

May 23, 2024

**Sent via e-mail: [iec@toronto.ca](mailto:iec@toronto.ca)**

To Chair and Members of the Infrastructure and Environment Committee:

**Re: Samuel Sarick Limited**  
**1911 and 1921 Eglinton Avenue East, Toronto**  
**ReNew Golden Mile: Reconfigured and New Major Streets Environmental Assessment,**  
**O'Connor Drive Extension to Birchmount Road**

We are counsel for Samuel Sarick Ltd. ("**Sarick**"), the owners of the lands municipally known as 1911 and 1921 Eglinton Avenue East ("**Subject Lands**"), located in the City of Toronto (the "**City**"). Our client's have ongoing significant concerns regarding the O'Connor Drive Extension to Birchmount Road ("**O'Connor Drive Extension**").

On March 28, 2024, the Environmental Assessment ("**EA**") team finally met with our client's consultants to discuss the EA. We are dismayed to learn that the City proposed to proceed with Alignment 1. Any such decision connotes bad faith and flies in the face of the settlement reached with the City regarding Official Plan Amendment 231 ("**OPA 231**") and Site and Area Specific Policy 777 ("**SASP 777**"). Our client will vehemently oppose an EA result that proceeds with Alignment 1. We ask the City to reconsider Alignment 1, in preference for Alignment 4. As set out in the BA Group memorandum, there are several other potential alignments that the City has yet to consider, including a possible Alignment 4A which avoids the General Engineering Company of Ontario lands (the "**GECO Lands**").

Based on consultations with various experts, Sarick maintains that Alignment 4 is the best option for the O'Connor Drive Extension. In support of this position enclosed please find the following analyses from expert consultants in the areas of transportation, land use planning and land valuation appraisal:

1. BA Group memorandum dated May 3, 2024 (the "**BA memorandum**");
2. KLM Planning memorandum dated May 6, 2024 (the "**KLM memorandum**"); and
3. Milborne Group opinion letter dated April 22, 2024 (the "**Milborne memorandum**").

## **BACKGROUND**

The Subject Lands abut the intersection of Warden Avenue and Eglinton Avenue East, two major arterial roads, as well as the intersection of Lebovic Avenue and Eglinton Avenue East. They are easily accessible to the Eglinton Crosstown Light Rail Transit, with the Golden Mile and Hakimi Lebovic transit stations adjacent to the Subject Lands. On July 28, 2022, the City adopted Official Plan Amendment ("**OPA**") 570, which identified both stations as Major Transit Station Areas ("**MTSA**"). OPA 570 is with the Minister of

Municipal Affairs and Housing for approval. The Subject Lands are comprised of various commercial and retail buildings, and previously housed the Provincial Court Offices, which were now vacated.

The Subject Lands are designated Regeneration Areas by SASP 777 of the City of Toronto Official Plan. Sarick spent considerable time and investment in participating in the Golden Mile Secondary Plan and OPA 499 process, including public meetings, meetings with the City and filing submissions with the City and City Council. Sarick filed an appeal of the Golden Mile Secondary Plan in November 2020, including all maps depicting the alignment of the proposed O'Connor Drive extension.

SASP 777 resulted from an appeal of OPA 231 filed by Sarick in relation to the Subject Lands, seeking to redesignate the Subject Lands from General Employment Areas to Mixed Use Areas. A settlement was reached with the City, which resulted in SASP 777 and the Subject Lands were redesignated to Regeneration Areas.

Sarick has also participated in meetings with the City for four years in relation to advancing their planned redevelopment of the Subject Lands. The proposed development is substantial, reflecting the proximity to two MTSA's and significant investment in transit, in advancement of the goals of intensification associated with the housing crisis. The proposed development contemplates a mix of mid-rise and high-rise residential and commercial buildings, along with significant greenspace.

Despite knowing of Sarick's plan to redevelop the Subject Lands and SASP 777 for several years, the City has signaled the intention to proceed with Alignment 1, which would significantly impact the proposed development.

## **Significant Concerns with the EA and Process**

### **1. Concerns with the EA Process**

Six potential alignments for the O'Connor Drive Extension were considered by the City through the EA process, with alignments 1, 4, and 5 carried forward for further study and evaluation. Despite repeated attempts to work with the City and the EA team collaboratively, our client's concerns continue to be disregarded and have not been addressed by the City in any meaningful way.

The EA process lacked consultation. We have continuously attempted to engage with the EA team with no meaningful response until the March 28, 2024 meeting, when the consultant team was advised that the decision was made in favour of Alignment 1. We provided the attached correspondence on behalf of Sarick on June 24, 2019, December 17, 2019, January 28, 2020, June 18, 2020, July 16, 2020, August 10, 2020, August 25, 2023, and January 10, 2024. Previous correspondence and meeting requests were ignored.

### **2. Concerns with EA and Alignment 1**

#### **i. Prematurity in the Transportation Analysis and Flawed Rationale**

Sarick identified significant issues pertaining to the proposed layout of Alignment 1 and the City's analysis and rationale regarding transportation and traffic considerations. For instance, Alignment 1 results in short intersection spacing along Warden Avenue which may result in geometric constraints and turning

restrictions. These potential restrictions may impact the efficient use, function and build out of the Subject Lands.

Sarick takes issue with the scope of the transportation analysis in the EA. Specifically, the EA did not include a functional review of the technical comments provided by Sarick. The City has not evaluated the signal spacing and resulting geometric impacts or demonstrated how the north-south road segments impact individual blocks and how they form part of the overall transportation network. The City has also not included an evaluation of the realignment and/or closure of other existing roads as may be necessary to provide appropriate connections to the various alignments. While we understand that the City has subsequently initiated a review, the review will not be completed before a final decision is anticipated on the O'Connor Drive extension. It is incomprehensible that the City is just now turning its attention to this review, while rushing to finalize the EA with incomplete analysis. The EA commenced in 2017. There was plenty of time for this analysis to be completed. It is premature to complete the EA without fulsome and comprehensive analysis.

The City failed to consider that road geometry does not include an assessment of sight lines or other key elements, including edge of pavement and required speed restrictions. Alignment 1 creates two remnant parcels, requires curvature of the street east of Lebovic Avenue and is not centered with the existing Civic Road right-of-way. These remnant parcels are problematic for our client, as well as the landowner to the south. Negotiations on the acquisition or exchange of land has not occurred and the success of which is not known or guaranteed. The timing of these negotiations may be detrimental to our client and further delay the O'Connor Drive Extension.

The City notes that Alignment 1 is preferred because 15 - 17 Civic Road, being former General Engineering Company of Ontario lands (the "**GECO Lands**"), may be directly impacted by the other proposed alignments. The GECO Lands are not listed or designated as property with cultural heritage value. Regardless of the cultural heritage value of these lands, there are solutions to mitigate impact to the GECO Lands. Specifically, we understand that Alignment 4 can be modified to avoid the GECO Lands entirely. The analysis provided in the BA memorandum outlines several alternative alignments some of which would redirect the O'Connor Drive Extension away from the GECO Lands. However, even if the O'Connor Drive Extension were to bisect the GECO Lands, the impact to any cultural or heritage value can be mitigated, as outlined in the KLM memorandum. For all of these reasons the selection of Alignment 1 as the preferred option is premature.

## **ii. Reduced Housing and Job Opportunities**

Alignment 1 decreases housing and employment opportunities in the Golden Mile area as it bisects lands in a location where the highest density of development is appropriate, good planning and would utilize the significant investment in transit and infrastructure. As addressed in the KLM memorandum, Alignment 1 would also leave remnant parcels with limited redevelopment potential. This would severely limit plans to redevelop the Subject Lands and would represent a lost opportunity for housing, community, and green space, all of which is analyzed in the KLM memorandum.

Alignment 1 would decrease the opportunity for the creation of jobs. While Alignment 1 would consume land designated for population and employment growth, the land that would be needed for Alignment 4 is not intended for considerable growth and does not have minimum intensification targets. Based on the land

required for Alignment 1 and Alignment 4, Alignment 1 will result in approximately 161 fewer jobs and 469 fewer persons being accommodated on the Subject Lands. Proceeding with Alignment 4 would accommodate approximately 1,650 jobs and 4,831 persons.

Alignment 4 maximizes the amount of land within the Golden Mile Secondary Plan area that can be used to accommodate population and jobs on lands that are within close proximity to two light rail transit stations, in line with the policy objectives and protection of MTSA's. Specifically, Alignment 4 uses land that is designated for General Employment without minimum density requirements and is further away from the transit stations. In contrast, Alignment 1 would result in more land within a MTSA being used for public roads and a greater road and intersection density than both Alignment 4 and Alignment 5.

SASP 777 requires either 5% rental units or 7% affordable ownership units be provided as part of the redevelopment of the lands. It also requires that 10% of the total gross floor area of development for employment and a further 10% for other non-residential uses such as retail or community uses. Since less total gross floor area is achievable on the Subject Lands under Alignment 1, any redevelopment will yield fewer affordable units, less employment gross floor area and associated jobs, as well as less retail and community uses than contemplated at the time of the settlement of OPA 231. Alignment 4 best achieves the policy objectives and provides employment and housing opportunities.

### **iii. Significant Costs to the City and Taxpayers**

The City's conclusion that Alignment 1 is more preferable based on economic criteria is wrong. The implementation of Alignment 1 will create a significant financial burden for the City. Pursuant to the *Expropriations Act* the City would be required to provide Sarick with the market value of the expropriated land needed to construct Alignment 1. The City will also be accountable for business disturbance damages, as a number of businesses that currently operate on the Subject Lands will be forced to relocate if Alignment 1 were to be implemented.

Attached as an Appendix is an overlay of Alignment 1 over the Subject Lands and proposed development. This diagram clearly demonstrates the substantial impacts that the proposed expropriation will have to the Subject Lands. As analyzed in the Milborne memorandum the proposed development is projected to have in excess of 2.25 million buildable square feet, with current valuations in this market at \$60 - \$80 per buildable foot. These valuations are projected to rise once the project has reached the construction phase of development. At a high level, the proposed taking associated with Alignment 1 would eviscerate a substantial portion of the Subject Lands, resulting in a claim under the *Expropriations Act* that is likely to exceed \$50 million in market value alone. Even when mitigating its damages, Sarick would suffer substantial delay damages and it is inevitable that there would be substantial costs thrown away, in addition to what would be substantial legal and professional costs. This liability for the City is not reflected in the City's considerations relating to the preference of Alignment 1.

Notably, the land acquisition cost will also be considerably higher for Alignment 1. While a greater quantity of lands is required for Alignment 4, the land acquisition costs for Alignment 4 would be less than Alignment 1, as the lands within the Regeneration Area designation have greater land values than General Employment and Core Employment Area designations, which are typically developed for lower densities. Specifically, we estimate that Alignment 1 will cost up to \$10,000,000 more than Alignment 4, to acquire the required land, although the expropriation claims could exceed that amount substantially. The City has



failed to include this liability in its economic analysis. Despite Sarick making numerous submissions about the proposed development, consideration of the proposed development is notably absent from all EA related staff reports and publicly available information.

Alignment 1 will also cause the City to lose out on significant future revenue. If the Subject Lands are not redeveloped, the City will lose approximately \$19,000,000 in revenue from development charges alone. Similarly, the City will lose ongoing property tax revenue that is lost in perpetuity.

We urge the City to reconsider its position regarding the O'Connor Drive Extension. We reiterate that Alignment 1 is unacceptable to our client. Taking into account the City's own criteria, Alignment 4 is clearly the superior option for the O'Connor Drive Extension to Birchmount Road.

We again request notice of any reports, decisions, and committee and/or Council meetings regarding the EA and O'Connor Drive Extension.

We continue to welcome meaningful discussion regarding our client's ongoing concerns.

Regards,

Dentons Canada LLP



Katarzyna Sliwa  
Partner

Enclosures



May 3, 2024

Katarzyna Sliwa  
Dentons Canada LLP  
77 King Street West, Suite 400  
Toronto-Dominion Centre  
Toronto, ON M5K 0A1

**RE:     TRANSPORTATION EVALUATION COMMENTS  
          O'CONNOR RECONFIGURATION STAKEHOLDER MEETING  
          1911-1921 EGLINTON AVENUE EAST, CITY OF TORONTO**

Dear Ms.Sliwa,

BA Group is retained to provide transportation advisory services with respect to the site municipally known as 1911-1921 Eglinton Avenue East. This letter summarizes comments related to the ongoing Environmental Assessment (EA) for the O'Connor Drive extension to Birchmount Road, in the section east of 1891 Eglinton Avenue East.

**Background**

The City of Toronto presented a preliminary assessment of design alternatives in March 2023. At that time, six (6) alignment alternatives were developed, and three (3) of those alternatives were carried forward, as follows:

**Alignment 1** – Connects to and extends Civic Road to Birchmount Road at west of Warden Avenue.

**Alignment 4** – Connects to and extends Civic Road to Birchmount Road at east of Warden Avenue.

**Alignment 5** – Realigned south of Civic Road.

The project team provided comments on these alignment alternatives including the following:

- Evaluate the signal spacing and resulting geometric impacts.
- Demonstrate how north-south road segments impact individual blocks and how they form part of the overall active transportation network.
- Include an evaluation of the realignment and/or closure of other existing roads as may be necessary to provide appropriate connections to the various alignments.

In April 2024, the project team attended a meeting with the City of Toronto to review additional materials. The meeting included a discussion related to review of the alternate alignments, draft evaluation, and selection of a preferred option.

**Alignment 1** was selected as the preferred option to be carried forward.

### Summary Comments/Questions:

1. Although the technical comments provided by the project team were acknowledged, they were not addressed. These issues continue to be of primary concern with respect to the evaluation of alternatives and the evolving transportation network in the section east of Lebovic Avenue:
  - Evaluate the signal spacing and resulting geometric impacts.
  - Demonstrate how north-south road segments impact individual blocks and how they form part of the overall active transportation network.
  - Include an evaluation of the realignment and/or closure of other existing roads as may be necessary to provide appropriate connections to the various alignments.
2. In addition, the following should be considered:
  - The road geometry does not include an assessment of sight lines, particularly where north-south road segments or future driveways may intersect O'Connor Drive.
  - The road geometry does not include key elements including edge of pavement and required speed restrictions based on horizontal and vertical geometry.
  - Alignment 1 road geometry results in two remnant land parcels on the Sarrick and RioCan properties and introduces a curvature east of Lebovic Avenue.
  - Alignment 1 road widening is not centred on the existing Civic Road right-of-way.

**These technical considerations should be evaluated prior to selection of a preferred option for the section east of 1891 Eglinton Avenue East. The City should give consideration to proceeding with the EA in segments, which would allow the section west of 1891 Eglinton Avenue East to proceed while the section east of 1891 Eglinton Avenue East is evaluated further.**

### Additional Considerations:

The following drawings are presented to demonstrate cumulative impact of north-south road segments and provide NEW options for further consideration. Reduced scale drawings are provided in **Attachment A**.

**Alignment 1** - Connects to and extends Civic Road to Birchmount Road at west of Warden Avenue (based on Alignment 1 presented by the City, revised to reflect the addition of the north-south road).

**Alignment 4** - Connects to and extends Civic Road to Birchmount Road at east of Warden Avenue (based on Alignment 4 presented by the City, revised to reflect the addition of the north-south road).

**Alignment 4A (South Alignment)** - Connects to and extends Civic Road to Birchmount Road at east of Warden Avenue (revised geometry to mitigate impact on GECO lands).

**Alignment 4B (North Alignment)** - Connects to and extends Civic Road to Birchmount Road at east of Warden Avenue (revised geometry to mitigate impact on GECO lands).

**Alignment 1, 4 and 4A have approximately the same geometry west of Lebovic Avenue.**

**These options should be considered along with the other alignments that have been carried forward as they reflect the opportunities and constraints identified in the EA.**

\* \* \* \* \*

We trust that this summary meets your needs at this time.

Sincerely,

**BA Consulting Group Ltd.**

A handwritten signature in black ink, appearing to read 'MBriegmann', is positioned above the printed name.

Margaret Briegmann, P.Eng., Consulting Engineer  
Principal

cc: Christie Jeong, BA Group

## **Attachment A: O'Connor Drive Alignments**



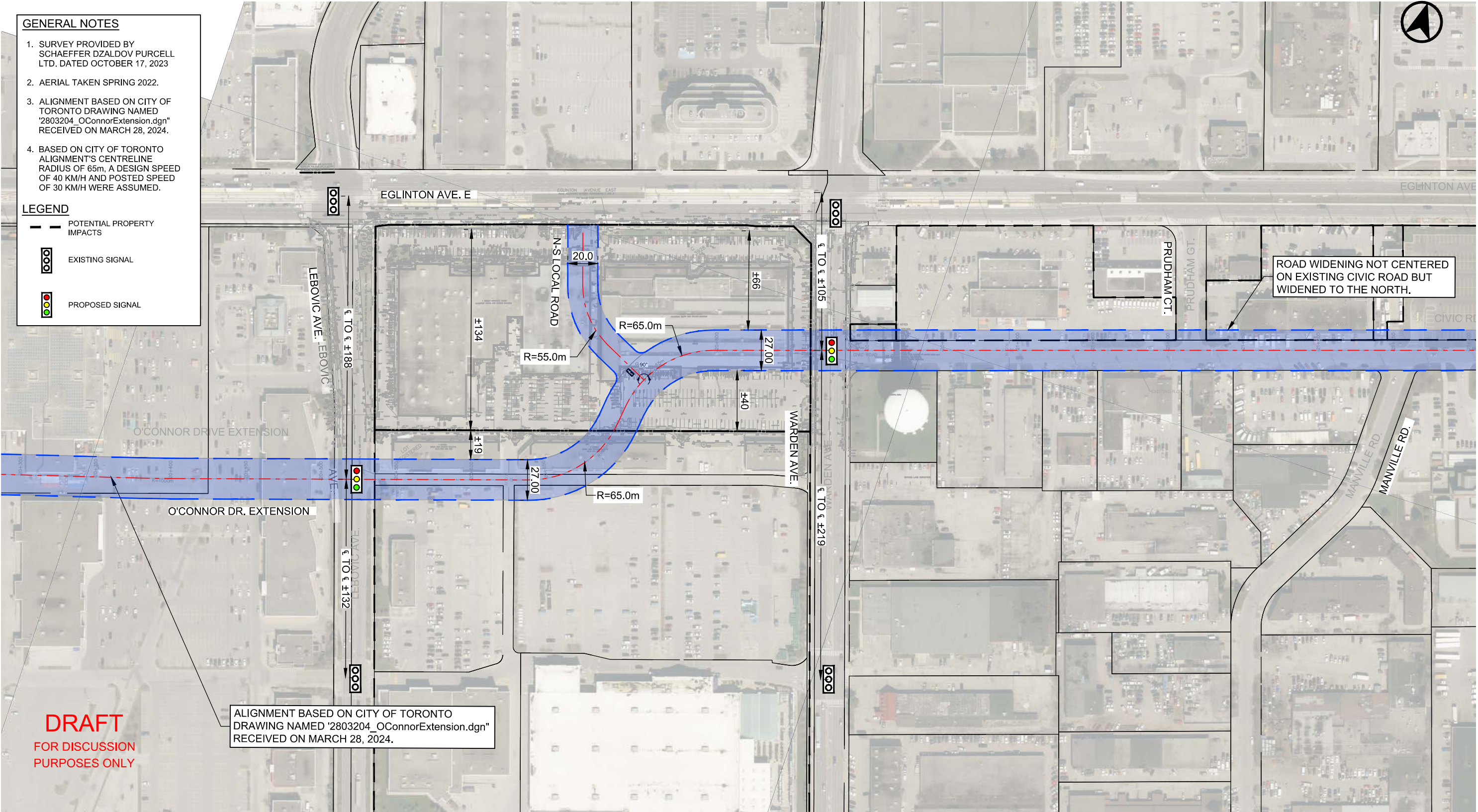
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Date Plotted: May 6, 2024

GENERAL NOTES

- 1. SURVEY PROVIDED BY SCHAEFFER DZALDOV PURCELL LTD. DATED OCTOBER 17, 2023
- 2. AERIAL TAKEN SPRING 2022.
- 3. ALIGNMENT BASED ON CITY OF TORONTO DRAWING NAMED '2803204\_OConnorExtension.dgn' RECEIVED ON MARCH 28, 2024.
- 4. BASED ON CITY OF TORONTO ALIGNMENT'S CENTRELINE RADIUS OF 65m, A DESIGN SPEED OF 40 KM/H AND POSTED SPEED OF 30 KM/H WERE ASSUMED.

