

July 16, 2020

Our File No.: 00-1800

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

Attention: Ms. Carlie Turpin, Committee Administrator

Dear Sirs/Mesdames:

RE: Item SC16.3

Golden Mile Secondary Plan Final Report- Request for referral back to City Staff for further consultation as it relates to the properties municipally known as 1-70 EGLINTON SQUARE, 1431 and 1437 VICTORIA PARK AVENUE, and 14, 18, 19, 22, 23, and 26 ENGELHART CRESCENT and 64 and 68 HARRIS PARK DRIVE in the former City of Scarborough

We are the solicitors for KS Eglinton Square Inc. and KS Engelhart GP Inc., the owners of the properties municipally known as 1-70 Eglinton Square, 1431 and 1437 Victoria Park Avenue, 14, 18, 19, 22, 23, and 26 Engelhart Crescent and 64 and 68 Harris Park Drive (the "Site") in the former City of Scarborough. The Site is comprised of a series of five (5) development Blocks as well as an existing shopping centre, which Site is located at the intersection of Victoria Park Avenue and Eglinton Avenue East, just east of the Don Valley Parkway. More specifically, the development Blocks surround the "Eglinton Square" commercial shopping centre located at the south/east corner of the abovementioned intersection and collectively occupy the entire block between Victoria Park Avenue to the west and Pharmacy Avenue to the east on the south side of Eglinton Avenue East.

Our client has actively participated in the planning process with respect to the Golden Mile Secondary Plan, most specifically as it impacts our client's site specific redevelopment proposal. In recognizing the significant investment in the area, and in also recognizing the City's identification of the Site and surrounding area as an important Focus Area, our client had filed an application for an Official Plan Amendment in September 2016, with an accompanying zoning by-law amendment application filed in 2017 to facilitate the development of the Site with a complete mixed-use community, including the provision of a range of housing forms as well as new commercial uses, new public roads and a new public park. As our client's proposal conforms to the "in force" Official Plan, the site specific Official Plan Amendment application served merely to formally define and articulate our client's vision for a complete, mixed-use redevelopment of the Site in an attempt to take an "active role" with shaping the evolving planning framework for the Golden Mile Area.

In order to facilitate and support the growth and intensification planned for this Focus Area, City Planning initiated a Secondary Plan Study in May 2017 with a goal of bringing forward a final report and a draft Secondary Plan in early 2019. With little to no progress being made on the Secondary Plan study for over a year following the commencement of the study process and our client's filing of its application, our client appealed its site-specific Official Plan Amendment application to the Local Planning Appeals Tribunal ("LPAT") on November 10, 2017.

Our client, both independently and through our office have provided extensive feedback on the draft Golden Mile Secondary Plan, and, to date, have not had their concerns addressed. Although our client generally supports the City's vision for the Golden Mile, they still have outstanding concerns with the current draft Secondary Plan being brought forward for Community Council and City Council's endorsement, including but not limited to the following:

Density

The draft Secondary Plan Map 45-5 assigns a maximum permitted density of 3.2 FSI to the Site, which would represent an underutilization of our client's Site. Our client's proposed density is 4.9 times the area of the lot, which density is modest given the location as a "gateway" with two LRT stations flanking the Site and which density is required in order to facilitate the major public benefits our client has agreed to provide including a new public park, three new public roads and the extension of an existing public road through our client's Site.

Building Heights and Setbacks:

The draft Secondary Plan includes restrictions on podium tower heights and prescribes required podium and tower setbacks, which standards are overly prescriptive for an Official Plan amendment. These built form standards should be determined at the zoning by-law stage on a site by site basis based on specific site context. Some of the standards being imposed in the draft Secondary Plan exceed the recommendations of the City Wide Tall Building Guidelines. At a minimum, these standards should be revised to be consistent with the Tall Building Guidelines.

Shadows

The draft Secondary Plan introduces shadow requirements that are overly prescriptive and would limit development on our client's Site. The shadow policies should be revised to only require that new development adequately limit shadow on public parks and sidewalks.

Road Network

The proposed new public roads within the draft Secondary Plan conflict with our client's redevelopment proposal. In addition, the draft Secondary Plan gives the City sole discretion if they elect to do a Municipal Class Environmental Assessment for the new roads, which would significantly delay our client's development. The new roads should be designed and conveyed through draft plan of subdivision.

In our respectful submission, the draft Secondary Plan, in its current form, is not consistent with the Provincial Policy Statement and does not conform to the Growth Plan. Major Transit Station Areas, such as those along the Eglinton Crosstown LRT, are where intensification and development are to be concentrated. The overly prescriptive standards in this draft Secondary Plan will result in an

underutilization of our client's Site and a likelihood of the redevelopment becoming economically unfeasible.

We respectfully request that the draft Secondary Plan be referred back to City Staff for further consultation with area stakeholders including our client so that their concerns can be implemented through revisions to the draft Plan prior to Council's consideration of same. In addition, please provide us with notice of all upcoming meetings and/or decisions of Council, including Committees of Council where the draft Secondary Plan and/or related studies are being considered.

Should you have any questions, please do not hesitate to contact the writer, or Jessica Smuskowitz, a lawyer in our office.

Yours very truly,



Adam J. Brown

Encls.

Cc: Councillor Michael Thompson
Councillor Gary Crawford
Mr. Victor Gottwald (Manager, Scarborough Community Planning)
Mr. William Logar (KS Eglinton Square Inc. and KS Engelhart GP Inc.)
Mr. Tom Giancos (KS Eglinton Square Inc. and KS Engelhart GP Inc.)
Ms. Ingrid Beausoleil (KS Eglinton Square Inc. and KS Engelhart GP Inc.)