

Calvin Lantz
Direct: (416) 869-5669
CLantz@stikeman.com

July 16, 2020
File No.: 130514.1003

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 – Final Report
Item SC16.3: July 17, 2020 Scarborough Community Council
Meeting
1966-2050 Eglinton Avenue East and 50 Thermos Road**

We are counsel for RioCan Holdings Inc., 2075936 Ontario Limited and 2076031 Ontario Limited, the owners of the properties municipally known in the City of Toronto as 1966 – 2050 Eglinton Avenue East and 50 Thermos Road (the "**Property**"). The Property is located within the Golden Mile Secondary Plan ("**GMSP**") study area.

We have reviewed the Golden Mile Secondary Plan – Final Report (June 25, 2020), including the proposed GMSP policies.

Please find enclosed herewith a Letter prepared by Hunter & Associates Ltd. setting out our client's concerns with the proposed GMSP policies and recommending that the draft GMSP policies be referred back to City Planning and relevant staff for further consultation and consideration.

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

Yours truly,



Calvin Lantz
CWL/sg

cc. Daniel Fama & Wessel Omarkhail, *RioCan*
Craig Hunter, *Hunter & Associated Ltd.*

July 16, 2020

Chair & Members of Community Council

Scarborough Community Council
Scarborough Civic Centre
150 Borough Drive
Toronto, Ontario, M1P 4N7

**Attention: Ms. Carlie Turpin, Secretariat
Scarborough Community Council**

**Re: Golden Mile Secondary Plan – Final Report
Draft Official Plan Amendment (OPA)
City-Initiated OPA File No: 17 134997 EPS 00TM
Statutory Public Meeting Item SC16.3 – July 17, 2020**

We received notice of the upcoming statutory public meeting to be virtually held on July 17th, 2020 with respect to the City's proposed draft Golden Mile Secondary Plan ("GMSP").

We appreciate the continued opportunity to provide Scarborough Community Council and City staff with comments on behalf of our client, RioCan Holdings Inc., 2075936 Ontario Limited and 2076031 Ontario Limited (collectively, "RioCan" or the "Owners"), the registered owners of the 10.72 hectare (26.5 acre) commercial retail property municipally known as 1966-2050 Eglinton Avenue East and 50 Thermos Road (the "Site").

Background

On November 30th, 2015, Stikeman Elliott LLP ("Stikemans") submitted a site-specific Official Plan Amendment ("OPA") application for the Site on behalf of the Owners. At this time, the OPA application was the first major redevelopment application within the Golden Mile following the Eglinton Connects Planning Study and before the GMSP study was initiated.

Since this time, across the GMSP study area, many other major landowners have submitted major mixed-use redevelopment proposals through site-specific OPAs and Zoning By-law Amendment ("ZBA") applications. The Site is situated between two major mixed-use redevelopment applications, Cosmetica (1960 Eglinton Avenue East) and Dream (2200 Eglinton Avenue East) to the west and east respectively at Warden Avenue and Birchmount Road, both major streets identified in the Toronto Official Plan (TOP).

RioCan and its representatives and advisors have participated throughout the GMSP Study since 2016. RioCan provided its most recent comments through Stikemans LLP on February 20, 2020 following an initial draft of the GMSP policies and City Planning's Proposal Report.

Like other major area landowners, RioCan has previously appealed its site-specific OPA to the Local Planning Appeal Tribunal (LPAT). Proceedings have occurred and City Planning has prepared a Request for Direction Report (December 20, 2019) which was considered and adopted

by Scarborough Community Council and City Council in January 8, 2020. A 15-day hearing is set to begin January 4, 2021.

RioCan is preparing a revised OPA submission for City review that addresses all internal and external agency comments received on its previous iteration. In our opinion, from a land use and two-dimensional urban and block structure perspective, there is likely to be an alignment with the City's vision, principles and policies of the GMSP. There appears to be continued and more substantive issues with respect to development density, built form and height, parks and public realm and implementation matters with respect to infrastructure such as transportation and servicing. Our experience indicates that this has been a continued planning concern and theme of major landowners throughout the period of the GMSP study.