LEGEND

- POTENTIAL PROPERTY IMPACTS
- EXISTING SIGNAL
- PROPOSED SIGNAL



**1911 Eglinton Ave. East**  
**ALIGNMENT 1:** CONNECTS TO AND EXTENDS CIVIC ROAD TO BIRCHMOUNT ROAD AT WEST OF WARDEN AVENUE (SIMILAR TO ALIGNMENT 1 PRESENTED BY THE CITY, REVISED TO REFLECT THE ADDITION OF THE NORTH-SOUTH ROAD)

Project: 1911 Eglinton Ave. E.  
Project No. 8008-01  
Date: May 06, 2024  
Revised: -

Scale: 1:2,500  
0 50 100m  
Drawing No. FIG-01



Filename: J:\8008-01\BA\FD\2024\4\_May 06, 2024\BA-1911 Eglinton Avenue-FD-City Of Toronto O'Connor Extension Alignment-Option4-800801.dwg  
Date Plotted: May 6, 2024

**GENERAL NOTES**

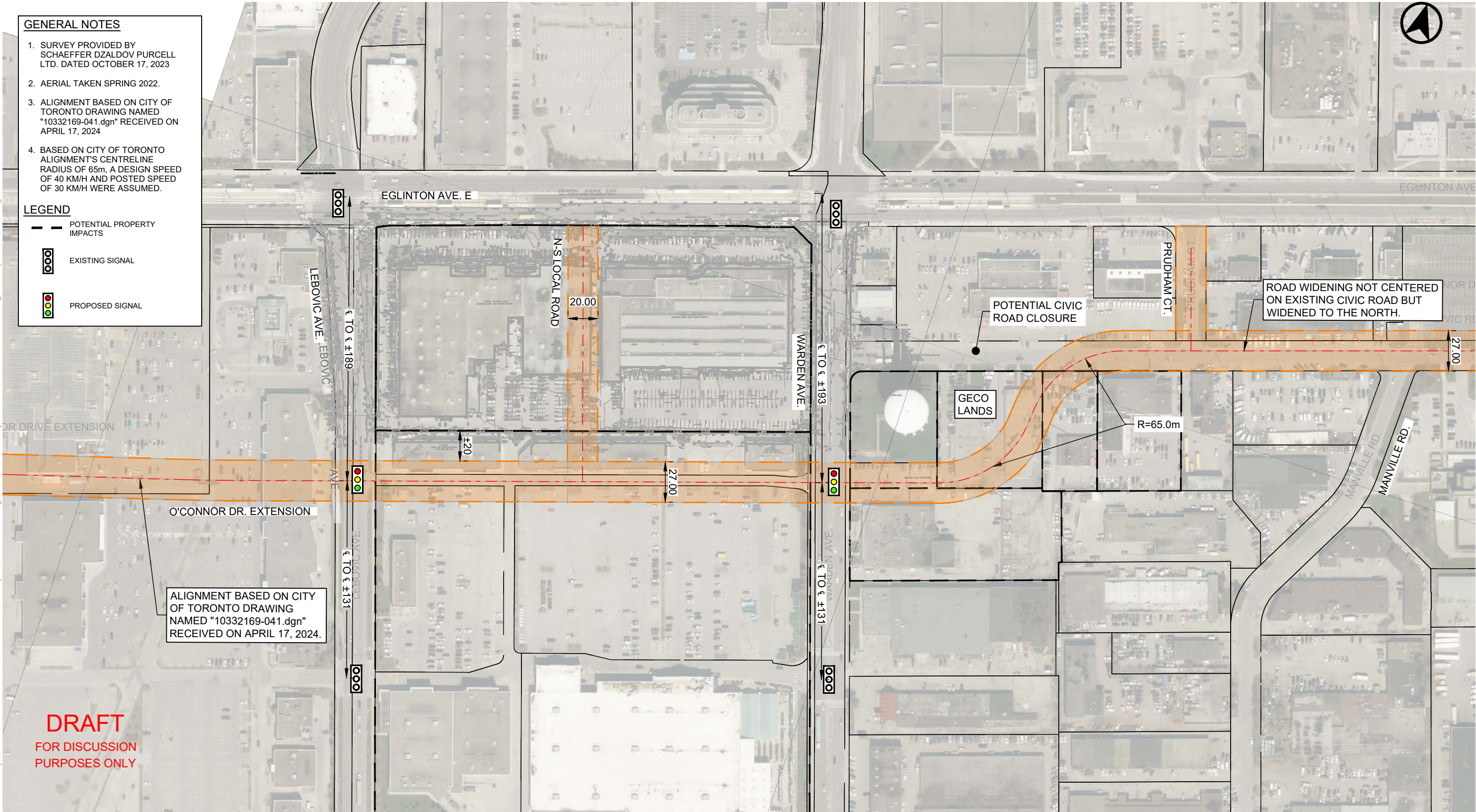
1. SURVEY PROVIDED BY SCHAEFFER DZALDOV PURCELL LTD. DATED OCTOBER 17, 2023
2. AERIAL TAKEN SPRING 2022.
3. ALIGNMENT BASED ON CITY OF TORONTO DRAWING NAMED "10332169-041.dgn" RECEIVED ON APRIL 17, 2024
4. BASED ON CITY OF TORONTO ALIGNMENT'S CENTRELINE RADIUS OF 65m, A DESIGN SPEED OF 40 KM/H AND POSTED SPEED OF 30 KM/H WERE ASSUMED.

**LEGEND**

POTENTIAL PROPERTY IMPACTS

EXISTING SIGNAL

PROPOSED SIGNAL



DRAFT  
FOR DISCUSSION  
PURPOSES ONLY



1911 Eglinton Ave. East  
**ALIGNMENT 4 (SOUTH ALIGNMENT):** CONNECTS TO AND EXTENDS CIVIC ROAD TO BIRCHMOUNT ROAD AT EAST OF WARDEN AVENUE (SIMILAR GEOMETRY TO ALIGNMENT 4 PRESENTED BY THE CITY, REVISED TO REFLECT THE ADDITION OF THE NORTH-SOUTH ROAD)

Project: 1911 Eglinton Ave. E.  
Project No. 8008-01  
Date: May 06, 2024  
Revised: --

Scale  
1:2,500  
0 50 100m

Drawing No.  
**FIG-02**



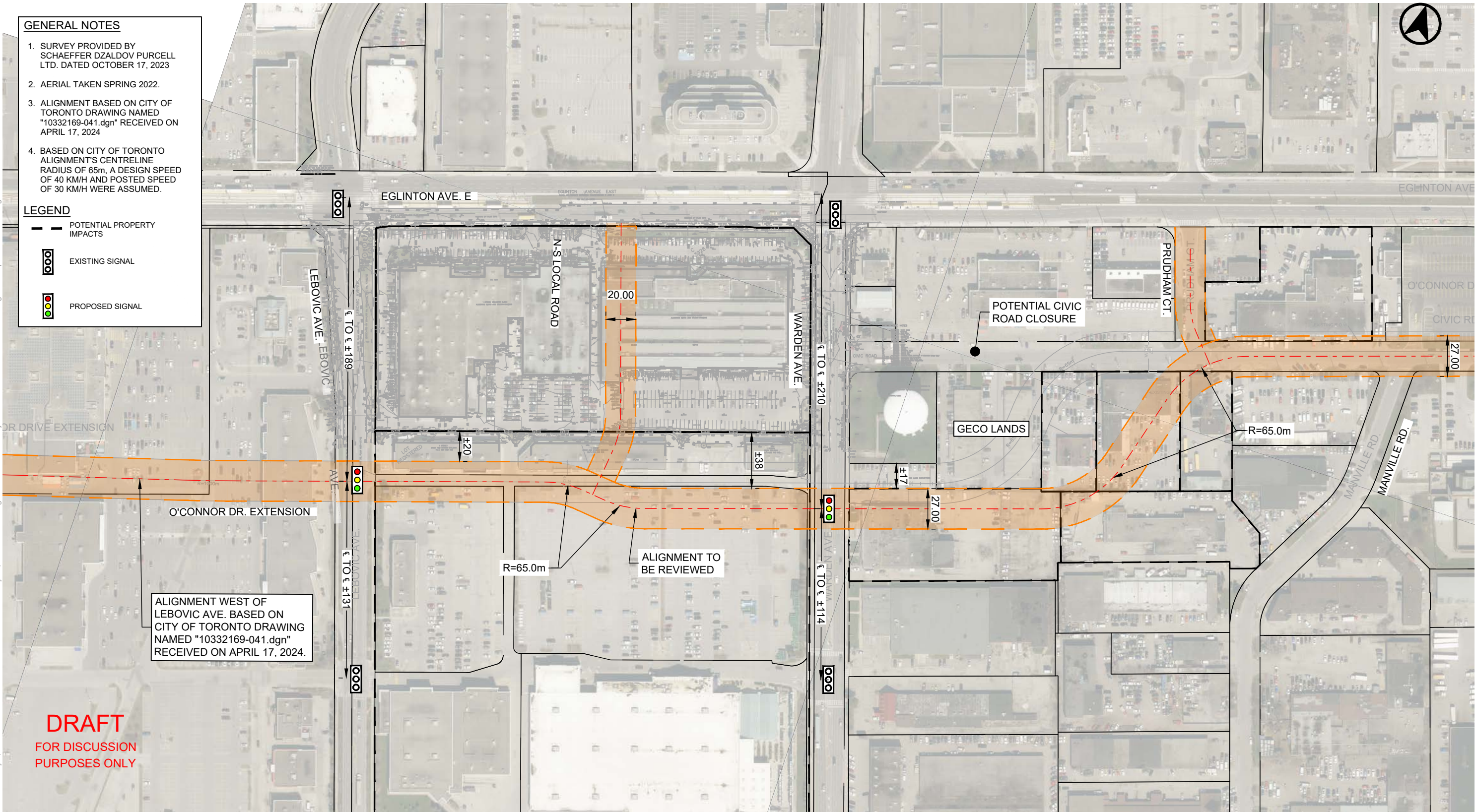
Filename: J:\8008-01\BA\FD\2024\4. May 06, 2024\BA-1911 Eglinton Avenue-FD-City Of Toronto O'Connor Extension Alignment-Option4-800801.dwg  
Date Plotted: May 6, 2024

GENERAL NOTES

1. SURVEY PROVIDED BY SCHAEFFER DZALDOV PURCELL LTD. DATED OCTOBER 17, 2023
2. AERIAL TAKEN SPRING 2022.
3. ALIGNMENT BASED ON CITY OF TORONTO DRAWING NAMED "10332169-041.dgn" RECEIVED ON APRIL 17, 2024
4. BASED ON CITY OF TORONTO ALIGNMENT'S CENTRELINE RADIUS OF 65m, A DESIGN SPEED OF 40 KM/H AND POSTED SPEED OF 30 KM/H WERE ASSUMED.

LEGEND

- POTENTIAL PROPERTY IMPACTS
- EXISTING SIGNAL
- PROPOSED SIGNAL



1911 Eglinton Ave. East  
**ALIGNMENT 4A (SOUTH ALIGNMENT):** CONNECTS TO AND EXTENDS CIVIC ROAD TO BIRCHMOUNT  
ROAD AT EAST OF WARDEN AVENUE (REVISED GEOMETRY TO MITIGATE IMPACT ON GECO LANDS)

Project: 1911 Eglinton Ave. E.  
Project No. 8008-01  
Date: May 06, 2024  
Revised: --

Scale 0 50 100m  
1:2,500  
Drawing No. FIG-03



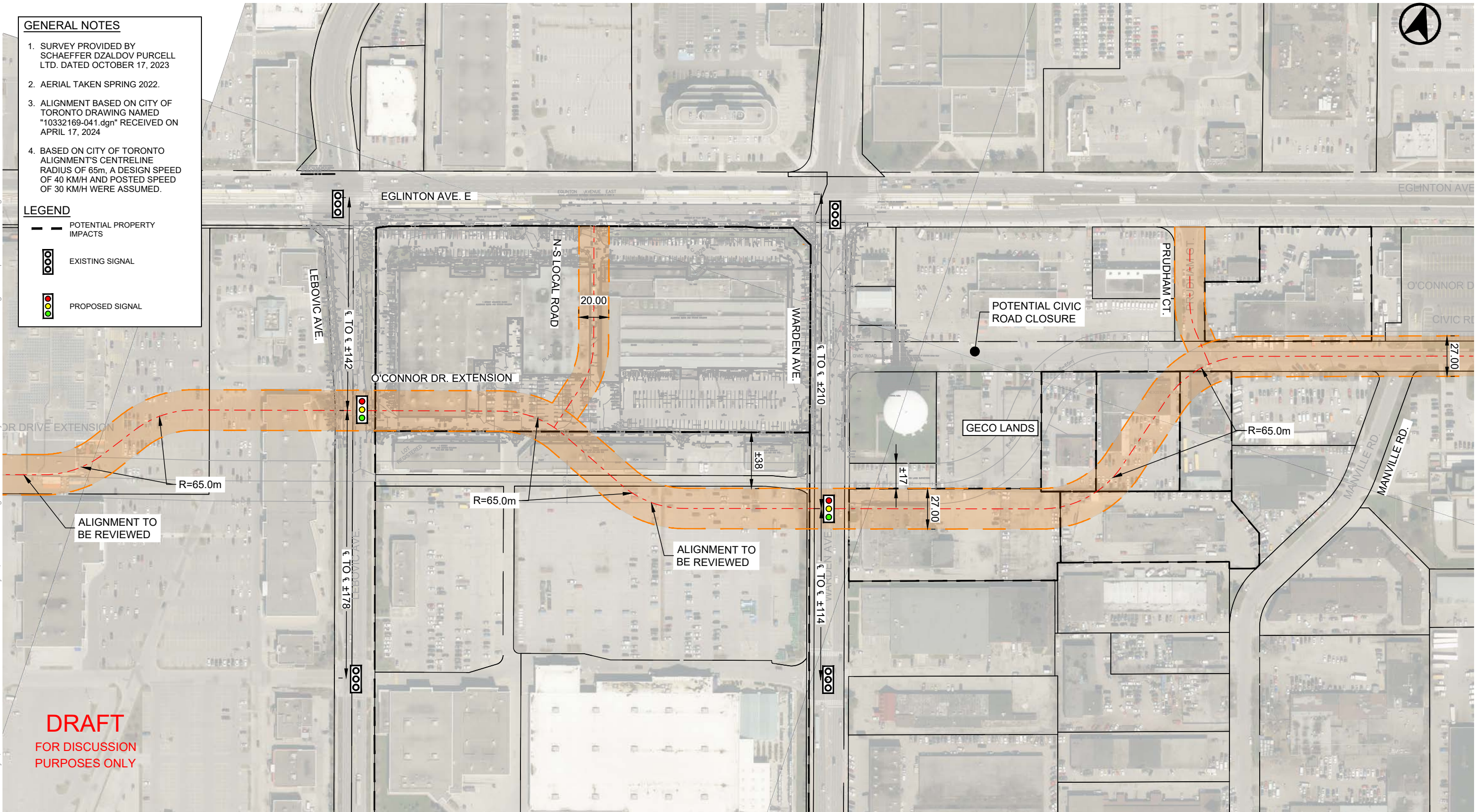
Filename: J:\8008-01\BA\FD\2024\4\_May 06, 2024\BA-1911 Eglinton Avenue-FD-City Of Toronto O'Connor Extension Alignment-Option4-800801.dwg  
Date Plotted: May 6, 2024

GENERAL NOTES

1. SURVEY PROVIDED BY SCHAEFFER DZALDOV PURCELL LTD. DATED OCTOBER 17, 2023
2. AERIAL TAKEN SPRING 2022.
3. ALIGNMENT BASED ON CITY OF TORONTO DRAWING NAMED "10332169-041.dgn" RECEIVED ON APRIL 17, 2024
4. BASED ON CITY OF TORONTO ALIGNMENT'S CENTRELINE RADIUS OF 65m, A DESIGN SPEED OF 40 KM/H AND POSTED SPEED OF 30 KM/H WERE ASSUMED.

LEGEND

- POTENTIAL PROPERTY IMPACTS
- EXISTING SIGNAL
- PROPOSED SIGNAL



1911 Eglinton Ave. East  
**ALIGNMENT 4B (NORTH ALIGNMENT):** CONNECTS TO AND EXTENDS CIVIC ROAD TO BIRCHMOUNT ROAD AT EAST OF WARDEN AVENUE (REVISED GEOMETRY TO MITIGATE IMPACT ON GECO LANDS)

Project: 1911 Eglinton Ave. E.  
Project No. 8008-01  
Date: May 06, 2024  
Revised: --

Scale 0 50 100m  
1:2,500  
Drawing No. FIG-04





KLM File: P-3454

64 JARDIN DRIVE, UNIT 1B  
CONCORD, ONTARIO L4K 3P3

T 905.669.4055  
KLMPLANNING.COM

May 6, 2024

**Dentons Canada LLP**  
**77 King Street West, Suite 400**  
**Toronto-Dominion Centre**  
**Toronto, ON**  
**M5K 0A1**

**Attention: Katarzyna Sliwa**  
**Partner, National Practice Group Co-Leader, Real Estate**

**Re: ReNew Golden Mile Municipal Class Environmental Assessment**  
**O'Connor Drive Extension to Birchmount Road**  
**1911 – 1921 Eglinton Avenue East**  
**Part of Lot C, Registered Plan 3928**  
**City of Toronto (formerly the City of Scarborough)**

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Dear Ms. Sliwa,

KLM Planning Partners Inc. is the land use planning consultant representing Samuel Sarick Ltd. (the "Owner") with respect to their lands municipally known as 1911 – 1921 Eglinton Avenue East in the City of Toronto (the "Subject Lands"). At the request of the Owner, this letter is to provide our comments as they relate to the O'Connor Drive Extension to Birchmount (the "O'Connor Extension") component of the ReNew Golden Mile Municipal Class Environmental Assessment (the "EA").

The Subject Lands are legally described as Part of Lot C, Registered Plan 3928, City of Toronto (formerly the City of Scarborough) and are located immediately south of Eglinton Avenue between Lebovic Avenue and Warden Avenue in the Golden Mile district of the City. The lands have an area of approximately +/- 3.96 hectares (9.78 acres) with a frontage of +/- 289 metres along Eglinton Avenue, +/- 135 metres of frontage along Lebovic Avenue and +/- 136 metres along Warden Avenue. The lands are generally flat with no natural features and are occupied by large and partially vacant institutional and employment buildings and associated parking and landscaping areas.

The Subject Lands are designated as *Regeneration Areas* by the City of Toronto Official Plan (the "Official Plan") and are subject to the Golden Mile Secondary Plan (the "Secondary Plan") and Site and Area Specific Policy 777 (the "SASP"). The lands are located near the approximate centre of the Secondary Plan area and are within two protected Major Transit Station Areas (the "MTSAs") associated with the Eglinton Crosstown Light Rail Transit line being Hakimi Lebovic Station and Golden Mile Station. The Secondary Plan contemplates new roadways that include the realignment and extension of O'Connor Drive to Birchmount Road through the EA, as well as new local road connections which have direct impact on the Subject Lands and the potential for redevelopment. The SASP contains site specific policies related to requirements for non residential uses, affordable housing, and unit types by bedroom count as well as various study requirements.

KLM Planning Partners and the Owner met with City staff on March 28<sup>th</sup> 2024, to discuss the status of the EA and with respect to the O'Connor Extension and their preference for Alternative 1 of the three

alignments, Alternative 1, Alternative 4, and Alternative 5, carried forward from the six alignment alternatives originally assessed. As previously documented, the Owner has made submissions opposing Alternative 1, in favour of Alternative 4 which continues to be the case. During our meeting with City staff, a draft summary of their assessments, which is subject to change, was provided with a request for final input and comment on the O'Connor Extensions component of the EA prior to recommending an alignment alternative to City Council. Further consultation with City staff resulted in clarification being provided with respect to the economical criteria assessed.

The sections below provide our comments and assessment of the criteria used by staff to evaluate the three alignment options.

## **TRANSPORTATION**

City staff have stated in their draft evaluation that Alternative 1 and Alternative 4 are comparable and that Alternative 5 is preferred based on the transportation criteria assessed. Based on the letter dated April 17<sup>th</sup> 2024, from BA Group, who is the Owner's transportation engineer, there is a concern that additional analysis is required to confirm that Alternative 1 is the preferred alignment from a transportation perspective. Specifically, the following has not been addressed:

- Evaluation of signal spacing and resulting geometric impacts;
- Demonstration of how north-south road segments impact individual blocks and how they form part of the overall active transportation network;
- An evaluation of the realignment and/or closure of other existing roads as may be necessary to provide appropriate connections to the various alignments;
- Road geometry does not include an assessment of sight lines, particularly where north-south road segments or future driveways may intersect O'Connor Drive;
- Road geometry does not include key elements including edge of pavement and required speed restrictions based on horizontal and vertical geometry;
- Alignment 1 road geometry results in two remnant land parcels on the Sarick and RioCan properties and introduces a curvature east of Lebovic Avenue; and
- Alignment 1 road widening is not centred on the existing Civic Road right-of-way.

