

E-Mail To: <councilmeeting@toronto.ca>

April 5, 2021

Toronto City Hall
100 Queen Street West, West Tower, 12th Floor
Toronto, Ontario M5H 2N2

Attention: Marilyn Toft

Re: MM31.27 –The Future of Yonge and Eglinton's Canada Square: Supporting
Midtown Residents' Quality of Life

Dear Mayor Tory and Members of City Council,

I am writing to support the motion to be presented on April 7, 2021 by Councillor Josh Matlow, Ward 12, and Councillor Kristyn Wong-Tam, Ward 13.

Introduction

As you know, Oxford Properties Group and CT-REIT submitted their formal application to City Planning on December 21, 2020. They are proposing to re-develop the Yonge/Eglinton Canada Square Buslands in conjunction with construction of a new bus terminal facility.

I have been a long time resident in the Chaplin Estates community. Since 1985, I have resided in North Toronto, first on Soudan Avenue near Bayview, from 1987 at Manor Road East near Mt. Pleasant Road, and from 1992 to 2013, on College View Avenue, south of Eglinton, at Elmsthorpe Road, directly across from Oriole Park Junior Public School.

From Year 2002 to the present, I have spent up to 20 years researching and evaluating the planning policies and guidelines as they pertain to this Yonge/Eglinton site. In my capacity as Secretary and Director of the Oriole Park Association, Year 2003 to 2013, and Secretary-Treasurer and Director of the Federation of North Toronto Residents' Associations (FoNTRA), Year 2009 to 2012, I have attended and typed minutes, comprising 1,000 typed pages, upwards of 200 public meetings, 20 Committee of Adjustment hearings, and 15 major OMB appeals.

In November 2013, I moved to Don Mills. Such is my admiration for residents of the Chaplin community that I remained active with Oriole Park Association as an advisor and member. My primary objective has been to assemble, over a 20 year span, a typed record of every action, policy, and statement possible about the TTC Buslands. This is so that residents and ratepayer groups can be in a better position to more fully understand the background to this site, and respond accordingly, and effectively.2

I wish to provide City Council with a fulsome outline of the history of this Yonge/Eglinton site. The Canada Square re-development application is the culmination of over 50 years of proposals to develop and ameliorate this property in terms of providing enhanced transit, commercial, community, and residential living spaces.

Canada Square Application – Oxford Properties Group and CT-REIT

From the 1950s, this site has been subject to various development scenarios. In the 1970s, one concept was to build a 70 storey hotel and commercial complex. Another idea was to construct a 50 storey hotel. During the 1980s and 1990s, Canada Square came up for discussion time and again. Local residents were concerned about height and density with anticipated development on the southwest quadrant of Yonge/Eglinton. The development pressure accelerated in the past 20 years with the approval of Minto Towers in 2002.

The applicant, Oxford Properties Group and CT-REIT, seeks to amend the Site Specific Zoning By-law 236-2009 to vary performance standards including but not limited to building height, density and angular plane requirements. This 9.2 acre site is designated as Mixed Use Areas ‘A’ for urban intensification, and adjacent to a major transit node.

Phase 1 of the development is proposed to include a new bus terminal, replacement of two pedestrian access points to the subway station, an access point to the Crosstown LRT, and significant components of the open space network including the public plaza at Yonge and Eglinton, a central community green space and a covered outdoor area.

The two existing 6 and 18 storey office buildings at 2180 and 2190 Yonge Street, the parking facility, and decommissioned bus terminal, would be demolished.

The applicant wants to construct in the first phase Tower 1 at 60 storeys, including 3 levels of mechanical. The first floor would contain 644 square metres of retail space. Floors 1 to 27 would contain 56,873 square metres of office space, and floors 27 to 60 would contain 420 residential units comprised of 38 studio apartments (9%), 210 one-bedroom apartments (50%), 138 two-bedroom apartments (33%) and 33 three-bedroom apartments (8%). Overall, there are 2,701 units proposed.

Subsequently, there would be 4 predominantly residential towers including Tower 2 at 70 storeys, Tower 3 at 60 storeys, Tower 4 at 55 storeys, and Tower 5 at 45 storeys. Towers 2 and 3 would include retail uses along Yonge Street and Tower 5 includes community uses near the centre of the property.

The proposed 21,853 square metres of open space would constitute about 50% of the site. There would be a new 1,835 square metre public park at Duplex Avenue. Additional amenities include a central courtyard.

Let us begin by reviewing the provincial policy direction.

....3

Provincial Policy Statement, 2005

The Provincial Policy Statement was issued under Section 3 of *The Planning Act* and was in force on March 1, 2005. It writes about minimum levels of intensification as if this is the only aspect to city planning. Nowhere in this 37 page report is there any mention of the maximum amount of urban intensification in a large municipality such as the City of Toronto. It attempts to direct growth. But it does not deal with capacity issues. It refers to infrastructure but it does not address the issue of the lack of infrastructure in relation to urban development.

As Councillor Josh Matlow wrote in his June 29, 2018 submission to City Council: “In 2006, the Province designated Yonge and Eglinton as a Growth Centre *without providing funding to support the mandated population intensification*. Local residents know all too well that this imbalance has had significant impacts.”

Applicability to City Policies and Guidelines

This policy document states that a decision of a municipal council, and comments and advice on a planning matter “*shall be consistent with*” the Policy Statement. (p. 24)

Yet it does not define what that consistency is all about. At the Ontario Municipal Board and Local Planning Appeal Tribunals, planning lawyers consistently argue about interpretation of provincial policies and guidelines, and their applicability to the City of Toronto’s Official Plan and secondary plans. The lawyers claim that policies and guidelines are merely “descriptive” instead of “prescriptive”, as if these guidelines have little or no effect on providing limits to urban growth and proper planning.

City planners appear to disregard their own guidelines which have been exhaustively reviewed by residents in affected areas and recommended for approval. Not only approval, but enforcement. A zoning bylaw, developed from discussion of the issues and concerns of the community, should be adhered to. Bylaws should not be the *starting point* for negotiating further allowances.

Zoning Bylaw, Height, the Strata Plan, and City Council Decorum

A perfect example of disregarding the zoning bylaw concerns height. We see that Oxford Properties Group has proposed five towers with heights of 45, 55, 60, 60, and 70 storeys. The starting point for height is over the approved zoning bylaw limit of 40 storeys. This maximum was established, years ago, with the hard work of the Yonge/Eglinton Focused Review Group and Councillor Michael Walker.

Zoning Bylaw, Height, the Strata Plan, and City Council Decorum (cont'd)

Strata plan, to limit the height to 40 storeys, was first submitted to City Council as a Michael Walker motion at its February 23-25, 2009 meeting and the vote was 15 in favour to 16 against. I was there, for nine hours, sitting in the public gallery, writing down the key words spoken, to form a typed document, among many I have completed, which remains as a tangible record to this day.

In my view, it was the height of disrespect for this very important Council motion that the item kept being deferred until, finally, at midnight, strata plan was discussed. In fact, they even adjourned at 8:30 p.m. to celebrate Councillor Joe Mihevc's birthday, in the middle of that Council meeting. Further, instead of an electronic recorded vote, Council decided to do the vote "by show of hands". For such a crucial vote on an important issue, again, this was disrespectful. I waited from 2:00 p.m. until 12:40 a.m. when the vote was taken.

The Issue of 'May' Versus 'Shall' Limit the Height

Michael Walker re-submitted his motion and, on May 25, 2009, that strata plan was approved by Council. The City solicitor, Margaret Fischer, Director, Legal Services, advocated a 'watering down' of the resolution and it became, in effect, "may limit the height" instead of "shall limit the height", much to the dismay of the Yonge/Eglinton ratepayer community.

