

ARECA STATEMENT

'The existing context of any given area refers to what is there now. The planned context refers to what is intended in the future. In stable areas, such as Neighbourhoods and Apartment Neighbourhoods, the planned context typically reinforces the existing context.'

In growth areas, such as Centres and Avenues, the planned context generally anticipates change.'

- Existing and Planned Contexts (OP sidebar page 3-7)

There is a substantial difficulty in assessing the appropriateness of the 36 Eglinton Ave. West Application... as it is situated in the *Yonge Eglinton Growth Centre's Mixed Use Area 'A'*, where the *'planned context'* is one of *'anticipating change'* rather than emulating the *'existing context'*.

PLANNING CONTEXT

The *Yonge Eglinton Secondary Plan* does not provide an appropriate and comprehensive *'planned context'* for *Mixed Use Area 'A'*. Meanwhile this area has been, and is being, subjected to a surge of development, outpacing planning in this area. As a result there is a third context, an *'emerging context'*, comprised of development initiatives that have sought, and continue to seek, relief from the Plan's prescriptions, considering the planning measures to be out of date, that together amass into a substantial, significant, contiguous and concurrent development complex including the Eglinton LRT. The Applicant's proposal is integral to this consolidated assemblage.

At this time, with the TTC's pending release of its Request For Proposals for the Yonge Eglinton Station's design, the configuration of the Yonge Eglinton crossroads is about to be radically transformed. To date the Eglinton LRT has been prepared without the benefit of being appropriately informed by the *Yonge Eglinton Secondary Plan*, nor has Planning taken the necessary steps to appropriately consider this obvious urban change-maker, even though it is clearly evident that this construction project will result in the significant restructuring of the *Centre* consequential to the surrounding urban context, including in particular the properties abutting and adjoining the LRT.

Even though at this time the *Official Plan* is the subject of a formal *Review*, and even though *Secondary Plans* are part and parcel of the *Official Plan*, no initiative is being undertaken to *Review* the *Yonge Eglinton Secondary Plan*. Requests for *Review* of the *Secondary Plan* have been ignored, citing Council's direction to exclude *Secondary Plans* from the *Review* process - in so doing contravening the *Planning Act*. Likewise Planning is of the opinion that the *Yonge Eglinton Secondary Plan* has already been revised in 2009 and 2010, even though these revisions have dealt with matters in part and not in full, and in particular it has overlooked the LRT - which is a most significant and critical urban structure affecting the whole, and upon which much of the *Centre's* development is predicated including this Application.

- The 2009 revision dealt with incorporating the southwest block's completed rezoning exercise and the production of urban design guidelines arising out of this exercise, applying them across *Mixed Use Area 'A'* at large, but not in full. Of particular note, from the outset, the southwest block exercise was founded upon Planning's opinion in 2003 that the Eglinton Transit Corridor, which was identified in the *Official Plan of the time*, was not going to materialize within any meaningful timeframe and so they ignored it, focusing instead upon the inclusion of a future permanent bus station facility - today a past '*phantom*'.
- The 2010 revision involved the demarcation of the *Growth Centre's* boundary line, the adjustment and of housekeeping of policies reflecting this new area designation, and furthermore the inclusion of some new policies. Of particular note this revision brought in policies pertaining to a new permanent bus station at Yonge Eglinton with only fleeting reference to the LRT. The state of the Eglinton Transit Corridor's consideration in this revision is best understood from the following *Secondary Plan* 2010 revision statement: '*redevelopment of the TTC lands will not preclude the construction of a future higher-order transit facility along Eglinton Avenue West*'. If the author of the *Secondary Plan's* revision were privy to the facts, or otherwise advised, it would have been abundantly clear that development of the TTC lands would never proceed in advance of Eglinton Transit Corridor's development - so rendering this policy a moot point.

And still, the 2010 revision did include beneficial policies related to *Urban Form and Public Realm, Community Services, Parks and Open Space Areas*; including mention of a '*community-based planning and design process*' and '*architectural excellence and environmentally sustainable and innovative design*'.