In this regard, the transportation analysis is incomplete and a determination of the preferred alignment from a transportation perspective is premature. In our opinion, the concerns noted above related to intersection spacing, signal coordination and access restrictions warrant further review and confirmation of impacts before determining a preferred alternative. From a land use planning perspective, we are concerned in particular about potential access restrictions which may impact the efficient use, function and full build out of the Subject Lands.

## **POLICY FRAMEWORK**

City staff have stated in their draft evaluation that Alternative 1 and Alternative 4 are comparable based on the policy framework criteria assessed. We do not believe that Alternative 1 and Alternative 4 are comparable based on the following.

The policy intent of protecting Major Transit Station Areas is to ensure that minimum densities can be achieved through the appropriate designation of land, and more broadly that the investment in transportation infrastructure can be leveraged to support population growth and encourage transit use.

Alternative 1 would result in more land near the centre of an MTSA being used for public roads and results in a greater road and intersection density than any other O'Connor Extension alternative carried forward for further review. By contrast, Alignment 4 uses land near the centre of the protected Major Transit Station Area that is designated for *General Employment* without minimum density requirements and is further away from the transit stations which maximizes the amount of land within the Secondary Plan that can be used to accommodate population and jobs on lands that are directly abutting, and with direct pedestrian access to, two light rail transit stations.

Table 1 below illustrates that comparatively Alternative 1 results in more road area on the Subject Lands, including both the O'Connor Extension and north-south local road required by the Secondary Plan. The increased road area in Alternative 1 results in a corresponding reduction in net site area (developable area), which in turn results in a reduction in the required park area and estimated gross floor area for the Subject Lands.

<b>TABLE 1</b>						
	<b>Site Area</b>	<b>Road Area <sup>1</sup></b>	<b>Net Site Area</b>	<b>Park Area</b>	<b>FSI</b>	<b>Estimated GFA</b>
Alternative 1	39,575 m <sup>2</sup>	6,322 m <sup>2</sup>	33,253 m <sup>2</sup>	3,325 m <sup>2</sup>	5.7	189,543 m <sup>2</sup>
Alternative 4	39,575 m <sup>2</sup>	2,743 m <sup>2</sup>	36,832 m <sup>2</sup>	3,683 m <sup>2</sup>	5.7	209,945 m <sup>2</sup>
1. Road area within the Subject Lands, per Alternative 1 and Alternative 4 in Attachment A to the BA Group letter dated April 17, 2024.						

It is relevant that the SASP that applies to the Subject Lands requires that 10 percent of the total gross floor area of development be devoted to employment uses and a further 10 percent of the total gross floor area be devoted to other non residential uses such as retail or community uses. Given the reduced estimated gross floor area on the Subject Lands from Alternative 1, we anticipate that approximately 161 fewer jobs and approximately 469 fewer persons can be accommodated on the Subject Lands. We believe that Alternative 1 will result in approximately 1,489 jobs and 4,362 persons being accommodated on the Subject Lands, and that with Alternative 4 approximately 1,650 jobs and 4,831 persons can be accommodated. Based on the foregoing, Alternative 4 results in the more efficient use of land within a built up area with access to existing or planned services and infrastructure and better implements applicable land use planning policy.

We anticipate roughly 2,040 m<sup>2</sup> (or 21,958 ft<sup>2</sup>) less employment gross floor area and 2,040 m<sup>2</sup> (or 21,958 ft<sup>2</sup>) less non-residential gross floor area, which together with the other lost non residential gross floor area which may include retail and community uses, results in 161 fewer jobs as noted above. In addition, the potential loss of approximately 2, 2,040 m<sup>2</sup> (or 21,958 ft<sup>2</sup>) of non residential gross floor area, which may include community uses, could have a considerable impact to the surrounding community.

Table 2 below illustrates that comparatively, Alternative 1 results in less residential gross floor area, fewer units and fewer people as well as less employment and non-residential gross floor area and fewer jobs that could be achieved on the Subject Lands when compared to Alternative 4. These lost persons and jobs will result in less residential, employment, retail, and community uses that would all otherwise have convenient access to active and public transportation options.



**TABLE 2**

	Residential GFA	Total Units	Total Persons	Employment GFA	Non-Residential GFA	Total Jobs
Alternative 1	151,634 m <sup>2</sup>	2,507 <sup>1</sup>	4362 <sup>2</sup>	18,954 m <sup>2</sup>	18,954 m <sup>2</sup>	1489
Alternative 4	167,956 m <sup>2</sup>	2,777 <sup>1</sup>	4831 <sup>2</sup>	20,995 m <sup>2</sup>	20,995 m <sup>2</sup>	1650

1. Assumes average unit size of 60.5 m<sup>2</sup> for all bedroom types inclusive of common areas.
2. Assumes 1.74 persons per unit per the Toronto 2022 Development Charges Background Study by Hemson.
3. Assumes 1 job per 20 m<sup>2</sup> of office gross floor area and 1 job for every 35 m<sup>2</sup> of retail gross floor area per the Toronto 2022 Development Charges Background Study by Hemson.

The SASP that applies to the Subject Lands also requires that either 5 percent affordable rental units or 7 percent affordable ownership units be provided. Table 2 below provides a summary of the affordable ownership or affordable rental units that could be provide on the Subject Lands through Alternative 1 and Alternative 4. Given that roughly 16,322 m<sup>2</sup> (175,688 ft<sup>2</sup>) less residential total gross floor area is achievable on the Subject Lands under Alternative 1, future development will yield roughly 14 – 19 fewer affordable units as illustrated in Table 3 below.

**TABLE 3**

	Total Units	Affordable Rental Units		Affordable Ownership Units
Alternative 1	2,507	125 <sup>1</sup>	OR	175 <sup>1</sup>
Alternative 4	2,777	139 <sup>1</sup>	OR	194 <sup>1</sup>

1. Per Site and Area Specific Policy 777 requirement for 5% affordable rental units or 7% affordable ownership.

Therefore Alignment 4 best achieves the policy farmwork objectives of the *Regeneration Areas* designation to provide employment and housing opportunities and the objectives of the MTSAs to support investments in transit infrastructure and ensure the efficient use of land with convenient access to transit. We believe that Alignment 4 is preferred from a policy framework perspective as it best accommodates the objectives and satisfies the criteria for the EA.

## HEALTHY COMMUNITIES

City staff have stated in their draft evaluation that Alternative 1 and Alternative 4 are comparable based on the healthy communities criteria assessed. We do not believe that Alternative 1 and Alternative 4 are comparable based on the following.

We believe that Alternative 4 maximizes the amount of parkland that can be required by the Planning Act. In this case, the City of Toronto is entitled to a parkland dedication equivalent to 1 hectare per 600 units or a maximum of 10 percent of the land. Based on our preliminary land use calculations

summarized in Table 1, we believe that Alternative 1 will result in approximately 10 percent less parkland than Alternative 4 which does not best achieve the City's policies related to supporting and providing for healthy communities. In addition, additional parkland will provide for additional tree planting opportunities and the City's stated goal of increasing and improving urban tree canopy cover which contributes to air quality.

As discussed above, the Subject Lands are within two MTSAs where population and employment density and transit usage are prioritized with the objective of encouraging transit usage. Alternative 4 results in a greater population and employment that will support transit usage. This also achieves healthy communities on a broad scale by reducing reliance on private automobile trips, supporting transit usage and better air quality for all residents.

With respect to the implications on the ability to provide for non-residential areas as a percentage of development, Alternative 4 will maximize the amount of retail or community uses that can be achieved. This will provide better opportunities for future residents to walk or use other active transportation options to meet daily needs.

We believe that Alignment 4 is preferred from a healthy communities perspective as it best accommodates the objectives and satisfies the criteria for the EA.

## **CULTURAL HERITAGE**

City staff have stated in their draft evaluation that Alternative 1 is preferred over Alternative 4 based on the cultural heritage criteria assessed.

We understand that the lands generally east of Warden Avenue and south of Civic Road, being occupied by the former General Engineering Company of Ontario which contributed to the war effort during the Second World War. Staff have indicated that 15 - 17 Civic Road, which is in the path of Alternative 4, is a property that has potential cultural heritage value. It is on this basis that we believe staff have determined that, from a cultural heritage perspective, Alignment 1 is preferred.

The property at 15 - 17 Civic Road has not been included to the City's Heritage Register, is not designated under the Ontario Heritage Act. In this regard, there has been no confirmation that the buildings that occupy 15 - 17 Civic Road meet the relevant City or Provincial requirements for protection. Notwithstanding the unconfirmed cultural heritage relevance of the existing buildings, the historic cultural relevance of the lands can be appropriately mitigated through commemoration or reuse of the property as an alternative to preservation. Given that it appears that the City has not identified these lands for preservation or conservation, this criterion in the context of Alternative 4 should not be weighted equally as other criteria given the uncertainty and no evidence of a City commitment to conserve the potential resource. Additional review would be required in our opinion to determine whether the potential resource is worthy of conservation and to determine the most appropriate strategy.

Notwithstanding that there are no statutory cultural heritage protection for 15 - 17 Civic Road and that there are options for commemoration or mitigation, we understand from the Owners transportation engineer that Alternative 4 can be modified to avoid this property.

We believe that Alignment 1 is not preferred from a cultural heritage perspective and that each of the alignment options, including Alignment 4 can accommodate the objectives and satisfy the criteria for the EA.

## ECONOMICAL

City staff have stated in their draft evaluation that Alternative 1 is preferred over Alternative 4 based on the economical criteria assessed. In an email from City staff, it was confirmed that the economic criteria is focused on private property impacts, impacts to approved developments and impacts to existing businesses. We disagree that Alternative 1 is preferred on this basis of the economical criteria and that staff's focus does not consider the full breadth of the criteria.

We believe that there is a lost opportunity for job creation as noted above, which is also relevant from an economic perspective. Given that Alternative 1 occupies land designated for population and employment growth and that Alternative 4 occupies land not intended for considerable growth and without minimum intensification targets, we anticipate that Alternative 1 would result in approximately 161 fewer jobs being created on the Subject Lands.

In addition, there will be lost development charge revenue for the City associated with Alternative 1 when compared to Alternative 4 which has not been considered. Table 4 below illustrates that when compared to Alternative 4, Alternative 1 will result in a lost opportunity for approximately \$19,000,000 in development charge revenue as it relates to the redevelopment potential of the Subject Lands.

TABLE 4				
	UNIT TYPE	NUMBER OF UNITS / AREA	DEVELOPMENT CHARGE RATE (PER UNIT) <sup>1</sup>	TOTAL CHARGE
Alternative 1	1 bedroom	1,629 units	\$52,367	\$85,326,755.38
	2 & 3 bedroom	877 units	\$80,218	\$70,380,776.56
	Non Residential	37,909 m <sup>2</sup>	\$666.90	\$25,281,246.94
	Total Development Charge			\$180,988,778.88
Alternative 4	1 bedroom	1,805 units	\$52,367	\$94,511,147
	2 & 3 bedroom	972 units	\$80,218	\$77,956,415
	Non Residential	41,989 m <sup>2</sup>	\$666.90	\$28,002,467
	Total Development Charge			\$200,470,029.27
1. Per Schedule A-3 to CH.415 ART.I and Schedule B-1 CH.415 ART.I to the City of Toronto Development Charges By-law 1137-2022.				

Similarly, as it relates to property revenue, there will be lost revenue for the City associated with Alternative 1 when compared to Alternative 4 and that the City will miss the opportunity for ongoing property tax revenue that is lost in perpetuity.

In addition, our analysis would indicate that notwithstanding quantity of land required is greater, the land acquisition costs for Alternative 4 would be significantly less than Alternative 1, in consideration that the lands within the *Regeneration Areas* designation have greater land values than *General Employment* and *Core Employment* which are typically developed for lower densities. We understand that Milborne Group has prepared a Letter of Opinion dated April 22, 2024 which confirms that the value of the Subject Lands is roughly \$34,000,000 per hectare. Base on recent land sale data provided by BMO Capital Markets for employment lands within the Golden Mile and adjacent employment areas, we estimate that value of adjacent employment land to be roughly \$6,000,000 per hectare.

Table 5 below illustrates that, based on the estimated land values noted above, Alternative 1 will cost up to \$10,000,000 more or an increase in cost of 230 percent to acquire the required land compared with Alternative 4.

<b>TABLE 5</b>				
<b>LANDS REQUIRED</b>	<b>OFFICIAL PLAN LAND USE DESIGNATION</b>	<b>AREA OF ROAD (m<sup>2</sup>) <sup>1</sup></b>	<b>PER m<sup>2</sup> LAND VALUE <sup>2,3</sup></b>	<b>LAND COST</b>
Alternative 1				
Subject Lands	Regeneration Areas	4,217	\$3,400	\$14,339,432
Other Lands	General Employment	8,221	\$600	\$4,932,720
Total		12,438		\$19,272,152
Alternative 4				
Subject Lands	Regeneration Areas	0	\$3,400	\$0
Other Lands	General Employment & Core Employment	14,921	\$600	\$8,417,562
Total		14,921		\$8,417,562
1. Area of road to be acquired for the entire realignment per Alternative 1 and Alternative 4 in Attachment A to the BA Group letter dated April 17, 2024. 2. Value of Subject Lands per letter of opinion from Milborne Group dated April 22, 2024. 3. Value of General Employment and Core Employment lands per sold data obtained from BMO Capital Markets April 22, 2024.				

While staff have indicated that the loss of business associated with Alternative 1 has been part of their analysis, we do not believe that the loss of business on the Subject Lands have been appropriately considered should development not proceed in the immediate term.

We believe that Alignment 1 is not preferred from an economic perspective and that Alignment 4 can best accommodate the objectives and satisfy the criteria for the EA.

## **ENGINEERING AND COST**

City staff have stated in their draft evaluation that Alternative 1 and Alternative 4 are comparable based on the engineering and cost criteria assessed. We acknowledge that the two alternatives are likely comparable from a cost of construction and complexity of implementation perspective.

## **CONCLUSION**

Based on our comments and assessment of the criteria used by staff to evaluate the three alignment options it is our opinion that Alternative 4 best achieves the objectives and satisfies the criteria for the O'Connor Extension component of the EA. We respectfully request that staff re-consider how Alternative 4 has been evaluated and confirm Alternative 4 as the preferred alternative for the O'Connor Extension component of the EA.

Should you have any questions or require additional information, please do not hesitate to contact the undersigned.

Yours truly,

**KLM PLANNING PARTNERS INC.**

A handwritten signature in blue ink, appearing to read "M. Yarranton", is written over a light blue horizontal line.

Mark Yarranton, BES, MCIP, RPP  
Partner



April 22, 2024

**Letter of Opinion – 1911 – 1921 Eglinton Avenue East and Adjacent Employment Lands**

This letter has been prepared to provide an Opinion of Value of your lands located at 1911 - 1921 Eglinton Avenue East as well as the lands immediately adjacent. We understand your lands are designated *Regeneration Areas* by the City of Toronto Official Plan which contemplates a mix of future uses subject to the outcome of applications for redevelopment. The lands immediately adjacent are designated *General Employment* and *Core Employment* permitting a range of employment uses including office, industrial and retail uses. We understand that you are preparing applications for 1911 - 1921 Eglinton Avenue that would yield a combined residential and non residential gross floor area (GFA) of approximately 210,000 square metres or 2,250,000 square feet.

**Mixed Use Development Value**

We anticipate that a probable range in land value from approximately \$60 to \$80 per buildable square foot is a reasonable assumption. This assumed value is predicated on a nearby site, located at in the same vicinity as 1911 – 1921 Eglinton Avenue East that was sold for approximately \$90,000,000 or \$60 per buildable square foot for 1,500,000 square feet of future GFA. Based on the intention to construct 2,250,000 square feet of GFA on your lands, the value range would be \$135,000,000 to \$180,000,000 for the 3.95 hectare property or roughly \$34,000,000 per hectare.

**Conclusion**

Based on the above information, we do not believe that either a retail or industrial land value will be comparable to the value of lands that can be redeveloped for mixed use redevelopment that include a substantial residential component.

Sincerely,

A handwritten signature in blue ink, appearing to read 'H. Milborne', is positioned above the printed name.

Hunter Milborne  
CEO, Milborne Real Estate Inc.



June 24, 2019

Attn: Emily Caldwell, Project Lead and Planner, Planning Department

Re: Golden Mile Secondary Plan Study  
Comments on Emerging Development Alternatives  
Comments on O'Connor Drive Re-Alignment  
1911/1921 Eglinton Avenue East (subject property)  
Southwest corner of Eglinton Ave. East and Warden Avenue  
Samuel Sarick Ltd.

Dear Ms. Caldwell,

Macaulay Shiomi Howson Ltd. (MSH) are the planning consultants for Samuel Sarick Ltd., owners of the subject property, which is located at the southwest corner of Eglinton Avenue East and Warden Avenue. The property is located within an active urban environment comprised of largely commercial and industrial buildings. The subject lands are currently home to two large floorplate buildings of 1-2 storeys and are used for commercial, retail, restaurant, flea market and Provincial Court uses.

The Eglinton Crosstown LRT is under construction along the frontage of the subject lands and transit stop locations are proposed at Warden Ave. and Hakimi Ave./Lebovic Ave. which are both adjacent to the subject lands.

**Figure 1 – Location/Context Map**



### **Official Plan**

The subject lands are designated Employment by the City of Toronto Official Plan. Eglinton Avenue is a higher order transit corridor (Map 4). The subject lands are also outlined in the Site and Area Specific Policies (#129), which permits retail and service uses, including stand-alone retail stores and power centres.

Samuel Sarick Ltd. has an active appeal of OPA 231, which includes policies and mapping related to employment lands.

### **Golden Mile Secondary Plan Study**

In 2017, the City of Toronto initiated a Secondary Plan Study for the Golden Mile area (generally lands on both sides of Eglinton Avenue East, from Victoria Park Boulevard to Birchmount Road). Several public meetings and input opportunities have been held through 2017 and 2018.

In June 2018, at Community Consultation Meeting #3, three alternative development options were proposed by the City and its consultant (SVN Architects and Planners). Further, in October 2018, a presentation was made to the City Design Review Panel, which included a recommended alternative.

The subject lands are outlined as being within the Employment District on all three alternatives. The Employment District includes a thin stretch along the south side of Eglinton Ave., which is intended for preserved and enhanced employment uses of up to 11 storeys.

Alternatives 1 (mid-rise Eglinton) and 2 (three gateways) largely treat the subject lands similarly, with proposed mid-rise buildings, while taller and more dense development is proposed along north-south roads or in gateways (the central gateway is north of the site).

Alternative 3 (transit nodes and central hub), shows tall buildings on the subject lands, closest to the main intersections at Eglinton Ave. (Warden and Lebovic).

### **Planning Discussion/Analysis**

Following are comments to the City and consulting team, from Samuel Sarick Ltd. in regard to the three alternatives along with recommendations:

- 1) Review the function of the current “Employment Area” and proposed “Employment District”;

Currently, the employment area on the south side of Eglinton Ave. does not function as a typical business park (i.e. one which would normally include only industrial, manufacturing or office uses). The area includes many retail uses and power centres.

The employment lands fronting on Eglinton Ave., more specifically, including the subject lands, are not true employment uses. The subject lands include a flea market, restaurants, retail, office and Provincial Court uses.

From this perspective, it is our opinion that this is not an employment area that should be maintained and enhanced. A hard line has been drawn between residential/mixed-use and employment uses in an area where, thanks to the higher order transit line now under construction, should be 'opened up' for a mix of uses, including residential and commercial.

This shift from retail employment along Eglinton to mixed use, may serve as a catalyst for redevelopment of the lands further south, to more viable employment uses that can relate more closely to the mixed use and transit stops.

2) Review the appropriate location for height and density;

While Alternatives 1 and 2 include high density development within a 400 metre walk of higher order transit stations, most of the height and density is actually located away from the transit stops. In our opinion, Alternative 3 best exemplifies the intent of planning for transit.

The tallest buildings and the highest densities should be located closest to the transit stops. Typically, this includes a gradation of density, away from major transit stations. In the case of the Golden Mile, this may be part of the scenario that includes other important hubs and gateways that can also accommodate substantial density.

The transit station areas should include the tallest heights and highest densities. This means that Alternative 3 is the best and most transit supportive plan of the three.

