

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

October 15, 2020
File No.: 146849.1001

By E-mail

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

Attention: Carlie Turpin, Secretariat

Dear Sirs/Mesdames:

**Re: 1891 Eglinton Avenue East
Golden Mile Secondary Plan Study – Final Report
Scarborough Community Council Meeting October 16, 2020, Agenda Item
SC18.1**

We are counsel to 2004085 Ontario Inc., (the “**Owner**”) the registered 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.

This letter has been prepared in response to the Golden Mile Secondary Plan Final Report, dated June 25, 2020 (the “**Final Report**”) that was deferred by Scarborough Community Council (“**SCC**”) at its meeting on July 17, 2020 for further consultation, and the Golden Mile Secondary Plan – Supplementary Report, dated September 29, 2020 (the “**Supplementary Report**”) that was prepared in response to the feedback received during this consultation period.

Background

In 2011, an Official Plan Amendment application was filed to permit a mixed-use development on the Property consisting of five towers ranging from 30 to 40 storeys in height. Through the City’s 2011 Municipal Comprehensive Review which led to the adoption of OPA 231, and a site-specific appeal of the 2011 Official Plan Amendment application by the Owner, the northern portion of the Property was re-designated from *Employment Areas* to *Mixed Use Areas* as enacted by a new Site and Area Specific Policy 435 (“**SASP 435**”). No changes were made to the southern portion of the Property which remained designated *Employment Areas* (now *General Employment Areas*).

SASP 435 permits the development of the *Mixed Use Areas* portion of the Property for residential uses, subject to the condition that office space shall have a minimum gross floor area of the lesser of 6,000 square metres or 5% of the total GFA of residential uses on the Property. SASP 435 does not impose any restrictions on height and density of development.

An Official Plan Amendment application (the “**Application**”) was filed for the Property on June 19, 2020, and proposed the redevelopment of the northern portion of the Property for mixed use, transit oriented development comprised of new public and private streets, new public parkland, residential buildings, and mixed use buildings with retail and office uses therein. The Application contemplates permissions for building heights ranging from a 10-storey mid rise building to four towers of 33-, 48-, 41- and 42-storeys, inclusive of 6-storey podiums, yielding a gross density of 5.2 FSI.

The Application facilitates a redevelopment and intensification of the Property in accordance with SASP 435, as identified above.

Golden Mile Secondary Plan Participation

The Owner's planning consultant, Bousfields Inc., made a written submission to SCC on February 20, 2020 regarding the Golden Mile Secondary Plan – Proposals Report, dated December 20, 2019 (the "**Proposals Report**"), that outlined a number of concerns with the proposed GMSP policies (enclosed as **Attachment A**).

A follow up letter was submitted to SCC on July 16, 2020 that outlined the Owner's concerns with the revised GMSP policies contained in the Final Report, provided specific policy revisions for Staff's consideration, and reiterated and expanded on those concerns raised regarding the GMSP policies in the Proposals Report (enclosed as **Attachment B**). Consideration of the Final Report was deferred at the July 17, 2020 SCC Meeting and City Staff was directed to conduct additional consultation with all landowners to scope issues, where possible. At the request of City Staff, a supplementary letter was sent to the City of Toronto Legal Services department on August 10, 2020 (enclosed as **Attachment C**).

Since the initial iteration of the GMSP policies, the Owner has clearly outlined concerns related to permitted heights and densities permitted for the Property, the prescriptive nature of the built form policies, unclear direction regarding public realm improvements and community services and facilities, minimum requirements for non-residential gross floor area, and approvals linked to adequacy of the transit and servicing systems in the GMSP area, amongst other matters.

We have now had the opportunity to review the Supplementary Report and the Owner's position remains that the revised draft policies therein, particularly those dealing with permitted height and density on the Property, have not satisfactorily addressed the concerns and comments submitted to date. It must also be noted that staff did not engage in discussions with the Owner regarding such comments.

We continue to reiterate the conclusion that the policies of the GMSP restrict development of the Property and are not consistent with the Provincial Policy Statement (2020) and do not conform with the Growth Plan (2019) and the City of Toronto Official Plan, all of which contain direction 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 such as the Property.

We thank the members of Scarborough Community Council for their consideration of this submission and welcome the opportunity to discuss the concerns listed herein and the GMSP with City Staff.

