

May 25, 2026

North York Community Council
Toronto City Hall
100 Queen Street West
Toronto, ON M5H 2N2
c/o Matthew Green

Dear Chair and Members of North York Community Council,

***Re: Item NY33.3 - City-initiated Official Plan Amendments for the Don Mills
Regeneration Area Study
Proposed OPA 911 / SASP 828 for the Wynford Gervais Site***

We are the planning consultants for 39 Wynford Inc. the registered owners of the lands municipally known as 39 Wynford Drive (the “subject site”). The subject site is located at the southeast corner of Wynford Drive and Gervais Drive.

On behalf of 39 Wynford Inc., we are writing to provide our comments on the proposed Official Plan Amendment 911 (“OPA 911”), including the proposed update to Site and Area Specific Policy 828 (“SASP 828”), prepared through the City-initiated Don Mills Regeneration Area Study. OPA 911 is attached as Attachment 2 to the May 7, 2026 staff report in support of Item NY33.3 (the “Staff Report”).

The Don Mills Regeneration Area Study was initiated in 2025 and undertaken by the City to satisfy the requirement for the completion of a local area study in the in-force SASP 828. The proposed new SASP 828 policies, as set out in Appendix B of the proposed OPA 911, are intended to replace the current policies of SASP 828 introduced through Official Plan Amendment 653, which was approved by the Minister of Municipal Affairs and Housing on January 27, 2025.

Background

SASP 828, as proposed to be amended by OPA 911, includes the subject site and the two adjacent properties at 15 Gervais Drive and 1200 Eglinton Avenue East, which collectively comprise the “Wynford Gervais Site”. The Wynford Gervais Site is envisioned to be redeveloped to establish a transit-supportive, mixed-use complete community. The properties located within the Wynford Gervais Site are owned by three separate landowners who have been working collaboratively for a number of years to put forward a coordinated design for the lands to achieve a

similar vision. This vision is reflected in site-specific applications that were recently filed with the City on behalf of each landowner, including 39 Wynford Inc., as discussed further below.

On behalf of 39 Wynford Inc., we have been actively participating in the Don Mills Regeneration Area Study process. In this regard, we submitted a comment letter to City staff (dated March 20, 2026, and attached as **Attachment A**) identifying concerns and providing detailed commentary and recommending revisions on the draft proposed area-specific policies for the Wynford Gervais Site, as prepared through the Don Mills Regeneration Area Study, and released in February 2026. We have also had several meetings with City staff over the past year regarding the study, attended City-led meetings with other landowners within the Don Mills Regeneration Area Study boundaries on August 1, 2025, October 15, 2025, November 28, 2025, and March 2, 2026, and attended community consultation meetings on September 11, 2025, December 2, 2026, and March 5, 2026.

Most recently, on April 24, 2026, on behalf of 39 Wynford Inc, we submitted an Official Plan Amendment (“OPA”) application to support the redevelopment of the subject site. The draft site-specific OPA proposes to redesignate the subject site from *Regeneration Areas* to *Mixed Use Areas*, which is also consistent with the proposed designation of the subject site in the proposed OPA 911. The draft OPA also introduces a new SASP which provides a planning framework to guide the redevelopment of the subject site, and includes policies related to land use, public realm, built form, mobility and parks, among other matters. The OPA application followed a pre-application consultation (“PAC”) process including a PAC meeting on October 30, 2025.

The draft OPA was developed in coordination with the landowners of the adjacent properties at 15 Gervais Drive and 1200 Eglinton Avenue East, who have submitted, or are preparing to submit, separate but coordinated OPA applications (as well as rezoning applications) to provide for the comprehensive planning approach of the Wynford Gervais Site. The draft OPAs submitted by each of the landowners propose coordinated SASPs based on a shared Structure Plan that identifies a new street to connect to the existing street network and to support movement through the Wynford Gervais Site, and conceptual park locations to support a robust public realm. The proposed SASPs also include policies that respond to site-specific attributes of each property.

The structure of the draft OPAs and coordinated SASPs prepared for the site-specific applications is generally in line with the structure proposed to be introduced by OPA 911, with language similar to the policy directives set out in OPA 911 where the landowners are aligned with the staff recommendations.