3) Determine the role that transit node sites should play in the future planning of the area;

In our view, it is not appropriate to draw a hard line between employment and mixed use along a major arterial road (Eglinton Ave.), especially on a site that immediately abuts two major transit stations. In our view, this is not the best way to take advantage of significant transit investment.

Similarly, it is not appropriate to expect all employment uses to be located on certain lands and not on others (i.e. within residential neighbourhoods) along a corridor that includes several transit nodes. In our view, a mixing of uses within and among developments will provide for more equitable distribution of uses and support for transit.

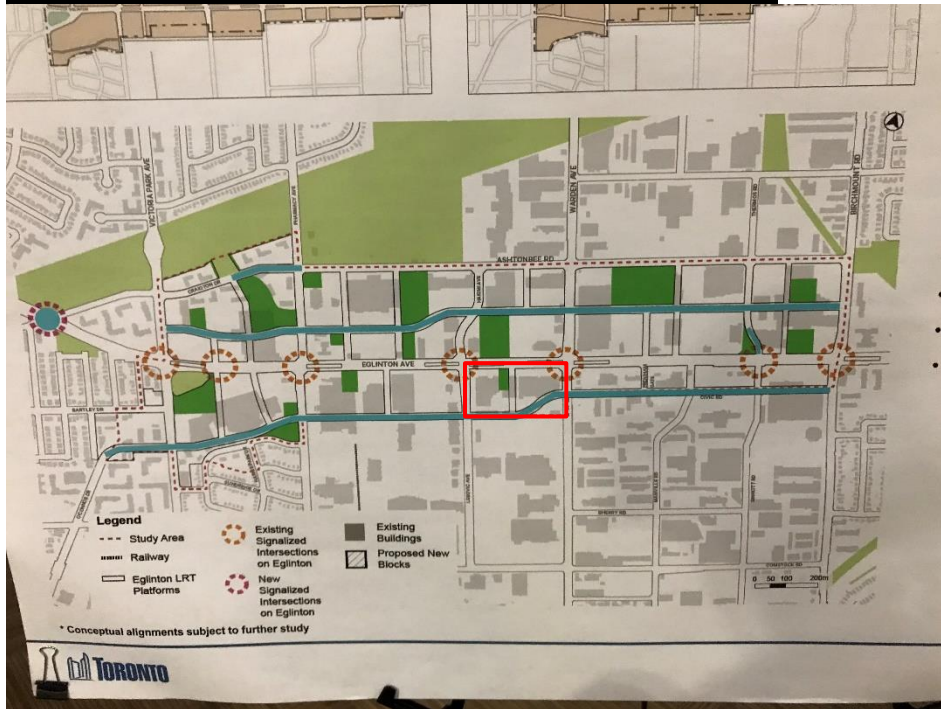
As noted above, transit node sites should incorporate significant heights and densities, while allowing for a variety of uses.

### O'Connor Drive – Proposed Re-alignment

On June 3, 2019, representatives for the Owner attended an Open House hosted by the City of Toronto, related to the Golden Mile Secondary Plan Study, but specifically related to transportation matters.

At the meeting, a 'preferred' O'Connor Drive reconfiguration and extension was proposed by staff and the consulting team. Figure 2, illustrates the proposed re-alignment.

**Figure 2 – Proposed O'Connor Drive Re-alignment**



Specifically, as it relates to the subject lands, the proposed reconfiguration has the proposed road curving in a northeast direction as it nears Warden Avenue. This proposed alignment has the effect of reducing the depth of the subject lands, in the very area where the highest densities should be located (i.e. closest to the major transit station at Eglington Ave. and Warden Ave.).

It is our opinion that this re-alignment is not supportable for the subject lands and for the Secondary Plan Area as a whole, as it does not support a transit friendly development pattern. This re-alignment, along with the north/south road proposed through the subject lands, has a negative impact on the usability of the corner land parcel, which, as noted, should be the lands that are most dense and supportive of transit use.

## Recommendations

The Golden Mile Secondary Plan Study presents a unique opportunity, within the City of Toronto, to re-imagine an outdated, suburban and motor vehicle reliant development area into a new transit-based community with a mix of uses.

The proposed O'Connor Road re-alignment also presents opportunities to correct and improve the road system in the area to support new and intensified development.

With regard to the Study, the proposed road re-alignment and the subject lands, we would recommend the following to the Secondary Plan team:

- 1) Remove the proposed "Employment District" designation and replace it with a more flexible mixed-use designation;
- 2) Endorse Alternative 3 as the 'preferred alternative' and continue to refine the plan for lands closest to Major Transit Stations, along with other potential hubs and gateways, to ensure that they include the tallest heights and highest densities along the corridor.
- 3) Be 'permissive' rather than 'prescriptive' as it relates to employment uses throughout the Secondary Plan Study Area, so that an equitable distribution of employment uses can occur, along the transit corridor.
- 4) Reconsider the proposed O'Connor Road re-alignment, especially as it is currently proposed to intersect with Warden Ave. The re-alignment, along with the proposed road network has a negative impact on the achievement of the overall goals and objectives of the Secondary Plan Study, in relation to transit friendly and supportive development in major transit station areas.

Thank you for providing this opportunity to review and comment. As the landowner of a significant property within the Secondary Plan Study area, we have made a request to meet with staff and the consulting team to review our concerns and begin to work toward a resolution. Please advise when we can meet to discuss these and other matters in more detail.

Should you have any questions regarding the information contained herein, please contact me directly, thank you.

Sincerely,

MACAULAY SHIOMI HOWSON LTD.

*Nick Pileggi*

Nick Pileggi, MCIP, RPP  
Associate Principal



December 17, 2019

File No.: 527471-53

**SENT VIA E-MAIL**

Mr. Andrew Au and Ms. Emily Caldwell  
City Planning, City of Toronto  
150 Borough Drive, 4<sup>th</sup> Floor  
Toronto ON M1P 4N7

Dear Mr. Au and Ms. Caldwell:

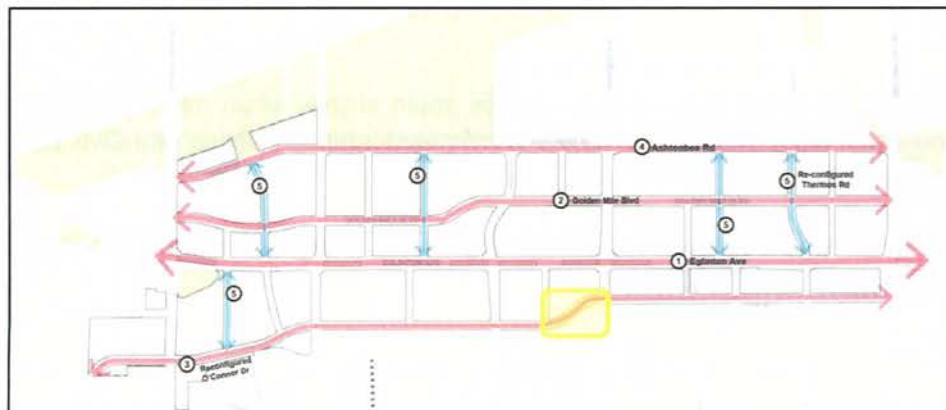
**RE: Concerns with the Proposed O'Connor Drive Extension Alignment  
Golden Mile Secondary Plan Study and Transportation Master Plan  
1911 and 1921 Eglinton Avenue East (the "Lands")  
Samuel Sarick Ltd. ("Sarick")**

We are counsel for Sarick with respect to the above noted matter.

Sarick is the owner of the Lands, which are located at the southwest corner of Eglinton Avenue East and Warden Avenue, within the Golden Mile Secondary Plan Study Area (the "**Study Area**"). The Lands are currently used for a variety of uses, including a significant institutional use, being the Ontario Court of Justice (the Criminal Courts), and mixed commercial uses, all of which are planned to continue.

Sarick has repeatedly attempted to discuss its significant concerns with the Study Area and the eastward extension of O'Connor Drive through the Study Area with City Staff. The concerns continue to be disregarded.

On April 16, 2019, the Study Area was expanded to facilitate the eastward extension of O'Connor Drive through the Study Area (the "**O'Connor Drive Extension**"). At the June 3, 2019 Community Consultation Meeting, the 'Structure Plan – Streets' for the Study Area depicted the O'Connor Drive Extension as generally continuing eastward along the southern boundary of the Lands, with a northward jog west of Warden Avenue, highlighted in yellow, below (the "**Intrusion**"). The purpose of the Intrusion appears to be to provide for the continuation of the east-west road, by aligning the O'Connor Drive Extension with the





existing Civic Road, east of Warden Avenue, while avoiding the existing water tower at the southeast corner of Warden Avenue and Civic Road.

The 'Recommended Street Network and Signalized Intersections' in the Draft Golden Mile Transportation Master Plan, prepared in accordance with Phases 1 and 2 of the Municipal Class Environmental Assessment ("**Class EA**") process, also includes the Intrusion.

The impact of the Intrusion on the Lands is significant. The Intrusion will pass through the existing building at 1921 Eglinton Avenue East. It will also remove many existing parking spaces. It will preclude the existing uses from continuing, including the Ontario Court of Justice Facility, which will result in a significant loss of employment density on the Lands. This will cause substantial business loss to Sarick, impact the current uses on the lands and substantially impede the redevelopment potential for the Lands. It will also isolate a portion of the Lands potentially making them unusable. The City's expropriation of the Intrusion lands will come at considerable financial expense to the City.

Some of the stated objectives and public comments on the Golden Mile Secondary Plan Study include:

- The desire for an improved network of streets, parks and open spaces;
- Height and density located close to transit; and
- That all streets should provide safe and comfortable space for pedestrians and cyclists.

The proposed road alignment for O'Connor Drive, as it intersects with Warden Avenue and connects with Civic Road, fails to address these objectives. The alignment causes the Intrusion on the Lands, which reduces the depth of the block at the immediate corner of Warden Avenue and Eglinton Avenue East. This block is best suited for the maximum heights and densities permitted in the Secondary Plan, as the Lands are served by a major transit station, at the corner of two major arterial streets.

Sarick's concerns are primarily rooted in the proposed street network being restricted to the artificial boundaries of the Study Area and its associated constraints, including the need to avoid the existing water tower at the southeast corner of Warden Avenue and Civic Road. There are multiple alternatives to the proposed street alignment which result in better transportation planning, and produce better planning outcomes. Attached hereto are three such examples, a brief description of each is provided below.

#### *Alternative 1:*

In Alternative 1, the O'Connor Drive Extension dips south slightly when intersecting Warden Avenue, passing the south side of the water tower before turning north and connecting with Civic Road. Benefits of this alternative include:

- Improving the signalized intersection spacing on the Warden Avenue corridor compared to the Structure Plan;

- The creation of a deep block at the south west corner of Eglinton Avenue East and Warden Avenue (approximately 150 to 160 metres deep), and a normalized development block that maximizes redevelopment potential in a major transit station area;
- The creation of a deeper block at the south east corner of Eglinton Ave. and Warden Ave. (with the potential addition of lands formerly used for Civic Road), that maximizes redevelopment potential in a major transit station area; and
- That it allows for the existing uses to remain on site in the short term (without major interruption).

#### *Alternative 2:*

In Alternative 2, the O'Connor Drive Extension also passes the south side of the water tower, before turning further south at the Manville Road intersection, ultimately continuing eastward and connecting with the existing signalized intersection at Birchmount Road. Benefits of this alternative include:

- Improving the signalized intersection spacing on the Warden Avenue, Sinott Road and Birchmount Road corridors compared to the Structure Plan;
- Maintaining and connecting to the existing signalized intersection at Birchmount Road;
- The creation of a deep block at Eglinton Avenue East and Warden Avenue (approximately 150 to 160 metres deep), and a normalized development block that maximizes redevelopment potential in a major transit station area; and
- That it allows for the existing uses to remain on site in the short term (without major interruption).

#### *Alternative 3:*

In Alternative 3, the O'Connor Drive Extension dips southward immediately east of Pharmacy Avenue, continuing eastward and connecting to the existing Lebovic Avenue and Warden Avenue signalized intersections. It turns north before reaching Birchmount Road to connect to the existing signalized intersection. The benefits of this alternative include:

- Improving the signalized intersection spacing on the Lebovic Avenue, Warden Avenue, Sinott Road and Birchmount Road corridors compared to the Structure Plan, and allows for flexibility of additional connections or cross streets at Warden Avenue;
- Maintaining and connecting to the existing signalized intersections at Lebovic Avenue, Warden Avenue, and Birchmount Road;
- The provision of a mid-block connector for larger blocks of land between Eglinton Avenue East and Comstock Road, which may also be more compatible with a 27m right-of-way width as illustrated on the proposed typical cross-section of the Structure Plan;

- The creation of a deep block at Eglinton Avenue East and Warden Avenue, and a normalized development block that maximizes redevelopment potential in a major transit station area; and
- That it allows for the existing uses to remain on site in the short term (without major interruption).

We welcome the opportunity to meet and discuss these and other alternatives with City and Ministry staff, prior to the approval of the Municipal Class EA, and prior to finalization of the street network in the Secondary Plan.

We are available to a meet at our availability in early January 2020.

Yours truly,

**Dentons Canada LLP**



Katarzyna Sliwa

Enclosures

Copy: Hon. Jeff Yurek, Minister of the Environment, Conservation, and Parks  
Hon. Steve Clark, Minister of Municipal Affairs  
Hon. Doug Downey, Attorney General of Ontario  
Mr. Andrew Nizielski, Ministry of the Attorney General, Director, Facilities Management Branch  
Mr. Eric Tilley, Infrastructure Ontario, General Counsel  
Councillor Gary Crawford, Councillor for Ward 20  
Councillor Michael Thompson, Councillor for Ward 21  
Mr. Gregg Lintern, City of Toronto, Chief Planner  
Mr. Mike Williams, City of Toronto, Economic Development & Culture  
Mr. Nick Pileggi, Macaulay Shiomi Howson Ltd.  
Client



January 28, 2020

File No.: 527471-53

**SENT VIA E-MAIL:** [councilmeeting@toronto.ca](mailto:councilmeeting@toronto.ca)

Ms. Marilyn Toft  
City of Toronto  
12th floor, West Tower, City Hall  
100 Queen Street West  
Toronto ON M5H 2N2

Dear Ms. Toft:

**RE: Golden Mile Secondary Plan  
Item SC12.10 – January 29, 2020 City Council Meeting  
Samuel Sarick Limited ("Sarick")**

We are counsel for Sarick with respect to the above noted matter. Kindly ensure that a copy of this letter and all attachments is provided to the Mayor and all members of Council prior to the January 29, 2020 Council Meeting.

Sarick is the owner of lands within the Golden Mile Secondary Plan Study Area (the "**Study Area**") at the southwest corner of Eglinton Avenue East and Warden Avenue, municipally known as 1911 and 1921 Eglinton Avenue East (the "**Lands**"). The Lands are currently used for a variety of uses, including the Ontario Court of Justice Criminal Courts, and mixed commercial uses.

The Eglinton Crosstown LRT is currently under construction along the Lands' Eglinton Avenue East frontage. Transit stop locations are proposed on Eglinton at Warden Avenue and Hakimi Avenue/Lebovic Avenue, which are both adjacent to the Lands.

Sarick has been actively involved throughout the Secondary Plan process, including making two submissions to staff and participating in public meetings. Copies of the two submissions made are attached hereto. Through these various communications, Sarick has repeatedly stressed its concerns with respect to the proposed Golden Mile Secondary Plan ("**GMSP**"), specifically, the proposed extension of O'Connor Drive (the "**O'Connor Drive Extension**"), its alignment, and its associated impacts on the appropriate distribution of height and density throughout the Study Area.

### **The O'Connor Drive Extension**

O'Connor Drive is proposed to be extended eastward, generally along the southern boundary of the Study Area. It is proposed to generally proceed along the southern boundary of the Lands, before curving in a northeast direction, through the Lands, as it nears Warden Avenue. This curve to the northeast (the "**Intrusion**") is shown both in the Draft Golden Mile Transportation Master Plan, and the maps in the Draft Secondary Plan Policies for Golden Mile.

The Intrusion, as shown in the Golden Mile Secondary Plan, would pass through the existing building at 1921 Eglinton Avenue East, remove many existing parking spaces, and isolate the portion of the Lands south of the Intrusion, potentially rendering them unusable. It would also preclude the existing uses from continuing, including the Ontario Court of Justice Facility, and would result in a significant loss of employment density on the Lands, causing substantial business loss to Sarick. The Intrusion would also impact the current uses on the lands, and substantially restrict the redevelopment potential for the Lands.

The block at the immediate corner of Warden Avenue and Eglinton Avenue East is the corner of two major arterial streets, and is served by a major transit station. It is best suited for the maximum heights and densities permitted in the Secondary Plan. However, the Intrusion will reduce the block depth and unduly restrict the redevelopment potential for the block, and further result in sub-optimal intersection spacing south of Eglinton Avenue East.

While the proposed street network is marked as conceptual, our client's concerns are indicative of how a street network forced to fit within the arbitrary boundaries of the Study Area will produce policy outcomes that are at odds with the stated objectives and public comments on the Golden Mile Secondary Plan, including:

- The desire for an improved network of streets, parks, and open spaces;
- Height and density located close to transit; and
- That all street should provide safe and comfortable space for pedestrians and cyclists.

There are various alternatives to the proposed street alignment, partly outside of the Study Area, which will result in better transportation planning and produce better planning outcomes. Some of these alternatives have been previously provided to City Staff, and they are attached hereto.

In a recent meeting with City Staff, it was confirmed that the proposed street alignment, including the O'Connor Drive Extension, is preliminary and conceptual, to be delineated through further Environmental Assessment ("EA") study, which has yet to be completed. It was further confirmed that this future EA work, and the ultimate delineation of the street network, would not be impeded or predetermined in any way by the conceptual alignment that is currently depicted in the Secondary Plan, or the Draft Golden Mile Transportation Master Plan.

Sarick's request is that the street network, in particular the O'Connor Drive Extension, be revised and that the future EA consider the alternatives which we have provided to Staff, which will better achieve the stated objectives of the Secondary Plan. It is further requested that the Secondary Plan maps depicting the street network be revised to reflect that the alignment is conceptual, and not fixed.

Please do not hesitate to contact the undersigned if you have any questions regarding the above.

Yours truly,  
**Dentons Canada LLP**



per: Katarzyna Sliwa  
Partner

Enclosures

Copy: City of Toronto Mayor and Council  
Ms. Ulli Watkiss, Clerk, City of Toronto  
Client

June 18, 2020

File No.: 527471-53

Sent via E-mail: [scc@toronto.ca](mailto:scc@toronto.ca)

Ms. Carlie Turpin  
Committee Administrator  
Scarborough Community Council  
Scarborough Civic Centre  
3rd Floor, 150 Borough Drive  
Toronto, ON M1P 4N7

Dear Ms. Turpin:

**Re: Golden Mile Secondary Plan ("GMSP")  
Item SC15.1 – June 19, 2020 Scarborough Community Council Meeting  
Samuel Sarick Limited ("Sarick")**

We are counsel for Sarick with respect to the above noted matter. Kindly ensure that a copy of this letter and all attachments is provided to all members of the Scarborough Community Council prior to the June 19, 2020 Community Council Meeting.

Sarick is the owner of the lands municipally known as 1911 and 1921 Eglinton Avenue East (the "Lands"). The Lands are located at the southwest corner of Eglinton Avenue East and Warden Avenue, within the GMSP Study Area. The Lands are currently used for a variety of uses, including the Ontario Court of Justice Criminal Courts, and mixed commercial uses.

The Eglinton Crosstown LRT is currently under construction along the Lands' Eglinton Avenue East frontage, and transit stop locations are proposed for the northeast and northwest corners of the Lands (at Warden Avenue and Lebovic Avenue, respectively).

Sarick has been actively involved in the GMSP process, including participating in public meetings, participating in a meeting with City Staff, and filing three written submissions with Staff and Council. Throughout this process, Sarick's concerns with the draft GMSP Policies were repeatedly brought to the attention of the City, together with recommendations to remedy them. These concerns include:

1. The alignment of the proposed extension of O'Connor Drive (the "O'Connor Drive Extension"). The proposed alignment bisects the Lands and would result in a significant loss in employment density, preclude the existing uses from continuing, and cause substantial business loss to Sarick. Alternative alignments of the O'Connor Drive Extension which extend beyond the GMSP Study Area result in better transportation planning, and produce better planning outcomes. The proposed alignment of the O'Connor Drive Extension, bisecting the Lands, will substantially restrict the



redevelopment potential for the Lands. The expropriation required for the extension will come at considerable expense to the City, as the bifurcation of the Lands will effectively sterilize the entirety of the Lands from a redevelopment perspective.

