in the context of existing and proposed development." (Policy 13.1)

12. Sequencing Provisions

Policy 13.5 provides that development shall be sequenced to ensure appropriate transportation and municipal servicing infrastructure and community services and facilities are available to service development. Clarity is required as to how the City intends to control the sequencing of development within the Golden Mile area.

13. Requirement for Dedication of easements and Public Realm Improvements

It would appear that the requirements set out in 13.6 give the City the right to, effectively, expropriate land at no cost and to require the provision of

public realm enhancements at no cost to the City. While these public realm improvements are important, we would suggest that there should be some consideration of the owner's contribution to the overall community benefits, either through Section 37 provisions or through the community benefits by-law. While Policy 13.8 states that policies that address the provision of community benefits are to be read within the context of the Planning Act, exactly what constitutes a community benefit in the mind of the drafters of the Secondary Plan is not clear.

14. Holding Provisions – Transit Priority Measures

In our opinion the Holding Provisions set out in Policy 13.20 include matters which lie well outside the ability of any individual landowner, or group of landowners to address. We note that the Eglinton Crosstown is being extended to this area, a major transit infrastructure investment by all three levels of government, and would suggest that the policies should include ways in which this transit infrastructure can be optimized, not identify ways other higher order transit priority measures can be used to restrict development.

15. Holding Provisions Requirement for Non-Residential Floor Area

As noted, the requirement for the provision of non-residential floor area is set out in SASP 435. There should be no additional requirements regarding the provision of non-residential gross floor area as provided for in Policy 13.20 (d)

It is our opinion that the proposed Secondary Plan in its current form would not be consistent with the 2014 Provincial Policy Statement ("PPS") and would not conform with the 2019 Growth Plan or the City of Toronto Official Plan, both of which contain a number of policies that seek to optimize the use of land and infrastructure and to promote intensification and compact built form, particularly in areas well served by higher order public transit. In our opinion, the proposed Golden Mile Secondary Plan contains prescriptive limitations on density, in particular, which are contrary to those policy directions.

If you require any clarification or wish to discuss these matters further, please do not hesitate to contact me or Stephanie Kwast of our office.

Yours very truly,

Bousfields Inc.



Lindsay Dale-Harris, FCIP, RPP !