However, in failing to address in late 2010 the implementation of the Eglinton Transit Corridor, and instead incorporating policies relating to the '*phantom*' permanent bus station, it is clearly evident that the *Yonge Eglinton Secondary Plan* is substantially flawed in its most critical part, namely the crossroads area, necessitating its *Review*. If this *Review* had been initiated in concert with the *Official Plan Review*, or taken up when requested, it would have brought Planning's efforts to bear upon this most critical development environment.

While there may be attempts to characterize references to a permanent bus station as inconsequential flaws, oversights or untimely quirks in chronology... it is a mission-critical defect that purports a false '*planned context*'. The sequence of development requires that the LRT work be completed prior to the TTC lands being developed, as it is intended as a construction staging point for undertaking the subterranean work below Eglinton, plus the TTC cannot and will not release its reserves until the LRT is complete and functioning satisfactorily. Only then will this property be deemed surplus, and made available for development purposes.

The LRT and the three properties on the north side of Eglinton are in more advanced stage, with RioCan's development ambition already approved, 36 Eglinton being the subject of this Hearing, the northeast corner (owned by Bazis and again RioCan) lodging a development application in late 2011, and the LRT having commencing construction at its western extremity working eastwards, albeit with the Yonge Eglinton Station portion pending the issuance of its architectural RFP and the design work which this entails.

The timetable of the LRT's development is essentially predicted, the chronology of the northern parcels is less certain with two still pending approvals, and then all three dependent upon their own determinations of when best to commence construction.

BUT what bedevils each development, including the LRT, is the question: What is the '*planned context*' for the TTC lands on the south side of Eglinton? Planning, by its nature, is about the future and addressing its uncertainties - intended to inform, guide, orchestrate change, and in so doing, facilitating orderly growth.

If the TTC lands were free of the encumbrance of this *'phantom'* bus station, plans could be set afoot to build a retail complex equivalent to the multilevel retail structure to the north of Dundas Square, to function in concert with RioCan's existing retail complex. If interlaced with the LRT Station's design, then thriving upon transit's daily throughput of passengers, and in the process providing the population within walking distance with a rich assembly of stores, services and amenities. However, if this is not foreseen as viable, then each development will retract into a standalone proposition providing a diminished offering.

There is already a fog of uncertainties to crystallize regarding the LRT core-structure, and likewise a fog throughout along the entire Eglinton LRT's length regarding its intensification sleeve (which Planning only applied itself to in November 2011, and expects to report in two years time).

To knowingly leave the south side of Eglinton at this critical time under a cloud of uncertainty as to its *'planned context'* is no frivolous matter.

This area right at the Yonge Eglinton crossroads requires Planning's good efforts. It is equal in size to Toronto City Hall's property. It runs along both sides of Eglinton Ave. for a length of more than 200m, commencing at Duplex Ave. in the west, extending through the Yonge Eglinton intersection including properties east of Yonge St. This area also includes the LRT's excavation of Eglinton Ave. to a depth of 20m extending some 450m in length, abutting the adjoining development sites on both sides. And again, extending further eastwards following alongside the LRT trench are additional developments either approved, pending and potential, although interspersed rather than contiguous. Within the immediately foreseeable timeframe this entire streetscape will be redeveloped as if one large phased development. Of note, 36 Eglinton Avenue West falls within the 200m contiguous area mentioned.

It is astounding that Planning has neglected to address this mass of development, and again so... in light of the unique issues and opportunities arising from the pending LRT works in general and the construction of the Yonge Eglinton Station in particular. The orchestration of all of these developments involves the astute integration of pedestrian (and vehicular) movement networks that furthermore traverse across public and private ownerships. Planning clearly has a role to play in the Yonge Eglinton Centre *'managing change... tailored to the individual circumstances'* - according to the *Official Plan*. However, it now appears that Planning's neglect will simply result in a lost opportunity, comprised instead of standalone developments merely addressing individual silos of interest rather than a concerted, high-order, consolidated, comprehensive outcome.

There is an absence of stewardship over the *Yonge Eglinton Centre*, resulting from two separate planning and decision-making faculties having their jurisdictions. A somewhat peculiar condition considering that the *Official Plan* recognizes this area as a *Centre*, suggesting some specific singularity. Furthermore these faculties are situated far afield, primarily concerned with, familiar with, their own localities namely: Downtown Toronto's or North York's development considerations.