2. The distribution of height and density throughout the GMSP Area. The tallest buildings and highest densities should be located closest to transit stops, two of which are adjacent to the Lands. However, the Lands are proposed to be designated for the shortest buildings and lowest densities in the GMSP Study Area. This is compounded by the proposed alignment of the O'Connor Drive Extension, which reduces the depth of the Lands in the very area where the highest densities should be located.
3. The 'Employment District' on the south side of Eglinton Avenue. The employment area on the south side of Eglinton Avenue does not function as a typical business park. It includes many retail uses and power centres. The lands fronting on Eglinton Avenue include a flea market, restaurants, retail, office uses, and the Ontario Court of Justice. In anticipation of the currently under-construction Eglinton Crosstown LRT, these lands should be opened up for a mix of uses, including residential and commercial uses. The shift to mixed-use along Eglinton Avenue could facilitate redevelopment of the lands further south to more viable employment uses that can relate more closely to mixed use and proposed transit stops.

We reviewed the revised GMSP Policies with our client and consultants. Our client is frustrated to see that the issues have not been addressed. Our client's concerns continue to be ignored.

We reiterate the planning merits of the recommendations Sarick has made to date, as detailed in the attached letters. We again request that Staff and Scarborough Community Council seriously consider these recommendations, and revise the GMSP Policies accordingly. With the current economic environment, this is not the time for moving forward with policy that ignores the meaningful considerations made by stakeholders and creates obstruction to business.

Yours truly,

**Dentons Canada LLP**



per: Katarzyna Sliwa  
Partner

KS/ak

Enclosures

Copy: All Members of Scarborough Community Council  
Ms. Emily Caldwell, Senior Planner, Community Planning, Scarborough District  
Mr. Nick Pileggi, Macaulay Shiomi Howson Ltd.  
Client



July 16, 2020

File No.: 527471-53

Sent Via E-mail: [scc@toronto.ca](mailto:scc@toronto.ca)

Ms. Carlie Turpin  
Committee Administrator  
Scarborough Community Council  
Scarborough Civic Centre  
3rd Floor, 150 Borough Drive  
Toronto, ON M1P 4N7

Dear Ms. Turpin:

**Re: Golden Mile Secondary Plan ("GMSP")  
Statutory Public Meeting, July 17, 2020 (Item SC 16.3)  
1911 and 1921 Eglinton Avenue East  
Samuel Sarick Limited ("Sarick")**

We are counsel for Sarick with respect to the above noted matter. Kindly ensure that a copy of this letter and all attachments are provided to the members of the Scarborough Community Council prior to the July 17, 2020 meeting.

Sarick is the owner of the lands municipally known as 1911 and 1921 Eglinton Avenue East (the "Lands"), located at the southwest corner of Eglinton Avenue East and Warden Avenue. The Lands are currently used for a variety of uses, including the Ontario Court of Justice Criminal Courts, and mixed commercial uses. The Eglinton Crosstown LRT ("ECLRT") is currently under construction along the Lands' Eglinton Avenue frontage, and transit stop locations are proposed for the northeast and northwest corners of the Lands (at Warden Avenue and Lebovic Avenue, respectively).

Sarick has actively participated in the GMSP process, including participation in public meetings, meeting with City staff, and filing several written submissions with Staff and Council. The previous written submissions filed on behalf of Sarick are attached. Throughout the last year, Sarick has repeatedly raised concerns regarding the impact of the proposed GMSP on the Lands. These concerns persist in the most recent draft of the GMSP, and include:

- 1. General Comments:** The level of detail in the GMSP draft is extensive and the policies are unduly prescriptive. This leaves less flexibility than is appropriate or desirable in a redeveloping area such as the Golden Mile. The Maps and Policies listed below include a zoning by-law level of detail which is inappropriate for a secondary plan. If approved, they would necessitate an Official Plan Amendment for redevelopment within the GMSP Area, and unduly slow down the development

process. This level of detail should be introduced through zoning by-laws or urban design guidelines:

- a. **Map 45-11 and Policies 7.10 and 7.11**, regarding setbacks to certain private roads;
  - b. **Map 45-12 and Policy 7.26**, regarding base building heights, which allows for only one storey of flexibility between minimum and maximum height. For mid-rise buildings, base buildings may be architecturally based (design oriented and not stepped-back), which further enforces the prescriptive nature of the draft GMSP; and
  - c. **Map 45-15 and Policies 7.12 to 7.17**, regarding active at-grade uses.
2. **O'Connor Drive Alignment:** The alignment of the proposed extension of O'Connor Drive (the "O'Connor Drive Extension") bisects the Lands and would result in a significant loss in employment density, preclude the existing uses from continuing, and cause substantial business loss to Sarick. Alternative alignments for the O'Connor Drive Extension which extend beyond the GMSP Study Area to the south result in better transportation planning, and produce better planning outcomes. The proposed alignment of the O'Connor Drive Extension, bisecting the Lands, will substantially restrict the redevelopment potential for the Lands. The expropriation required for the extension will come at considerable expense to the City, as the bifurcation of the Lands will effectively sterilize the entirety of the Lands from a redevelopment perspective.

Each of the maps continues to show the O'Connor Drive extension in a fairly prescriptive fashion, however a note has been added to the plan which states that:

Exact locations of streets will be determined through subsequent Environmental Assessment study and/or review and approval of development applications or other implementation methods deemed appropriate by the City.

While the inclusion of this note is positive, the maps and policies throughout the GMSP serve to solidify the alignment within the GMSP area and do not offer the flexibility necessary to consider road alignment options to the south, outside of the GMSP area. We also note that Map 45-8 requires a 27m right of way for O'Connor Drive, which is a detail that is more appropriately left to the EA process to determine.

3. **Distribution of Height and Density:** The tallest buildings and highest densities should be located closest to transit stops, two of which are adjacent to the Lands. However, the Lands are proposed to be designated for the shortest buildings and lowest densities in the GMSP. This is compounded by the proposed alignment of the O'Connor Drive Extension, which reduces the depth of the Lands in the very area where the highest densities should be located. Specifically:
  - a. **Map 45-5** outlines a maximum gross FSI of 2.0 for the Lands. While the Lands are directly serviced by two ECLRT stops and have direct frontage and visibility on Eglinton Avenue, they have the lowest densities in the GMSP area. The lands west, north and east have proposed densities ranging from 2.5 to 3.2 FSI.

- b. **Map 45-13** outlines a maximum height for the Lands of 11 storeys, whereas the lands on the immediate north side of Eglinton Avenue are permitted up to 30 storeys (with live development applications requesting higher).

Regardless of the land use permitted on the Lands, there is no low-rise residential nearby which will be impacted by higher buildings and greater density. The Lands benefit from two higher order transit stops, and are within what will likely be designated as a major transit station area. The Lands are primed for redevelopment, and should be designated for the highest heights and densities permitted in the GMSP.

4. **North-South Street bisecting the Lands:** Maps 45-7, 45-8, 45-18 and Policies 11.4 to 11.10 outline a north-south private street that bisects the Lands (with a 20 metre right of way, per Map 45-8). While a north-south connection may be appropriate, a private connection is achievable. This would allow for the flexibility to redevelop the Lands over time and program the connection with potential private lay-by parking to facilitate a mix of uses.

An additional policy should be added to the 'Street Network' section to allow for the 'Conceptual Streets' to be provided as private drives or lanes, provided they can accommodate the transportation/pedestrian connections and urban design objectives required by the GMSP.

5. **Employment District:** The employment area on the south side of Eglinton Avenue does not function as a typical business park. It includes many retail uses and power centres. The lands fronting on Eglinton Avenue include a flea market, restaurants, retail, office uses, and the Ontario Court of Justice. In anticipation of the currently under-construction ECLRT, these lands should be opened up for a mix of uses, including residential and commercial uses. The shift to mixed-use along Eglinton Avenue could facilitate redevelopment of the lands further south to more viable employment uses that can relate more closely to mixed use and proposed transit stops. This would facilitate uses with higher employment density on the Lands, as opposed to the current power centre use.

There are proposed policies within the GMSP which speak to individual sites providing 10% of floor area for non-residential uses. Without commenting specifically on the 10% number, the general idea that non-residential uses should be equitably spread throughout the GMSP is appropriate. However, if the Lands are forced to remain designated for employment uses, it is unlikely that any significant density will be proposed and a key site will remain with the existing uses or some other low-rise form of employment or industrial use. This would be contrary to Provincial and City policies related to transit station areas. A mix of uses would allow for the target employment density for the Lands to be actually realized, whereas the proposed Employment District designation prevents the Lands from being feasibly redeveloped in a manner that would meet these targets.

6. **Structure/Districts/Character Areas:** Policy 3.1 of the GMSP outlines the overall structure for the area that will "serve as the foundation for the comprehensive planning framework" of the plan. The five transit nodes, including ECLRT stops, are one of these structural elements.



The following two Policies (3.2 and 3.3) then effectively sever this structural element into rigid use categories (employment on the south side of Eglinton Avenue, and mixed use on the north). This conflicts with the stated structure of the GMSP to build around transit nodes.

7. **Employment Park Location:** Most of the maps and Policy 6.21 outline a 'conceptual park location' on the Lands, identified as the 'employment park'. The need for this park is not clearly described, except that it is to serve the employees of the area. However, the employment area is much larger than the frontage on Eglinton Avenue (it extends far to the south and east). This park would be more appropriately located outside of the GMSP area, and certainly not along the transit corridor, as shown.
8. **Parking:** The policies of Sections 7.21 regarding surface parking and above grade parking are overly restrictive (especially for employment uses). Parking is restricted along Eglinton Avenue, on north south roads, and is limited along other streets. It would be difficult, if not impossible, to comply with the proposed parking requirements on the Lands. To do so, above ground parking structures for non-residential uses may be necessary. However, the requirement to wrap all parking floors with commercial uses will likely not be feasible. Other urban design options are necessary in order to facilitate the redevelopment of the GMSP area, as contemplated in the plan.

We reiterate our request that Scarborough Community Council consider the above recommendations and proposed modifications, and revise the GMSP accordingly.

Kindly ensure that we are provided with notice of any upcoming Council or Committee meetings regarding the GMSP, and any decisions of Council in relation to this matter.

Yours truly,  
**Dentons Canada LLP**

  
per: Katarzyna Sliwa  
Partner

KS/ak

Copy: All Members of Scarborough Community Council  
Mr. Nick Pileggi, Macaulay Shiomi Howson Ltd.  
Client

August 10, 2020

File No.: 527471-53

**Sent Via E-mail:** [nathan.muscat@toronto.ca](mailto:nathan.muscat@toronto.ca) and [daniel.elmadany@toronto.ca](mailto:daniel.elmadany@toronto.ca)

Mr. Nathan Muscat  
Solicitor  
City of Toronto  
55 John Street  
26th Floor, Metro Hall  
Toronto, ON M5V 3C6

Mr. Daniel Elmadany  
Solicitor  
City of Toronto  
55 John Street  
26th Floor, Metro Hall  
Toronto, ON M5V 3C6

Dear Mr. Muscat and Mr. Elmadany:

**Re: SC16.3 Golden Mile Secondary Plan ("GMSP")  
Comments of Samuel Sarick Limited ("Sarick")  
1911 and 1921 Eglinton Avenue**

As you know, we are counsel for Sarick with respect to the above noted matter.

Sarick is the owner of the lands municipally known as 1911 and 1921 Eglinton Avenue East (the "Lands"), located at the southwest corner of Eglinton Avenue East and Warden Avenue.

The Lands are currently used for a variety of uses, including the Ontario Court of Justice Criminal Courts, and mixed commercial uses. The Eglinton Crosstown LRT is currently under construction along the Lands' Eglinton Avenue frontage, and transit stop locations are proposed for the northeast and northwest corners of the Lands (at Warden Avenue and Lebovic Avenue, respectively).

In response to Scarborough Community Council's direction to staff on July 17, 2020, and your subsequent request for modifications to the GMSP, below are Sarick's requested revisions. Please note that these comments are limited to the topics outlined in your email of July 23, 2020. While you have indicated that redesignations will not be considered through this process, it remains our position that the Employment District designation is not appropriate for the Lands, and that a mixed-use designation would allow for the target employment density for the Lands to be actually realized. Sarick remains committed to pursuing the conversion of these lands to permit a mix of uses, through both the resolution of Sarick's appeal of Official Plan Amendment 231, and the employment conversion portion of the City's ongoing Municipal Comprehensive Review, in this regard.

Sarick's proposed policy revisions are as follows:

- 1. Street Network and O'Connor Drive Alignment:** The alignment of the proposed extension of O'Connor Drive (the "O'Connor Drive Extension"), as shown throughout the GMSP bisects the

Lands and would result in a significant loss in employment density, preclude the existing uses from continuing, and cause substantial business loss to Sarick. Alternative alignments for the O'Connor Drive Extension which extend beyond the GMSP Study Area to the south result in better transportation planning, and produce better planning outcomes. We understand that this alignment will be finalized through the ongoing Environmental Assessment process, however, this is not clearly reflected in the GMSP. We request that:

- a. All maps are amended to show the O'Connor Drive Extension in a schematic basis only (an arrow or other linear feature); and
- b. Policy 11.8 is revised as follows:

The exact location, alignment and design of streets and potential mid-block pedestrian connections will be refined, at the discretion of the City, through the development application review process (including the Plan of Subdivision process), a Municipal Class Environmental Assessment ("EA"), as required, or other implementation mechanisms at the discretion of the City, **with no requirement for an amendment to this plan.**

2. **Unduly Prescriptive Policies:** The level of detail in the GMSP draft is extensive and the policies are unduly prescriptive. This leaves less flexibility than is appropriate or desirable in a redeveloping area such as the Golden Mile. If approved, they would necessitate an Official Plan Amendment for redevelopment within the GMSP Area, and unduly slow down the development process. Attached as Appendix 1 are a list of these policies, with suggested revisions.
3. **Distribution of Height/Density:** The tallest buildings and highest densities should be located closest to transit stops, two of which are adjacent to the Lands. However, the Lands are proposed to be designated for the shortest buildings and lowest densities in the GMSP. This is compounded by the proposed alignment of the O'Connor Drive Extension, which reduces the depth of the Lands in the very area where the highest densities should be located. Specifically, we request:

- a. Policy 3.10 is revised as follows:

Development in the Employment Area will provide **high and** mid-rise buildings with employment uses, as well as commercial uses at grade along Eglinton Avenue East. Development will provide public realm improvements including a new park.

- b. Policy 7.35 is revised as follows:

Development in Employment Area will:

- a) Be sited and oriented to feature a strong relationship with Eglinton Avenue East, providing primary façades and entrances fronting directly onto the street; ~~and~~
- b) Provide high quality building and landscape, with the greatest emphasis on areas along Eglinton Avenue East, especially at the ECLRT stops; **and**



**c) Accommodate the tallest building heights in the Plan at the ECLRT stops along Eglinton Avenue East, with a maximum height of 35 storeys.**

c. The maximum FSI for the Lands on Map 45-5 is revised to 3.2.

d. The permitted height on the Lands is revised to “Mix of tall buildings and mid-rise buildings (Max. 35 Storeys)”.

**4. Parking:** The policies of Sections 7.21 regarding surface parking and above-grade parking are overly restrictive (especially for employment uses). Parking is restricted along Eglinton Avenue, on north south roads, and is limited along other streets. It would be difficult, if not impossible, to comply with the proposed parking requirements on the Lands. To do so, aboveground parking structures for non-residential uses may be necessary. However, the requirement to wrap all parking floors with commercial uses will likely not be feasible. We request that:

a. Policies 7.21, 7.22, and 7.23 are revised as follows:

7.21 In General Employment Areas:

- a) Surface parking will not be located in front of buildings **along Eglinton Ave and is not encouraged along existing north-south streets**;
- b) Surface parking will not be located adjacent to buildings along Eglinton Avenue East and **is not encouraged** along the north-south streets leading directly to the ECLRT stops. Where appropriate, limited surface parking may be located adjacent to buildings along streets other than Eglinton Avenue East and the north-south streets leading directly to the ECLRT stops.

7.22 Above-grade parking structures are not permitted, **except in Employment Areas**.

7.23 Notwithstanding Policy 7.22, above-grade parking structures, where it is demonstrated that a below-grade parking structure would interfere with a high water table, **or where otherwise permitted**, may be permitted if:

- a) In Apartment Neighbourhoods and Mixed Use Areas, the above-grade parking structure is wrapped with active uses on all sides of the buildings and on all floors; and
- b) In General Employment Areas, the above grade parking structure is: i. Wrapped with employment uses, **where feasible, on all the first three floors and screened appropriately above the third floor**, along Eglinton Avenue East and the north-south arterial streets; and ii. Wrapped with employment uses on **the first all floors**, where feasible, ~~or be wrapped with employment uses at grade~~ and screened appropriately above the first floor on all streets, except those in Policy 7.23 b) i).

Please do not hesitate to contact the undersigned if you have any questions regarding the above.

Yours truly,  
**Dentons Canada LLP**



per: Katarzyna Sliwa  
Partner

KS/ak

Enclosures

Copy: Ms. Emily Caldwell, City of Toronto  
Mr. Victor Gottwald, City of Toronto  
Mr. Paul Zuliani, City of Toronto  
Mr. Nick Pileggi, Macaulay Shiomi Howson Ltd.  
Client

## Appendix 1 – Revisions to Prescriptive Policies

### 6.21 Employment Park within the Employment District will:

- (a) Be a Parkette generally located on the south side of Eglinton Avenue East generally between Lebovic Avenue and Manville Road to provide open space amenity primarily for the workers from the surrounding General Employment Areas and Core Employment Areas; and
- (b) Should the Employment Park be located closer to Lebovic Avenue, Maps 45-11, 45-12 and 45-15 shall be interpreted as providing the minimum building setbacks, the minimum and minimum base building storey heights, and the required active commercial uses at grade on lands where the conceptual park is shown.
- (c) **The location of the Employment Park may be deleted and replaced with a POPS, subject to the policies of 6.27-6.29, or other community space may be accommodated, to the satisfaction of the City and without an amendment to this plan.**

**7.10** Development will provide minimum setbacks from streets, and parks and open spaces as **generally** identified on Map 45-11: Building Setbacks.

**7.26** Minimum and maximum base building heights as **generally** shown on Map 45-12: Base Building Heights will be provided on tall and mid-rise buildings to define and support the different roles, functions, and characteristics of the adjacent streets, parks and open spaces within the Character Areas, and to support an overall pedestrian friendly scale in the Plan Area.

### 7.44 Development of Tall buildings will:

- (a) Be located strategically on development Blocks in response to the frontage, depth, and configuration of the Blocks, to support the planned characters of the adjacent public realm, and where required, achieve appropriate transition to and limit their impact on the surrounding areas;
- (b) Generally have no more than two tall building towers on each development Block, **except where tower spacing can accommodate additional towers;**
- (c) Be designed with a ~~minimum 5-metre~~ tower stepback from the base building, and will be organized to provide variation in tower placement and setbacks along streets, parks and open spaces to create and support interesting streetscapes, views, and vistas;
- (d) Maintain floor plate sizes that will **generally** not exceed ~~800~~**750** square metres; and
- (e) **Generally,** ~~P~~provide a minimum tower separation distance of 30 metres.

**7.48 to 7.51** Add the word 'generally' in front of the word 'achieve' in each of these policies.

**8.1** Development is encouraged to meet or exceed the highest performance level of the Toronto Green Standard., ~~including achievement of zero emissions and retention of 100 per cent of rainfall and snowmelt on-site.~~

**9.2** To achieve a balanced mix of unit types, and to support the creation of housing suitable for families, development containing more than 80 new residential units will include larger units, as follows:

- (a) **Generally, a** minimum of ~~40~~5 per cent of the total number of units will be 3-bedroom units; and
- (b) **Generally, a** minimum of ~~12~~5 per cent of the total number of units will have at least 2-bedrooms.