RioCan and the City, together with other major landowners, want to create a long-term vision for future development of a complete, transit-oriented, mixed-use community in the Golden Mile that is active, liveable, responsive and prosperous for all.

However, that vision should optimize the significant public investment in the Eglinton Crosstown transit, and seize the opportunity to stimulate the necessary change to practically achieve it over time. Implementing the proposed Secondary Plan and achieving the many and varied public goals and interests stated is best done with a collaborative and cooperative relationship with all parties. The best laid City plans risk remaining unimplementable studies, which is not desirable given this significant public investment and enormous city-building opportunity for Toronto and the Province.

Draft OPA – Golden Mile Secondary Plan Policies

Our comments on the draft GMSP policies are provided for the City's review and consideration. To assist this review, we are providing them by each section (and related policies) in the draft GMSP document.

Interpretation (Section 1) – no comment

Vision and Guiding Principles (Section 2)

We note that the draft vision has been revised to clarify that “over time, the Golden Mile will emerge as an urbanized node for southeast Toronto subordinate in scale and massing to Scarborough Centre”.

Proposed development densities range across the GMSP from a maximum of 2 to 3.2 times the gross land areas.

Recently, transit-oriented major urban growth centres across Toronto (Yonge-Eglinton, Scarborough, North York and Etobicoke) and the GTA region are now witnessing and achieving redevelopment densities greater than this. Even with the City's stated aim to make the Golden Mile subordinate to Scarborough Centre, which we question for a major urban transit node and such a significant public transit investment. Even outside these major urban growth centres, we draw your attention to other comparative density examples our client (and we as planners) have been recently involved with:

- **RioCan Leaside Centre (815-835 Eglinton Avenue East)/Laird in Focus** – recently approved Site and Area-Specific Policy (SASP) for a major mixed-use redevelopment at

the Laird station of the Eglinton Crosstown is permitted a gross density (FSI) of 3.87 times the 3.56 ha site area. This large and prominent corner site in Leaside also currently accommodates a large-format commercial shopping centre. It is planned to accommodate a variety of retail, office and residential uses in a number of mid-rise and tall buildings ranging in height from 6 to 34-storeys. A new public park, privately-owned publicly accessible open spaces (POPS), public and private streets, and a daycare are also proposed. This newly approved transit-oriented development is right across the street from the well-established low-rise residential Leaside neighbourhoods. Other approved mixed-use developments by major landowners in the same Laird in Focus study area along Eglinton Avenue, such as 939 Eglinton Avenue East, allow densities in the range of 3.7 FSI. These examples share a similar transit and planned context to RioCan Scarborough Centre, except, in our opinion, they are much closer to established residential neighbourhoods, a more sensitive existing and planned context.

- **Dufferin Avenue Secondary Plan** – this partial (LPAT) approved Secondary Plan, the result of a City-led Avenue Study generally between Highway 401 and Lawrence Avenue, accommodates mixed-use development with densities comparable to those now being recommended in the Golden Mile Secondary Plan (2 to 3.5 FSI). This Secondary Plan covers a large area and also flanks employment and residential communities. While just over one kilometre from the Yorkdale and Lawrence stations on the Yonge-University-Spadina (Line 1), Dufferin Street has no major public investment in rapid transit along it like the Eglinton Crosstown, and yet the City found these area densities along Dufferin Street to be appropriate. It would seem reasonable to promote, encourage and allow higher densities in the transit-supportive context of the Golden Mile.

In our opinion, the proposed development density does not sufficiently optimize, promote and catalyze the major mixed-use, transit-oriented development opportunities and sought-after vision for the Golden Mile.

Area Structure (Section 3)

The GMSP's urban structure is organized into four (4) districts with eight (8) character areas. Maps 45-2 to 45-4 show the districts, character areas and structure plan.

RioCan's Site is located in the "East District" within the "East Park Mid-rise and Tall Building Community". It is located between two other major mixed-use developments also in the East District between Warden Avenue and Birchmount Roads, namely Cosmetica (1960 Eglinton Avenue East) and Dream (2200 Eglinton Avenue East).