2180 and 2200 Yonge Excluded From Strata Plan and Height Limits

In addition, at its October 24, 2012 meeting, the TTC excluded two parcels of land, 2180 and 2200 Yonge Street, from strata plan height restrictions. Yet there was little explanation forthcoming by the TTC or the City of Toronto as to what this exactly meant or the implication of that decision. To me, it was tantamount to allowing *unlimited height* on those parcels of land which includes the Canadian Tire building.

History of the TTC Buslands – Canada Square Site

Since 1954, the year I was born, Yonge and Eglinton has been the focus of City planners and City of Toronto transportation officials. The Yonge Street subway line was completed that year. The bus terminal was built on this site in 1954. It's no coincidence that our Oriole Park Association was established in 1954. In consequence, greater development followed up that transit corridor to Yonge and Eglinton. From the 1960s, the TTC Buslands was under threat to be developed.

Five Area Ratepayer Associations Recommend Height Limit at City Council in 1973

The great concern by Yonge/Eglinton residents and ratepayer associations has a long history. On January 10, 1973, representatives of five area ratepayer associations met with the City of Toronto Planning Board about “*amendments to the Zoning By-law as to the imposition of height limits and set-back restrictions*” relating to the Eglinton Part II Plan.

In February 1973, Report No. 5 of the Committee on Buildings and Development submitted a report from the chief planner. The subject was “Development in ‘C’ zones north of the Belt Line”, and that is, Yonge/Eglinton.

The chief planner was requested to report on establishing “*a bylaw necessary to control development.*”

I draw your attention to the wording:

“This concern and opposition is not necessarily against development in general, but rather based on the specific relationship between new and existing developments and the impact new developments could have on local traffic circulation. The permissive nature of the Zoning By-law does not allow for the resolution of these problems nor the achievement of public objectives within the context of its present provisions.”

Please note the concern about *traffic* and the issue of *achieving public objectives*.

Specific Developments Proceeding under the Zoning By-law: “*They are the Canada Square development on T.T.C. lands at the south-west corner of Yonge and Eglinton.*”

“The existing zoning on the Canada Square site still allows over a million square feet of floor space to be built. A promotional brochure for the development indicates, [and I doubt you would realize this], a ‘70-storey-plus hotel, apartment and commercial complex’ planned for the remainder of the site.” (p. 760)

“Residents are concerned about the overpowering effect such a building would have on single family housing areas to the west and south and the traffic which would be generated by such a large complex.” (p. 760)

“Height limits and building setbacks....should be thoroughly validated and changes developed *in consultation with* the community and property owners.” (p. 762)

Peter Hayden, then President of the Oriole Park Association, submitted his letter: “*The Oriole Park Association hereby indicates its support for the height limitation proposal...and hopes you will see fit to put the proposed by-law before City Council.*” (p. 776)

Five Area Ratepayer Associations Recommend Height Limit at City Council in 1973
(cont'd)

Here is the recommendation in 1973 which applies today – the need for a conditional planning study (also called a comprehensive study of Yonge/Eglinton and the TTC Buslands).

“Changes to the Zoning By-law which are not in conformity with the Official Plan can be made only after a planning study has been done to justify the necessary Official Plan amendment.” (p. 762)

“In the absence of any planning study and clearly identified objectives which have been understood and agreed to by the community, the requested Zoning By-law amendments should not be considered at this time.” (p. 763)

Representatives from five area ratepayer associations met with the local alderman to express their concerns about the Canada Square site and development pressures. They supported height limits of 30 storeys (formerly using 300 feet as an Imperial unit measurement) on this property.

Bedford Park, Lytton Park, Oriole Park, Sherwood Park, South Eglinton Ratepayers' and Residents' Association. In addition, the North Toronto Amalgamated Ratepayers' Association, forerunner to the Federation of North Toronto Residents' Associations (FoNTRA), added their support of height limits to development at Yonge/Eglinton.

Please note that these five ratepayer associations recommended a Citizen's Advisory Planning Committee be established in 1973, the same as recommended today in Year 2021, almost 48 years later.

It was duly recommended “that Council and the Planning Board, in consultation with residents and businesses in the areas *establish a Citizen's Advisory Planning Committee* that will advise the Planning Board and Council as to its recommendations concerning zoning amendments, that may result in buildings in excess of the [height] limits established.”

A map was attached entitled “Summary of Zoning By-law Amendments Requested by Local [Ratepayer] Associations North of Belt Line”.

Source: City of Toronto, Report No. 5 of the Committee on Buildings and Development, Amendment to Zoning By-Law Regarding Development Controls and Height Restrictions in “C” Zones North of the Belt Line, Appendix A, February 13, 1973, pp. 758 –779.

Area Ratepayer Association Recommendation for Comprehensive Study Is Not New

The above City Council meeting illustrates that a joint ratepayer association request to do a comprehensive study on the TTC Buslands property is not new. Almost every decade from the 1970s, study requests have been presented at Council.

On January 12, 2021, an on line publication (Livable) noted: “The application’s planning rationale, authored by Urban Strategies Inc, explains that Canada Square has been subject to an extensive history of planning and design within the city, including *a comprehensive study composed by the City of Toronto in 2009.*”

Indeed, the requirement for a comprehensive study in this ‘Special Study Area’ was built into the Yonge-Eglinton Secondary Plan and still is in force, in the amended Plan, from July 2019. ‘Special Study Area’ has its own heading in the Secondary Plan.

5.5.3 Development in the southwest quadrant of the Yonge-Eglinton Crossroads Character Area will address the following development criteria:

- a. *a comprehensive study will be undertaken prior to considering any amendments or variances to the Zoning By-law. Any resulting Zoning By-law amendment or variances will meet all applicable policies of this Plan;*
- b. a new public street extending east and south from Duplex Avenue to Berwick Avenue will not be precluded. Land conveyances will be required from privately-owned sites to implement the new public street;
- c. strata plans, as appropriate, may be utilized to limit height on City-owned lands to implement the objectives of this Plan;
- d. a sensitive transition in height, density and scale will be provided through the use of building setbacks and stepbacks in addition to any height limitations to adjacent lands designated Neighbourhoods; and
- e. a compatible height gradation will be provided by stepping down buildings heights from the southeast corner of Yonge Street and Eglinton Avenue (highest) to the northwest corner of Berwick Avenue and Duplex Avenue (lowest).

Therefore, this motion and this request by our Yonge/Eglinton area ratepayer associations was not prepared without history from the past about the Canada Square site. It is based on approved City planning legislation as amended by the Province of Ontario.

Area Ratepayer Association Recommendation for Comprehensive Study Is Not New (cont'd)

It has been repeatedly demonstrated that our Oriole Park residents and area ratepayer associations such as Eglinton Park Residents' Association (EPRA) and South Eglinton Ratepayers' and Residents' Association (SERRA) have worked together as a team to study and recommend valid changes to planning policies and guidelines.

Yonge-Eglinton Focused Review Group

The Yonge-Eglinton Focused Review Group, engaged from Year 2001 to 2009, proved this. With Terry Mills and Michael Visser as Co-Chairs of this committee, the Oriole Park Association recommended a much better planning framework, based on height limits and limiting intensification particularly at the Canada Square site.

A City Staff Report on January 5, 2009 was about the Yonge-Eglinton Focused Review Group Final Report submitted to Planning and Growth Management Committee, and then to City Council in 2009.

"The results of the Yonge-Eglinton Centre Focused Review are recommended Official Plan policies to guide new development and ensure compatibility with surrounding neighbourhoods, design guidelines to ensure high quality architecture and streetscapes, and zoning provisions for the southwest quadrant of Yonge-Eglinton to implement the vision. In addition, critical to the success of the vision are improvements to open spaces and other public amenities in the area."

Source: "City-Initiated Official Plan and Zoning By-law Amendments, Yonge-Eglinton Centre Focused Review – Final Report", To: Planning and Growth Management Committee, January 5, 2009, p. 12.