While we are supportive of the general vision introduced by some of the new policies proposed for SASP 828 and the proposed redesignation of the Wynford Gervais Site from *Regeneration Areas* to *Mixed Use Areas*, we remain concerned with certain policies within the proposed OPA 911. These policies do not reflect the development potential of the subject site and do not represent good planning. Further, they are inconsistent with the draft OPAs submitted through the site-specific OPA applications within the Wynford Gervais Site, including for the subject site, which were developed in coordination among the three landowners. As a result, despite prior submissions and discussions with staff (see **Attachment A**), our site-specific concerns with proposed OPA 911 have not yet been addressed.

Given the above, we highlight the following general areas of inconsistency and concern with the proposed OPA 911 and new SASP 828 policies and we encourage Council to instead adopt the policies proposed within the site-specific draft OPA:

- With respect to the Wynford Gervais Structure Plan (Map 2), the location of the “New Street” and “Conceptual Park Area” in the proposed OPA 911 differs from the plans submitted as part of the site-specific applications, which were coordinated among the landowners within the Wynford Gervais Site and which represent appropriate land use planning and optimize the use of the site for transit-supportive development, making efficient use of the Wynford Gervais Site and providing for a coordinated public realm approach. We recommend that the Structure Plan within the site-specific draft OPA be adopted instead.
- The Land Use policies in the proposed OPA 911 would require that non-residential uses be provided on the Wynford Gervais Site, with a minimum of 17,000 square metres of non-residential gross floor area (or 8 percent of the total gross floor area, whichever is less, across the SASP area. This represents a revision from the previous draft, which required the lesser of 15 percent or 1.0 times the site area. Notwithstanding this change, it remains our opinion that the non-residential requirement should be removed altogether and that the policies should provide greater flexibility given the current office market context.

Based on the Economic Development Study commissioned by the City and prepared by NBLC as part of Don Mills Regeneration Area Study and included as Attachment 8 to the Staff Report, the current market for non-residential uses is not supportive of the proposed non-residential requirement. The report concludes that “[a]ny firm policy requiring a

significant amount of non-residential space, which often is a loss leader in mixed-use developments, is highly likely to sterilize properties from advancing in the near-term” (our emphasis). Additional options set out by the NBLC report include eliminating non-residential requirements entirely, or taking a more flexible approach and allowing the quantum of non-residential space to be subject to reassessment at appropriate planning approval milestones informed by up-to-date market and feasibility evidence. In our opinion, the non-residential requirement set out in the SASP is inconsistent with the growth-oriented vision and objectives of SASP 828 and has the potential to significantly deter, if not sterilize, development on the subject site and others within the Wynford Gervais Site. This policy should be revised to reflect a more flexible, market-driven approach.

- Public Realm Policy 7 states that new parkland will be planned and secured through the coordinated consolidation of parkland dedications from multiple developments and/or property owners, as applicable, to establish a centrally located park, as identified on Map 2. The proposed location of the centrally located park on Map 2 is inconsistent with the Structure Plan prepared and coordinated through the three site-specific OPA applications for the Wynford Gervais Site. The landowners are not contemplating one consolidated park but either 2 or 3 park locations, spread out within the block to achieve various public realm objectives including the introduction of an interconnected network of green spaces within the Wynford Gervais Site and promote potential future connectivity to the Aga Khan lands to the east.

Further, the proposed park locations result in logical building locations and orientations that achieve appropriate built form relationships, while importantly achieving a density in the range of 8 FSI, as directed by Policy 8(6) of the City of Toronto Official Plan.

We therefore continue to recommend that the policy be revised to provide greater flexibility to allow for the parkland to be coordinated but not necessarily consolidated. Further, the Vision policies of proposed OPA 911 should be revised to permit flexibility for alternative park configurations as opposed to a “centrally located park”.

- With respect to the Community Services and Facilities policies, it continues to be our opinion that community services and facilities should be considered comprehensively within the broader area, rather than being limited to the relatively small SASP area associated with the Wynford

Gervais Site. As such, we continue to recommend that community benefits can instead be addressed through the application of the City's Community Benefits Charge powers, where appropriate.

- The Housing policies continue to require that a minimum of 40 percent of new units in developments containing more than 80 residential units consist of two or more bedrooms and prescribes a minimum breakdown for two- and three-bedroom units. We continue to recommend that these policies be deleted, or be revised to align with the minimum unit mix recommendations of the Growing Up Guidelines. Further, we are concerned with the proposed requirement to submit a Housing Issues Report as part of a complete application submission. This requirement should be removed to be consistent with the Toronto Official Plan complete application requirements and to align with the City's Terms of Reference and typical approach for Housing Issues Reports, which were followed in the site-specific applications that have already been submitted for the lands within the Wynford Gervais Site.
- While we are supportive of affordable housing being encouraged, rather than required, as provided for in the in-force version of SASP 828, the policy framework should be consistent with provincial regulations and the City's inclusionary zoning policies and by-law, and additional agreements securing affordable housing should not be required through SASP 828.
- We note that while 39 Wynford Drive is listed on the City's Heritage Register, it is not designated under Part IV of the *Ontario Heritage Act*. As such, any references to "heritage" should be revised to "potential heritage" to accurately reflect the status of the subject site.

