



OVERLAND LLP

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VIA EMAIL & OVERNIGHT COURIER

Mayor Ford and Members of Council
Toronto City Hall
100 Queen Street West
Toronto ON M5H 2N2

Attention: City Clerk

Your Worship and Members of Council:

RE: Item PG28.2 – Official Plan and Municipal Comprehensive Reviews: Amendments to the Official Plan for Economic Health and Employment Lands Policies and Designations and Recommendations on Conversion Requests

We are the solicitors for the Independent Order of Foresters (“Foresters”), the owner of the property at 789 Don Mills Road (the “Foresters Site”).

On November 21, 2013, we wrote via email to the Planning and Growth Management Committee with respect to the above item (the “Employment Lands Review”), requesting notice of any decisions made by City Council or committees of Council and noting our concern with the proposed Official Plan policies that would impact existing office uses in areas designated Mixed Use Areas.

As we understand certain of the draft Official Plan policies contained in the Employment Lands Review, the City is seeking to introduce a mandatory requirement to achieve a net gain of office space in any redevelopment scenario that includes residential uses on lands designed *Mixed Use Areas* that are, *inter alia*, within 500 metres of an existing or an approved and funded subway, light rapid transit, or GO train station (draft Policy 5.6.1.9). In addition, the Employment Lands Review proposes a policy that would permit Secondary Plans and Site and Area Specific Policies to establish minimum standards for commercial development in such areas (draft Policy No. 5.6.1.6) (together, the “Office Replacement Policies”).

The Foresters Site contains existing office uses and parking structures and a surface parking lot. The site is within an area designated as *Mixed Use Areas*, in proximity to the future Eglinton Crosstown LRT line, near the intersection of Don Mills Road and Eglinton Avenue East. The Foresters Site is included within Site and Area Specific Policy No. 76, which is currently the subject of a City-initiated Official Plan Amendment (the “City-Initiated OPA”).

On their face, the Office Replacement Policies, if adopted, would appear to apply to the Foresters Site and would serve to constrain future redevelopment of the site that would otherwise be permitted on a *Mixed Use Area*-designated site.

Foresters has been participating in the process regarding the City-Initiated OPA, including deputations to North York Community Council and meetings with City Planning Staff. The City-Initiated OPA was before North York Community Council in September 2013, and we understand that the matter will proceed to a Public Meeting in January or February 2014. However, the planning process surrounding the City-initiated OPA has not included a consideration of the Office Replacement Policies, the draft policies contained in the City-Initiated OPA make no mention of a requirement to achieve a net-gain of office space in any redevelopment scenario, and this policy direction has not formed part of the discussions with City Planning Staff regarding the Foresters Site.

Foresters was also involved in the recent approval of a Zoning By-law Amendment for the property at 1185 Eglinton Avenue East, the adjacent property to the east of the Foresters Site. City Planning Staff and the City of Toronto supported the redevelopment of these lands – currently vacant but recently the site of an office building – with a fully residential redevelopment scheme including two apartment towers and two banks of townhouses. The City appeared in support of this application at the Ontario Municipal Board on November 13, 2013. We are not aware of any request or requirement by the City to include any office space within the redevelopment scheme. Similarly, the former office building at 797 Don Mills Road, to the immediate north of the Foresters Site, was converted from office uses to a residential condominium in the late 1990s/early 2000s.

In our submission, it would be inappropriate to adopt the Office Replacement Policies or similar policies that unduly constrain the redevelopment of the Foresters Site. We note and agree with the concerns expressed on behalf of BILD (Building Industry and Land Development Association) in its November 20, 2013 correspondence to the Planning and Growth Management Committee (Item No. PG28.2.224) regarding the Office Replacement Policies. We agree with BILD's recommendation to revise Policy No. 3.5.1.6 and to delete Policy No. 3.5.1.9 in its entirety.

In any event, we ask City Council to give specific direction to City Staff to exclude the Foresters Site from the Office Replacement Policies through the City-Initiated OPA.

Please provide us with notice of City Council's deliberations and decisions in this matter, as well as the deliberations and decisions of the Planning and Growth Management Committee and any other committees of Council.

Yours truly,
Overland LLP



Per: Christopher J. Tanzola
Partner

c. I. Collins/D. Eagleson, Foresters (**email only**)
L. Poole, City Planning (**email only**)
Committee Administrator, Planning and Growth Management Committee (**email only**)