The Focused Review identified five key initiatives that would guide future development and implement the vision for Yonge-Eglinton Centre. These initiatives formulated with community input are as follows:

1. Compatible built form and exceptional urban design.
2. Improvements to Public Transit.
3. Public parkland and community benefits.
4. Nurturing the Yonge-Eglinton Destination.
5. Monitoring and continued community involvement.

Yonge-Eglinton Focused Review Group (cont'd)

Councillor Michael Walker took this effort further by introducing 'strata plan' to limit the height and by advocating strongly for a sizable public park on this site.

As Terry Mills, Co-Chair of this Focused Review Group, wrote in his submission to City Council, "This 'strata plan' would allow the TTC to. . .remove the ability of a developer to go to the OMB over the prescribed height. The Focused Review Working Group pushed strongly for this mechanism and our support hinges upon its inclusion. If the City will not confirm the use of a strata plan, then my neighbourhood may not be protected from over-development of these lands."

Source: Terry Mills, Submission to Planning and Growth Management, PG23.1.7, Yonge-Eglinton Centre Focused Review – Final Report, 2009.

As Secretary and a Board of Director with the Oriole Park Association, I wrote a strong letter to Toronto City Council, dated February 18, 2009, PG23.1.8. The OPA had no elected President at that time. I composed the letter and it was accepted by our Board. I arranged to have Steve Sims, Treasurer and Director of the OPA, sign it on behalf of the Board.

In that letter, I declared:

"While we recognize that revenue from the sale of TTC lands will be beneficial to fund transit infrastructure and upgrades, we are very concerned about the potential for the City of Toronto to agree to land sales that will maximize the dollar value, allowing greatest height and density allowances, at the expense of the residents who live in the immediate area and the surrounding community."

In this Oriole Park Association letter, I supported the recommendation for a "Fairness Monitor" to oversee any Request For Proposals (RFPs) on the Canada Square lands, as City Council approved. However, twelve years later, I have yet to see this implemented.

In addition, I quoted Margaret Fischer, Director, Legal Services, City of Toronto, who declared at the City Council meeting of February 23-25, 2009 that "*the zoning bylaw provides the ultimate protection.*" I said then that the OPA disagreed. And I say now, the OPA still disagrees with this sweeping statement about zoning.

Yonge-Eglinton Focused Review Group (cont'd)

Led by Andy Gort, President of the South Eglinton Ratepayers' and Residents' Association, our area ratepayer associations would have none of this disregard for the hard work and recommendations by the Yonge/Eglinton Focused Review Group and residents and ratepayer organizations in the Yonge and Eglinton area. In March 2009, SERRA appealed to the Ontario Municipal Board.

In their March 16, 2009 letter, Andy Gort wrote: "Heights contained in Zoning Bylaws are historically not set at upper limits; one of the reasons for this is to extract capital benefits from applicants under Section 37 of *The Planning Act* via further site-specific amendments to the Zoning Bylaw. It is in this sense that Zoning Bylaws are normally not maximums."

SERRA continued: "By not adopting these amendments, *City Council has effectively broken the agreement with the neighbourhood residents that was reached in the Working Group process.* For this reason and planning grounds stated above, in our opinion, *the City has acted in bad faith and the resulting Official Plan and Zoning Bylaw amendments constitute bad planning.*"

This was a clear declaration that SERRA and neighbouring Yonge/Eglinton area associations were not going to accede to developer interests regarding height.

Advocating a New School

Councillor Josh Matlow has moved the discussion into the present day by advocating for a school as part of anticipated community benefits that will leave a proper legacy for area residents and visitors to Midtown.

I view this site as the last opportunity to have City planning work for us rather than against us. It is the final chance to develop something which truly relates to the needs of our residents who are in need of more open space and greater school capacity.

Canada Square – How About No New Bus Terminal?

I am making a recommendation that you may not have considered.

Canada Square – How About No New Bus Terminal? (cont'd)

With focused deliberation, I have been examining the planning documents for years regarding the Canada Square TTC Buslands site. It strikes me that the challenge with planners, the TTC, and the City's CreateTO personnel (formerly Build Toronto) is that they are trying to use the Oxford application for 5 towers, from 45 to 70 storeys, as a method to pay for the \$80 million bus terminal. It has become, essentially, an 'either-or' solution, without an alternative.

Has the City Planning Department given any thought about the idea of not having a new large bus terminal on the TTC Buslands site?

City planners and Oxford Properties Group should recognize that the reason why the Eglinton LRT was approved in the first place is to take pressure off the roads. The Eglinton LRT, going west to east, and east to west, is designed, presumably, to take the majority of buses off of streets located near major intersections.

Why not continue to use Yonge and Eglinton as regular bus stops, the bus shelters being close to all four corners, instead of building a large bus terminal on the site?

If you look at the Crosslinks site at Don Mills Road and Eglinton Avenue East, it is on 60 acres of land. That property borders a double lane arterial road – Don Mills Road – and two lanes along a wider stretch of Eglinton Avenue East at Wynford Drive.

It could be a preferred site for a new bus terminal which would serve residents travelling from their suburban homes, north and south of the Eglinton LRT, from Sheppard in the north to Danforth in the south.

The transit challenge today is how to serve our suburban residents who are spread out in urban areas. How to bus them to the Eglinton LRT line going east-west.

The answer, I believe, is to relocate the Yonge/Eglinton bus terminal to Don Mills Road at the Crosslinks property. That is where the suburbs need bus service, not at one of the highest density zones in the City of Toronto.

Don Mills is mid-way between Yonge/Eglinton and Kennedy Road. It is 30 km. from Yonge Street to Don Mills Road. Similarly, it is about 30 km. from Don Mills Road to Kennedy Road, toward the Scarborough Town Centre. It can satisfy the great need for bus connections there, with shorter trips and turn-arounds. That site would also be a perfect hub for express bus service to and from downtown, travelling along the Don Valley Parkway.

Canada Square – How About No New Bus Terminal? (cont'd)

Conversely, if you build a large new bus terminal at Canada Square site, you force bus riders to take the very long journey, up to 60 km., from Yonge/Eglinton to Kennedy Road, for instance, on bus route 36A, and the destination to Concorde Place on 36C.

Remove the Yonge/Eglinton Bus Terminal – Greatly Reduce The Cost

The 1954 Yonge/Eglinton bus terminal served its purpose at that time when the area was largely suburban. It has outlived its purpose today. With the Eglinton LRT, this bus terminal will be redundant. The passengers who would have taken a bus at the terminal can board the Eglinton LRT.

Removing the Yonge/Eglinton bus terminal from the development equation would greatly reduce the cost. The TTC would be constructing a new underground concourse and pedestrian connections to the Yonge subway. With lower costs, this would effectively eliminate the ‘either-or’ and ‘must-have’ solution. The City Planning Department could then propose a plan for this site which respects the zoning bylaw for height – approved at 40 storeys.

If you remove that bus terminal, the need (and the inevitable planning and economic rationale which goes with it) for height is decreased.

Height Increase Rationale – To Help Pay For the \$80 Million Bus Terminal

I surmise that the real reason Oxford Properties increased their ‘ask’ from 65 to 70 storeys, in essence, was to help pay for the \$80 million bus terminal. To my knowledge, Oxford never informed the ratepayer associations before they submitted their formal application. When we met with Oxford officials on March 2, 2017, as an introduction to consultation, height was not discussed. The big picture and overall master plan concepts were put forward.

As three years went on, we were not informed about 70 storeys, even though we enquired about the height. In my recollection, there was only a reference to 60 storeys. Regardless, 70 storeys was never mentioned until a certain point, or after the December 21, 2020 application was submitted.

As an example, *Urban Toronto* is quoted as saying that “*under the proposal, the tallest building will be 60 storeys and 255 metres tall, and the shortest, 45 storeys, according to Oxford.*” Only 60 storeys, not 70.

