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City of Toronto  
City Planning Division – Etobicoke York District  
2 Civic Centre Court  
Toronto, ON  
M9C 5A3

**Attention: Members of Etobicoke York Community Council**

**Subject: PUBLIC INPUT – LETTER of CONCERN**  
**Item 2024.EY11.1: February 26, 2024 Etobicoke York Community Council Meeting; Final Report – Jane Finch Secondary Plan and Urban Design Guidelines**  
**50 Norfinch Drive, City of Toronto**  
**2204808 Ontario Inc.**

**Dear Members of Community Council:**

Gagnon Walker Domes Ltd. (“GWD”) acts as planning consultant to 2204808 Ontario Inc. (the “Client”); the registered owner of the property municipally known as 50 Norfinch Drive, in the City of Toronto (“subject site”). The subject site is comprised of one (1) parcel measuring approximately 1.27 hectares (3.15 acres), with street frontage of approximately 82.0 metres (270.0 feet) along Norfinch Drive. The subject site is designated ‘Mixed Use Areas’ and is located within the Council approved Norfinch/Oakdale ‘Protected Major Transit Station Area’ (“PMTSA”) pursuant to Official Plan Amendment 570. The property is currently developed with a 6-storey hotel building, with a floor area of approximately 7,000 m<sup>2</sup> (75,000 ft<sup>2</sup>) and associated surface parking.

**BACKGROUND: PRE-APPLICATION CONSULTATION and PARTICIPATION in the “JANE FINCH INITIATIVE”**

On March 24, 2022, GWD participated in a Pre-Application Consultation (“PAC”) meeting with City of Toronto Staff to present our Client’s proposal for the redevelopment of the subject site for a multi-tower, mixed use development. At this meeting, City Staff advised of potential emerging land use directions from the initial stages of the “Jane Finch Initiative” intended to be brought forward as part of a future Secondary Plan for the area.

Since the initial PAC meeting, our Client has been actively engaged in the Jane Finch Initiative engagement process. This has included, but is not limited to: written correspondence provided to Etobicoke York Community Council dated April 18, 2022, participation in the various Jane Finch Initiative Public Open House meetings hosted by

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City Staff (including those held on March 28, 2023 and November 30, 2023), and through continuous dialogue with Strategic Initiatives and Community Planning Staff.

On September 14, 2023, GWD participated in a second PAC meeting with City of Toronto Staff to present our Client's revised development proposal based on feedback provided by the City at the initial PAC meeting, and additional information collected up to that time through our participation in the Jane Finch Initiative Study; as appropriate.

Our Client is currently engaged in the preparation of the requisite reports, plans and studies required to support a future Zoning By-law Amendment Application intended to facilitate the redevelopment of the subject site with a multi-building mixed use development, with building heights ranging from 40 storeys along Highway 400 and 10 storeys along Norfinch Drive. It is anticipated that the Zoning By-law Amendment Application will be filed with the City in the first quarter of 2024.

### **JANE FINCH SECONDARY PLAN and URBAN DESIGN GUIDELINES – FINAL REPORT**

The Jane Finch Secondary Plan and Urban Design Guidelines Final Report is scheduled for Community Council consideration on February 26, 2024. The Final Report includes recommendations that City Council adopt the proposed Official Plan Amendment (“OPA 633”) to implement the Draft Jane Finch Secondary Plan (“JFSP”), the Draft Jane Finch Urban Design Guidelines (“UDG”), along with a Parks and Public Realm Strategy, Mobility and Transit Integration Strategy, Community Services and Facilities Strategy, and Servicing Capacity Assessment.

GWD and our Client have reviewed the above materials included as part of the Final Report for Community Council/Council's consideration, and advise that our Client's previous concerns relayed to the City during the PAC and/or Secondary Plan consultation process, have not been sufficiently addressed. On this basis, we request that Staff recommendations not be approved by Community Council, and that the Final Report be referred back to City Staff for additional consultation.

### **CONCERNS WITH DRAFT SECONDARY PLAN and URBAN DESIGN GUIDELINES/STRATEGIES**

The following are our comments and concerns with the JFSP, UDG and various associated Strategy documents.