RioCan identifies concerns and issues (policies and related maps) with respect to:

- Thermos Road – need for and desirability of reconfiguring it to Eglinton Avenue East (Policy 3.1(a) and related maps)
- New streets – the designation of new streets and encourage flexibility for new streets to be public and private (Policy 3.1(b) and related maps)
- Green Nodes – the relocation of a proposed Green Node along RioCan's property line (Policy 3.1(g) and related maps)

- East Park – Mid-rise and Tall Buildings - an enhanced mid-rise character will be created between the Golden Mile (Warden) and Birchmount stations (Policy 3.6 and related maps). This proposed mid-rise character appears to conflict with the allowable building heights ranging up to 30 storeys along Eglinton Avenue East. Taller buildings are suitable along Eglinton Avenue East provided there are no adverse planning impacts related to that built form (such as shadowing). Being on the north side of Eglinton Avenue East and well-away from low-rise residential neighbourhoods is an advantage of RioCan's Site. There also appears to be no good planning reason to distinguish and reserve one full block of solely mid-rise buildings along Eglinton Avenue East on RioCan's Site.

Land Use and Density (Section 4)

RioCan's Site is already designated Mixed Use Areas in the City of Toronto Official Plan, allowing for a wide range of land uses including commercial and residential.

As we previously noted, the proposed maximum gross development density on RioCan's Site (3.0 FSI) (Policy 4.14 and Map 45-5) does not appear to sufficiently optimize, promote and catalyze mixed-use, transit-oriented development. Higher development densities, perhaps with anticipated ranges rather than maxims, should be added for flexibility without the need for an OPA, so long as it can be demonstrated through future rezoning that the density can be accommodated by area infrastructure without adverse planning impacts. The entire GMSP density and built form strategy is predicated on an assumed overall area capacity and limit (ie. a cap) rather than establish minimum densities and monitoring available capacity and establishing infrastructure strategies over time (short, mid and long-term (eg. 5, 10 and 20+ years)) to appropriately respond to growth in the GMSP area. There are numerous references in the draft GMSP stating or implying that in no event will a development proposed be approved that (1) exceeds the capacity of area infrastructure and (2) that does not conform to the built form policies. Earlier consultant studies and proposals reports indicated that the GMSP could accommodate in the range of 24,000 units, 43,000 residents and 19,000 jobs over the next 20+years. If the City is, in effect, striving to place a maximum cap on area growth based on infrastructure capacity limits, then a transparent and comprehensive technical rationale and basis for such limits ought to be clearly established for review.

RioCan have issues and comments with respect to:

- Eglinton Avenue East – required at grade commercial uses (Policy 4.3 and related map) . While appropriate, flexibility should be afforded for residential lobby entrances and the extent north to which this commercial requirement should extend on side street corners.

Minimum 10% non-residential gross floor area (Policy 4.5) – Clarify whether this 10% policy applies to the overall site or each block.

- Small-scale commercial additions and infill development (1,000m² or less) (Policy 4.8) – clarify the basis of this size threshold and is it sufficient to allow for marketable and flexible expansion of existing business and buildings prior to, or as redevelopment is phased.

Compatibility/Mitigation Study for sensitive land uses (Policy 4.10) – the RioCan Site is already designated Mixed Use Area allowing a wide range of land use. We agree with the need to demonstrate that a proposed sensitive land use sought through future rezoning has considered, evaluated and demonstrated compatibility with appropriate mitigation as may be needed. The GMSP policies should set the policy consistent with provincial and

municipal policy, but the policy test should occur through a complete rezoning application.

- Density (4.11-4.14) – implementation – how does one test whether the area's infrastructure capacity is being exceeded and what's the implication of timing and phasing.

