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July 16, 2020

Our File No.: 182913

Via Email

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

Attention: Carlie Turpin

Dear Sirs/Mesdames:

Re: Item No. SC16.3 -- Golden Mile Secondary Plan -- Final Report

We are solicitors for Eglinton Warden Developments Limited, 20 Ashtonbee Holdings Limited and 1920 Eglinton Avenue Holdings Limited, who are the owners of the properties known municipally in the City of Toronto as 880-900 Warden Avenue, 20-50 Ashtonbee Road and 1920-1940 Eglinton Avenue East (the “**Properties**”). We are writing on behalf of our clients to request that Scarborough Community Council (“**SCC**”) **defer any decision** regarding the draft Golden Mile Secondary Plan (the “**Draft Plan**”).

Our clients still has significant concerns in respect of the Draft Plan, as do many other landowners with significant holdings within the boundaries of the Draft Plan. It is clear those concerns will not be resolved at this statutory public meeting or before City Council considers the Draft Plan at its meeting scheduled to commence on July 28, 2020. However, there are ongoing discussions occurring with City staff and a deferral would allow those discussions to continue in an effort to achieve resolution.

As you know, this planning process started in 2016 for this portion of the Eglinton Crosstown, where billions have been invested in construction of this significant infrastructure. A decision to adopt the Draft Plan now will result in appeals of the Draft Plan to the Local Planning Appeal Tribunal (“**LPAT**”) by our clients, as well as many other landowners, leading to a lengthy LPAT hearing process regarding the Draft Plan. This would mean the Eglinton Crosstown would open adjacent to single-storey shopping facilities with considerable delay in achieving meaningful transit-oriented development.

There is also little benefit in moving forward with such an appeal process for the Draft Plan at this time. As recently confirmed by LPAT, the landowner appeals of their site-specific official plan amendment applications will proceed in advance of any LPAT hearing regarding the Draft Plan



and without reference to the Draft Plan. The result would be site-specific exceptions to the Draft Plan or individual site and area specific policies, as opposed to a planning document with an overall vision for the area. We question the need to adopt the Draft Plan now, when any such decision will be appealed to LPAT by many landowners and essentially left at LPAT for years and with little ultimate relevance.

In the event that SCC does not defer this item, please find attached previous correspondence from our client provided to SCC regarding the Draft Plan. We are attaching this correspondence to ensure it is before SCC as part of the statutory public meeting.

We would appreciate receiving notice of any decision made in respect of this matter.

Yours truly,

Goodmans LLP

A handwritten signature in blue ink, appearing to read "DB/Client".

David Bronskill

DB/

cc: Client

7074930

June 18, 2020

Our File No.: 182913

Via Email: scc@toronto.ca

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

Attention: Carlie Turpin

Dear Sirs/Mesdames:

Re: Item No. SC15.1 – Golden Mile Secondary Plan Study

We are solicitors for Eglinton Warden Developments Limited, 20 Ashtonbee Holdings Limited and 1920 Eglinton Avenue Holdings Limited, who are the owners of the properties known municipally in the City of Toronto as 880-900 Warden Avenue, 20-50 Ashtonbee Road and 1920-1940 Eglinton Avenue East, (the “**Properties**”).

We are writing to indicate our clients’ ongoing and significant concerns in respect of the draft Golden Mile Secondary Plan (the “**Draft Plan**”) that has been released and will be considered at a statutory public meeting to be held on July 17, 2020. Our clients hope to have additional meetings with City staff in advance of this statutory public meeting, but we are writing to Scarborough Community Council now to indicate that our clients will have no choice but to appeal the Draft Plan unless significant revisions are made before it is considered by City Council.

Given the significant opposition from landowners within the boundaries of the study area and the submission of site-specific official plan amendment and/or rezoning applications, it may be prudent for Scarborough Community Council to defer consideration of this matter and direct City staff to engage in working groups or formal mediation sessions to see if issues can be resolved without the need for appeals.

Background

The Properties are located at the northwest corner of Eglinton Avenue East and Warden Avenue, comprising three properties with a combined area of approximately 8.9 hectares (19.7 acres). The Properties are currently occupied by a number of commercial buildings, including a five-storey office building at the immediate northwest corner of Eglinton Avenue East and Warden Avenue, restaurant uses fronting on Warden Avenue, and three additional commercial buildings occupied

by a variety of retailers. The existing development effectively rings the Properties on all road frontages with a large interior area for surface parking.