**13.23** Uses and their associated existing gross density that are legally existing as of the date of adoption of this Plan will be permitted, provided:

13.23.1 Any renovation, addition or expansion of the use does not exceed ~~25~~10 per cent of the gross floor area existing on the date of adoption of this Plan; or

13.23.2 Any renovation, addition or expansion of the use that exceeds ~~25~~10 per cent of the gross floor area existing on the date of adoption of this Plan will require the submission of an Interim Development Strategy as part of a complete application for

**13.24** An Interim Development Strategy submitted pursuant to Policy 13.23.2 will demonstrate to the City's satisfaction that such interim development:

13.24.1 Is **generally** not intended to be long-term and is appropriate over the short- to medium-term;

13.24.2 Does not preclude the long-term development of the Site as envisioned by this Plan;

~~13.24.3 Does not preclude the achievement of the street network set out in Map 45-7: Street Network;~~

~~13.24.4 Does not exceed the maximum height permitted by the Zoning By-law in force at the time of application;~~

13.24.5 Does not include residential uses or underground parking structures; and

13.24.6 Complies with the Built Form and Public Realm policies of the Official Plan.

**Map 45-15** Revise wording: "Required active commercial uses at grade" to "Active Commercial use areas, where feasible"

August 25, 2023

Sent via e-mail: [philip.morse@toronto.ca](mailto:philip.morse@toronto.ca)

Mr. Philip Morse  
Senior Project Manager, Transportation Services  
Major Projects  
City of Toronto  
Toronto City Hall  
22<sup>nd</sup> Floor East, 100 Queen Street West  
Toronto, ON M5H 2N2

Dear Mr. Morse:

**Re: ReNew Golden Mile: Reconfigured and New Major Streets Environmental Assessment (the "EA")  
O'Connor Drive Extension to Birchmount Road  
1911 and 1921 Eglinton Avenue East**

We are counsel for Samuel Sarick Ltd. ("**Sarick**"), the owners of the lands municipally known as 1911 and 1921 Eglinton Avenue East ("**Subject Lands**"), located in the City of Toronto ("**City**"). We write to provide our comments on the O'Connor Drive Extension to Birchmount Road ("**O'Connor Drive Extension**") alignment options, and further to the meeting with you and our client's representatives on August 17, 2023. We understand that six potential alignments were considered as part of the EA, with alignments 1, 4, and 5 being carried forward for further study and evaluation. Our clients have significant concerns with and oppose alignment 1. Our client endorses alignments 4 and 5, as presented at the Virtual Public Meeting 1, on April 17, 2023

## **Background**

The Subject Lands are readily accessible to the Eglinton Crosstown Light Rail Transit ("**LRT**"), with the Golden Mile and Hakimi Lebovic stations bookending the lands. Both stations are designated as Protected Major Transit Station Areas ("**PMTSA**"), pursuant to Site and Area Specific Policy 668 of Official Plan Amendment 570. Additionally, the Subject Lands abut the intersections of two Major Arterial Roads, being Warden Avenue and Eglinton Avenue East, as well as at the intersection of Lebovic Avenue and Eglinton Avenue East. The Subject Lands are currently used for commercial, retail, restaurant, flea market, and the previous Provincial Court Offices, which were recently vacated. Since June 2019, Sarick has actively participated in the Golden Mile Secondary Plan Study and Transportation Master Plan, engaging in public meetings, discussions with City Staff, and submitting numerous written submissions. We enclose these submissions with this letter.

Sirote ► Adepetun Caxton-Martins Agbor & Segun ► Davis Brown ► East African Law Chambers ► Eric Silwamba, Jalasi and Linyama ► Durham Jones & Pinegar ► LEAD Advogados ► Rattagan Macchiavello Arocena ► Jiménez de Aréchaga, Viana & Brause ► Lee International ► Kensington Swan ► Bingham Greenebaum ► Cohen & Grigsby ► Sayarh & Menjra ► For more information on the firms that have come together to form Dentons, go to [dentons.com/legacyfirms](https://www.dentons.com/legacyfirms)

## Concerns

Sarick has significant concerns with alignment 1, which connects to and extends Civic Road to Birchmount Road west of Warden Avenue, bisecting the Subject Lands. As illustrated in the enclosed correspondence summary, since 2019 Sarick has regularly provided the City with correspondence, outlining the significant issues with an alignment design that bisects the Subject Lands, in the manner identified in alignment 1.

Alignment 1 involves O'Connor Drive swinging north to meet Civic Road and bisecting the Subject Lands, disrupting existing buildings and hindering redevelopment potential as it significantly reduces the block depth and unnecessarily fragments the Subject Lands. If constructed, alignment 1, would bisect the Subject Lands in the area where current buildings exist, resulting in a significant loss in employment density. This would preclude the existing uses from continuing, cause substantial loss in employment density, and result in substantial business loss. Alignment 1 also bisects the lands in the location where the highest density of development would be appropriate when the Subject Lands are redeveloped. Accordingly, if constructed, the result of alignment 1 is the near sterilization of the Subject Lands, which as noted above, are located in an area which calls for high densities and tall buildings. Alignment 1 does not support the objectives of the Golden Mile Secondary Plan Study or the Golden Mile Transportation Master Plan Study.

The Subject Lands are better utilized for maximizing the efficient use of land and redevelopment potential, with direct access to the Eglinton Crosstown LRT stations. This would maximize both residential and employment uses, including height and density at the intersection of two arterial roads. Our client has completed the pre-consultation process, with the City, to facilitate future development applications that will be significantly impacted should alignment 1 proceed. Our client has worked diligently with City Staff to resolve its appeal of Official Plan Amendment 231 and have the lands redesignated to Regeneration Area, for the interim, with mixed-use development contemplated for the Subject Lands following the appropriate studies.

Alignments 4 and 5 are the far superior options. Both alignments 4 and 5 conform with the Golden Mile Secondary Plan Study objectives by placing maximum height and density near transit, in particular the Eglinton Crosstown LRT stops. Further, both alignments 4 and 5 conform with the objectives of the Golden Mile Transportation Master Plan Study, which seeks to determine a preferred alignment, consider landowner property impacts, and consider impacts to adjacent communities. Alignments 4 and 5 maintain a deep block at the southwest corner of Eglinton Avenue East and Warden Avenue, optimizing redevelopment potential within the PMTSA area. In addition to not fragmenting the Subject Lands, alignment 4 maximizes the block depth, particularly in the areas at the southeast corner of Warden Avenue and Eglinton Avenue East, maximizing the efficient use of land and redevelopment potential with direct access to the adjacent LRT stations, (both PMTSAs) maximizing both residential and employment uses, including height and density at the intersection of two arterial roads. Further, alignment 4 supports the redevelopment potential of the Subject Lands with uses that will have direct access to the adjacent LRT Stations and two Major Arterial Roads. Alignment 4 also includes the benefit of utilizing the surplus land involved in the potential road closure of a portion of Civic Road, potentially offsetting the new land required for this alignment east of Warden Avenue, which could potentially be used as part of a future redevelopment adjacent to the PMTSA.

We note the alignment options that are being carried forward (alternatives 1, 4 and 5) are presented on the existing transportation network. We recommend that the alignment options be presented on the future road



network as contemplated in the Golden Mile Secondary Plan to allow for the assessment of detailed evaluation measures including the following:

1. The alignment options result in different signal spacing along the Warden Avenue and Birchmount Road corridors than the future road network contemplated in the Golden Mile Secondary Plan. We recommend that the City conduct and include an evaluation of signal spacing and the resulting geometric impacts on these corridors (i.e., ability to provide back-to-back left turn lanes in short section) as they relate to functional design and operations, including overall pedestrian and cycling network connectivity.
2. The alignment options demonstrate how the north-south road segments, which were part of the Secondary Plan connect to the various alignments, how they impact individual blocks, and how they form part of the overall pedestrian and cycling network.
3. The alignment options include evaluations of the realignment and/or closure of other existing roads as may be necessary to provide appropriate connections to the various alignments (i.e., how does the existing segment of Civic Road connect to alignment options 4 and 5) and related impacts to adjacent properties with respect to access, and overall pedestrian and cycling network.

We understand that alignments 1, 4, and 5 have been carried forward for further study, the findings of which are to be provided in Fall of 2023, where further feedback is to be incorporated. We are copying the EA team to bring these concerns forward. We are frustrated to hear that the team does not have the enclosed correspondence already, as some of it had been addressed or copied to specific EA team members. The concerns were also discussed with City Staff (including some members of the EA team) on more than one occasion. In particular, at a meeting on January 21, 2020. Our client expects that the EA team will give these concerns thoughtful consideration as part of the ongoing Phase 2 study process and will find that alignment 1 is not a viable option.

Our client continues to welcome the opportunity to meet and discuss the above-noted concerns and recommendations in greater detail. Please advise when such a meeting is appropriate.

Thank you for considering these comments. We look forward to discussing them with you.

Yours truly,

**Dentons Canada LLP**



**Katarzyna Sliwa**  
Partner

Copy      Cassidy Ritz, Manager, Major Projects, Transportation Services  
             Sonali Praharaj, Project Lead, Major Projects, Transportation Services  
             Riad Rahman, Program Manager, City Planning  
             Andrew Au, Program Manager, City Planning

Emily Caldwell, Senior Planner, City Planning  
Dominic Cobran, Senior Coordinator, Public Consultation Unit  
Michele Blackwood, Coordinator, Public Consultation Unit  
Heather Templeton, Project Manager  
Pezhman Imani, Senior Engineer, Engineering Review  
Councillor Michael Thompson  
Ashley Courtis, Deputy General Manager  
Monique Lisi, Chief of Staff Ward 20  
Kerri Voumvakis, Director, Strategic Initiatives, Policy and Analysis  
Kelly Matsumoto, Director, Legal Services  
Margaret Briegmann, BA Consulting Group Ltd.  
Client

Encl.      Summary of Correspondence  
June 23, 2019 Letter from Nick Pileggi to City of Toronto Planning Department  
December 17, 2019 Letter from Katarzyna Sliwa to Andrew Au and Emily Caldwell  
January 28, 2020 Letter from Katarzyna Sliwa to Marilyn Toft  
June 18, 2020 Letter from Katarzyna Sliwa to Charlie Turpin  
July 16, 2020 Letter from Katarzyna Sliwa to Carlie Turpin  
August 10, 2020 Letter from Katarzyna Sliwa to Nathan Muscat and Daniel Elmadany

Summary of Correspondence		
Date	Address	Summary
June 24, 2019	Letter from Nick Pileggi to City of Toronto Planning Department	<p>The submission identifies that the proposed realignment reduces the depth of the Subject Lands in the area where the highest densities should be located.</p> <p>Recommendations:</p> <ol style="list-style-type: none"> <li>1. Remove the proposed “Employment District” designation and replace it with a more flexible mixed-use designation;</li> <li>2. Endorse Alternative 3 as the ‘preferred alternative’ and continue to refine the plan for lands closest to Major Transit Stations, along with other potential hubs and gateways, to ensure that they include the tallest heights and highest densities along the corridor;</li> <li>3. Be ‘permissive’ rather than ‘prescriptive’ as it relates to employment uses throughout the Secondary Plan Study Area, so that an equitable distribution of employment uses can occur, along the transit corridor; and</li> <li>4. Reconsider the proposed O’Connor Road re-alignment, especially as it is currently proposed to intersect with Warden Ave.</li> </ol> <p>The submission further notes that the re-alignment, along with the proposed road network has a negative impact on the achievement of the overall goals and objectives of the Secondary Plan Study, in relation to transit friendly and supportive development in major transit station areas.</p>

December 17, 2019	Letter from Katarzyna Sliwa to Andrew Au and Emily Caldwell (City Planning)	<p>The submission identifies concerns with the Recommended Street Network, specifically, that the proposed plan has the intrusion passing through the existing building at 1921 Eglinton Avenue East and will remove many parking spaces. Therefore, the plan will preclude existing uses from continuing and will impede the future redevelopment.</p> <p>The submission provides three proposed alternatives to the current plan:</p> <ol style="list-style-type: none"> <li>1. O'Connor Drive Extension dips south when intersecting with Warden Avenue passing the south side of the water tower before turning north and connecting with Civic Road;</li> <li>2. O'Connor Drive Extension passes the south side of the water tower, before turning further south at the Manville Road intersection, ultimately continuing eastward and connecting with the existing signalized intersection at Birchmount Road; and</li> <li>3. O'Connor Drive Extension dips southward immediately east of Pharmacy Avenue continuing eastward and connecting to the existing Lebovic Avenue and Warden Avenue intersections. It then turns north reaching Birchmount Road.</li> </ol>
January 28, 2020	Letter from Katarzyna Sliwa to Marilyn Toft (for January 29, 2020 City Council Meeting)	<p>The submissions notes that the proposed O'Connor alignment is conceptual and that it would be delineated through further Environmental Assessment, which is not complete.</p> <p>The submission requests that the alignment be revised, and that Environmental Assessment consider the alternatives previously provided to staff.</p>
June 18, 2020	Letter from Katarzyna Sliwa to Charlie Turpin (Scarborough Community Council)	<p>The submission identifies concerns with the alignment of the proposed O'Connor Drive Extension, specifically, how the proposed alignment bisects the Subject Lands and would result in a significant loss in employment density, preclude the existing uses from continuing, cause substantial loss in employment density, and result in a substantial business loss. Further, the proposed O'Connor Drive Extension substantially restricts the redevelopment potential of the Lands. The Extension will sterilize the Subject Lands.</p>

		The submission identifies concerns with GMSP density and height distribution. The Subject Lands have been designated with shortest buildings and densities despite being close to two stops, which is inappropriate. The submission recommends review previous recommendations including proposed alternatives.
July 16, 2020	Letter from Katarzyna Sliwa to Carlie Turpin (for July 17, 2020 Statutory Public Meeting)	The submission illustrates concerns with the alignment of the proposed O'Connor Drive Extension, specifically those addressed in previous submissions including that the alignment of the proposed O'Connor Extension will result in a significant loss of employment density, preclude existing uses from continuing, and cause substantial business loss. Further, the letter notes that alternative alignments which extend south result in better transportation planning, and produce better planning outcomes; and the proposed north-south street bisecting the subject lands with a 20 meter right of way as per map 45-8 should instead be a private connection.
August 10, 2020	Letter from Katarzyna Sliwa to Nathan Muscat and Daniel Elmadany (City Legal)	<p>The submission provides the City's legal counsel with Sarick's concerns, as well as proposed policy revisions including concerns that the proposed alignment of the O'Connor Drive extension, which bisect the Subject Lands will result in a significant density loss, preclude existing uses from continuing, and cause substantial business loss.</p> <p>Recommendation:</p> <ol style="list-style-type: none"><li>Maps be amended to show the O'Connor Drive extension in a schematic basis only;</li><li>Revise Policy 11.8 to require the refinement of the alignment to occur through the development application review process and an Environmental Assessment, with no requirement for an amendment to the GMSP.</li></ol>



June 24, 2019

Attn: Emily Caldwell, Project Lead and Planner, Planning Department

Re: Golden Mile Secondary Plan Study  
Comments on Emerging Development Alternatives  
Comments on O'Connor Drive Re-Alignment  
1911/1921 Eglinton Avenue East (subject property)  
Southwest corner of Eglinton Ave. East and Warden Avenue  
Samuel Sarick Ltd.

Dear Ms. Caldwell,

Macaulay Shiomi Howson Ltd. (MSH) are the planning consultants for Samuel Sarick Ltd., owners of the subject property, which is located at the southwest corner of Eglinton Avenue East and Warden Avenue. The property is located within an active urban environment comprised of largely commercial and industrial buildings. The subject lands are currently home to two large floorplate buildings of 1-2 storeys and are used for commercial, retail, restaurant, flea market and Provincial Court uses.

The Eglinton Crosstown LRT is under construction along the frontage of the subject lands and transit stop locations are proposed at Warden Ave. and Hakimi Ave./Lebovic Ave. which are both adjacent to the subject lands.

**Figure 1 – Location/Context Map**



### **Official Plan**

The subject lands are designated Employment by the City of Toronto Official Plan. Eglinton Avenue is a higher order transit corridor (Map 4). The subject lands are also outlined in the Site and Area Specific Policies (#129), which permits retail and service uses, including stand-alone retail stores and power centres.

Samuel Sarick Ltd. has an active appeal of OPA 231, which includes policies and mapping related to employment lands.

### **Golden Mile Secondary Plan Study**

In 2017, the City of Toronto initiated a Secondary Plan Study for the Golden Mile area (generally lands on both sides of Eglinton Avenue East, from Victoria Park Boulevard to Birchmount Road). Several public meetings and input opportunities have been held through 2017 and 2018.

In June 2018, at Community Consultation Meeting #3, three alternative development options were proposed by the City and its consultant (SVN Architects and Planners). Further, in October 2018, a presentation was made to the City Design Review Panel, which included a recommended alternative.

The subject lands are outlined as being within the Employment District on all three alternatives. The Employment District includes a thin stretch along the south side of Eglinton Ave., which is intended for preserved and enhanced employment uses of up to 11 storeys.

Alternatives 1 (mid-rise Eglinton) and 2 (three gateways) largely treat the subject lands similarly, with proposed mid-rise buildings, while taller and more dense development is proposed along north-south roads or in gateways (the central gateway is north of the site).

Alternative 3 (transit nodes and central hub), shows tall buildings on the subject lands, closest to the main intersections at Eglinton Ave. (Warden and Lebovic).

### **Planning Discussion/Analysis**

Following are comments to the City and consulting team, from Samuel Sarick Ltd. in regard to the three alternatives along with recommendations:

- 1) Review the function of the current “Employment Area” and proposed “Employment District”;

Currently, the employment area on the south side of Eglinton Ave. does not function as a typical business park (i.e. one which would normally include only industrial, manufacturing or office uses). The area includes many retail uses and power centres.

The employment lands fronting on Eglinton Ave., more specifically, including the subject lands, are not true employment uses. The subject lands include a flea market, restaurants, retail, office and Provincial Court uses.

From this perspective, it is our opinion that this is not an employment area that should be maintained and enhanced. A hard line has been drawn between residential/mixed-use and employment uses in an area where, thanks to the higher order transit line now under construction, should be 'opened up' for a mix of uses, including residential and commercial.

This shift from retail employment along Eglinton to mixed use, may serve as a catalyst for redevelopment of the lands further south, to more viable employment uses that can relate more closely to the mixed use and transit stops.

2) Review the appropriate location for height and density;

While Alternatives 1 and 2 include high density development within a 400 metre walk of higher order transit stations, most of the height and density is actually located away from the transit stops. In our opinion, Alternative 3 best exemplifies the intent of planning for transit.

The tallest buildings and the highest densities should be located closest to the transit stops. Typically, this includes a gradation of density, away from major transit stations. In the case of the Golden Mile, this may be part of the scenario that includes other important hubs and gateways that can also accommodate substantial density.

The transit station areas should include the tallest heights and highest densities. This means that Alternative 3 is the best and most transit supportive plan of the three.

3) Determine the role that transit node sites should play in the future planning of the area;

In our view, it is not appropriate to draw a hard line between employment and mixed use along a major arterial road (Eglinton Ave.), especially on a site that immediately abuts two major transit stations. In our view, this is not the best way to take advantage of significant transit investment.

Similarly, it is not appropriate to expect all employment uses to be located on certain lands and not on others (i.e. within residential neighbourhoods) along a corridor that includes several transit nodes. In our view, a mixing of uses within and among developments will provide for more equitable distribution of uses and support for transit.

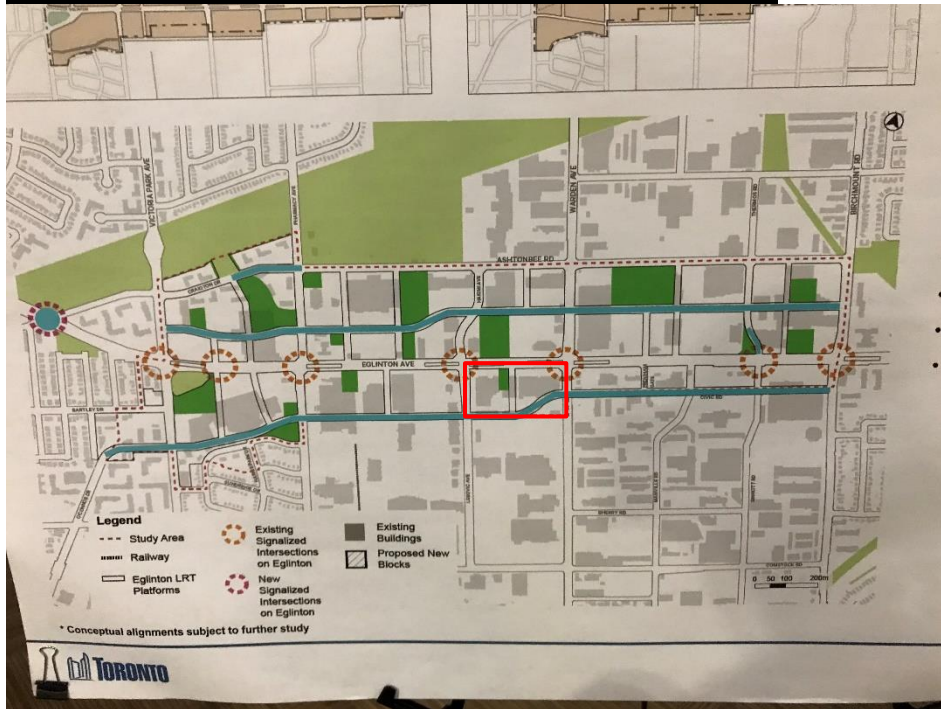
As noted above, transit node sites should incorporate significant heights and densities, while allowing for a variety of uses.