#### **A. Draft Jane Finch Secondary Plan**

Pursuant to the Draft JFSP, the subject site or abutting lands have been identified with the following land use and built form overlays:

- *‘Norfinch District’* – Map 50-2: Districts Plan;
- *‘New Streets’* and *‘Priority Parkland Area (Conceptual Location)’* (identified on abutting lands to the south) – Map 50-3: Parks and Public Realm Plan;



- ‘*New Streets*’ and ‘*Intersection Improvements*’ – Map 50-4: Mobility Plan;
- ‘*Retail Required*’ (Norfinch Drive) and ‘*Retail Permitted*’ (New Street) – Map 50-5: Retail Streets; and
- ‘*General Height Limit and Storeys – 30*’ and ‘*Direction to Transition Down*’ (Norfinch Drive) – Map 50-6: Heights and Transitions.

## **1. Secondary Plan Maps**

- Map 50-3: Parks and Public Realm Plan

Map 50-3 identifies a ‘Priority Parkland Area (Conceptual Location)’ on the abutting lands to the south of the subject site. Due to the conceptual nature of this future potential parkland area, its impacts on the subject site if any, are unknown.

While the ‘Priority Parkland Area’ may ultimately be accommodated on lands to the south of the subject site, given the lack of specificity within JFSP policy as it relates to parkland within the Norfinch District, our Client cannot support Map 50-3 at this time. Our Client will not support an ultimate delineation of parkland that would negatively impact its ability to optimize the development of the subject site for mixed use/residential development or go beyond requirements of applicable legislation.

- Map 50-4: Mobility Plan

Map 50-4 conceptually identifies a ‘New Street’ west of Norfinch Drive, which traverses the subject site. This ‘New Street’, which is planned as a right-of-way width of generally 18.5 metres is also conceptually shown on Map 50-3 and 50-5.

While it is acknowledged that the street Mobility Network is conceptual and that, pursuant to Draft Policy 7.2.3, refinements to the Mobility Network will not require an amendment to the JFSP, our Client has concerns with the proposed ‘New Street’.

Insufficient justification has been provided to necessitate the addition of a ‘New Street’ on the subject site. We are unaware of any traffic study that has been completed which demonstrates that the existing road infrastructure along Norfinch Drive is inadequate to accommodate the expected traffic from the development.

Further, the proposed location of the ‘New Street’ remains within the 14.0 metre Ministry of Ontario (“MTO”) setback to Highway 400. It is our understanding that City Staff have not been provided with clearance from the MTO to locate a ‘New Street’ within its setback, which provides a high level of uncertainty to the feasibility of providing the proposed ‘New Street’. In addition, Toronto Police Service Division 31 operates on the abutting lands to the south located at 40



Norfinch Drive. Pursuant to inquiries with City Planning Staff, there are no current plans to relocate the Toronto Police Service Division 31 facility, which further undermines the feasibility of any potential ‘New Street’ on the subject site and/or abutting parcels.

The above concerns are also applicable to OPA 633’s proposal to add ‘New Link 7’ in Schedule 2: The Designation of Planned but Unbuilt Roads in the City’s Official Plan.

- Map 50-6: Heights and Transitions

The subject site is ideally located to accommodate amongst the tallest buildings and highest densities in the Secondary Plan area. The concentration of the greatest heights and densities in a singular district (Intersection District) does not effectively contribute to optimal land use optimization within the Secondary Plan area and Norfinch/Oakdale PMTSA.

Map 50-6 should be amended to increase the maximum ‘General Height Limit in Storeys’ from 30 storeys to 40 storeys. It is acknowledged that within the Norfinch District, the maximum height of buildings along Highway 400 will transition down to buildings located along Norfinch Drive.

## **2. Commercial and Retail Policies**

- Draft Policy 5.1.3 reads as follows: *“Development in Mixed Use Areas resulting in the displacement of businesses and services will generally provide for the replacement of non-residential gross floor area through redevelopment.”*
- Draft Policy 5.1.4 reads as follows: *“Development within Mixed Use Areas is encouraged to provide a net gain of non-residential gross floor area.”*

Our Client currently operates a 7,000 m<sup>2</sup> (75,000 ft<sup>2</sup>) hotel on the subject site. Draft Policies 5.1.3 and 5.1.4 inappropriately prescribe a “one size fits all” approach that is based solely on floor area as part of the City’s proposed encouragement of non-residential replacement. These draft policies, which require the full replacement (and encourage a net gain) of existing non-residential gross floor area, do not appropriately consider the extent of jobs within the existing hotel and other current non-residential market conditions.