In February 2019, our clients filed an official plan amendment application (the “**Application**”) to propose a policy framework to enable the redevelopment of the Properties as a mixed-use community with office/employment, commercial and residential uses. Our clients believe that the Application presents a desirable and appropriate approach to the intensification of these under-utilized lands along a major arterial road system and LRT transit corridor. Overall, the Application would introduce a new site and area-specific policy for the Properties to guide future redevelopment, including the provision of new public and private streets, new development blocks, and significant private open space.

Our clients subsequently appealed the Application to the Local Planning Appeal Tribunal, meaning that any consideration of the appropriate policies for the Properties would be resolved through this appeal and not through the Draft Plan. However, our clients would prefer to work collaboratively with the City to resolve outstanding issues rather than proceed with the appeal.

Summary of Concerns

Our clients have a number of outstanding concerns with respect to the Draft Plan. These concerns relate to matters such as height, density, road network, public park location, the use of mandatory language, and overly prescriptive built-form policies, among other matters. Although our clients understand that the details of the Draft Plan will be considered at the upcoming statutory public meeting, please find attached a detailed review of the Draft Plan by our clients’ planning consultant. We believe it could serve as a basis for a mediation or working group process.

We would appreciate receiving notice of any decision made in respect of this matter.

Yours truly,

Goodmans LLP



David Bronskill
DJB/

cc: Client

June 18, 2020

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
880-900 Warden Ave., 20-50 Ashtonbee Rd. & 1920-1940 Eglinton Ave. E.

We are the planning consultants to Eglinton Warden Developments Limited, 20 Ashtonbee Holdings Limited and 1920 Eglinton Avenue Holdings Limited, owners of the above-referenced properties located at the northwest corner of the Eglinton/Warden Avenue intersection. 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.

Our clients have been active participants in the Golden Mile Secondary Plan Study process to date, including making submissions directly to Planning staff and participating in stakeholder consultation and public meetings. A copy of our most recent submission to Community Planning, dated February 27, 2020, detailing our requested revisions to the Secondary Plan is attached hereto.

On behalf of our clients, we have reviewed the most recent version of the draft Secondary Plan made available to the public on June 5, 2020. We want to thank Community Planning for their stakeholder engagement activities and appreciate the recent changes to the following policies: 3.5, 3.9, 4.13, 4.14, 5.2, 6.5, 6.9(b), 6.27, 7.2, 7.13, 7.15, 7.16 and 7.44(b).

Throughout the process, we have stressed our concern with the detailed nature of the draft Secondary Plan, including 56 pages of text and 18 maps. While we appreciate the degree of complexity is unavoidable given the scope and scale of the Secondary Plan, a simplification of the document and, in particular, the elimination of certain numerical standards, except where necessary, would result in a plan that allows for greater flexibility in implementation and prevent the need for future site-specific Official Plan Amendments simply to adjust a standard that would be better set out in a guideline and implemented as a zoning regulation (e.g. setbacks, tower setbacks, etc.).

For context, our clients filed an Official Plan Amendment application on February 15, 2019, covering the above-noted properties, to permit a mixed-use redevelopment comprised of mid- and high-rise buildings. The application has since been appealed to the Local Planning Appeal Tribunal and a hearing has yet to be scheduled.

We wish to provide the following comments on the proposed draft mapping and policy language. Many of our comments are consistent with those provided to Community Planning in our February 27, 2020 letter.

COMMENTS ON MAPS

- Map 45-5, Development Density: One of our most significant concerns relates to the gross density shown on Map 45-5, together with the maximum heights shown on Map 45-13. These lands represent an important opportunity to redevelop large underutilized parcels of land within a new community that is in immediate proximity to higher-order transit and without any adjacencies to sensitive land uses such as low-rise *Neighbourhoods*, an unusual if not unique circumstance in the City of Toronto. The lands are currently occupied by successful retail uses; as a result, the permitted densities need to create the incentive for change to occur, while providing for a realistic 25-year development horizon.