This situation is further exasperated by North Toronto having its own particular urban structure, distinct from either of these two distant localities. Unfortunately, as a result, a practice exists whereby critical matters inherent to Yonge and Eglinton are sporadically addressed either within one or the other jurisdictions, applying their far afield familiar measures without understanding North Toronto's fine-grain local context, or applying the other Planning faculty's measures without fully understanding their relevance and metrics.

COMMUNITY-BASED PLANNING

In response to this divided and distance stewardship, and the perennial lack of response to requests to remedy this condition, the local community associations have taken up a '*community-based planning and design process*' initiative following up its earlier experience when they put forward the initial planning strategy for the southwest quadrant block (the TTC block) at the Yonge Eglinton crossroads.

- The *Eglinton-MidtownPlan* strategy provides a '*community-based planning and design*' approach in an effort to remedy the division of Planning and its defects. This initiative works from the premise: *that regardless of the amount, magnitude and extent of development that occurs - it requires the production of a good and comprehensive public realm outcome.*
(see attached: *Eglinton-MidtownPlan* ARRIS-2, *Yonge Eglinton Station Talking Points* ARRIS-3 and *Neighbourhood Improvements Talking Points* ARRIS-4).
- A series of stakeholders meetings have been initiated by the community to address this planning vacuum surrounding the 200m of Eglinton at the crossroads, looking for other means within which synergies can be consolidated into a higher-order solution. The first meeting was held in January 2012, and the time for a second meeting is being arranged for late March 2012.

36 EGLINTON AVENUE WEST

The aforementioned describes the substantial difficulties in assessing the appropriateness of this Application with respect to deficient, defective and ineffective planning; meanwhile this project is part of the 200m segment of '*emerging*' complete redevelopment of Eglinton Ave. including the LRT works whose design in turn is pending, not yet commenced. This condition at the crossroads was presented to the North York Community Council, entitled '*The Big Picture*' (see attached ARRIS-5).

Regarding Height and Density

The issues of height and density have been raised by Planning and the other stakeholders. It is not intended to dwell here upon these aspects at length

- other than to state that the arguments of Planning are curious when put alongside Planning's positive recommendation of the Neon (a project situated one block immediately north, on the northeast corner of Duplex and Orchard View, outside of *Mixed Use Area 'A'*, and outside of the *Growth Centre*).

The intention here is to proceed constructively in the eventuality that this Hearing addresses these challenges - as there remain critical issues that require consideration before proceeding with any approval of this Application. This approach is consistent with the *Eglinton-MidtownPlan*'s premise: *that regardless of the amount, magnitude and extent of development that occurs - it requires the production of a good and comprehensive public realm outcome.*

On-Site Considerations

Of critical importance, this proposal should beneficially contribute to the '*emerging context*' especially in the absence of a current '*Reviewed*' planned context that otherwise could orchestrate the consolidation of the ambitions of the seven component properties, informing their individual efforts towards an articulated overarching solution of good and comprehensive characteristics.

To this end the configuration of this Application's at grade, below grade and immediately above grade were discussed over a series of meetings with the Applicant, their architects and/or their representatives. Throughout, the Applicant has been attentive and conscientious, recognizing that in some instances considerations were beyond their immediate purview... being reliant upon the TTC's pending LRT design within Eglinton Ave., and again reliant upon RioCan adjoining to the east. To this end the following have become understood, and will still require formalization should a decision follow along in this direction.

