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VIA EMAIL - scc@toronto.ca

Mayor and Members of Council
City of Toronto
c/o Scarborough Community Council
Scarborough Civic Centre
3rd floor, 150 Borough Dr.
Toronto, ON M1P 4N7

Attention: City Clerk

Your Worship and Members of Council:

**Re: Proposed Official Plan Amendment No. 499 ("OPA 499")
Proposed "Golden Mile Secondary Plan"**

We are the solicitors for Yorkreal Holdings Inc. ("Yorkreal"), the owner of the property known municipally as 1910 Eglinton Avenue East, which is subject to OPA 499. Our client has participated in the process which has led to the drafting of OPA 499, largely through its consultants SGL Planning and Design Inc., but would like to take this opportunity to set out for your consideration its preliminary comments, in summary fashion, on this draft official plan amendment.

Yorkreal supports what it understands to be the central thrust of OPA 499 to provide for an intensified precinct with a mixed use corridor along Eglinton Avenue East, coincident with the Eglinton Crosstown Light Rail Transit.

However, as a general proposition, Yorkreal submits that a number of the policies are inappropriately prescriptive and thus insufficiently account for opportunities and/or constraints which present when the area is analysed on a site by site basis.

As just one example, the proposed Policy 4.5, respecting a specific numerical minimum requirement for non-residential gross floor area, will generally be inappropriately restrictive for small sites where tall buildings are contemplated because of the restricted size of the podium. Policies respecting heights and density constitute another example. With the various proposed policies respecting built form there is a closer relationship between height and density in OPA 499 than is often the case. However, maximum heights and densities are assigned therein on a "Character Area" basis, which insufficiently acknowledges the opportunities and constraints arising from the specific attributes of any given site. In this respect we note that a higher height and/or density on any given site where local relationships allow can serve to better address

Official Plan or provincial directives than the currently assigned figures, and do so in a manner which is consistent with the objectives of OPA 499.

Other examples can be seen in policies addressing more finely grained topics than the foregoing. For example, the precise minimum setbacks from parks are identified on Map 45-11. Yorkreal submits that this is a topic which should not be addressed *a priori* as a matter of official plan policy, but which is better considered in the context of a specific development application. This is especially so in the case at hand where urban design guidelines are explicitly contemplated by OPA 499. Another example can be found in the requirement for outdoor amenity spaces at grade: Yorkreal submits that there is no automatic public benefit to such a configuration and thus the location of the space is better addressed through a zoning by-law amendment in the context of an application. Yet another example is the precise delineation of the location of required “Active Commercial Uses”

In this respect there is a particular issue for Yorkreal in respect of its own land, in that this requirement extends to that portion of its property which fronts on a proposed park. Only a very limited number of uses are able to effectively capitalize on the attributes of such a location, and that fact must be considered in the context of the implications of accommodating such uses in the balance of a building on Yorkreal’s constrained site.

Yet another example can be found in proposed Policy 7.48, which proposes a specific numeric standard for sunlight on parks. Yorkreal submits that generally such a standard is inappropriately prescriptive for the official plan given the breadth of built form opportunities attending the wholesale redevelopment of the area anticipated by OPA 499, and such is particularly the case given the difference in character of the various park sites contemplated therein.

Yorkreal would also like to raise one built-form related concern which has a different nature than those sketched out above. Policy 7.2.5 proposes to make accommodation for views which are not identified. In the “parent” Official Plan where views are to be protected they are described with particularity. Yorkreal submits that if there is to be a policy direction in respect of views they should be described so that an interested party can assess the potential implications. At this juncture Yorkreal is unable to assess what the implications on its property might be, and fairness requires that it be able to make that assessment to participate in the approvals process for OPA 499.

Separate topics of concern arise from the various implementation policies. One concern is the lack of clarity on, and thus Yorkreal’s ability to assess the implications of, the various “community benefit” provisions. Yorkreal appreciates that City staff have been encumbered by a changing legislative framework and have made an effort to address the issue through the proposed Policy 13.9. However, it is not clear what facilities or matters are considered to be “community benefits”, and further how such are to be factored into an analysis (for example, what is supposed to be the result of the policy which says that POPS “should” be provided?).

Another implementation concern relates to the policies related to the provision of services, both hard and soft. This can be seen from the outset to be a very important topic, since Policy 13.5 indicates that development will be sequenced based on the availability/provision of both hard and soft services and Policy 13.21 provides for Holding Zones. Yorkreal submits that OPA 499 should provide a clearer roadmap for how services will be provided and paid for. The currently proposed policies collectively leave both responsibility and timing for both payment and provision uncertain, and also make no provision to govern the relationship of any private developers’ agreement to Development Charges and Community Benefits Charges as may be

payable. Yorkreal submits that this should be clarified so that, among other things, it can assess the substantive effects such may have on the development of its property and act accordingly. As a preliminary matter any private payments should be rationalized with the payments of Development Charges and Community Benefits Charges so that credits are appropriately acknowledged.

Given the inter-connected nature of the policies with OPA 499, we have not attempted a drafting exercise with this letter to specifically propose revisions to OPA 499. Yorkreal's request is that Council not adopt OPA 499 in its current form, but instead direct staff to meet with Yorkreal and its representatives and to report back to Council with the results of that meeting, with the intent of presenting revisions which address Yorkreal's concerns. As OPA 499 is currently constituted, Yorkreal would be compelled to object.

Please be advised that Yorkreal has filed applications for official plan and zoning by-law amendment, as well as site plan approval, with the City, so if Council directs the meeting as requested above Yorkreal will be prepared to discuss these matters, where they relate to its property, in concrete and specific terms.

Thank you for your attention in this regard. Should you have any questions in respect of the foregoing, please do not hesitate to contact us.

Yours truly,



John A.R. Dawson

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