Economic Development (Section 5) – no comment

Public Realm (Section 6)

We have a number of comments and issues with respect to the proposed public realm policies and related maps (Map 45-6):

- Parks are to be designated per Map 45-6 Mixed Use Area will be re-designated to Parks (Policy 6.1, 6.11(a) & 6.19) and other public realm elements – see comment re: East Park, majority of which is on RioCan Site
- Eglinton streetscape – wherever possible, the streetscape along Eglinton Avenue East will be completed as part of the first phase of development. Clarify feasibility and if development phasing does not begin on Eglinton Avenue (Policy 6.9).
- East Park will be a community park, and is located mostly (approximately 80%) on RioCan Site. question the appropriateness of putting a specific park area in the Secondary Plan, particularly given implementation issues given impending legislative changes to parkland dedication and community benefits enacted by Bill 108. (Policy 6.11(a) and 6.19).
- Clarify why certain terms are capitalized in Policy 6.22 (eg. Prominence and Visibility, Identity and Character).
- Distinguish between development being adjacent and adjoining a public park and open space (potential development on RioCan Site is separated from the proposed public park by streets) (Policy 6.23).
- Additional public parkland will be required if development exceeds the planned growth as permitted by this Plan (Policy 6.25). There are significant practical and legislative implementation issues with this given (1) what is the planned growth (ie. limit or cap) permitted by the GMSP and (2) Bill 108 parkland and community benefit changes.
- Green Nodes (Policies 6.28 and 6.34-6.36) – we observe that the proposed Green Nodes have shifted on Map 45-6 and the implication of this is being examined and assessed in RioCan's revised plans.
- Public art (Policy 6.30-6.33) – the principle of providing public art is appropriate but this should be acknowledged as an eligible community benefit (not separate and additional municipal policy requirement) and whether it must be provided on each site and wherever shown on the related map

Built Form (Section 7)

- We have a number of comments and issues with respect to the proposed built form policies and related maps. As an overall comment, we question the appropriateness of including prescriptive and mandatory policies (eg. development will be setback with minimal encroachments) with specific numeric performance standards in a secondary plan policy and/or map. If a proposed development does not meet such a prescriptive numeric policy, it appears an OPA would be required, which may be unreasonable if the policy intent is achieved. Residential lobbies (Policy 7.13 and 7.14) – flexibility for grade-related residential lobbies for pedestrians along Eglinton Avenue East and wrapping north-south street corners
- Larger retail units (Policy 7.17) – clarify the basis, what size and how large is defined
- Base building heights (Policy 7.26) – appropriateness/basis of specific height in policy
- Tall building height policies (Policies 7.29 and 7.31) – basis for specific maximum heights of 35 (Western Gateway) and 30 storeys (East Park). Why are the greatest building heights in the west rather than the east in the Golden Mile when, for example, the east is closer to the Kennedy subway and mobility hub. The entire Golden Mile is a transit-supportive urban node why is the west the “gateway” for highest heights. Why provide one full block of mid-rise buildings on RioCan’s Site along Eglinton Avenue.
- Eglinton Avenue East (Policy 7.37) – will consist of a mixture of mid-rise and tall buildings, however, other policies suggest requiring and encouraging a mid-rise character - clarify
- Proposed East-west Street #2 (Golden Mile Boulevard) and North-South 23m Streets (Policy 7.42 and 7.43) – promotes (and provides mandatory (will) encouragement) a balanced mid-rise built form character with tall buildings limited to 25 storeys (why specific height change if intent of built form performance can be achieved)
- Tall building development (prescriptive numeric policies 7.44 (a-e)), which meet or exceed City-wide Tall Building Design Guideline performance standards, with respect to number of tall buildings per block (2), minimum setbacks (5m), maximum floorplate size (750m²) and tower separation (minimum 30m)
- Mid-rise development (prescriptive numeric policies 7.45) including mid-rise buildings along Eglinton Avenue East and specific maximum building heights tied to planned rights-of-way and angular planes (found in City’s Avenues and Mid-Rise Design Guidelines)
- We question the appropriateness of having what are typically tall or mid-rise building guidelines as statutory policies in a Secondary Plan and lack of flexibility such policies afford without amendments.
- Shadow policies (prescriptive numeric and time-of-the-day policies 7.47-7.51) rather than more flexible policies to achieve intent and objective without the need for an amendment