Height Increase Rationale – To Help Pay For the \$80 Million Bus Terminal (cont'd)

It may be likely that 70 storeys was recorded at the beginning of Year 2021. A January 12, 2021 publication, *Livable*, stated that “*Towers T2 and T3 would reach heights of 70 and 60 storeys,*”

Oxford Publicizing their Master Plan – Public Relations Exercise

Not only that, there was a gap in consultation, from Year 2019 to 2020. And then in November and December 2020, all of a sudden it seemed, Oxford held consultation meetings, using Zoom technology, with ratepayer groups. At the same time, their public relations arm sent their professionally designed press release to numerous media outlets, praising their Master Plan.

I personally copied onto a Word document and then counted up to 45 typed pages of press release material from media outlets such as *Bloomberg News*, *The Financial Post*, *The Toronto Star*, *Real Estate News Exchange*, *World Construction Network*, *Skyscraper City*, and *Urban Toronto*.

Clearly, Oxford Properties Group organized an extensive public relations strategy to ‘sell’ their Master Plan as if it was already achieved and approved by the City and affected Yonge/Eglinton community.

The *Construction Canada* bulletin, published on December 28, 2020, is one example, among many, of the Oxford campaign to publicize this development.

“The rezoning application marks an exciting milestone for the re-development plan and builds on the stakeholder engagement process that Oxford initiated back in 2017,” said Andrew O’Neil, vice-president, development, at Oxford Properties. “Through continued collaboration with stakeholder groups including the local community, the City of Toronto, and transit agencies, we believe our master-plan proposal will deliver significant community benefits and unlock the potential of this technically complex, transit-connected site in the heart of Midtown Toronto.”

Amid niche market phraseology and architectural and design jargon, a December 23, 2020 statement in *Urban Toronto* expresses the uncertainty of this development as follows:

Oxford Publicizing their Master Plan – Public Relations Exercise (cont'd)

“With office vacancy rates increasing and apartment rental rates and condo prices dropping amid a surplus of new supply, it is unclear whether COVID has brought a temporary, but significant bump in the road, or might be the bell-weather that presages a longer term reckoning on property economics, city configuration and how we work and live. Despite the office and condo markets softening, Oxford and other commercial landlords appear to be banking on the return to corporate offices. This site would be Oxford's largest development in Toronto.”

Oxford Real Estate Development Projects in Toronto and Mississauga

Oxford Properties Group, a world-wide commercial real estate firm, is not new to the Greater Toronto Area. Oxford is owned by OMERS which has a pension portfolio of \$110 billion, a sizable amount serving the retirement needs of 500,000 provincial employees, including City of Toronto retirees. Oxford has large, complex projects here at Union Park on Front Street West at \$3.5 billion, the EY Tower at Richmond and Adelaide Street, Yorkdale Shopping Centre at Allen Road and Highway 401 near Dufferin Street, and the re-development of Square One in the City of Mississauga.

I invite you to look at Oxford's statement for the Yorkdale Shopping Centre:

“Since acquiring the property in 1998, we have invested over \$500 million improving and expanding the property. We've introduced leading-edge smart technologies and advanced analytics, sophisticated air filtration and cleaning systems and protocols, sustainability features like a green roof, solar panels and centre-wide natural day-lighting and facilities and programs to accommodate customers with special needs and nursing mothers and young families. At the same time, we've almost doubled the footprint, tripled both the sales volume and net operating income, quadrupled the asset value and generated industry-leading dwell times and customer loyalty.”

Yonge/Eglinton Growth Forecasts

The Yonge/Eglinton area is forecast to grow by over 50,000 residents in the next decade. This is population growth has adversely affected our community for years, and this intensity will continue to adversely affect all of our community services and infrastructure.

Designated in Year 2006 as one of four (some sources claim five) Growth Centres by the Province of Ontario, the Yonge/Eglinton area has intensified for 15 years to the point where its population is far beyond what was originally contemplated.

Yonge/Eglinton Growth Forecasts (cont'd)

City staff reported in May 2018 that Yonge-Eglinton centre, which is made up of the intersection and some areas immediately surrounding it, is the most densely populated urban growth centre in the entire Greater Golden Horseshoe. The population of 20,000 people and 20,000 employees is set to double, based on already approved and projected developments.

The 'Places to Grow' report states that *"urban growth centres will be planned to achieve, by 2031 or earlier, a minimum gross density target of 400 residents and jobs combined per hectare for each of the urban growth centres in the City of Toronto."* (p. 14)

Current density amounts to 600 people and jobs per hectare, making it one of the densest places in Canada. The Yonge-Eglinton centre has exceeded the province's target of 400 people and jobs per hectare by 2031 as set out in the province's Growth Plan in 1991 — well before that plan came into force in 2006. Additionally, the downtown urban growth area is expected to meet its provincial growth target 10 years ahead of schedule.

The Yonge transit line carries over 700,000 passengers every week. The TTC's capacity of up to 30,000 transit riders per hour has been surpassed. Current figures are anticipated to grow up to 30 per cent in the next decade.

Councillor Josh Matlow and Councillor Kristyn Wong-Tam express their concerns in the motion they are submitting to City Council on April 7th.

"Unfortunately, the Province did not ensure that community services and infrastructure would keep up with the pace of growth. As a result, there is a recognized dearth of amenities in the neighbourhood such as parks, recreation space, child care, and more."

Supporting infrastructure, schools, and community facilities in the Yonge/Eglinton area have not kept up to the insatiable demand for high density development.

Provincial Policies and Guidelines – Planning for Infrastructure Requirements

"Comprehensive review means an official plan amendment which is initiated or adopted by a planning authority. . .is integrated with planning for infrastructure and public service facilities."

Source: Provincial Policy Statement 2005, p. 29.

Provincial Policies and Guidelines – Planning for Infrastructure Requirements (cont'd)

Part V: Policies (Page 4)

1.1 MANAGING AND DIRECTING LAND USE TO ACHIEVE EFFICIENT DEVELOPMENT AND LAND USE PATTERNS

1.1 *“Healthy, liveable and safe communities are sustained by. . .ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs.”*

1.1.3.8 “Planning authorities shall establish and implement phasing policies to ensure the orderly progression of development within designated growth areas and the timely provision of the infrastructure and public service facilities required to meet current and projected needs.” (pages 5, 6)

1.6 “INFRASTRUCTURE AND PUBLIC SERVICE FACILITIES 1.6.1 and shall be provided in a coordinated, efficient and cost-effective manner to accommodate projected needs. Planning for infrastructure and public service facilities shall be integrated with planning for growth so that these are available to meet current and projected needs.” (page 10)

The Province’s guidelines, contained in their ‘biblical’ report entitled *“Places to Grow – Better Choices, Brighter Future, Proposed Growth Plan for the Greater Golden Horseshoe”*, November 2005, and in the *Places to Grow Act*, 2005, have not been updated to reflect this exponential growth. Yet the developer lawyers, planning consultants, and OMB judges at Ontario Municipal Board hearings continue to reference this provincial guideline as if it is an eternal prescription for the Yonge/Eglinton area.

I find it ironic that this provincial report was prepared by the Ministry of Public Infrastructure Renewal. Yet infrastructure, presumably their focus, has not been adequately addressed in planning and development decisions which impact our Yonge and Eglinton area.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) (the Growth Plan) was brought into effect on May 16, 2019, and municipalities are required to revise their official plans to ensure conformity. The Minister of Municipal Affairs and Housing established a deadline of July 1, 2022 to complete the required conformity exercise. The work involved is substantial – undertaking a Growth Plan conformity exercise and Municipal Comprehensive Review (MCR). Municipalities across the province are in various stages of review. The City of Toronto has now taken the first steps to initiate its official plan review.