### O'Connor Drive – Proposed Re-alignment

On June 3, 2019, representatives for the Owner attended an Open House hosted by the City of Toronto, related to the Golden Mile Secondary Plan Study, but specifically related to transportation matters.

At the meeting, a 'preferred' O'Connor Drive reconfiguration and extension was proposed by staff and the consulting team. Figure 2, illustrates the proposed re-alignment.

**Figure 2 – Proposed O'Connor Drive Re-alignment**



Specifically, as it relates to the subject lands, the proposed reconfiguration has the proposed road curving in a northeast direction as it nears Warden Avenue. This proposed alignment has the effect of reducing the depth of the subject lands, in the very area where the highest densities should be located (i.e. closest to the major transit station at Eglinton Ave. and Warden Ave.).

It is our opinion that this re-alignment is not supportable for the subject lands and for the Secondary Plan Area as a whole, as it does not support a transit friendly development pattern. This re-alignment, along with the north/south road proposed through the subject lands, has a negative impact on the usability of the corner land parcel, which, as noted, should be the lands that are most dense and supportive of transit use.

## Recommendations

The Golden Mile Secondary Plan Study presents a unique opportunity, within the City of Toronto, to re-imagine an outdated, suburban and motor vehicle reliant development area into a new transit-based community with a mix of uses.

The proposed O'Connor Road re-alignment also presents opportunities to correct and improve the road system in the area to support new and intensified development.

With regard to the Study, the proposed road re-alignment and the subject lands, we would recommend the following to the Secondary Plan team:

- 1) Remove the proposed "Employment District" designation and replace it with a more flexible mixed-use designation;
- 2) Endorse Alternative 3 as the 'preferred alternative' and continue to refine the plan for lands closest to Major Transit Stations, along with other potential hubs and gateways, to ensure that they include the tallest heights and highest densities along the corridor.
- 3) Be 'permissive' rather than 'prescriptive' as it relates to employment uses throughout the Secondary Plan Study Area, so that an equitable distribution of employment uses can occur, along the transit corridor.
- 4) Reconsider the proposed O'Connor Road re-alignment, especially as it is currently proposed to intersect with Warden Ave. The re-alignment, along with the proposed road network has a negative impact on the achievement of the overall goals and objectives of the Secondary Plan Study, in relation to transit friendly and supportive development in major transit station areas.

Thank you for providing this opportunity to review and comment. As the landowner of a significant property within the Secondary Plan Study area, we have made a request to meet with staff and the consulting team to review our concerns and begin to work toward a resolution. Please advise when we can meet to discuss these and other matters in more detail.

Should you have any questions regarding the information contained herein, please contact me directly, thank you.

Sincerely,

MACAULAY SHIOMI HOWSON LTD.

*Nick Pileggi*

Nick Pileggi, MCIP, RPP  
Associate Principal



December 17, 2019

File No.: 527471-53

**SENT VIA E-MAIL**

Mr. Andrew Au and Ms. Emily Caldwell  
City Planning, City of Toronto  
150 Borough Drive, 4<sup>th</sup> Floor  
Toronto ON M1P 4N7

Dear Mr. Au and Ms. Caldwell:

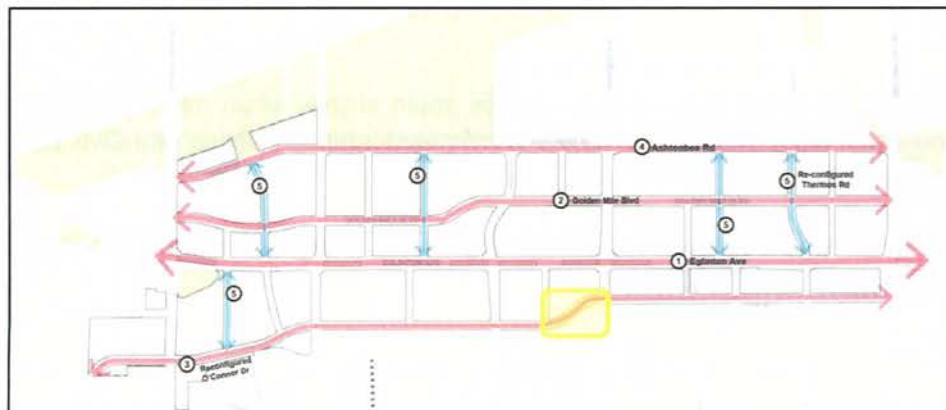
**RE: Concerns with the Proposed O'Connor Drive Extension Alignment  
Golden Mile Secondary Plan Study and Transportation Master Plan  
1911 and 1921 Eglinton Avenue East (the "Lands")  
Samuel Sarick Ltd. ("Sarick")**

We are counsel for Sarick with respect to the above noted matter.

Sarick is the owner of the Lands, which are located at the southwest corner of Eglinton Avenue East and Warden Avenue, within the Golden Mile Secondary Plan Study Area (the "**Study Area**"). The Lands are currently used for a variety of uses, including a significant institutional use, being the Ontario Court of Justice (the Criminal Courts), and mixed commercial uses, all of which are planned to continue.

Sarick has repeatedly attempted to discuss its significant concerns with the Study Area and the eastward extension of O'Connor Drive through the Study Area with City Staff. The concerns continue to be disregarded.

On April 16, 2019, the Study Area was expanded to facilitate the eastward extension of O'Connor Drive through the Study Area (the "**O'Connor Drive Extension**"). At the June 3, 2019 Community Consultation Meeting, the 'Structure Plan – Streets' for the Study Area depicted the O'Connor Drive Extension as generally continuing eastward along the southern boundary of the Lands, with a northward jog west of Warden Avenue, highlighted in yellow, below (the "**Intrusion**"). The purpose of the Intrusion appears to be to provide for the continuation of the east-west road, by aligning the O'Connor Drive Extension with the



existing Civic Road, east of Warden Avenue, while avoiding the existing water tower at the southeast corner of Warden Avenue and Civic Road.

The 'Recommended Street Network and Signalized Intersections' in the Draft Golden Mile Transportation Master Plan, prepared in accordance with Phases 1 and 2 of the Municipal Class Environmental Assessment ("**Class EA**") process, also includes the Intrusion.

The impact of the Intrusion on the Lands is significant. The Intrusion will pass through the existing building at 1921 Eglinton Avenue East. It will also remove many existing parking spaces. It will preclude the existing uses from continuing, including the Ontario Court of Justice Facility, which will result in a significant loss of employment density on the Lands. This will cause substantial business loss to Sarick, impact the current uses on the lands and substantially impede the redevelopment potential for the Lands. It will also isolate a portion of the Lands potentially making them unusable. The City's expropriation of the Intrusion lands will come at considerable financial expense to the City.

Some of the stated objectives and public comments on the Golden Mile Secondary Plan Study include:

- The desire for an improved network of streets, parks and open spaces;
- Height and density located close to transit; and
- That all streets should provide safe and comfortable space for pedestrians and cyclists.

The proposed road alignment for O'Connor Drive, as it intersects with Warden Avenue and connects with Civic Road, fails to address these objectives. The alignment causes the Intrusion on the Lands, which reduces the depth of the block at the immediate corner of Warden Avenue and Eglinton Avenue East. This block is best suited for the maximum heights and densities permitted in the Secondary Plan, as the Lands are served by a major transit station, at the corner of two major arterial streets.

Sarick's concerns are primarily rooted in the proposed street network being restricted to the artificial boundaries of the Study Area and its associated constraints, including the need to avoid the existing water tower at the southeast corner of Warden Avenue and Civic Road. There are multiple alternatives to the proposed street alignment which result in better transportation planning, and produce better planning outcomes. Attached hereto are three such examples, a brief description of each is provided below.

#### *Alternative 1:*

In Alternative 1, the O'Connor Drive Extension dips south slightly when intersecting Warden Avenue, passing the south side of the water tower before turning north and connecting with Civic Road. Benefits of this alternative include:

- Improving the signalized intersection spacing on the Warden Avenue corridor compared to the Structure Plan;



- The creation of a deep block at the south west corner of Eglinton Avenue East and Warden Avenue (approximately 150 to 160 metres deep), and a normalized development block that maximizes redevelopment potential in a major transit station area;
- The creation of a deeper block at the south east corner of Eglinton Ave. and Warden Ave. (with the potential addition of lands formerly used for Civic Road), that maximizes redevelopment potential in a major transit station area; and
- That it allows for the existing uses to remain on site in the short term (without major interruption).

#### *Alternative 2:*

In Alternative 2, the O'Connor Drive Extension also passes the south side of the water tower, before turning further south at the Manville Road intersection, ultimately continuing eastward and connecting with the existing signalized intersection at Birchmount Road. Benefits of this alternative include:

- Improving the signalized intersection spacing on the Warden Avenue, Sinott Road and Birchmount Road corridors compared to the Structure Plan;
- Maintaining and connecting to the existing signalized intersection at Birchmount Road;
- The creation of a deep block at Eglinton Avenue East and Warden Avenue (approximately 150 to 160 metres deep), and a normalized development block that maximizes redevelopment potential in a major transit station area; and
- That it allows for the existing uses to remain on site in the short term (without major interruption).

#### *Alternative 3:*

In Alternative 3, the O'Connor Drive Extension dips southward immediately east of Pharmacy Avenue, continuing eastward and connecting to the existing Lebovic Avenue and Warden Avenue signalized intersections. It turns north before reaching Birchmount Road to connect to the existing signalized intersection. The benefits of this alternative include:

- Improving the signalized intersection spacing on the Lebovic Avenue, Warden Avenue, Sinott Road and Birchmount Road corridors compared to the Structure Plan, and allows for flexibility of additional connections or cross streets at Warden Avenue;
- Maintaining and connecting to the existing signalized intersections at Lebovic Avenue, Warden Avenue, and Birchmount Road;
- The provision of a mid-block connector for larger blocks of land between Eglinton Avenue East and Comstock Road, which may also be more compatible with a 27m right-of-way width as illustrated on the proposed typical cross-section of the Structure Plan;

- The creation of a deep block at Eglinton Avenue East and Warden Avenue, and a normalized development block that maximizes redevelopment potential in a major transit station area; and
- That it allows for the existing uses to remain on site in the short term (without major interruption).

We welcome the opportunity to meet and discuss these and other alternatives with City and Ministry staff, prior to the approval of the Municipal Class EA, and prior to finalization of the street network in the Secondary Plan.

We are available to a meet at our availability in early January 2020.

Yours truly,

**Dentons Canada LLP**



Katarzyna Sliwa

Enclosures

Copy: Hon. Jeff Yurek, Minister of the Environment, Conservation, and Parks  
Hon. Steve Clark, Minister of Municipal Affairs  
Hon. Doug Downey, Attorney General of Ontario  
Mr. Andrew Nizielski, Ministry of the Attorney General, Director, Facilities Management Branch  
Mr. Eric Tilley, Infrastructure Ontario, General Counsel  
Councillor Gary Crawford, Councillor for Ward 20  
Councillor Michael Thompson, Councillor for Ward 21  
Mr. Gregg Lintern, City of Toronto, Chief Planner  
Mr. Mike Williams, City of Toronto, Economic Development & Culture  
Mr. Nick Pileggi, Macaulay Shiomi Howson Ltd.  
Client



January 28, 2020

File No.: 527471-53

**SENT VIA E-MAIL:** [councilmeeting@toronto.ca](mailto:councilmeeting@toronto.ca)

Ms. Marilyn Toft  
City of Toronto  
12th floor, West Tower, City Hall  
100 Queen Street West  
Toronto ON M5H 2N2

Dear Ms. Toft:

**RE: Golden Mile Secondary Plan  
Item SC12.10 – January 29, 2020 City Council Meeting  
Samuel Sarick Limited ("Sarick")**

We are counsel for Sarick with respect to the above noted matter. Kindly ensure that a copy of this letter and all attachments is provided to the Mayor and all members of Council prior to the January 29, 2020 Council Meeting.

Sarick is the owner of lands within the Golden Mile Secondary Plan Study Area (the "**Study Area**") at the southwest corner of Eglinton Avenue East and Warden Avenue, municipally known as 1911 and 1921 Eglinton Avenue East (the "**Lands**"). The Lands are currently used for a variety of uses, including the Ontario Court of Justice Criminal Courts, and mixed commercial uses.

The Eglinton Crosstown LRT is currently under construction along the Lands' Eglinton Avenue East frontage. Transit stop locations are proposed on Eglinton at Warden Avenue and Hakimi Avenue/Lebovic Avenue, which are both adjacent to the Lands.

Sarick has been actively involved throughout the Secondary Plan process, including making two submissions to staff and participating in public meetings. Copies of the two submissions made are attached hereto. Through these various communications, Sarick has repeatedly stressed its concerns with respect to the proposed Golden Mile Secondary Plan ("**GMSP**"), specifically, the proposed extension of O'Connor Drive (the "**O'Connor Drive Extension**"), its alignment, and its associated impacts on the appropriate distribution of height and density throughout the Study Area.

### **The O'Connor Drive Extension**

O'Connor Drive is proposed to be extended eastward, generally along the southern boundary of the Study Area. It is proposed to generally proceed along the southern boundary of the Lands, before curving in a northeast direction, through the Lands, as it nears Warden Avenue. This curve to the northeast (the "**Intrusion**") is shown both in the Draft Golden Mile Transportation Master Plan, and the maps in the Draft Secondary Plan Policies for Golden Mile.

The Intrusion, as shown in the Golden Mile Secondary Plan, would pass through the existing building at 1921 Eglinton Avenue East, remove many existing parking spaces, and isolate the portion of the Lands south of the Intrusion, potentially rendering them unusable. It would also preclude the existing uses from continuing, including the Ontario Court of Justice Facility, and would result in a significant loss of employment density on the Lands, causing substantial business loss to Sarick. The Intrusion would also impact the current uses on the lands, and substantially restrict the redevelopment potential for the Lands.

The block at the immediate corner of Warden Avenue and Eglinton Avenue East is the corner of two major arterial streets, and is served by a major transit station. It is best suited for the maximum heights and densities permitted in the Secondary Plan. However, the Intrusion will reduce the block depth and unduly restrict the redevelopment potential for the block, and further result in sub-optimal intersection spacing south of Eglinton Avenue East.

While the proposed street network is marked as conceptual, our client's concerns are indicative of how a street network forced to fit within the arbitrary boundaries of the Study Area will produce policy outcomes that are at odds with the stated objectives and public comments on the Golden Mile Secondary Plan, including:

- The desire for an improved network of streets, parks, and open spaces;
- Height and density located close to transit; and
- That all street should provide safe and comfortable space for pedestrians and cyclists.

There are various alternatives to the proposed street alignment, partly outside of the Study Area, which will result in better transportation planning and produce better planning outcomes. Some of these alternatives have been previously provided to City Staff, and they are attached hereto.

In a recent meeting with City Staff, it was confirmed that the proposed street alignment, including the O'Connor Drive Extension, is preliminary and conceptual, to be delineated through further Environmental Assessment ("EA") study, which has yet to be completed. It was further confirmed that this future EA work, and the ultimate delineation of the street network, would not be impeded or predetermined in any way by the conceptual alignment that is currently depicted in the Secondary Plan, or the Draft Golden Mile Transportation Master Plan.

Sarick's request is that the street network, in particular the O'Connor Drive Extension, be revised and that the future EA consider the alternatives which we have provided to Staff, which will better achieve the stated objectives of the Secondary Plan. It is further requested that the Secondary Plan maps depicting the street network be revised to reflect that the alignment is conceptual, and not fixed.

Please do not hesitate to contact the undersigned if you have any questions regarding the above.

Yours truly,  
**Dentons Canada LLP**



per: Katarzyna Sliwa  
Partner

Enclosures

Copy: City of Toronto Mayor and Council  
Ms. Ulli Watkiss, Clerk, City of Toronto  
Client

June 18, 2020

File No.: 527471-53

Sent via E-mail: [scc@toronto.ca](mailto:scc@toronto.ca)

Ms. Carlie Turpin  
Committee Administrator  
Scarborough Community Council  
Scarborough Civic Centre  
3rd Floor, 150 Borough Drive  
Toronto, ON M1P 4N7

Dear Ms. Turpin:

**Re: Golden Mile Secondary Plan ("GMSP")  
Item SC15.1 – June 19, 2020 Scarborough Community Council Meeting  
Samuel Sarick Limited ("Sarick")**

We are counsel for Sarick with respect to the above noted matter. Kindly ensure that a copy of this letter and all attachments is provided to all members of the Scarborough Community Council prior to the June 19, 2020 Community Council Meeting.

Sarick is the owner of the lands municipally known as 1911 and 1921 Eglinton Avenue East (the "Lands"). The Lands are located at the southwest corner of Eglinton Avenue East and Warden Avenue, within the GMSP Study Area. The Lands are currently used for a variety of uses, including the Ontario Court of Justice Criminal Courts, and mixed commercial uses.

The Eglinton Crosstown LRT is currently under construction along the Lands' Eglinton Avenue East frontage, and transit stop locations are proposed for the northeast and northwest corners of the Lands (at Warden Avenue and Lebovic Avenue, respectively).

Sarick has been actively involved in the GMSP process, including participating in public meetings, participating in a meeting with City Staff, and filing three written submissions with Staff and Council. Throughout this process, Sarick's concerns with the draft GMSP Policies were repeatedly brought to the attention of the City, together with recommendations to remedy them. These concerns include:

1. The alignment of the proposed extension of O'Connor Drive (the "O'Connor Drive Extension"). The proposed alignment bisects the Lands and would result in a significant loss in employment density, preclude the existing uses from continuing, and cause substantial business loss to Sarick. Alternative alignments of the O'Connor Drive Extension which extend beyond the GMSP Study Area result in better transportation planning, and produce better planning outcomes. The proposed alignment of the O'Connor Drive Extension, bisecting the Lands, will substantially restrict the



redevelopment potential for the Lands. The expropriation required for the extension will come at considerable expense to the City, as the bifurcation of the Lands will effectively sterilize the entirety of the Lands from a redevelopment perspective.

2. The distribution of height and density throughout the GMSP Area. The tallest buildings and highest densities should be located closest to transit stops, two of which are adjacent to the Lands. However, the Lands are proposed to be designated for the shortest buildings and lowest densities in the GMSP Study Area. This is compounded by the proposed alignment of the O'Connor Drive Extension, which reduces the depth of the Lands in the very area where the highest densities should be located.
3. The 'Employment District' on the south side of Eglinton Avenue. The employment area on the south side of Eglinton Avenue does not function as a typical business park. It includes many retail uses and power centres. The lands fronting on Eglinton Avenue include a flea market, restaurants, retail, office uses, and the Ontario Court of Justice. In anticipation of the currently under-construction Eglinton Crosstown LRT, these lands should be opened up for a mix of uses, including residential and commercial uses. The shift to mixed-use along Eglinton Avenue could facilitate redevelopment of the lands further south to more viable employment uses that can relate more closely to mixed use and proposed transit stops.

We reviewed the revised GMSP Policies with our client and consultants. Our client is frustrated to see that the issues have not been addressed. Our client's concerns continue to be ignored.

We reiterate the planning merits of the recommendations Sarick has made to date, as detailed in the attached letters. We again request that Staff and Scarborough Community Council seriously consider these recommendations, and revise the GMSP Policies accordingly. With the current economic environment, this is not the time for moving forward with policy that ignores the meaningful considerations made by stakeholders and creates obstruction to business.

Yours truly,

**Dentons Canada LLP**



per: Katarzyna Sliwa  
Partner

KS/ak

Enclosures

Copy: All Members of Scarborough Community Council  
Ms. Emily Caldwell, Senior Planner, Community Planning, Scarborough District  
Mr. Nick Pileggi, Macaulay Shiomi Howson Ltd.  
Client

July 16, 2020

File No.: 527471-53

Sent Via E-mail: [scc@toronto.ca](mailto:scc@toronto.ca)

Ms. Carlie Turpin  
Committee Administrator  
Scarborough Community Council  
Scarborough Civic Centre  
3rd Floor, 150 Borough Drive  
Toronto, ON M1P 4N7

Dear Ms. Turpin:

**Re: Golden Mile Secondary Plan ("GMSP")  
Statutory Public Meeting, July 17, 2020 (Item SC 16.3)  
1911 and 1921 Eglinton Avenue East  
Samuel Sarick Limited ("Sarick")**

We are counsel for Sarick with respect to the above noted matter. Kindly ensure that a copy of this letter and all attachments are provided to the members of the Scarborough Community Council prior to the July 17, 2020 meeting.