Conclusion

We appreciate the opportunity to comment on proposed OPA 911 and new SASP 828, prepared through the City-initiated Don Mills Regeneration Area Study.

It is our opinion that the draft OPAs submitted as part of the site-specific applications appropriately achieve the vision of creating a transit-supportive, mixed use complete community on the Wynford Gervais Site which is supported by the establishment of a connected network of new streets and mid-block connections, parks, an appropriate mix of uses, diverse housing opportunities and a high quality public realm.

As currently drafted, the proposed policies and mapping of OPA 911 and proposed

revisions to SASP 828 do not represent good planning and do not provide the same opportunity for transit-supportive development as set out in the site specific OPAs for the subject property and the Wynford Gervais Site, in accordance with overarching provincial and municipal policies. **We therefore encourage Council to instead adopt the policies proposed within the draft OPAs submitted as part of the site-specific applications.**

We request to be notified of any updates or decisions on this matter. If you require any clarification or wish to discuss these matters further, please do not hesitate to contact the undersigned.

Yours very truly,

Bousfields Inc.



Mike Dror, MCIP, RPP
Partner

cc: *Jake Taylor, 39 Wynford Inc.*
Alexander Suriano, Aird & Berlis

Attachment A:

Bousfields letter regarding proposed policies for Wynford Gervais Site (March 2026 draft), dated March 20, 2026.



March 20, 2026

Jessica Krushnisky
Senior Planner, Strategic Initiatives
City of Toronto, Metro Hall
55 John St., 22nd floor
Toronto ON M5V 3C6

Delivered by email to jessica.krushnisky@toronto.ca

Dear Ms. Krushnisky,

***Re: Don Mills Regeneration Areas Study
Proposed Policies for Wynford Gervais Site (March 2026 draft)***

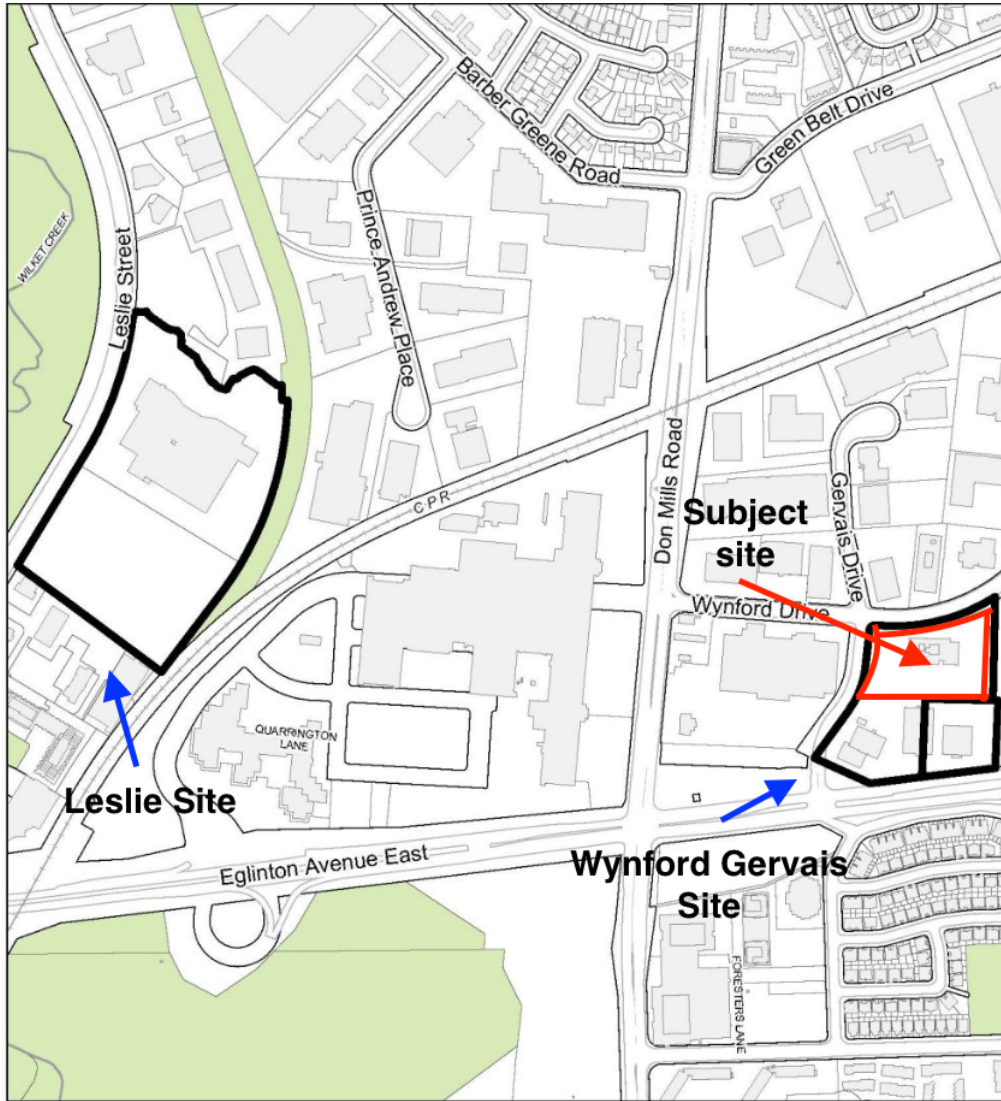
We are the planning consultants for 39 Wynford Inc. (“Brookfield”) with respect to their lands at 39 Wynford Drive (the “subject site”) which is located at the southeast corner of Wynford Drive and Gervais Drive.