- Draft Policy 5.2.2 requires that where development fronts onto a ‘Retail Required’ street, that the ground floor frontage will include only retail and service uses, with the exception of lobbies, and institutional/community uses.

This Draft Policy fails to consider typical ground floor operations associated with a future potential hotel replacement within new development as suggested in Draft Policy 5.1.3. These draft policies are contradictory and hotel uses should be included explicitly in the list of exemptions listed in Draft Policy 5.2.2.



Additionally, this Draft Policy should also be clarified to only apply to the street frontage along ‘Priority Retail’ and ‘Required Retail’ streets.

- Draft Policy 5.2.5 requires that ‘Retail Permitted’ streets (the proposed ‘New Street’ west of Norfinch Drive) provide, or protect for ground floor retail and service uses.

As a ‘Retail Permitted’ street, it would be more appropriate for this Draft Policy to simply outline policies for retail and service use permissions rather than stipulate retail requirements along street frontages. The words “should be provided” should be replaced with “shall be encouraged” to appropriately convey that ground floor retail is permitted, but not explicitly required.

### **3. Parkland and the Urban Forest**

- Draft Policy 6.2.3.e) directs that development be located and designed to maximize sunlight on a substantial majority of existing and planned parks during the spring and fall equinoxes, and to minimize shadowing.

This Draft Policy is vague and does not provide a clear policy framework to which development proponents in proximity to existing or proposed parks and open spaces can assess a development proposal’s compliance. Further, it is advisable that the JFSP include separate shadowing provisions related to existing versus proposed parks and open spaces.

- Draft Policy 6.2.3.g) directs that development located within proximity to existing and planned parks will avoid locating loading and service areas and mechanical equipment abutting parks.

This Draft Policy is recommended to be modified to allow for flexibility in the placement of these service and mechanical systems at the detailed design stage, subject to appropriate technical and design considerations.

- Draft Policy 6.4.1 outlines City initiatives that will retain and expand the urban forest and tree canopy during the development of the Secondary Plan, with specific requirements to protect mature and native trees, and to plant new trees throughout development sites and the public realm “wherever possible.”

In our opinion, it is inappropriate to require the preservation of all trees on development sites “wherever possible” and that this Draft Policy should be revised to simply encourage the protection of trees where feasible in the design of new developments and to encourage new tree planting. The current wording of this Draft Policy may serve to deter development or render it unfeasible.





#### **4. Built Form**

- Draft Policy 8.1.7.c) requires that the tower portions of tall buildings which exceed 20 storeys in height provide tower separation distances of generally 30 metres and a setback of generally 15 metres to the nearest lot line. Further, pursuant to Draft Policies 8.1.7.b)-d) the JFSP also requires a tower to be setback between 12.5 to 15 metres to street lines.

Our Client has significant concerns with Draft Policy 8.1.7.c). The prescribed tower separation distance of 30 meters between tall buildings and 15 meters to adjacent lot lines is excessive and inconsistent with the City-wide Tall Building Design Guidelines, which request a minimum tower separation distance of 25 metres and a minimum tower setback of 12.5 metres to lot lines of abutting tall building sites.

Insufficient justification has been provided as to why minimum tower setbacks and separations distances must increase above a threshold height of 20 storeys. It is also our opinion that the tower setbacks to street/highway lot lines should not be subjected to the same requirements of other lot lines where adjacent tall buildings may also be located.

Draft Policy 8.1.7 should exempt setbacks for towers along street lines/Highway 400 and Draft Policy 8.1.7.c) should be deleted in its entirety.

- Draft Policy 8.1.8 directs that development with underground garages that extend beyond the footprint of a building above is required to achieve a sufficient downward clearance between established grade and the underground structure of 1.5 metres for the purposes of accommodating adequate soil volumes for tree plantings.

While it is commendable to encourage sufficient soil volume within new development, this Draft Policy should be revised to defer the determination of the accommodation of appropriate soil volumes to the detailed design stage.