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

Yours truly,



For: Calvin Lantz
CWL/sg

encls.

cc. *client*
Daniel Elmadany and Amanda Hill, *City of Toronto, Legal Services*
Paul Zuliani, Victor Gottwald and Emily Caldwell, *City of Toronto, City Planning*
Lindsay Dale-Harris and Stephanie Kwast, *Bousfields Inc.*

Stikeman Elliott

Stikeman Elliott LLP
Barristers & Solicitors
5300 Commerce Court West
199 Bay Street
Toronto, ON Canada M5L 1B9

Main: 416 869 5500
Fax: 416 947 0866
www.stikeman.com

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

February 20, 2020
File No.: 146849.1001

By E-mail

Emily Caldwell/Teresa Liu
Community Planning, City Planning Division
Scarborough Civic Centre
150 Borough Dr, 4th Floor
Toronto, ON M1P 4N6

Dear Sirs/Mesdames:

**Re: 1891 Eglinton Avenue East
Draft Golden Mile Secondary Plan Policies**

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 draft GMSP policies contained in the Golden Mile Secondary Plan – Proposals Report, dated December 20, 2019.

Please find enclosed herewith a Memorandum prepared by Bousfields Inc., dated February 20, 2020, setting out our client's concerns with the draft GMSP policies.

Our client looks forward to meaningful discussion regarding the GMSP policies.

If you have any questions please do not hesitate to contact me or in my absence Kelly Oksenberg at 416-869-5645 or koksenberg@stikeman.com.

Yours truly,


Calvin Lantz

FOR

CWL/KO
cc. Client
Lindsay Dale-Harris, *Bousfields Inc.*
Kelly Oksenberg, *Stikeman Elliott LLP*



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 upon 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 Golden Mile Secondary Plan - Proposals Report, dated December 20, 2019, 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 (Map 16).

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

1. Density

The *Mixed Use Areas* portion of the subject site is 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, and is not based on a built form analysis/block plan for the 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

The Plan’s built form policies are, in our opinion, overly prescriptive. Such 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 suggest that such detailed numerical standards are best established through implementing zoning by-laws tailored to individual site and context plan circumstances. Official Plans should provide for greater flexibility, and are meant 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 (Map 16). In our opinion, this designation is overly broad, as evidenced by the identification of Child Care Priority Areas at every future LRT station stop. The preferred location for Child Care Priority Areas should be identified through consultation with landowners through the processing of site-specific development applications, when the need for all community benefits are identified and balanced.

6. Bill 108 Provisions

Despite the inclusion of Policy 13.8, it appears that the draft Secondary Plan does not address various *Planning Act* amendments introduced through Bill 108 that will come into force on a future date yet to be determined. 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 the proclamation of these remaining amendments 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 remaining 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. A minimum amount of non-residential GFA was required through the approval of OPA 231 and SASP 435. We can see no basis for the proposed changes to the existing non-residential provisions which have only recently been approved. We note that portions of OPA 231 remains under appeal.

8. Approval Linked 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 request clarity on the inclusion of built form policies and transit policies in the same sub-paragraph.

9. Requirements for Two bedroom units above City-wide Guidelines

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 community services and facilities in the future are intended to be addressed through the community benefits by-law. This could potentially result in inconsistencies in the application of Policy 10.5 and the future community benefits regime.

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 Policy 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 is intended to constitute a community benefit is not clear.

14. Holding Provisions – Transit Priority Measures

In our opinion the Holding Provisions set out in Policy 13.20 include matters which are outside the control of any individual landowner, or group of landowners. 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.

We welcome the opportunity to discuss our comments on the draft Plan.

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

Stikeman Elliott

Stikeman Elliott LLP
Barristers & Solicitors
5300 Commerce Court West
199 Bay Street
Toronto, ON Canada M5L 1B9

Main: 416 869 5500
Fax: 416 947 0866
www.stikeman.com

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

July 16, 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 – Final Report
Item SC16.3: July 17, 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 – Final Report (June 25, 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. This Memorandum was submitted prior to the Scarborough Community Council Meeting on June 19, 2020 and the conclusions and concerns listed therein remain unchanged.