This letter provides commentary, on behalf of Brookfield, on the draft proposed policies prepared through the Don Mills *Regeneration Areas Study* and released on February 27, 2026.

The study area is comprised of two disconnected study areas identified in the draft policies as the “Wynford Gervais Site” and the “Leslie Site”. The Wynford Gervais Site is comprised of three separate properties: the subject site, 15 Gervais Drive, and 1200 Eglinton Avenue East (see **Figure 1**). The draft policies related to the Wynford Gervais Site (and to the subject site) are the subject of this letter. It is our understanding that the study will result in two separate Site and Area Specific Policies (SASPs), one for each “site”, while also amending the applicable land use designations on Map 20 – Land Use Plan, and adding two new planned but unbuilt roads to Schedule 2 of the Official Plan.

As you are aware, the lands within the Wynford Gervais Site were subject to recent employment land conversions, and are subject to two separate Site and Area Specific Policies (SASPs), which provide a variety of policies guiding the future redevelopment of the lands, including the requirement for a local area study leading to a Secondary Plan or SASP. The in-force SASP 828 applies to the subject site and 15 Gervais, while SASP 898 applies to 1200 Eglinton, and includes similar policies.

The properties located within the Wynford Gervais Site are owned by three separate landowners who have been working collaboratively for over five years to put forward a coordinated design for these lands that addresses various provincial and municipal planning objectives. We are encouraged to see that the draft policies reflect a number of elements from the conceptual plans currently being advanced. However, we have a number of comments and concerns related to Map 1 and the associated policies, which are outlined below.



Don Mills Regeneration Area

Study Area Boundary


 Study Area Boundary

Figure 1 – Location Map

1. Detailed Comments on the draft schedules and policies

Schedules

A. Amendment to Land Use Plan mapping

We support the redesignation of the subject site from *Regeneration Areas* to *Mixed Use Areas*, which is consistent with the intention of City Council's and the Minister's decisions in approving SASP 828 to convert these lands for the purpose of residential mixed use intensification within a Major Transit Station Area. The *Mixed Use Areas* designation is the most appropriate land use designation for the subject site and the Wynford Gervais Site as a whole, supporting investment in new intensification in a mixed use form in proximity to the Don Mills and Aga Khan Park & Museum LRT stations, and future Don Mills/Science Centre subway station on the Ontario Line.

B. Map 1 – Structure Plan

With respect to the Wynford Gervais Map 1 – Structure Plan, we have no issues in principle with the concept of providing a new public road within the block, or with the provision of mid-block connections and open spaces. However, we are concerned that the specific elements identified on Map 1 are not aligned with the public realm elements proposed by Brookfield and the two other landowners.