A preliminary study undertaken for our clients demonstrated that a density of approximately 3.9 FSI could reasonably be achieved on these lands in general accordance with the City's urban design guidelines and the proposed Secondary Plan policies.

- Map 45-6, Public Realm Plan: We continue to take issue with the general location of Park P6 (Hakimi Park) delineated on Maps 45-4, 6, 11, 12, 14 and 16. While the exact location of the park is conceptual, the exact size has been prescribed in this most recent version of the Secondary Plan by Policy 6.18, as later discussed in this letter. In our opinion, the park would provide greater connectivity if it were narrowed and extended north to Ashtonbee Road (similar to Park P5).

Doing so would achieve two goals. First, it would improve the size of the development blocks along Eglinton Avenue in proximity to the Warden and Ashtonbee LRT stops, consistent with the Provincial direction to maximize "the number of potential transit users that are within walking distance" of higher order transit. Second, a linear park generally spanning from the future LRT stop at Warden/Eglinton Avenue intersection to Centennial College would result in a desirable pedestrian link and a significant opportunity for a new public space. In our opinion, having playfields or other green space directly fronting onto a busy street is not generally desirable, whereas creating a strong active retail frontage along Eglinton is desirable.

- Map 45-11, Building Setbacks: Building setbacks required by Map 45-11, together with implementing Policy 7.10, are, in our opinion, overly prescriptive and are an example of a policy approach that could trigger an Official Plan Amendment simply to require a setback to accommodate a positive design element. While we are not opposed in principle to the proposed 3.0 metre building setback along the public streets within our clients' lands, the addition of the word "generally" to Policy 7.10 (i.e. "Development will generally provide...") would add a modest and desirable degree of flexibility.

In contrast, we object to the proposed 6.0 metre setback from Parks. In our experience, park setbacks generally range from 3-5 metres outside of the *Downtown*. In the absence of a demonstrated need for a greater setback, it would be desirable to reduce the required setbacks given the overarching policy direction to optimize the use of land and infrastructure.

- Map 45-12, Building Setbacks: The base building heights shown on Map 45-12 and required by Policy 7.36 (previously Policy 7.35) are overly prescriptive. Through this most recent version of the draft Secondary Plan, the location of base building heights has been expanded to additional locations, including the edges of Park P6 (Hakimi Park) on our clients' land.

Applied rigidly, together with the building setbacks shown on Map 45-11, the base building heights could limit creativity in the use of massing and architectural elements, particularly along streets and parks, which are shown to have a minimum of 3 and a maximum of 4 storeys. The addition of the word "generally" in Policy 7.36 (i.e. "generally in accordance with ...") would add a modest and desirable degree of flexibility, with the City retaining full review through the rezoning and Site Plan Approval processes.

- Map 45-13, Building Types and Heights in Character Areas: As previously mentioned, one of our most significant concerns relates to the maximum permitted heights shown on Map 45-13, together with the gross densities shown on Map 45-5. These lands represent an important opportunity to redevelop large underutilized parcels of land within a new community in immediate proximity to higher-order transit.

On Map 13, we would request that the lands along the Eglinton Avenue frontage allow for heights of up to 40 storeys, as per our clients' appealed Official Plan Amendment package, rather than up to 30 storeys, which would allow greater flexibility for a landmark tower at the corner of Warden and Eglinton and provide a catalyst for the evolution of the area.

COMMENTS ON DRAFT POLICIES

In addition to the comments set out above, we wish to provide the following comments regarding specific proposed policies:

- Policy 4.5: While we appreciate the wording changes made to this policy to date, we are concerned about the rigidity of the requirement to provide 10% of the gross floor area of each development as non-residential uses. The future of non-residential real estate is uncertain at this time and could result in the underutilization of non-residential spaces within the Secondary Plan area. The substitution for the word “provide” with “encourage” in Policy 7.5 (i.e. “will encourage a minimum of”) would add a modest and desirable degree of flexibility.
- Policy 4.12(a) (Previously Policy 4.13(a)): In our opinion, the policy should recognize that, while the existing physical infrastructure may not support the proposed development at the time of approval, infrastructure improvements will either occur over time, or can be secured through available planning tools (such as Holding provisions). Such tools are useful to ensure the phasing of development and infrastructure improvements are integrated. The use of Holding provisions to address transit and infrastructure capacity is specifically provided for in proposed Policy 13.21. Please also see the comments regarding Policies 12.1 and 12.2 below.
- Policy 4.16 (Previously Policy 4.15): We appreciate the changes to the policy language to exclude gross floor area used by community services owned and/or operated by the City or a non-profit community agency from the FSI calculation. In our opinion, the language should be broadened to include a public school, college or post-secondary institution, which do not typically fit within the non-profit or innovation hub classification. A further density incentive should be provided to encourage the provision of a public school or college expansion onto future adjacent developments given the proximity of Centennial College to the north.
- Policy 4.17: In our opinion, the policy should be modified to acknowledge that, where community service facilities are replaced or provided in a new development, the density credit should be equal to the cost of the community service facility being provided. Depending on the type and scale of the community service facility being contemplated, the density credit afforded by this policy may not be close to the real costs associated with constructing the facility, which represents a disincentive, and contradicts the intent of the policy.

- Policy 5.5: In our opinion, the policy language should be modified to encourage a broader range of collaborations between private developers and academic institutions to support new businesses. The addition of the words “other similar uses” (i.e. working with existing post-secondary institutions in the area, “an innovation hub or other similar uses, will...”) would add a modest and desirable degree of flexibility.
- Policy 6.2: The policy language should be revised to emphasize the importance of improving mobility and access to and from LRT stations stops and colleges, given the existing Centennial College Ashtonbee Campus within the Secondary Plan Study area.
- Policy 6.18: Concerning Park P6 (Hakimi Park), the recent addition of policy language through the current version of the draft Secondary Plan specifies a minimum park size of 13,545 square metres. While we support a consolidated and appropriately sized park on our clients' land, we take issue with the proposed size of the park and its inclusion within the Secondary Plan policy language given the in-force and evolving policy framework through which parkland dedication is and will be calculated.

Based on our calculation, we assume that the proposed minimum park size at 13,545 square metres is equal to 20% of our clients' land, net of new public roads, but not accounting for road widenings. We have several issues with this calculation. Under the current alternative parkland dedication policies in the Official Plan, the dedication should not exceed 15% for sites between 1 and 5 hectares in sizes.

We represent three owners, and each of their properties sits somewhere between 1 and 5 hectares in size. Therefore, a maximum dedication of 15% should be applied using the City's in-force methodology. Parkland dedication is typically calculated and taken on a site-specific basis through the rezoning process. It is unlikely that our clients will file a single rezoning application for all their lands. Instead, separate rezoning applications will be filed for individual development blocks over time.

We are also of the opinion that the determination and inclusion of precise park sizes within the Secondary Plan 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.

Finally, in keeping with our comments above regarding Map 45-6, we understand the exact location of the park is conceptual. However, in our opinion, a linear park generally spanning from the future LRT stop at Warden/Eglinton Avenue intersection to Centennial College would be desirable for the reasons noted above.

- Policy 6.25: The policy language should be clarified to establish the framework under which the amount of additional parkland would be calculated if development exceeds planned growth provided in the Secondary Plan. The language should be changed to “provide additional parkland in line with the parkland dedication policies applicable at the time of a site-specific Zoning By-law Amendment application”.
- Policies 7.8 and 7.9: Both policies speak to the assessment and retention of heritage resources and are already addressed in Section 3.1.5 of the Official Plan. These policies are redundant and should be deleted.
- Policy 7.10: Similar to our discussion regarding Map 45-11 above, in our opinion, this is an example of a policy approach that could trigger an Official Plan Amendment simply to require a setback to accommodate a positive design element. The addition of the word “generally” (i.e. “Development will generally provide...”) would add a modest and desirable degree of flexibility.
- Policy 7.18 (Previously Policy 7.17): It is understood that there is a preference to encourage outdoor amenity spaces at grade. While the use of the word “generally” is helpful, it is our opinion that outdoor amenity spaces located on the roofs of base buildings can create high-quality and useable space in association with indoor amenity spaces that in turn frees up ground floor space for the public realm or important ground floor functions such as non-residential uses.
- Policy 7.30 (Previously Policy 7.29): In keeping with our comments above regarding Map 45-13, we are of the opinion that heights of up to 40 storeys, as per our clients’ appealed Official Plan Amendment application, should be permitted at the northwest corner of Warden and Eglinton, immediately adjacent to the LRT stop, to act as a catalyst for the redevelopment. A preliminary study undertaken for our clients demonstrated that heights of up to 40 storeys could reasonably be achieved on these lands in general accordance with the City’s urban design guidelines and the proposed Secondary Plan policies.
- Policy 7.34 (Previously Policy 7.33): The addition of the words “be encouraged to” to Policy 7.34 (e.g. “Development in Ashtonbee Transition Area will be encouraged to...”) would add a modest and desirable degree of flexibility in the language.