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

Yours truly,



Calvin Lantz

CWL/sg
cc. Client
Lindsay Dale-Harris, *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 inforce 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 %

Stikeman Elliott

Stikeman Elliott LLP
Barristers & Solicitors
5300 Commerce Court West
199 Bay Street
Toronto, ON Canada M5L 1B9

Main: 416 869 5500
Fax: 416 947 0866
www.stikeman.com

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

August 10, 2020
File No.: 146849.1001

By E-mail

City of Toronto Legal Services
Metro Hall
55 John Street, 26th Floor
Toronto, ON M5V 3C6

Attention: Daniel Elmandany & Nathan Muscat

Dear Sirs:

**Re: Item SC16.3 - Golden Mile Secondary Plan Study – Final Report
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.

In response to the City's request for landowner feedback on the proposed policies of the GMSP dated June 25, 2020, we are pleased to enclose herewith a Memorandum prepared by Bousfields Inc. setting out our client's concerns with the draft GMSP policies. Our client looks forward to meaningful discussion with the City regarding the matters listed herein.

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

Yours truly,



Calvin Lantz

CWL/sg

cc. Client
Lindsay Dale-Harris & Stephanie Kwast, *Bousfields Inc.*
Sara Gregory, *Stikeman Elliott LLP*
Victor Gottwald, Emily Caldwell & Paul Zuliani, *City of Toronto*



August 10, 2020 &

Project No. 1984

SENT VIA EMAIL: daniel.elmadany@toronto.ca

City of Toronto Legal Services
Planning & Administrative Tribunal Law Section
Metro Hall
55 John Street, 26th Floor
Toronto, ON M5V 3C6

Attention: Daniel Elmadany, Solicitor

**Re: \$ SC16.3 Golden Mile Secondary Plan Study
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.

As requested via email on July 23, 2020 to landowners within the Golden Mile Secondary Plan Study area, please accept the following commentary regarding the Golden Mile Secondary Plan Study ("GMSP") and make it available to Paul Zuliani, Victor Gottwald and Emily Caldwell.

Background

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

Prior to filing the OPA 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 (**Attachment 1**).

Subsequently we reviewed the most recent version of the draft GMSP made available to the public on June 5, 2020. A letter outlining our requested revisions was sent to Scarborough Community Council on June 18, 2020, ahead of the June 19, 2020 Scarborough Community Council Meeting, and on July 16, 2020, ahead of the July 17, 2020 Scarborough Community Council Meeting (**Attachment 2**).



Please find below our comments on the proposed draft GMSP mapping and policies. Many of our comments are consistent with those provided in **Attachments 1** and **2** of this letter and should be read comprehensively.

Comments on Maps

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

II

The *Mixed Use Areas* portion of the subject site is limited to a maximum FSI of 3.2 FSI and maximum building heights of 20 and 30 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 an appropriate built form analysis/block plan for the subject site. The subject site is well located for significant intensification, given the designation and proposed use of adjacent properties. Lands designated *Mixed Use Areas* (and which are contemplated for mixed-use development through the GMSP) lie to the north, east and west of the northerly portion of the subject site. The subject site is also well buffered from adjacent low density residential uses as the closest *Neighbourhoods* designation is over 100 metres away.

Secondly, given its 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 shown on Maps 45-5 and 45-13 are appropriate. This arbitrary establishment of a maximum height limit has not been based on a thorough review of built form impacts.

Finally, the OPA Application submitted to the City requests a density of 5.13 FSI, which is based on a review of all matters (planning, urban design, servicing, transportation, etc.) and which demonstrates that based on this review the proposed density is appropriate.

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 detailed 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 restrictive 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 OPA 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 in the OPA Application 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 inforce Official Plan policies with respect to the provision of parkland on individual applications. We note that the application includes only the lands designated *Mixed Use Area* and excludes the lands designated *Employment Area* which will remain so designated for the foreseeable future.

- **Policy 7.17**

Policy 7.17 speaks to "larger retail units" located in the bases of new buildings. In our opinion, "larger retail units" should be defined or at the very least details provided in order to understand exactly what the City's intent is with this policy. At the present time, the term "larger retail units" is too vague and therefore may not be consistently applied across sites within the GMSP.

- **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 an appeal of OPA 231 which resulted in Site and Area Specific Policy (SASP) 435. No basis has been provided for the proposed changes to the existing and recently approved non-residential provisions.

- **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. In our opinion the GMSP should reflect the Council endorsed the City-wide Guidelines.

- **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.

- **Policy 13.21**

In our opinion the Holding Provisions set out in Policy 13.21 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 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

Lindsay Dale-Harris, FCIP, RPP

Stephanie Kwast

Stephanie Kwast, MCIP, RPP &