Province of Ontario – Changes to the Growth Plan

On June 16, 2020, the Minister announced proposed changes to the Growth Plan, “including updates and policy changes to the population and employment forecasts, a change to the Plan horizon year, a new Land Needs Assessment methodology, adjustments to the aggregates policy framework, and new policies to address Major Transit Station Areas within Provincially Significant Employment Zones.”

The consultation period closed on July 31, 2020, and municipalities incorporated these changes into their MCRs and conformity exercises. The proposed amendments can be found on line, from the Ministry of Municipal Affairs and Housing web site access.

Source: Blake Cassels Graydon LLP Christie E. Gibson and Julia Pierdon, “City of Toronto Growth Plan Conformity & Municipal Comprehensive Review: What You Need to Know to Get Ready”, Municipal, Planning, and Environmental Law, June 16, 2020.

Provincial Changes to ‘Midtown In Focus’ and ‘TO Core’ Plans

The news that the province had substantially amended both the city’s “Midtown in Focus” and “TO Core” plans without consultation came as a shock and great disappointment to City councillors, City planners, and residents who spent years working on those plans which will shape those communities for decades to come.

As Jennifer Pagliaro of the *Toronto Star* wrote, “*The changes. . .appear to strip both plans of strongly-worded language setting out the principle that development should not outpace available infrastructure like community centres, parks and sewer capacity while at the same time allowing vastly taller and denser development than previously considered or consulted on.*”

“In the case of midtown — which includes the Yonge-Eglinton area, one of the most densely populated places in the country — the maximum building heights now anticipated under the provincial decision are in some areas *more than double what was set out by the city.*”

Jennifer Pagliaro, City Hall Bureau, “Province overrules Toronto on plans for midtown, downtown to allow taller, denser towers”, The Toronto Star, June 5, 2019.

Most striking is that the provincial amendments to ‘Midtown In Focus’, the ‘TO Core’, and Yonge-Eglinton Secondary Plan are not subject to appeal.

Adherence to the Height Limitations at Canada Square Site

I request strongly that the City of Toronto adhere to its own zoning bylaw for the Canada Square site. This bylaw was the result of eight years of study and evaluation by the Yonge-Eglinton Focused Group. From July 2012, there was six years of further study, commitment, and consultation by area ratepayer associations in developing the Midtown In Focus Plan.

Even after the Province of Ontario amended the Yonge-Eglinton Secondary Plan, it still has its own specific guidelines concerning height, density, and avoiding adverse impacts for the TTC Canada Square property.

Strata Plan in the Amended Yonge-Eglinton Secondary Plan

The ‘strata plan’, approved by City Council on May 25, 2009, was maintained in the amended Yonge-Eglinton Secondary Plan. This should be respected but, to this day, it has not been. All Oxford Properties Group tower heights *exceed* 40 storeys.

6. Southwest quadrant of Yonge and Eglinton

b) “strata plans to limit height may be utilized on city-owned lands to implement the objectives of this Plan.”

Source: Amended Yonge-Eglinton Secondary Plan, 2019, p. 9.

Strata Plan in the City Staff Report of May 5, 2016

A City Staff Report on May 5, 2016 also refers to the adopted recommendations at City Council meeting of February 23-25, 2009, which reflected the conclusions of the Yonge-Eglinton Focused Review Group. This included ‘strata plan’.

The content reads: “*use of strata title to enforce the 120 metre [40 storey] height limit.*” Furthermore, this staff report declared: “*Any application on the [TTC] Lands should be guided by the objectives outlined above.*” It cannot be any clearer than that.

Source: City Staff Report, “Re-development of TTC Lands at Yonge-Eglinton”, To: Executive Committee, May 5, 2016, pp. 2, 4.

Amended Yonge-Eglinton Secondary Plan – Avoiding Adverse Impacts on Adjacent Neighbourhoods

If you examine the amended Yonge-Eglinton Secondary Plan, you will observe the wording – “*particular regard will be had in avoiding adverse impacts on abutting Neighbourhoods.*” This is critical regarding the way in which the Oxford Properties Group application should properly respect the Zoning By-law. Again, in exceeding the height limit for all 5 towers, it does not respect the by-law.

4.2 Mixed Use Area ‘A’ (Yonge-Eglinton Focused Area)

“In considering new development proposals, particular regard will be had in avoiding adverse impacts resulting from height, scale and density, on abutting Neighbourhoods and on other Mixed Use Areas.” (page 4)

5. YONGE- EGLINTON CENTRE

5.7 “New development in the Yonge-Eglinton Centre *will be compatible with* maintaining the character of surrounding Neighbourhoods.”

5.8 “New development in the Yonge-Eglinton Centre will maintain a high quality of life and residential amenity for existing and new residents and will implement the Built Environment policies of the Official Plan.” (page 7)

Source: Amended Yonge-Eglinton Secondary Plan, 2019, p. 7.

Comprehensive Study Recommendation – Councillor Josh Matlow and Councillor Kristyn Wong-Tam Motion to City Council, April 7th, 2021

This April 7th, 2021 motion at City Council requests that a comprehensive study be done and a community-based Working Group be established to review the Oxford proposal. Further, that there is a commitment to more fulsome public consultation.

Letter from Goodmans LLP – Solicitors Representing Oxford Properties Group

A letter dated July 20, 2018 from Oxford Properties Group’s solicitor, Goodmans LLP is a response to the ‘Midtown In Focus’ Final Report but also refers to the Yonge-Eglinton Secondary Plan as amended by the Province, relating to Canada Square.

Letter from Goodmans LLP – Solicitors Representing Oxford Properties Group (cont'd)

Here are some of the highlights of this letter.

Oxford "supports the City's proposal to engage in a further comprehensive study to guide development on the Property. Oxford's main comment is to confirm that the comprehensive study mandated for Canada Square (Policy 5.5.3) will examine and balance the range of objectives for the site."

"Given its location contiguous with existing and under construction public transit, the Property has significant potential, but will need to be planned thoughtfully given the physical constraints associated with the transit infrastructure, grade differences, and public realm objectives for the Property."

"It should also be recognized that the City has significant control over the future use and development of this Property by virtue of the fact that the land is in public ownership, which weights in favour of a broader scope for the comprehensive study."

There is a heading in this letter – "Comprehensive Study of Canada Square".

"As an engaged and supportive development partner, Oxford participated in the Midtown in Focus planning process, has reviewed the Plan, and supports the City's proposal to engage in a further comprehensive study to guide development on the [Canada Square] Property."

At the same time, the letter's content deliberately leaves open a question about the terms of reference for such a study.

"Oxford's main comment is to confirm that the comprehensive study mandated for Canada Square (Policy 5.5.3) will examine and *balance the range of objectives* for the site."

Oxford contends that the comprehensive study is "mandated" by the Yonge-Eglinton Secondary Plan, as amended by the Province of Ontario. Indeed, a comprehensive study is required. It was recommended years ago for this very site.

This leads to the question. If it is mandated and, in principle, Oxford supports this study, should City councillors not support the Councillor Josh Matlow and Councillor Kristyn Wong-Tam motion on April 7th?

The councillors should.

Letter from Goodmans LLP – Solicitors Representing Oxford Properties Group (cont'd)

But Oxford lists policy requirements in the Yonge-Eglinton Secondary Plan which, in their words, “*should be refined*” in doing a comprehensive study.

1. parkland conveyances
2. new road conveyances
3. publicly accessible spaces and connections
4. setback and step back requirements
5. required percentages of residential and non-residential uses
6. requirements for unit mix and size
7. calculation of Section 37 benefits

Oxford recommends *revising* Section 5.5.1 of the Yonge-Eglinton Secondary Plan.

“This will allow the City and Oxford to address the unique advantages and challenges of the Property.”

This is an indirect way of *challenging the existing zoning bylaw*, the approved height limitations, approved setbacks, and the Plan’s policies and guidelines.