First, we request that the City remove the north-south segment of the “Future Street” connecting the east-west segment of the “Future Street” to Wynford Drive. Based on a review undertaken by Brookfield's transportation consultant, and based on preliminary discussions with the City, it is our understanding that this segment is not necessary from a functional perspective and primarily serves an urban design function by breaking up the block to provide connectivity north to Wynford Drive. In our opinion, connectivity can be provided through other means, such as through one or more mid-block connections. **Given that there are significant grade changes that present challenges to the design of a public road, we request that only the east-west portion of the new road be included on Map 1.**

Second, we have concerns with the central “Conceptual Park Area” location, which is proposed south of the “Future Street”, between 15 Gervais Drive and 1200 Eglinton Avenue East. The landowners are not contemplating one consolidated park but either 2 or 3 park locations, spread out within the block to achieve various public realm objectives, and to provide logical building locations that achieve a

density of 8 FSI, as contemplated by Chapter 8 of the Official Plan (see below). We appreciate that the City parkland is conceptually shown with an asterisk rather than formally delineated with a land use designation. **However, we recommend that Map 1 be revised to indicate “Conceptual Park Areas” in the locations they are going to be proposed: at the northeast corner of 1200 Eglinton Avenue East, at the southwest of 15 Gervais Drive, and at the northwest corner of the subject site (replacing the “Conceptual POPS Locations”).**

Policies

A. Policy 3

Draft Policy 3 would require non-residential uses to be provided prior to, or concurrent with, residential uses. This policy does not provide appropriate flexibility within a phased development, particularly within a housing market where it is difficult for our client to commit to a specific order of development. The location of non-residential uses within a proposed development should be based upon a variety of built form and contextual factors, whereas decisions on phasing are often based on constructability, infrastructure availability, and vehicular access. It may be undesirable to construct such non-residential uses within the first phase of a multi-phase project.

We therefore request the following modification:

Non-residential uses ~~will~~ are encouraged to be provided prior to, or concurrent with residential uses...

B. Policy 5

Draft Policy 5 would require that a minimum 15% of the total gross floor area on the lands, or 1.0 times the site area (net of certain exclusions), whichever is less, will be non-residential gross floor area.

We appreciate that the City has updated the wording of this policy to require the “lesser of” 15% or 1.0 times the site area, and that the requirement for Core Employment Areas uses to be provided has been removed. Despite these changes, it continues to be our opinion that the non-residential requirement should be removed and that flexibility be provided to enable non-residential uses to be provided in a variety of different ways. In our opinion, any non-residential GFA requirement policies in the proposed Secondary Plan/SASP should be flexible and recognize today’s market realities. The obligation in draft Policy 5 to provide the proposed amounts of non-residential GFA do not reflect an actual known market need for the subject property and the Wynford Gervais Site area. Brookfield is

concerned that imposing a 15% non-residential GFA requirement will have material impacts on the financial feasibility of projects within the proposed Secondary Plan/SASP area and presents a significant issue in a market with significant non-residential vacancy rates and which has undergone systemic shifts in the nature of work.

It is also important to emphasize that, in addition to market considerations, there are practical/functional limitations to achieving a substantial percentage of non-residential GFA as part of new development including tall buildings. While non-residential uses can typically be achieved on the lower floors of buildings, upper-level non-residential space is more difficult to achieve, particularly in the absence of a strong office market as is the case here. The requirement for a specific non-residential percentage can therefore act as a disincentive to creating more housing because additional residential GFA triggers the requirement for additional non-residential GFA. If the percentage requirement is set as proposed, it will make redevelopment uneconomic and unviable, contrary to the planning objectives for regeneration of the area, transit-supportive intensification, and creation of new housing supply.

Further, Policy 8(6) of the Official Plan provides that, within delineated Major Transit Station Areas and Protected Major Transit Station Areas, for lands designated *Apartment Neighbourhoods*, *Mixed Use Areas*, or *Regeneration Areas*, City-initiated zoning will permit a floor space index (FSI) of: (A) 8 FSI or more where the lands are located within 200 metres of an existing or planned transit station; or (B) 6 FSI or more where the lands are located within 200-500 metres of an existing or planned transit station.