- Policy 7.36 (previously Policy 7.35): In keeping with our comments above regarding Map 45-12, the prescribed base building heights could limit creativity in the use of massing and architectural elements, particularly along streets and parks that are shown as having a minimum of 3 and a maximum of 4 storeys. The addition of the word “generally” in Policy 7.36 (i.e. “generally in accordance with...”) would add a modest and desirable degree of flexibility, with the City retaining full review through the rezoning and Site Plan Approval processes.
- Policies 7.44 (c), (d) and (e) (previously Policies 7.43 (c), (d) and (e)): In our opinion, the proposed policies in this section should be deleted. They are overly restrictive and, in some cases, go beyond the guidelines recommended in the City-wide Tall Building Design Guidelines. It is counterproductive to apply more restrictive standards in an intensification area, where the use of land and infrastructure is to be optimized, than in other areas of the City that are subject to the less stringent tower setbacks and tower separation distances in the Tall Building Design Guidelines.
- Policies 7.45(d) and (e) (previously Policies 7.44(d) and (e)): Similarly, the proposed mid-rise building policies are already addressed by the Mid-Rise Building Guidelines. Elevating them to the level of policy means that even minor variations would now require an Official Plan Amendment. In our opinion, these policies should also be deleted.
- Policy 7.47: In our opinion, POPS should not be subject to the same shadow impact considerations as parks.
- Policy 7.51 (Previously Policy 7.46(f)): We recommend that the development “generally” achieve a minimum of 5-7 consecutive hours of sunlight. In our opinion, without the word inclusion of the word “generally”, this policy is overly prescriptive and is an example of a policy approach that could trigger an Official Plan Amendment simply to permit a minor incremental shadow to accommodate a positive design element.
- Policies 12.1 and 12.2. While these policies recognize the possibility of phased infrastructure improvements, the use of Holding provisions in accordance with proposed Policy 13.20 to achieve that result should be explicitly cross-referenced.

We trust that the foregoing comments are of assistance in refining the proposed draft policies. Should you have any questions or wish to discuss any of these matters in greater detail, please do not hesitate to contact the undersigned.

Yours very truly,

Bousfields Inc.



Peter F. Smith B.E.S., MCIP, RPP
Partner



Joshua Butcher, Urban Planner
Associate

cc: # *Emily Caldwell, City Planning*
Josh Zagdanski/Shwaan Hutton, Madison Group
David Bronskill, Goodmans

Attachment A:

Comments on Draft Secondary Plan Policies
Dated February 27, 2020



February 27, 2020

Emily Caldwell
Senior Planner, Community Planning, Scarborough District
City of Toronto City Planning Division
Scarborough Civic Centre
4th Floor, 150 Borough Drive
Scarborough, Ontario M1P 4N7

Dear Ms. Caldwell,

Re: Draft Secondary Plan Policies for Golden Mile

We have recently been retained by Eglinton Warden Developments Limited, 20 Ashtonbee Holdings Limited and 1920 Eglinton Avenue Holdings Limited with respect to their lands located within the northwest quadrant of the Eglinton/Warden intersection (880-900 Warden Avenue, 20-50 Ashtonbee Road and 1920-1940 Eglinton Avenue East). It would be appreciated if you could make the necessary change to the Planning Consultant contact for this property going forward.