In short, Oxford wants to engage but they want to do it in a way that achieves, first and foremost, their goals and objectives. The hidden aspect to the lawyer’s letter is to set the stage for challenging the City’s planning legislation.

Oxford believes that agreeing to the comprehensive study requirement will supposedly assuage our area ratepayer associations. Oxford has clearly forecast the ratepayer associations advocating this special study. Directly or indirectly, consciously or unconsciously, Oxford has been preparing a strategy on how to deal with it.

Special Study Area Report Recommended

Councillor Josh Matlow and Councillor Kristyn Wong-Tam recommend a report be produced concerning consultation with the community and the Working Group.

“The City Planning officials, following Working Group meetings, provide a *Special Study Area report* to the June 24, 2021 TEYCC meeting.”

A ‘Special Study Area’ was documented in the Yonge-Eglinton Secondary Plan as approved legislation. This should reinforce the importance of the motion. Whether it does or not is debatable.

Confidentiality – Lease Arrangements

Over time, there have been questions by residents from the Yonge/Eglinton area about the confidentiality of the lease arrangements for the Canada Square site. Initially in Year 2005, it appears, the TTC stated its case regarding confidentiality, and their commitment to transparency.

The TTC Board report of November 28, 2005 stated: *“Demonstrate the TTC’s commitment to an open and transparent process recognizing that ultimately the financial aspects of the real estate transaction will be the subject of a confidential real estate report to be considered by the Commission and Council.”*

A City Staff Report on April 22, 2009 recommended that 22 properties be declared surplus, initially. The list included in Appendix 3 (a) “Parts of 2200 Yonge Street (Yonge/Eglinton).”

The report comments are intriguing.

“TTC ownership, new bus terminal and LRT requirements. New official plan and zoning policies and urban design guidelines approved by City Council on February 23 and 24, 2009. Affordable Housing interest.”

This April 22, 2009 City Staff Report had an amendment about the need for prior consultation, and to submit a report about the history of the property, which is worth noting.

“d. Prior to the declaration of surplus, sale or turnover of any property, there be prior consultation with the local Councillor(s) and as part of that consultation staff be requested to submit a written report on the history of the property and an outline of local considerations that should be taken into consideration be prepared.”

Furthermore, the amendments spoke about having protocols.

“The Executive Committee also: 2. requested staff to submit a further report to the Executive Committee as soon as possible, on how Build Toronto will be developing *potential protocols* around community involvement, architecture, public open space, design and environmental standards.”

At a TTC Board meeting on April 27, 2009, they recommended their properties be declared not just surplus, but *conditionally* surplus. The TTC identified 10 properties, and the Canada Square lands were “Property # 7” in Attachment # 2.

A chart listed – former Eglinton bus terminal, approx. 8,731 square metres or 2.15 acres, Turnover Agreement type.23

Confidentiality – Lease Arrangements (cont'd)

On April 27, 2016, City Council received a TTC Staff Report which recommended to City Council the establishment of a Yonge-Eglinton Steering Committee which would endorse guiding principles regarding the re-development of the Canada Square property. Also, that the TTC would request City staff to report back in the fourth quarter of Year 2016, i.e. October, *“on recommended arrangements for re-development, including commercial terms.”*

The question I ask is why were the Yonge/Eglinton area ratepayer associations not part of that Steering Committee? We could excuse ourselves if anything was confidential, or any particular financial item could be "redacted" from a report. But we should have been at the table when that committee met from June 2016 to October 2016.

Regarding confidentiality, *“Authorize that the information provided in the confidential attachment is to remain confidential until completion of any transactions relating to the sale or re-development of the lands.”*

Confidentiality was reinforced, using the same statement quoted above, in the TTC's May 2, 2016 memorandum from Vincent Rodo, Chief Financial and Administration Officer, TTC. Therefore, the aspect of confidentiality appears to have been stated all along. The fuller understanding of what this meant is another story.

On April 16, 2018, the TTC issued their memorandum which approved the recommendation in Confidential Attachment 1, and authorized the TTC to enter into negotiations with the current tenants. Furthermore, the TTC *“direct that the information provided in the Confidential Attachment 1 remain confidential until all lease amendment agreements have been executed by the parties.”* Councillor Josh Colle, son of Mike Colle, was the Chair of the TTC at that time.

In addition, there were expenses for the negotiations that had to be reimbursed, as follows: *“The Board grant authority to reimburse CreateTO (formerly Build Toronto) for expenses incurred related to negotiations of the proposed lease amendment contained within this report up to \$2.0 million.”*

On April 24, 2018, the City of Toronto's Deputy Manager of Internal Corporate Services gave his reason why the attachment was confidential: *“This report is about a proposed or pending land acquisition by the City or one of its agencies or corporations.”*

At the City Council meeting on April 26, 2018, the city councillors adopted a resolution which authorized the TTC to enter into a lease amendment agreement with current tenants, and any ancillary agreements as required.

Confidentiality – Lease Arrangements (cont'd)

Confidential Attachment 1 “*remain confidential until all lease amendment agreements have been executed by the parties, as it relates to a proposed or pending acquisition or sale of land by the City or local board.*”

That part is quite clear. Whether we agree with it or not, lease arrangements are deemed to be confidential until the lease agreements have been signed by the parties concerned.

On July 20, 2018, Oxford’s legal firm, Goodmans LLP, submitted a letter to City Council which refers to Canada Square. Goodmans LLP listed 5 leasehold owners, as follows:

1. Oxford Properties Group (OPG) Investment Holdings GP Inc.
2. Canadian Tire (CT) REIT (Yonge Eglinton) Inc.
3. 2180 Yonge (Canada 8) Holdings Limited
4. 2190 Yonge (Canada 8) Holdings Limited
5. 2200 Yonge (Canada 8) Holdings Limited

The Goodmans letter stated: “Oxford is the development manager for the leasehold owners [listed above] of Canada Square, *who are currently in negotiations*, to expand their interest in the Property for the purpose of redeveloping the Property....”

In July 2018, negotiations were still in progress. However, no one from Oxford indicated explicitly this continued negotiation at the March 2, 2017 meeting with Councillor Josh Matlow and Oxford officials, and our area ratepayer associations.

Mark A. Cote, Vice-President, Development, Oxford Properties Group Inc., said: “Three years ago, we bought a leasehold interest in Canada Square. Our aspiration is to develop this Yonge/Eglinton block in a collaborative fashion, in consultation with area ratepayers.”

This was a stated promise by a Vice-President, Development, Oxford Properties.

William Bryck, President and CEO of Build Toronto, now CreateTO, declared: “If anyone thinks this is Build Toronto trying to force development, this is not true.”

Gary Pooni, President, Brook Pooni Associates Inc. conveyed his thoughts about public engagement: “I’d love to ask you what is the best way to engage your community. This helps us and it helps you.”

Councillor Josh Matlow asked: “Gary Pooni, you’ll prepare an engagement strategy?”

Mr. Pooni nodded his head and indicated he would. Yet I did not see a tangible indication of follow up.

History of the Canada Square Site – Charles Wheeler, TTC and Councillor Josh Matlow

The Yonge/Eglinton TTC Buslands have been referred to at numerous public meetings in the long history of this development site.

Charles Wheeler, Manager, TTC Property Development, gave direct statements at the Oriole Park Association Annual Meeting on November 29, 2005. This is why we invited him to speak about the TTC Buslands.

“This property has been under-utilized for 50 years. You can change the appearance. Developing the site can generate revenue for the TTC. We’re facing a \$60 million shortfall. We are trying to have the developer pay for part of the cost of development.”

Charles Wheeler of the TTC continued: “We want to achieve the highest and best use of the land. We agreed to delay the RFP until the planning process was finished (until the public was consulted). The fear is that all these proposals will be defeated at the Ontario Municipal Board. The Province of Ontario decides whether it would go to the OMB, not the City of Toronto.”