The City's draft Major Transit Station Area Map for the Aga Khan Park & Museum Station identifies all of the Wynford Gervais Site (including the subject site) as being within 200 metres of the station, and as such, City-initiated zoning is anticipated to assign an as-of-right FSI of 8 (or more) to the subject site. Fifteen percent of 8 FSI is 1.2, meaning that a minimum non-residential FSI of 1.0 would apply to the subject site. We are currently estimating a net site area of approximately 12,281 square metres (following exclusions for park, new street and road widening conveyances). Achieving a non-residential GFA of 1.0 times the net site area (i.e. 12,281 square metres) is unviable given the challenges noted above and would equal more than double the size of the existing office building, which is already largely vacant.

We therefore request the following modifications:

A minimum of 15 per cent of the total gross floor area...~~will~~ is encouraged to be non-residential gross floor area.

C. Policy 6

Draft Policy 6 references “minimum required” non-residential gross floor area. Per our comments on Policy 5, we have requested that the requirement be removed, and therefore we request the following modifications to Policy 6:

~~The minimum required~~ Non-residential gross floor area is encouraged to include...

D. Policy 7

Draft Policy 7 seeks to secure the coordinated consolidation of parkland to establish a centrally located park. We request that this policy be revised to provide greater flexibility to allow for the parkland to be coordinated but not necessarily consolidated, as it may be desirable to secure parkland across the three properties in the alternative configuration we have proposed above. We request the following modification:

New parkland will be planned and secured through the ~~coordinated consolidation~~ coordination of parkland dedications...

E. Policy 8

Draft Policy 8 relates to privately-owned publicly accessible spaces (POPS), and states that the “Potential POPS Locations” identified on Map 1 are intended to achieve multiple public realm objectives. A POPS easement can be used to recognize many different types of spaces and activities including passive or active park-like spaces, hardscaped squares, mid-block connections, forecourts, etc. We are concerned that this policy would require all POPS to achieve the objectives listed in draft Policy 8, and **request the following modification to the policy:**

Privately owned, publicly-accessible spaces (POPS) are encouraged within the Wynford Gervais Site area shown on Map 1 – Structure Plan. In determining the appropriate location of POPS, the following public realm objectives will be considered: ~~in the general locations identified on Map 1 – Structure Plan to achieve with multiple public realm objectives...~~

With respect to sub-policy (b), we request clarification on what specific adjacent cultural heritage resource is being referenced in this policy, given the use of the phrase “the adjacent cultural heritage resource”, rather than “any adjacent cultural heritage resources”.

F. Policy 11

Draft Policy 11 relates to mid-block connections and states that they will be located and designed to, among other things, be well lit and have clear and direct sight lines for the entire route. In our opinion, direct sight lines for the entire route may not always be possible or desirable, and this policy does not provide sufficient flexibility for an alternative design, particularly given the grading changes from Eglinton to Wynford. We request the following modifications:

...be well lit, and are encouraged to have clear and direct sight lines for the entire route, where appropriate;

G. Policy 12 and Policy 14

Draft Policy 12 requires that new and/or expanded community services and facilities will be provided in a timely manner to support and be concurrent with growth, and draft Policy 14 outlines a list of priorities including community agency and cultural space, one childcare centre, and one elementary school.

It is unclear whether these policies place the onus on the City to provide these new facilities, or whether it is placing the obligation on individual landowners, and if so, whether all (or any) of these facilities are anticipated to be on the Wynford Gervais Site. It is also unclear whether these policies are intended to delay development on the subject site or within the SASP area based on the existing level of service in the surrounding area, rather than from the anticipated future needs of the residents of redevelopment within the SASP area itself, and whether such facilities would be required in a first phase of development.

Further, the policy refers to “expanded” community services and facilities. There are no such facilities within the SASP area at this time, and it is unclear what this is in reference to.

We note that, through OPA 804 (currently adopted and with the Minister for approval), the City has recommended the redesignation of the balance of the Don Mills office park directly west and north of the Wynford Gervais Site to *Regeneration Areas*. We recommend that community services and facilities be considered holistically in the broader area rather than within the small SASP area on the Wynford Gervais Site. Further, as the City is aware, a Community Benefits Charge totaling 4 percent of the value of the site will be required through any redevelopment, to support the creation of new community services and facilities, or facilities could be provided “in-kind” on the site. **In our opinion, this policy should reflect that requirement, and we request the following modifications:**

12. ~~New and/or expanded community services and facilities will be provided in a timely manner to support and be concurrent with growth.~~ are encouraged to be provided in kind in lieu of payment of the Community Benefits Charge, where agreed to by a developer, to support the creation of a complete community.