Natural Environment, Sustainability and Resilience (Section 8) – no comment

Housing (Section 9)

- 80-unit size threshold (Policy 9.2) – clarify why 80 units is the policy threshold to provide a specific range and mix of larger suites? Suggest flexibility without amendment.
- Balconies (Policy 9.4) not all residential building and suites, including purpose-built rental housing, are providing balconies (but may have operable windows)
- Clarify (Policy 9.5) – should range of unit types be household types

Community Service & Facilities (Section 10)

- Policy 10.2 and related map (45-16), Community Services & Facilities Plan, will be used to provide guidance as to the preferred location of Community Services & Facilities. We note RioCan has been recently approached to provide a potential school integrated with development by Toronto Land Corporation (TLC) on behalf of the TDSB.

Mobility (Section 11)

- Potential new development, phasing and monitoring (Policy 11.1) to ensure transportation capacity of the GMSP per Transportation Master Plan (TMP). The TMP requires comprehensive review with respect to its assumptions, methodology and findings with respect to the GMSP capacity and improvements needed.
- Planned street rights-of-way (11.5) – flexibility for public and private streets and issue with realignment and widening of Thermos Road to align with Sinnott Road.
- Conceptual streets (public streets) (11.6(b)) – clarify – this appears to be place where public street is cited and implies all other streets are to be public
- Location of streets (Policy 11.8) – subject only to City discretion only – more flexibility for owners
- Cycling routes (Policy 11.15-11.16) – there appear to be many cycling routes on RioCan site and it notes additional land (beyond planned ROWs) may be required to achieve and only at City discretion and how may mid-block pedestrian connections impact site redevelopment
- Shared Mobility Hubs (Policy 11.21) – clarify what is difference between small-scale and mid-scale mobility hubs

Servicing (Section 12)

- Servicing capacity (Policy 12.1) will not be exceeded based on Golden Mile Master Servicing Plan (MSP) – how comprehensive an assessment is needed to demonstrate capacity and should this be broken down into areas or precincts within GMSP
- Core Servicing Agreements (Policy 12.3) between landowners may be needed – further consider the implementation and logical area/precinct owners (eg. West, Central and East Districts)

Implementation, Phasing & Monitoring (Section 13)

- Development capacity and phasing (Policy 13.1, 13.2 & 13.4) – applications need to demonstrate that there is adequate infrastructure capacity (CS&F, transportation and servicing) to support both the GMSP and the broader GMSP study area – how practical is this for individual site and phased applications – it is predicated, like other comments on infrastructure, that there is only so much capacity and this creates a notional maximum or cap on area-wide development. Development must protect the long-term vision of the GMSP, a vision that implicitly subordinates growth to less than Scarborough Centre.
- Context Plans (Policy 13.3) – must demonstrate how the built form policies of the GMSP and Toronto OP are addressed – the GMSP built form policies, as noted above, are too numerically prescriptive and need more flexibility re: implementation through rezoning without OPA
- Small scale sites (Policy 13.6) – clarify how defined/what qualifies as small scale.
- Core Servicing Agreements (Policy 13.8) – the GMSP plan area needs to clearly outline implementation strategies for infrastructure capacity and upgrades based on the CS&F, TMP and MSP and rational landownership areas for Core Servicing Agreements
- Interim Uses (Policy 13.23) legally existing uses allowed to expand (renovation, addition and expansion) by up to 10% of existing GFA (how does this relate/implement given other small-scale expansion policies in draft GMSP eg. 1,000m² or less?)
- Timing (Policy 13.24) – what does the GMSP envision as short, mid and long-term in relation to implementation and monitoring of its policies

We thank you for allowing us the opportunity for review and comment on the draft GMSP. We look forward to continuing to refine and resolve the draft policies with City staff, Council and other area stakeholders. We would recommend that the draft GMSP policies be referred back to City Planning and relevant staff for further consultation.

Yours truly,
HUNTER & Associates Ltd.



J. Craig Hunter, MCIP, RPP
 President