“We could say that we won’t sell lands up to 30 storeys as a possible condition of sale. This would be putting a constraint on the upper limits to development. Therefore, the developer would conclude that going to the OMB is useless. We are looking at protecting the interests of the community.”

As well, Councillor Josh Matlow has commented about Canada Square at the following Oriole Park Association Annual Meetings – January 20, 2011, March 29, 2011, and November 16, 2016.

On November 16, 2016, Councillor Matlow stated:

“You will recall, on February 23, 2009, when Councillor Michael Walker tabled a motion in Council to approve a strata plan which sought to limit height for development on the TTC Buslands at Yonge/Eglinton. I worked with Michael on this file and, as you know, in subsequent years, there have been efforts by developers to build on this land.”

“In this connection, I made three demands on Build Toronto.”

(1) “Build Toronto must respect the agreement made with the Oriole Park Association. This is called honouring a contract. They must be committed to it.”

(2) “There needs to be a remarkable public land there. This property deserves a great public space, a park. Please see my web site for more information.”

History of the Canada Square Site (cont'd)

Councillor Josh Matlow continued: (3) “Regarding leverage, this is public land. This belongs to us. We don't need to haggle with Oxford Properties who owns it. They need to sign, legally, that they give up their rights to go to the Ontario Municipal Board.”

City Council Meeting on April 26, 2018

At the April 26, 2018 City Council meeting, Councillor Josh Matlow commented extensively about the Canada Square site.

“Madam Speaker, when this was first being negotiated under the prior mayor [Mayor Rob Ford] during the last term, it actually almost went off the rails. There were suggestions about building something that doesn't reflect at all what was in the 'strata' agreement [to limit height to 40 storeys], what is in the Official Plan. And certainly what was consulted on with the community.”

“And I want to give a lot of credit to Bill Bryck, [President and CEO, from Year 2013] from Build Toronto, now we call it Create Toronto [CreateTO], along with our current team, and our planning department, and others who, I think, have done a remarkable job of putting the discussion back on track. Respecting, as Councillor Shiner pointed out, with his very good questions, respecting the [Yonge/Eglinton] Secondary Plan, respecting the Official Plan, respecting the agreements with the Chaplin Estates residents and the Oriole Park Association community, along with discussions with SERRA [South Eglinton Ratepayers' and Residents' Association] and other ratepayer associations [such as Eglinton Park Residents' Association], and community members around the neighbourhood. For far too many years, the [TTC] bus barns have been left as essentially a derelict eyesore.”

“Madam Speaker, for far too long, the bus barns at Yonge and Eglinton have been left as an eyesore. Now, in more recent years, it has been transformed into a far better purpose. It has been used as a staging area for the Metrolinx LRT. But, in the next few years, there's going to be a change there. And I think it's incredibly responsible and important that we are proactively working with partners to ensure that we don't just struggle to figure out a plan once the LRT project is done. But that there is, in fact, a plan there to move forward with revitalizing that corner of Yonge and Eglinton, with the kind of development that is appropriate for the site and respects our Official Plan. *That's* the direction that we are going in. What the motion today does, and what the [City] staff recommendations today do, is move us forward with a framework to be able to do that, where you put all the parcels of land, you unpack all those different wires in the box, and you put it all together so we can move forward with the plan.”

City Council Meeting on April 26, 2018 (cont'd)

“I’m happy to say as well that Oxford and all partners have agreed that, along with being respectful of the Official Plan, that a remarkable public realm, as I’ve been advocating for, for years, along with the community, will be part of this plan. So at the corner of Yonge and Eglinton, there will be a remarkable public space.”

“You look at Rome, you look at London, you look at Paris, you look at New York. You look at great cities around the world. They’ve done amazing work, where there have been mobility hubs, where there have been transit hubs. With having not just sort of clunky spaces but *really special* public realm for people to congregate in or local employees to come and have lunch at, a destination for people to arrive at. That’s what we’re going to do at Yonge and Eglinton. This is the heart of Midtown. And we want to do something special.”

“I also add that this has been a consultative project, that the community has been engaged in meetings and discussions with Oxford, and other partners. And, as we move forward, getting closer to the pre-app. [pre-application] stage, Oxford is *committed* to sharing more and more information to ensure that the public *is* on board, and we all are in concurrence with the direction that we’re going. Lastly, I’d like to just add that this is, I think, something important to the entire city because this is, I think, an important way to plan with the community, with the development partners, and with the City in a way that isn’t in conflict but actually goes step by step, together, to build something that provides community benefits, that has respect for development, that will be unappealable, and that will increase the public realm, and the standard of public realm, in our city. Thank you.”

The nature of the discussion at this City Council meeting of April 26, 2018 was a hesitancy by Don Logie, Executive Vice-President, Development, CreateTO, together with intentions to portray a positive, introductory experience with Oxford officials, City staff, and residents from the Yonge/Eglinton area.

I want to stress that Councillor Josh Matlow’s remarks conveyed consultation with his constituents. Throughout his term of office, Josh Matlow has shown that he meets first with his ratepayer associations and affected residents before interfacing with a developer.

Starting in 2017, the four year history of Oxford Properties has involved some apprehension among residents. On the surface, there appears to be, among other concerns, a misunderstanding about the timing and release of lease information. However, it is incumbent upon Oxford to have initiated proper and prompt consultation with the community, to have demonstrated that everything is as transparent as they claim it is. And to have worked with ratepayer groups and the residents they serve to ensure the process is up front, and that complete information about their proposal is readily available. Frankly, I am not entirely convinced that this is the case.28

City Council Meeting on April 26, 2018 (cont'd)

Councillor David Shiner

“So, if I could go through you, I guess it’s to the staff of CreateTO. Without going into the numbers, which are ‘in camera’ items, can you give us a quick public purview of what’s in front of us?”

Mr. Don Logie, CreateTO

“Yes I can. Madam Speaker and Council, this is a lease that exists today with Northam, CT-REIT, and Oxford, of most of the TTC lands at Yonge and Eglinton. The lease lasts for another 30 to 50 years. There’s three leases, in fact. They last for another 30 to 50 years. They reserve the right to the leaseholder – that is, the three tenants – to do any development on there. And there is only one small piece which is the former bus barns, that is not included in this lease, on this block. The time left on the lease is not sufficient for these tenants to reinvest in the property and create anything new.”

“So they have come to us and asked for a request for an extension of the lease. And so we have, at the request of [City] Council, spent the last 18 months with a committee of, working with the TTC, because it’s their land, and a committee of City Planning, Real Estate, Finance, and others at the City, to renegotiate the lease.”

“What you have before you today is a renegotiated lease that extends the lease term to 99 years, includes the former [TTC] bus barns in it, and increases the revenue to the TTC through a re-development plan of some \$1.5 billion which the tenants intend to invest to completely, to add more office, residential, and retail to the site. And to create a new TTC bus terminal underground, right adjacent to the new Metrolinx station and the TTC subway station, to provide additional protections to the TTC in maintaining their infrastructure. And we worked carefully through this process, also with a financial advisor, Brookfield, and had an appraisal done by CBRE which we ensured maintained the value of the property.”

“There are a number of other benefits to this, including affordable housing, of course, a brand new revitalized Centre, new office, and substantial cash, um, in terms of, to the City, in terms of ‘DCs’, taxes, etc.”

Question by Councillor David Shiner

“Mr. [Don] Logie, as well, because it’s through CreateTO, the concern, always, is that someone will have the rights to a property and build beyond what is in our Official Plan or what is permitted by the City. And so, I want to know whether, in this particular application, the leasees will be bound to work within the planning framework that we have in place and/or the new ‘Midtown In Focus’ framework?”