Sarick is the owner of the lands municipally known as 1911 and 1921 Eglinton Avenue East (the "Lands"), located at the southwest corner of Eglinton Avenue East and Warden Avenue. The Lands are currently used for a variety of uses, including the Ontario Court of Justice Criminal Courts, and mixed commercial uses. The Eglinton Crosstown LRT ("ECLRT") is currently under construction along the Lands' Eglinton Avenue frontage, and transit stop locations are proposed for the northeast and northwest corners of the Lands (at Warden Avenue and Lebovic Avenue, respectively).

Sarick has actively participated in the GMSP process, including participation in public meetings, meeting with City staff, and filing several written submissions with Staff and Council. The previous written submissions filed on behalf of Sarick are attached. Throughout the last year, Sarick has repeatedly raised concerns regarding the impact of the proposed GMSP on the Lands. These concerns persist in the most recent draft of the GMSP, and include:

- 1. General Comments:** The level of detail in the GMSP draft is extensive and the policies are unduly prescriptive. This leaves less flexibility than is appropriate or desirable in a redeveloping area such as the Golden Mile. The Maps and Policies listed below include a zoning by-law level of detail which is inappropriate for a secondary plan. If approved, they would necessitate an Official Plan Amendment for redevelopment within the GMSP Area, and unduly slow down the development

process. This level of detail should be introduced through zoning by-laws or urban design guidelines:

- a. **Map 45-11 and Policies 7.10 and 7.11**, regarding setbacks to certain private roads;
  - b. **Map 45-12 and Policy 7.26**, regarding base building heights, which allows for only one storey of flexibility between minimum and maximum height. For mid-rise buildings, base buildings may be architecturally based (design oriented and not stepped-back), which further enforces the prescriptive nature of the draft GMSP; and
  - c. **Map 45-15 and Policies 7.12 to 7.17**, regarding active at-grade uses.
2. **O'Connor Drive Alignment:** The alignment of the proposed extension of O'Connor Drive (the "O'Connor Drive Extension") bisects the Lands and would result in a significant loss in employment density, preclude the existing uses from continuing, and cause substantial business loss to Sarick. Alternative alignments for the O'Connor Drive Extension which extend beyond the GMSP Study Area to the south result in better transportation planning, and produce better planning outcomes. The proposed alignment of the O'Connor Drive Extension, bisecting the Lands, will substantially restrict the redevelopment potential for the Lands. The expropriation required for the extension will come at considerable expense to the City, as the bifurcation of the Lands will effectively sterilize the entirety of the Lands from a redevelopment perspective.

Each of the maps continues to show the O'Connor Drive extension in a fairly prescriptive fashion, however a note has been added to the plan which states that:

Exact locations of streets will be determined through subsequent Environmental Assessment study and/or review and approval of development applications or other implementation methods deemed appropriate by the City.

While the inclusion of this note is positive, the maps and policies throughout the GMSP serve to solidify the alignment within the GMSP area and do not offer the flexibility necessary to consider road alignment options to the south, outside of the GMSP area. We also note that Map 45-8 requires a 27m right of way for O'Connor Drive, which is a detail that is more appropriately left to the EA process to determine.

3. **Distribution of Height and Density:** The tallest buildings and highest densities should be located closest to transit stops, two of which are adjacent to the Lands. However, the Lands are proposed to be designated for the shortest buildings and lowest densities in the GMSP. This is compounded by the proposed alignment of the O'Connor Drive Extension, which reduces the depth of the Lands in the very area where the highest densities should be located. Specifically:
  - a. **Map 45-5** outlines a maximum gross FSI of 2.0 for the Lands. While the Lands are directly serviced by two ECLRT stops and have direct frontage and visibility on Eglinton Avenue, they have the lowest densities in the GMSP area. The lands west, north and east have proposed densities ranging from 2.5 to 3.2 FSI.



- b. **Map 45-13** outlines a maximum height for the Lands of 11 storeys, whereas the lands on the immediate north side of Eglinton Avenue are permitted up to 30 storeys (with live development applications requesting higher).

Regardless of the land use permitted on the Lands, there is no low-rise residential nearby which will be impacted by higher buildings and greater density. The Lands benefit from two higher order transit stops, and are within what will likely be designated as a major transit station area. The Lands are primed for redevelopment, and should be designated for the highest heights and densities permitted in the GMSP.

4. **North-South Street bisecting the Lands:** Maps 45-7, 45-8, 45-18 and Policies 11.4 to 11.10 outline a north-south private street that bisects the Lands (with a 20 metre right of way, per Map 45-8). While a north-south connection may be appropriate, a private connection is achievable. This would allow for the flexibility to redevelop the Lands over time and program the connection with potential private lay-by parking to facilitate a mix of uses.

An additional policy should be added to the 'Street Network' section to allow for the 'Conceptual Streets' to be provided as private drives or lanes, provided they can accommodate the transportation/pedestrian connections and urban design objectives required by the GMSP.

5. **Employment District:** The employment area on the south side of Eglinton Avenue does not function as a typical business park. It includes many retail uses and power centres. The lands fronting on Eglinton Avenue include a flea market, restaurants, retail, office uses, and the Ontario Court of Justice. In anticipation of the currently under-construction ECLRT, these lands should be opened up for a mix of uses, including residential and commercial uses. The shift to mixed-use along Eglinton Avenue could facilitate redevelopment of the lands further south to more viable employment uses that can relate more closely to mixed use and proposed transit stops. This would facilitate uses with higher employment density on the Lands, as opposed to the current power centre use.

There are proposed policies within the GMSP which speak to individual sites providing 10% of floor area for non-residential uses. Without commenting specifically on the 10% number, the general idea that non-residential uses should be equitably spread throughout the GMSP is appropriate. However, if the Lands are forced to remain designated for employment uses, it is unlikely that any significant density will be proposed and a key site will remain with the existing uses or some other low-rise form of employment or industrial use. This would be contrary to Provincial and City policies related to transit station areas. A mix of uses would allow for the target employment density for the Lands to be actually realized, whereas the proposed Employment District designation prevents the Lands from being feasibly redeveloped in a manner that would meet these targets.

6. **Structure/Districts/Character Areas:** Policy 3.1 of the GMSP outlines the overall structure for the area that will "serve as the foundation for the comprehensive planning framework" of the plan. The five transit nodes, including ECLRT stops, are one of these structural elements.



The following two Policies (3.2 and 3.3) then effectively sever this structural element into rigid use categories (employment on the south side of Eglinton Avenue, and mixed use on the north). This conflicts with the stated structure of the GMSP to build around transit nodes.

7. **Employment Park Location:** Most of the maps and Policy 6.21 outline a 'conceptual park location' on the Lands, identified as the 'employment park'. The need for this park is not clearly described, except that it is to serve the employees of the area. However, the employment area is much larger than the frontage on Eglinton Avenue (it extends far to the south and east). This park would be more appropriately located outside of the GMSP area, and certainly not along the transit corridor, as shown.
8. **Parking:** The policies of Sections 7.21 regarding surface parking and above grade parking are overly restrictive (especially for employment uses). Parking is restricted along Eglinton Avenue, on north south roads, and is limited along other streets. It would be difficult, if not impossible, to comply with the proposed parking requirements on the Lands. To do so, above ground parking structures for non-residential uses may be necessary. However, the requirement to wrap all parking floors with commercial uses will likely not be feasible. Other urban design options are necessary in order to facilitate the redevelopment of the GMSP area, as contemplated in the plan.

We reiterate our request that Scarborough Community Council consider the above recommendations and proposed modifications, and revise the GMSP accordingly.

Kindly ensure that we are provided with notice of any upcoming Council or Committee meetings regarding the GMSP, and any decisions of Council in relation to this matter.

Yours truly,  
**Dentons Canada LLP**

  
per: Katarzyna Sliwa  
Partner

KS/ak

Copy: All Members of Scarborough Community Council  
Mr. Nick Pileggi, Macaulay Shiomi Howson Ltd.  
Client

August 10, 2020

File No.: 527471-53

**Sent Via E-mail:** [nathan.muscat@toronto.ca](mailto:nathan.muscat@toronto.ca) and [daniel.elmadany@toronto.ca](mailto:daniel.elmadany@toronto.ca)

Mr. Nathan Muscat  
Solicitor  
City of Toronto  
55 John Street  
26th Floor, Metro Hall  
Toronto, ON M5V 3C6

Mr. Daniel Elmadany  
Solicitor  
City of Toronto  
55 John Street  
26th Floor, Metro Hall  
Toronto, ON M5V 3C6

Dear Mr. Muscat and Mr. Elmadany:

**Re: SC16.3 Golden Mile Secondary Plan ("GMSP")  
Comments of Samuel Sarick Limited ("Sarick")  
1911 and 1921 Eglinton Avenue**

As you know, we are counsel for Sarick with respect to the above noted matter.

Sarick is the owner of the lands municipally known as 1911 and 1921 Eglinton Avenue East (the "Lands"), located at the southwest corner of Eglinton Avenue East and Warden Avenue.

The Lands are currently used for a variety of uses, including the Ontario Court of Justice Criminal Courts, and mixed commercial uses. The Eglinton Crosstown LRT is currently under construction along the Lands' Eglinton Avenue frontage, and transit stop locations are proposed for the northeast and northwest corners of the Lands (at Warden Avenue and Lebovic Avenue, respectively).

In response to Scarborough Community Council's direction to staff on July 17, 2020, and your subsequent request for modifications to the GMSP, below are Sarick's requested revisions. Please note that these comments are limited to the topics outlined in your email of July 23, 2020. While you have indicated that redesignations will not be considered through this process, it remains our position that the Employment District designation is not appropriate for the Lands, and that a mixed-use designation would allow for the target employment density for the Lands to be actually realized. Sarick remains committed to pursuing the conversion of these lands to permit a mix of uses, through both the resolution of Sarick's appeal of Official Plan Amendment 231, and the employment conversion portion of the City's ongoing Municipal Comprehensive Review, in this regard.

Sarick's proposed policy revisions are as follows:

- 1. Street Network and O'Connor Drive Alignment:** The alignment of the proposed extension of O'Connor Drive (the "O'Connor Drive Extension"), as shown throughout the GMSP bisects the

Lands and would result in a significant loss in employment density, preclude the existing uses from continuing, and cause substantial business loss to Sarick. Alternative alignments for the O'Connor Drive Extension which extend beyond the GMSP Study Area to the south result in better transportation planning, and produce better planning outcomes. We understand that this alignment will be finalized through the ongoing Environmental Assessment process, however, this is not clearly reflected in the GMSP. We request that:

- a. All maps are amended to show the O'Connor Drive Extension in a schematic basis only (an arrow or other linear feature); and
- b. Policy 11.8 is revised as follows:

The exact location, alignment and design of streets and potential mid-block pedestrian connections will be refined, at the discretion of the City, through the development application review process (including the Plan of Subdivision process), a Municipal Class Environmental Assessment ("EA"), as required, or other implementation mechanisms at the discretion of the City, **with no requirement for an amendment to this plan.**

2. **Unduly Prescriptive Policies:** The level of detail in the GMSP draft is extensive and the policies are unduly prescriptive. This leaves less flexibility than is appropriate or desirable in a redeveloping area such as the Golden Mile. If approved, they would necessitate an Official Plan Amendment for redevelopment within the GMSP Area, and unduly slow down the development process. Attached as Appendix 1 are a list of these policies, with suggested revisions.
3. **Distribution of Height/Density:** The tallest buildings and highest densities should be located closest to transit stops, two of which are adjacent to the Lands. However, the Lands are proposed to be designated for the shortest buildings and lowest densities in the GMSP. This is compounded by the proposed alignment of the O'Connor Drive Extension, which reduces the depth of the Lands in the very area where the highest densities should be located. Specifically, we request:

- a. Policy 3.10 is revised as follows:

Development in the Employment Area will provide **high and** mid-rise buildings with employment uses, as well as commercial uses at grade along Eglinton Avenue East. Development will provide public realm improvements including a new park.

- b. Policy 7.35 is revised as follows:

Development in Employment Area will:

- a) Be sited and oriented to feature a strong relationship with Eglinton Avenue East, providing primary façades and entrances fronting directly onto the street; ~~and~~
- b) Provide high quality building and landscape, with the greatest emphasis on areas along Eglinton Avenue East, especially at the ECLRT stops; **and**

**c) Accommodate the tallest building heights in the Plan at the ECLRT stops along Eglinton Avenue East, with a maximum height of 35 storeys.**

c. The maximum FSI for the Lands on Map 45-5 is revised to 3.2.

d. The permitted height on the Lands is revised to “Mix of tall buildings and mid-rise buildings (Max. 35 Storeys)”.

**4. Parking:** The policies of Sections 7.21 regarding surface parking and above-grade parking are overly restrictive (especially for employment uses). Parking is restricted along Eglinton Avenue, on north south roads, and is limited along other streets. It would be difficult, if not impossible, to comply with the proposed parking requirements on the Lands. To do so, aboveground parking structures for non-residential uses may be necessary. However, the requirement to wrap all parking floors with commercial uses will likely not be feasible. We request that:

a. Policies 7.21, 7.22, and 7.23 are revised as follows:

7.21 In General Employment Areas:

- a) Surface parking will not be located in front of buildings **along Eglinton Ave and is not encouraged along existing north-south streets**;
- b) Surface parking will not be located adjacent to buildings along Eglinton Avenue East and **is not encouraged** along the north-south streets leading directly to the ECLRT stops. Where appropriate, limited surface parking may be located adjacent to buildings along streets other than Eglinton Avenue East and the north-south streets leading directly to the ECLRT stops.

7.22 Above-grade parking structures are not permitted, **except in Employment Areas**.

7.23 Notwithstanding Policy 7.22, above-grade parking structures, where it is demonstrated that a below-grade parking structure would interfere with a high water table, **or where otherwise permitted**, may be permitted if:

- a) In Apartment Neighbourhoods and Mixed Use Areas, the above-grade parking structure is wrapped with active uses on all sides of the buildings and on all floors; and
- b) In General Employment Areas, the above grade parking structure is: i. Wrapped with employment uses, **where feasible, on all the first three floors and screened appropriately above the third floor**, along Eglinton Avenue East and the north-south arterial streets; and ii. Wrapped with employment uses on **the first all floors**, where feasible, ~~or be wrapped with employment uses at grade~~ and screened appropriately above the first floor on all streets, except those in Policy 7.23 b) i).

Please do not hesitate to contact the undersigned if you have any questions regarding the above.



Yours truly,  
**Dentons Canada LLP**



per: Katarzyna Sliwa  
Partner

KS/ak

Enclosures

Copy: Ms. Emily Caldwell, City of Toronto  
Mr. Victor Gottwald, City of Toronto  
Mr. Paul Zuliani, City of Toronto  
Mr. Nick Pileggi, Macaulay Shiomi Howson Ltd.  
Client

## Appendix 1 – Revisions to Prescriptive Policies

### 6.21 Employment Park within the Employment District will:

- (a) Be a Parkette generally located on the south side of Eglinton Avenue East generally between Lebovic Avenue and Manville Road to provide open space amenity primarily for the workers from the surrounding General Employment Areas and Core Employment Areas; and
- (b) Should the Employment Park be located closer to Lebovic Avenue, Maps 45-11, 45-12 and 45-15 shall be interpreted as providing the minimum building setbacks, the minimum and minimum base building storey heights, and the required active commercial uses at grade on lands where the conceptual park is shown.
- (c) **The location of the Employment Park may be deleted and replaced with a POPS, subject to the policies of 6.27-6.29, or other community space may be accommodated, to the satisfaction of the City and without an amendment to this plan.**

**7.10** Development will provide minimum setbacks from streets, and parks and open spaces as **generally** identified on Map 45-11: Building Setbacks.

**7.26** Minimum and maximum base building heights as **generally** shown on Map 45-12: Base Building Heights will be provided on tall and mid-rise buildings to define and support the different roles, functions, and characteristics of the adjacent streets, parks and open spaces within the Character Areas, and to support an overall pedestrian friendly scale in the Plan Area.

### 7.44 Development of Tall buildings will:

- (a) Be located strategically on development Blocks in response to the frontage, depth, and configuration of the Blocks, to support the planned characters of the adjacent public realm, and where required, achieve appropriate transition to and limit their impact on the surrounding areas;
- (b) Generally have no more than two tall building towers on each development Block, **except where tower spacing can accommodate additional towers;**
- (c) Be designed with a ~~minimum 5-metre~~ tower stepback from the base building, and will be organized to provide variation in tower placement and setbacks along streets, parks and open spaces to create and support interesting streetscapes, views, and vistas;
- (d) Maintain floor plate sizes that will **generally** not exceed ~~800~~**750** square metres; and
- (e) **Generally,** ~~P~~provide a minimum tower separation distance of 30 metres.

**7.48 to 7.51** Add the word 'generally' in front of the word 'achieve' in each of these policies.

**8.1** Development is encouraged to meet or exceed the highest performance level of the Toronto Green Standard., ~~including achievement of zero emissions and retention of 100 per cent of rainfall and snowmelt on-site.~~

**9.2** To achieve a balanced mix of unit types, and to support the creation of housing suitable for families, development containing more than 80 new residential units will include larger units, as follows:

- (a) **Generally, a** minimum of ~~40~~5 per cent of the total number of units will be 3-bedroom units; and
- (b) **Generally, a** minimum of ~~12~~5 per cent of the total number of units will have at least 2-bedrooms.

**13.23** Uses and their associated existing gross density that are legally existing as of the date of adoption of this Plan will be permitted, provided:

13.23.1 Any renovation, addition or expansion of the use does not exceed ~~25~~10 per cent of the gross floor area existing on the date of adoption of this Plan; or

13.23.2 Any renovation, addition or expansion of the use that exceeds ~~25~~10 per cent of the gross floor area existing on the date of adoption of this Plan will require the submission of an Interim Development Strategy as part of a complete application for

**13.24** An Interim Development Strategy submitted pursuant to Policy 13.23.2 will demonstrate to the City's satisfaction that such interim development:

13.24.1 Is **generally** not intended to be long-term and is appropriate over the short- to medium-term;

13.24.2 Does not preclude the long-term development of the Site as envisioned by this Plan;

~~13.24.3 Does not preclude the achievement of the street network set out in Map 45-7: Street Network;~~

~~13.24.4 Does not exceed the maximum height permitted by the Zoning By-law in force at the time of application;~~

13.24.5 Does not include residential uses or underground parking structures; and

13.24.6 Complies with the Built Form and Public Realm policies of the Official Plan.

**Map 45-15** Revise wording: "Required active commercial uses at grade" to "Active Commercial use areas, where feasible"

January 10, 2024

Sent Via E-mail: [philip.morse@toronto.ca](mailto:philip.morse@toronto.ca)

Mr. Philip Morse  
Senior Project Manager, Transportation Services  
Major Projects  
City of Toronto  
Toronto City Hall  
22<sup>nd</sup> Floor East, 100 Queen Street West  
Toronto, ON M5H 2N2

Dear Mr. Morse,

Re: **Request for Status Update – ReNew Golden Mile: Reconfigured and New Major Streets Environmental Assessment (the “EA”), O’Connor Drive Extension to Birchmount Road Samuel Sarick Limited (“Sarick”) 1911 and 1921 Eglinton Avenue East (“Subject Lands”)**

We are counsel for Sarick, with respect to the above-noted matter.

On August 25<sup>th</sup>, 2023 we sent the attached letter, again providing comments on the O’Connor Drive Extension. We understand that six potential alignments were considered as part of the EA, with alignments 1, 4, and 5 being carried forward for further study and evaluation. Our client has expressed significant concerns with and opposes alignment 1 which connects to and extends Civic Road to Birchmount Road west of Warden Avenue. Our client supports alignments 4 and 5, as presented at the Virtual Public Meeting 1, on April 17, 2023.

We have not received a response since the August 25<sup>th</sup>, 2023 letter. Our client has attempted to work with city staff and the EA team collaboratively. We again request a meeting to discuss our clients concerns. We also request an update on the progress of the EA, if any.

Thank you for your cooperation. We look forward to meeting with you shortly.

Yours truly,

**Dentons Canada LLP**



Katarzyna Sliwa  
Partner



KS/ai

Copy            Emily Caldwell, Senior Planner, City Planning  
                    Client

Encl.            August 25<sup>th</sup>, 2023 Letter from Katarzyna Sliwa to Philip Morse