At Grade

- That through the *Site Plan* process the Applicant will develop, in consultation with community, a treatment of residential neighbourhood character including a residential service use benefiting the surrounding neighbourhood as well as the newly created vertical neighbourhood above, e.g. a coffee shop.
- As part of the *Site Plan* process the Applicant will engage a landscape architect to explore alternatives for information purposes addressing means for remediating Duplex Ave. through to and including the Orchard View intersection with the intent of enhancing the street's residential purpose and character, and in turn redressing the truck loading impositions and the open pad garbage facility. It is recognizing that such initiatives are dependent upon RioCan's participation and that should such work transpire, the construction costs belong within *Section 37* and/or otherwise is outside the Applicant's expense.
- The Applicant will provide additional open space on grade at the corner in the form of a convertible structure, open in good weather and enclosed in inclement weather governed by a '*climatic schedule*', and that this space will be a neighbourhood oriented space e.g. coffee shop as mentioned.
- The building's structural framework and layout will not physically preclude an access/address to RioCan's upper retail complex being installed either now or in the future, recognizing this remains dependent upon a mutually acceptable lease agreement.
- The Applicant will constructively discuss with RioCan the possibility of modifying RioCan's existing loading facility to the north, and in particular the possibility of relocating all or part of this facility by means of a truck ramp through the Applicant's site to a loading dock that may possibly be built below the street level in the void area presently intended to be backfilled. If so, this work is not to be at the cost of this Applicant.

Below Grade

- The Applicant agrees to provide structural knock-out capabilities, where, in the event that the LRT trench work creates usable space below Eglinton rather than the void being backfilled (for instance transit circulation and/or car, truck and mechanical accesses) will provide access to these below street facilities so created. This work is not to be a cost-item for the Applicant. The Applicant may seek additional parking if a car park facility is constructed therein.

Above Grade

- The Applicant will see that its adjacent floor level aligns with RioCan's upper retail level in order that a combined floor plate may result, and in turn to not preclude the potential for an access/address to street level.
- Somewhere within the Applicant's green roof solution to include a dog-park, enabling dog owners within the tower to accommodate this necessity, so as not to adversely impose upon the scant landscaping surrounding this block. The design characteristics of this facility is left to the Applicant's discretion. The extent of this facility may be as simplistic as that at the Delta Chelsea Hotel on Gerrard St.

Off-Site Section 37 Benefits

This Application is part of the surge of intensification propositions within the *Growth Centre* either approved, pending or potential requiring there be a reciprocal '*intensification*' of the public realm and open space, in order to preserve the equilibrium between increased population and amenities offered. Likewise there is much to be done to remedy years of public realm neglect.

The Applicant will direct its *Section 37* contribution to tangible improvements of the public realm open space continuum namely: establishing a pedestrian thoroughfare with *park characteristics* running between Marshal McLuhan and Northern Secondary Schools through Eglinton Park and along Orchard view Blvd. And Roehampton Ave. and likewise improving the north-south footpath through Eglinton Park.

The Applicant's contribution is to be aggregated with other developments' contributions to complete this exercise, but in being the first it's share includes the indicative master planning of this initiative. Furthermore, the immediate neighbourhood portion is to be offered the tangible improvements first, including pedestrian remedies to the Duplex - Orchard View intersection. The remaining funds are to be applied towards the improvements of this pedestrian thoroughfare extending westwards, and the portion east of Duplex is to be undertaken by means of other developments' contributions.

Further clarifications are available in the *Eglinton-MidtownPlan's Neighbourhood Improvements Talking Points* and as listed below:

Indicative Master Planning

- landscape architecture
- cost budgeting
- neighbourhood tree canopy assessment

Duplex Ave

- sidewalk widths widened to '*fit-the-purpose*'
- pedestrianize OVB intersection
- improve soft landscaping
- '*park-character*' lighting
- street furniture
- (presume relocation of garbage pads to below grade loading area)

Orchard View Blvd: street park link west of Duplex

- study possible one-way vehicular movement west of Duplex
- widen sidewalks
- improve soft landscaping
- 'park-character' lighting
- street furniture

Eglinton Park

- incorporate Orchard View Blvd (east and west) into park
- incorporate Roselawn Ave edge: drainage, surface, & lighting
- complete north/south footpath: drainage, surface, & lighting
- created west perimeter footpath: drainage, surface & lighting

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*I have prepared this Statement on the behalf of the
Avenue Road Eglinton Community Association, ARECA.*

Terry Mills

A handwritten signature in black ink, consisting of several overlapping, horizontal, wavy lines.

B.ARCH RPP MCIP

March 4 2012

revision: March 7 2012