14. Within the context of the community benefit charge framework established by Section 37 of the Planning Act, ~~The following community services and facilities will be prioritized to support growth in the SASP area:...~~

H. Policy 17

Draft Policy 17 states that development will aim to implement the highest level of the Toronto Green Standard in effect at the time of application. While we note that this policy does not require a development to meet the highest level, the wording “aim to” suggests that an applicant would be required to meet the highest level unless they are able prove it is not feasible to do so. Further to this, it is unclear how the City will establish that an applicant ‘aimed to’ achieve the highest level of Toronto Green Standard.

We disagree that development applications in this area should be subject to stricter environmental standards than in other areas. **We request the following modifications:**

Development is encouraged to ~~will aim to~~ implement the highest level of the Toronto Green Standard...

I. Policy 20

Draft Policy 20 states that development will generally transition down in height and scale from the southwest corner reflecting increasing distance from higher-order transit and providing an appropriate transition to the adjacent open space at the Aga Khan Park and Museum and Ismaili Centre.

While we understand and support the concept of focusing height and density around transit stations, we note that these types of policies are typically found within a larger secondary plan area, not within a comparatively small SASP area. In our opinion, it is desirable to provide a range in heights on a multi-tower site that do not rigidly step down from transit. **We request that this direction be removed, while retaining the concept of transitioning appropriately to the adjacent open space at the Aga Khan Park and Museum and Ismaili Centre:**

Development will provide a diversity of built form massing and height, including tall and/or mid-rise buildings, designed to achieve an appropriate pedestrian scale and character. Buildings will ~~generally transition down in height and scale from the southwest corner, reflecting increasing distance from higher order transit and~~ providing an appropriate transition to the adjacent open space at the Aga Khan Park and Museum and Ismaili Centre.

J. Policy 21

Draft Policy 21 states that streetwalls will be designed with a) a streetwall height up to 6 storeys along all streets and b) a streetwall height up to 4 storeys where fronting parkland, POPS, and/or mid-block connections.

In our opinion, this policy is too rigid to be included in the Official Plan. The subject site has significant grade changes which may result in podium designs with lower ground/concourse levels, and may result in design challenges in the interior of the site along mid-block connections/parkland frontage. **We recommend that it be deleted. If this is not acceptable to staff, in the alternative and in order to allow for a simpler, more constructable podium design both along the street and in the interior of the site, with some flexibility, we request the following modifications:**

Streetwalls ~~will be~~ should be designed to be compatible with the existing and planned context, including:

- a) A streetwall height generally up to 7 storeys along all streets, parks, POPS, and/or mid-block connections to provide a pedestrian scale and built form transition; and*
- b) ~~A streetwall height generally up to 4 storeys where fronting parkland, POPS, and/or mid-block connections to provide a pedestrian scale and built form transition.~~*

An increase to 7 storeys would help to achieve the as-of-right 8 FSI contemplated by Policy 8(6) of the Official Plan.

K. Policy 23

Draft Policy 23 states that new buildings along the Wynford Drive frontage will generally be in alignment with or set back from the front wall of the heritage building. In our opinion, this policy is inaccurate in its identification of the heritage status of the existing building on the subject property and would result in significant and unjustified limitations on the developability of the subject site's curved frontage along Wynford, and could result in buildings that may have a limited relationship

with the street, more in line with a suburban form than an urban one.

It is important to note that the heritage status and particular characteristics of heritage value, if any, of the building on the subject site is not yet determined. At this time, 39 Wynford has been Listed on the Heritage Register as having potential heritage value or interest, however, it has not been Designated under Part IV of the *Heritage Act*. Furthermore, the specific heritage characteristics or features of the building requiring conservation, if any, have not yet been determined. In our opinion, a site-specific approach to development on properties with potential cultural heritage value should be proposed, with built form impacts considered at the zoning stage.

Finally, Section 3.1.6 of the Official Plan already contains a robust set of policies that apply to heritage conservation. Therefore, in our opinion, it is unnecessary to include this policy in the SASP, and **we request that it be deleted, or revised to reference Section 3.1.6 (Heritage Conservation) of the Official Plan as follows:**

New construction in the SASP area will conform to the heritage conservation policies in Section 3.1.6 of the Official Plan. ~~New buildings along the Wynford Drive frontage will generally be in alignment with or set back from the front wall of the heritage building to maintain the existing landscape character and protect sightlines.~~

L. Policy 26

Draft Policy 26 acknowledges the existing grading conditions along Gervais Drive and requires that building setbacks be designed to respond to and integrate with the existing topography. The draft policy also requires retaining structures to be minimized.