On behalf of our clients, we have reviewed the draft Secondary Plan policies for Golden Mile, and wish to provide the following comments. As a general comment, we note that the draft policies are extraordinarily detailed, including 56 pages of text and 18 maps. While it is understood that a degree of complexity is unavoidable given the scope and scale of the Secondary Plan, a simplification of the document and, in particular, the elimination of numerical limits except where necessary would result in a plan that allows for greater flexibility in implementation and obviate the need for future site-specific Official Plan Amendments simply to adjust a standard that would be better set out in a guideline and implemented as a zoning regulation (e.g. setbacks, tower setbacks, etc.).

Comments on the Maps

We are generally satisfied with the proposed Districts and Character Areas as shown on Maps 2 and 3, but do have concerns with the gross density shown on Map 5. These lands represent an important opportunity to redevelop large underutilized parcels of land within a new community in immediate proximity to higher-order transit. They are currently occupied by successful retail uses; as a result, the permitted densities need to create the incentive for change to occur, while providing for a realistic 25-year development horizon. A preliminary study undertaken for our clients demonstrated that a density of approximately 3.9 FSI could be achieved in general accordance with the City's urban design guidelines and the proposed Secondary Plan policies.

Although we understand that the exact size and configuration of Park P6 (Hakimi Park), as shown on Maps 4, 6, 11, 12 and 15 and as described in Policy 6.19, is conceptual, it is our opinion that the park would provide greater connectivity if it were narrowed and extended to Ashtonbee Road (similar to Park P5). It would also improve the size of the development blocks along Eglinton Avenue in proximity to the Warden LRT stop, consistent with the Provincial direction to maximize “the number of potential transit users that are within walking distance” of higher order transit.

In our opinion, the Building Setback Plan (Map 11) and the associated policy (Policy 7.10) are overly prescriptive and are an example of a policy approach that could trigger an Official Plan Amendment simply to require a setback to accommodate a positive design element. While we are not opposed in principle to the proposed 3.0 metre building setback along the public streets within our clients’ lands, the addition of the word “generally” in Policy 7.10 (i.e. “Development will generally provide ...”) would add a modest and desirable degree of flexibility. In contrast, we object to the proposed 6.0 metre setback from Parks. In our experience, park setbacks generally range from 3-5 metres outside of the Downtown; in the absence of a demonstrated need for a greater setback, it would be desirable to reduce the required setbacks given the overarching policy direction to optimize the use of land and infrastructure.

Similarly, the Base Building Heights Plan (Map 12) and the Building Types and Heights in Character Areas (Map 13) and the associated policy (Policy 7.35) are also overly prescriptive. Applied rigidly, the base building heights could limit creativity in the use of massing and architectural elements, particularly along streets that are shown as having a minimum of 3 and a maximum of 4 storeys. The addition of the word “generally” in Policy 7.35 (i.e. “generally in accordance with ...”) would add a modest and desirable degree of flexibility, with the City retaining full review through the rezoning and Site Plan Approval processes. On Map 13, we would request that the lands along the Eglinton Avenue frontage allow for heights of up to 40 storeys, as per our clients’ Official Plan Amendment package, rather than up to 30 storeys, which would allow greater flexibility for a landmark tower at the corner of Warden and Eglinton and provide a catalyst for the evolution of the area.

Comments on the Draft Policies

In addition to the comments set out above, we wish to provide the following comments regarding specific proposed policies:

- Policy 3.3.2. While the policies for Character Area 2 – Mixed Use Transit Nodes speak to providing a mix of tall buildings and mid-rise buildings, it is our opinion that it should also specify that the greatest heights and densities will be encouraged immediately surrounding the ECLRT stops.