#### **5. Norfinch District**

- Draft Policy 8.4.2.d) directs that a centrally located park serving the Norfinch District shall be provided along Norfinch Drive as shown on Map 50-3. Map 50-3 identifies a 'Priority Parkland Area' (Conceptual Location) on the abutting lands to the south of the subject site

As noted above, due to the conceptual nature of this future potential parkland area, its impacts on the subject site if any, are unknown. While the 'Priority Parkland Area' may ultimately be accommodated on lands to the south of the subject site, given the lack of specificity within JFSP policy as it relates to parkland within the Norfinch District, our Client cannot support Map 50-3 at this time. Our Client will not support an ultimate delineation of parkland that would negatively impact its ability to optimize the development of the subject site for



mixed use/residential development or go beyond requirements of applicable legislation.

- Draft Policy 8.4.2.f) stipulates that the tallest buildings within the Norfinch District shall generally not exceed 30 storeys and be located closest to the Highway. Draft Policy 8.1.3 identifies that the proposed 'Intersection District' will accommodate the greatest heights and densities in the Secondary Plan area.

Our Client has significant concern with Draft Policies 8.1.3, 8.4.2.f) and Map 50-6, as well as other sections of the JFSP, UDG and associated Strategies that dictate that the Norfinch District shall not also accommodate amongst the tallest buildings and highest densities within the Secondary Plan area. The subject site is located within a PMTSA, less than 500 metres from existing and/or future Light Rail Transit, parks, community hubs and commercial uses. The subject site and Norfinch District in general, do not have any existing immediately abutting residential low-rise context. The subject site is bounded by Highway 400 to the west, Norfinch Drive to the east and existing commercial/employment/institutional uses to the north and south.

As noted above, the subject site is ideally located to accommodate amongst the tallest buildings and highest densities in the Secondary Plan area along with the Intersection District. Maximum building heights of 40 storeys along Highway 400 are appropriate for the subject site.

Map 50-6 should be revised to increase the maximum 'General Height Limit in Storeys' from 30 storeys to 40 storeys. It is acknowledged that within the Norfinch District, maximum building heights will transition down from those buildings located along Highway 400 to buildings located along Norfinch Drive.

- Draft Policy 8.4.2.k) stipulates that development is encouraged to locate and orient non-residential spaces to the highway edge.

Effectively, this Draft Policy would encourage that the entire west portions of future tall buildings located along the highway, from the ground to the roof, accommodate non-residential uses. This is neither feasible or supported, and accordingly this Draft Policy should be deleted.

## **6. General**

- Draft Policy 8.3.3.f) indicates that indoor amenity space provided within multi-unit residential developments shall be *“designed to function, when necessary, as a neighbourhood resilience hub to support community building, local responses to shocks and stresses, and disaster-response initiatives.”*  
The requirements of this Draft Policy are unclear and therefore it should be deleted in its entirety.



- Draft Policy 9.4.2.d) requires a Public Art Strategy for each development application within the Norfinch District.

It is unclear as to why this requirement applies to the Norfinch District, but not all districts within the JFSP. Further, this Draft Policy requires that each private application within the stipulated Districts require public art. Our Client does not support this Draft Policy.

## **B. Draft Urban Design Guidelines and Associated Jane Finch Initiative Strategies**

The above noted concerns also apply to the Draft UDG, the Parks and Public Realm Strategy, Mobility and Transit Integration Strategy, and Servicing Capacity Assessment, as applicable.

The conceptual plan of potential development for the Norfinch District identified on Page 62 of the Draft UDG is not supported or feasible for the reasons noted above, and should be deleted from the Draft UDG document.

## **CLOSING REMARKS**

2204808 Ontario Inc. remains concerned with Staff recommendations contained within the Jane Finch Secondary Plan and Urban Design Guidelines Final Report. For the reasons enclosed, our Client requests that Etobicoke York Community Council refer this matter back to Planning Staff to address the above noted concerns prior to final consideration of OPA 633 and Draft UDG by City Council.

On behalf of 2204808 Ontario Inc., we thank the City of Toronto for their consideration of the enclosed comments and recommendations. We reserve the right to provide further comments as necessary prior to City Council approval of OPA 633 and the Draft UDG.

Kindly accept this letter as our formal request to continue to be notified of all future Open Houses, Public Meetings, Planning and Housing Committee, Community Council and City Council meetings to be held in connection with the Jane Finch Initiative, OPA 633, Draft JFSP and Draft UDG. Lastly, we request notification of the passage of any and all By-laws and/or Notices on this matter.

**Yours truly,**

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