City Council Meeting on April 26, 2018 (cont'd)

Reply by Don Logie, CreateTO

“Yes, a key feature of this lease, a key addition to this lease is that the tenants cannot appeal a decision of this Council. So, they have to work within the planning framework, to arrive at the best development solution.”

Question by Councillor David Shiner

“Now I also understand that they were looking for an extension at the end of it [the lease term], because people look for leases on land now that is longer than 99 years. Am I correct that one will be permitted? However, the clock will be reset, and they will have to pay at market rates, at that time. So, in other words, if that’s the case, it’s like selling the property twice?”

Reply by Don Logie, CreateTO

“That’s true. The existing market value of the TTC’s land is being recovered in the first term, will then be able to recover it again, in the second term.”

Question by Councillor David Shiner: “Based on whatever the market might be then?”

Reply by Don Logie, CreateTO: “That’s right.” Councillor David Shiner: “Thank you.”

It was the CreateTO response, and the Chief Planner response, to councillors who enquired about the lease arrangements and consultation by CreateTO, which left questions about public involvement and, to some extent, a lack of understanding by the public and our ratepayer community about the lease negotiations – their timing, and overall parameters.

Councillor Frances Nunziata (Deputy Speaker): “I’m wondering if our Chief Planner [Gregg Lintern] could give a response as well.”

Reply by Gregg Lintern

“Through the Deputy Speaker, the nature of the meetings was to introduce the proponent, the potential proponent, because it’s still not a deal until Council says it’s a deal, but to introduce the potential proponent to the community, begin to establish a relationship with the community groups that work at Yonge and Eglinton, of which there are many. We had three discussions. I attended one myself. And right now, the discussion was just about principles and ideas – nothing specific – because there are no specific plans yet.”

City Council Meeting on April 26, 2018 (cont'd)

Question by Councillor Frances Nunziata

“So all that discussion with the community was done *prior to any negotiation at all?*”

Reply by Gregg Lintern

“I think it was concurrent. There were negotiations happening at a [City] staff level, and at a CreateTO level. And obviously, the community were not privy to the details of that. They were talking more about the principles of development, and what we should look forward to, when and if we do a development on the site.”

Question by Councillor Frances Nunziata

“But the community was aware of who had an interest on the site?”

Gregg Lintern: “Yes, I believe so.”

Question by Councillor Frances Nunziata

“So they were aware of what was happening?”

Gregg Lintern: “Yes, I believe so.”

Councillor Frances Nunziata: “*Because that didn’t happen in my Ward.* Thank you.”

History of the Canada Square Site – Comments About Strata Plan, Height, Transition

At the November 7, 2019 Oriole Park Association Annual Meeting, OPA member Richard MacFarlane commented about Canada Square and the issue of height limits.

“Years ago, the OPA and other ratepayer activists thought that with proper strata plan controls in place, an appropriate height limit would be 40 storeys, and no higher, at the centre of that property. Then the height stepping down to 25 storeys, then to 14 storeys, or thereabouts, as you approach the sidewalks, and roadway. Much like the Berwick does at 17 storeys, and stepping down with an angular plane, at the south end.”

Source: Oriole Park Association Annual Meeting, November 7, 2019, Meeting minutes prepared by Richard MacFarlane, Special Advisor, Oriole Park Association, p. 12.

History of the Canada Square Site – Remarks by City Planners at Public Meetings

City planners, including Paul Bain, Tim Burkholder, Joe Nanos, and James Parakh stated that the height limit is 40 storeys at various public meetings.

Over 130 residents attended a meeting on January 22, 2009, indicating their concern about Canada Square. James Parakh, Senior Urban Designer, City of Toronto, said: *“It has always been our intention to guide development to fit into the context of the area.”*

Joe Nanos, Manager of Community Planning, City of Toronto, also commented: *“The City of Toronto owns a significant amount of vacant TTC lands. We wanted to come up with a comprehensive plan that is compatible with the planning area [Yonge/Eglinton]. We want a policy framework to guide area development. There are a number of issues. It is important that high density mixed use in a stable residential area has a proper transition from one to the other. This was identified at the public meetings.”*

Source: Yonge-Eglinton Centre Focused Review Public Meeting, North Toronto Memorial Community Centre, January 22, 2009, Minutes prepared by Richard MacFarlane, Secretary and Director, Oriole Park Association, pp. 2, 3.

Paul Bain, Project Manager, City Planning, commented at the March 3, 2010 Yonge/Eglinton Urban Growth Centre Boundaries Public Meeting at North Toronto Memorial Community Centre.

Richard MacFarlane asked, *“Regarding the TTC Buslands on the southwest corner of Yonge/Eglinton, are there any heights proposed there? I understand there’s going to be a development there.”*

Paul Bain replied: *“The maximum allowable height is 40 storeys. This was handed over to Build Toronto. Councillor Michael Walker was instrumental in putting the caveat through his motions at City Council that it would not be over 40 storeys.”*

Source: Yonge/Eglinton Urban Growth Centre Boundaries Public Meeting, North Toronto Memorial Community Centre, March 3, 2010, Meeting minutes prepared by Richard MacFarlane, Oriole Park Association.

At a Planning and Growth Management Committee meeting of February 4, 2009, Councillor Karen Stintz (Eglinton-Lawrence) remarked:

“I’d like to speak in support of Councillor Michael Walker's motions. He is trying to strengthen the intent of the work [planning and consultation] that has been done. It would be a shame if we were to take this land [Yonge/Eglinton] and use all the height. It would undermine the relationship that we've developed with the residents of the community.”

....32/

Summary Observations

The Canada Square property at Yonge/Eglinton is much too valuable to be developed only on a monetary basis, to seek profits at the expense of the community.

The very definition of city planning is to serve the people. Eugenio Faludi, a highly respected town planner who worked with the former City of Toronto, created an urban planning framework for numerous towns and cities across Canada. In a 1944 speech to architectural students at the University of Toronto, Faludi declared that “*planning is for the people.*” Never a truer word was spoken.

We should remind ourselves that a key section in the former Metro Toronto Planning Department was called the “Development Control Division”. With amalgamation in 1998, the City Planning Department changed the name to “Development Services”. This change is indicative of an approach within the municipal government culture which permits developers to submit proposals that go beyond the Official Plan and Secondary Plan guidelines, zoning and bylaws created by the Planning Department in the first place.

As legions of citizens have said in the City of Toronto, and elsewhere, “why have zoning and bylaws if you can’t enforce the rules?”

Amid the COVID pandemic, it would be tempting for City officials to seek additional funds from other sources. Cities are beset by deficits. The rationale might be to allow unreasonable urban development and intensification on the altar of revenue generation. This would be short sighted, and at the expense of the people we serve.

Strongly Recommend Support of the Motion

I strongly urge our City of Toronto councillors and the City Planning Department to re-examine planning priorities and the needs of this TTC – Canada Square property, not solely as a revenue generating source for the City and the TTC but to ensure a valuable legacy of creating additional employment, with proper community facilities, an adequate public park, sufficient open space, and providing a long overdue educational facility for our children.

To this end, I ask His Worship Mayor John Tory and City Councillors to support the motion by Councillor Josh Matlow and Councillor Kristyn Wong-Tam so that a Working Group can be established to discuss the salient issues. Further, that further public consultation will be demanded for this important site.

Richard MacFarlane, Special Advisor and Member, Oriole Park Association
(former resident of Chaplin Estates on College View Avenue, as of November 2013, living in Don Mills, Ontario)

c.c. His Worship Mayor John Tory <mayor_tory@toronto.ca>; Councillor Josh Matlow, Ward 12, <councillor_matlow@toronto.ca>; Councillor Jaye Robinson, Ward 15 <councillor_robinson@toronto.ca>; Councillor Mike Colle, Ward 8 <councillor_colle8@toronto.ca> and to all City Councillors and Planning Staff