While we support the general intent of this policy, **we request additional wording which would acknowledge that, while efforts can be made to integrate with the existing topography, flexibility in mitigation measures may be required:**

*In recognition of existing grading conditions along Gervais Drive, building setbacks will be designed to respond to and integrate with the existing topography, **where appropriate**. Retaining structures ~~will~~ **should** be minimized through the use of terraced landscape treatments, increased setbacks and enhanced landscape features.*

M. Policy 27

Draft Policy 27 states that development will be set back a minimum of 5 metres along any frontage adjacent to a park. In our opinion, this policy should be revised to allow for some flexibility in the interface between a park and a new building, in consideration for site-specific constraints or for achieving other objectives. **We request the following modifications:**

*Development will **generally** be set back a minimum of 5 metres along any frontage adjacent to a park...*

N. Policy 28

Draft Policy 28 provides direction on designing buildings to support non-residential uses. This policy does not acknowledge design constraints related to heritage retention, nor does it provide sufficient flexibility for site-specific designs. We request the following modifications:

Where appropriate, and with consideration for the integration of heritage buildings and elements, new buildings will be designed with the flexibility to accommodate a range of permitted non-residential uses and unit sizes within ground floor and podium levels, through measures such as, but not limited to:...

O. Policy 29

Draft Policy 29 requires a mix of housing by tenure, size and affordability. The City does not have the ability to regulate the tenure of buildings, nor does it have the ability to mandate affordable housing on this site (as acknowledged by the use of “encourage” language in Policy 31). **We therefore request the following modifications:**

*A mix of housing by ~~tenure~~, size and affordability ~~will be achieved~~ is **encouraged** to offer housing options for a wide variety of households. Residential development will support complete and inclusive communities through a range of housing opportunities across the housing spectrum.*

P. Policy 30

Draft Policy 30 requires a minimum number of larger residential unit types and sizes. **We request that this policy be updated to reflect other policy frameworks adopted in other locations in the City (such as in the Downtown Plan) by removing the reference to “a minimum of 40 percent” and adding a new subsection (c) so that the policy reads:**

To achieve a mix of residential unit types and sizes, ~~a minimum of 40 percent of~~ new units in developments with more than 80 new residential units will ~~have two or more bedrooms~~, including:

- a) A minimum of 15 percent of the total number of units as two-bedroom units; ~~and~~
- b) A minimum of 10 percent of the total number of units as three or more bedroom units; ~~and~~
- c) an additional 15 per cent of the total number of units as a combination of 2-bedroom and 3-bedroom units, or units that can be converted to 2-bedroom and 3-bedroom units through the use of accessible or adaptable design measures.

Q. Policy 36

Draft Policy 36 would require the sequencing of development to ensure appropriate infrastructure and community services and facilities to service development. Similar to our response to draft Policies 12 and 14 above, it is inappropriate to delay development subject to the provision of community services given that their provision is often subject to municipal or school board funding that is separate from the *Planning Act* process. **We therefore request the following modifications:**

Development shall be sequenced to ensure appropriate transportation and municipal water, wastewater and stormwater servicing infrastructure, ~~along with community services and facilities~~, are available to service development.

R. Policy 38

Draft Policy 38 includes additional conditions to be met prior to the removal of a holding (“H”) provision. We note that transportation and servicing improvements and measures to protect heritage buildings are already listed as conditions in Policy 5.1.2 of the Official Plan. We would like clarification on the City’s rationale for proposing additional enabling policies in SASP 828 related to a holding (“H”) provision.

In any event, it is our opinion that these additional provisions are unnecessary and inappropriate, particularly those that purport to include affordable housing requirements as conditions to be satisfied prior to the removal of a holding provision, and **therefore should be deleted.**

S. Policy 39

Draft Policy 39 states that the landowners within the SASP area may be required

to enter into a developers' group agreement. While the landowners have committed to collaborating on a shared vision for the SASP area, we would like clarification on why the City needs to receive such agreements as a condition of approval. **We request removal of this policy in its entirety.**

Concluding Thoughts and Next Steps

We appreciate the opportunity to comment on these important policy documents and are available to meet with City Staff to discuss the comments identified herein. We request to continue to be notified of any updates or decisions on this matter.

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

Yours very truly,
Bousfields Inc.



Mike Dror
MCIP, RPP



Anna Wynveen
MCIP, RPP

cc: *Brookfield*
Alexander Suriano, Aird & Berlis