- Policy 3.3.6. It is understood that the policy promoting “a balanced mid-rise character along the north and south sides of East-West Street #2” relates primarily to the height of the base buildings, and that tower heights are generally intended to be taller on the south side of the street than on the north side. Accordingly, the policy should be rewritten to emphasize the height of the base buildings.
- Policy 4.5. The use of the term “individual block” is unclear. In our opinion, it would be preferable to establish an overall objective of a minimum 10% non-residential gross floor area and allow the non-residential component to be located where it can most realistically be implemented. For example, concentrating office uses in a single building with a sufficient “critical mass” is typically a more successful strategy than distributing small amounts of office space throughout numerous buildings.
- Policy 4.13(a). In our opinion, the policy should recognize that, while the existing physical infrastructure may not support the proposed development at the time of approval, infrastructure improvements will occur over time and there are planning tools (such as Holding provisions) that can be used to ensure that the phasing of development and infrastructure improvements are integrated. The use of Holding provisions to address transit and infrastructure capacity is specifically provided for in proposed Policy 13.20. Please also see the comments regarding Policies 12.1 and 12.2 below.
- Policy 4.15. In our opinion, the restriction of the use of density incentives to community service facilities “owned and/or operated by the City” is overly restrictive. A more flexible approach such as the one embodied in Policy 13.2, which provides that FSI calculations will exclude the gross floor area of City-owned and non-profit community facilities, would be preferable.
- Policy 5.2. The policy should be expanded to allow for securing office replacement through the associated new residential development. This would allow the flexibility for desirable future consolidation of office space, as noted in our comment regarding Policy 4.5 above.
- Policy 6.10(b). The proposed requirement for implementation of the streetscape design across the full Eglinton street frontage as part of the first phase of development is onerous, particularly in the case of large sites. It should either be deleted or amended to recognize off-site streetscape improvements (i.e. outside of the proposed development phase) as a community benefit under Section 37.

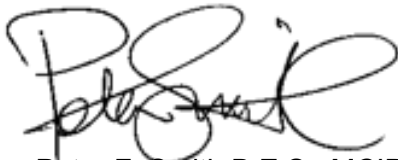
- Policy 6.27. We recommend that the policy be reworded to provide that POPS “should be encouraged”, rather than “will be provided”. Furthermore, since these spaces often function akin to parks/parkettes and require maintenance funding in perpetuity, they should be recognized as a community benefit under Section 37.
- Policy 7.17. It is understood that there is a preference to encourage outdoor amenity spaces at grade. While the use of the word “generally” is helpful, it is our opinion that outdoor amenity spaces located on the roofs of base buildings can create high-quality and useable space in association with indoor amenity spaces that in turn frees up ground floor space for internalized building services and non-residential uses.
- Policy 7.29. In keeping with our comments above, we are of the opinion that heights of up to 40 storeys, as per our clients’ Official Plan Amendment application, should be permitted at the northwest corner of Warden and Eglinton, immediately adjacent to the LRT stop, to act as a catalyst for the redevelopment.
- Policy 7.43(b). The limitation on the number of towers within each development block to “generally” no more than two, regardless of the size of the block and its location, may serve to limit intensification even in circumstances where all other performance standards (e.g. tower floor plates and separation distances) have been met. As well, the term “development block” is unclear. In our opinion, this policy should be deleted.
- Policies 7.43 (c), (d) and (e). In our opinion, the proposed policies in this section should be deleted. They are overly restrictive and, in some cases, go beyond the guidelines recommended in the City-wide Tall Building Design Guidelines. It is counterproductive to apply more restrictive standards in an intensification area, where the use of land and infrastructure is to be optimized, than in other areas of the City that are subject to the less stringent tower setbacks and tower separation distances in the Tall Building Design Guidelines.
- Policies 7.44(d) and (e). Similarly, the mid-rise building policies are already addressed by the Mid-Rise Building Guidelines. Elevating them to the level of policy means that even minor variations would now require an Official Plan Amendment. In our opinion, these policies should also be deleted.
- Policy 7.46. There is no apparent rationale for using a timeframe of 10:18 a.m. to 3:18 p.m. for the shadow policies, given that numerous policies and guidelines elsewhere in the City use 10:18 a.m. to 4:18 p.m. Specifically with respect to paragraph (f), we recommend that the development “generally” achieve a minimum of 5 consecutive hours of sunlight.

- Policies 12.1 and 12.2. While these policies recognize the possibility of phased infrastructure improvements, the use of Holding provisions in accordance with proposed Policy 13.20 to achieve that result should be explicitly cross-referenced.

We trust that the foregoing comments are of assistance in refining the proposed draft policies, Should you have any questions or wish to discuss any of these matters in greater detail, please do not hesitate to contact the undersigned or Joshua Butcher of our office.

Yours very truly,

Bousfields Inc.



Peter F. Smith B.E.S., MCIP, RPP

PFS/kah:jobs

cc: # *Teresa Liu, City Planning*
Josh Zagdanski/Shwaan Hutton, Madison Group
David Bronskill, Goodmans