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**BLG**  
Borden Ladner Gervais

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**File No. 020088/000002**

December 11, 2013

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**Delivered by Email (clerk@toronto.ca)**

City Clerk  
City Hall  
100 Queen Street W  
12<sup>th</sup> Floor  
West Tower  
Toronto, ON M5H 2N2

Attention: Marilyn Toft, Secretariat, City Council

Dear Mayor and Members of City Council:

**Re: Krugarand Corporation**  
**City File: Proposed Official Plan Amendment Pertaining to Economic Health**  
**and Employment Lands Policies and Designations**  
**Property: 80 Bloor Street W**  
**City Council meeting December 16, 2013, item PG28.2**

We represent Krugarand Corporation ("Krugarand"), owner of the property municipally known as 80 Bloor Street West, Toronto, Ontario ("the Property"). The Property is located north of Bloor Street West, east of Bellair Street, and west of Bay Street. A rezoning application was submitted for the Property on October 9, 2013. We have submitted a similar letter to Planning and Growth Management Committee ("Planning Committee") on November 20, 2013, making the same request as this correspondence. Attached for ease of reference is a copy of the letter.

#### **Site**

The Property is located within a block that contains three sites, and the property is mid-block. The Property has an area of approximately 1,750 sq.m. and has a frontage of 35.4m on the north side of Bloor Street W. At present the Property contains an 18-storey commercial building that includes retail and commercial uses at the ground level and offices on the upper floors.

#### **Pre-consultation Meetings**

Prior to the submission of the rezoning application, numerous meetings with City staff and the ward councillor took place including, May 12, 2008 (with Councillor); February 19, 2010 (with Councillor and staff); September 22, 2011 (with staff); October 19, 2011 (with Councillor and staff); July 27, 2012 (with Councillor and staff); and March 26, 2013 (with staff).

## **Proposal**

The proposal is to develop the property into a 68 storey residential mixed use building with a height of approximately 224 m and total Gross Floor Area of 43,275 sq.m. The building will include 39,810 sq.m. of residential GFA and will comprise of a total of approximately 565 residential units.

A total of 3,465 sq.m. of retail and commercial space will be provided. The retail space has been designed to reinforce the high-quality character of the street as a shopping address. Not only will it be vastly superior to the existing retail space, its multi-level and open interior design will create an environment rare or unique along the street. It will provide the opportunity to increase the geographical diversity of the retail options along the street and the variety of physical layouts and formats.

181 underground parking spaces and 588 bicycle parking spaces will be provided. The proposal will retain the existing connection to the TTC concourse level on the north side, under Critchley Lane and connect to the Bay Station entrance via the existing entry corridor from the proposed concourse level retail.

Various technical reports were submitted, including the Office Market Analysis by Deloitte. This report was not a required report as part of the submission, however, we provided the analysis to demonstrate the feasibility and appropriateness of redeveloping the Property into a mixed-use residential development.

## **Request**

We have had an opportunity to review the staff report dated November 5, 2013 with the draft Official Plan Amendment 231 (Attachment 1) as well attended the Planning Committee meeting on November 21<sup>st</sup>. The policy of concern is the following:

“9. New development that includes residential units on a property with at least 1,000 square metres of existing non-residential gross floor area used for offices is required to increase the non-residential gross floor area used for office purposes where the property is located in a *Mixed Use Area* or *Regeneration Area* within:

- a) the *Downtown and Central Waterfront*;
- b) a *Centre*; or
- c) 500 metres of an existing or an approved and funded subway, light rapid transit or GO train station.

Where site conditions and context do not permit an increase in non-residential office gross floor area on the same site, the required replacement of office floor space may be constructed on a second site, prior to or concurrent with the residential development. The second site will be within a *Mixed Use Area* or *Regeneration Area* in the *Downtown and Central Waterfront*; within a *Mixed Use Area* or *Employment Area* in the same *Centre*; or within 500 metres of the same existing or approved and funded subway, light rapid transit or GO train station.”

Given the investment in time and money towards our client's project in an effort to improve this section of the most prestigious street in Canada, our client strongly objects to this policy. We agree with BILD's objection that this policy is an over regulation by the City and believe that it would be more realistic and reasonable for office space development to be determined by market demand and good land use planning merits. We also agree with BILD that there are different markets, marketing and site requirements for residential and office buildings and that obstacles exist when combining office and residential uses in the same building. Rather than a policy, this initiative should be a development incentive for future developers as not all development proposals can fulfill this onerous requirement.

Furthermore, we still do not see any strong planning rationale from the City to support and impose this blanket policy on all buildings (that fit the criteria set above) within the Downtown and Central Waterfront area. There were other oppositions to this policy raised at the Planning Committee meeting, however, the policy remains within the current draft Official Plan Amendment ("OPA") before Council.

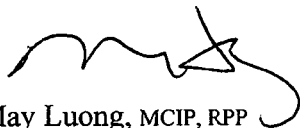
At the Planning Committee meeting, Councillor Milczyn proposed two Motions relating to this matter, which were carried. These are:

1. "That the Province of Ontario be urgently requested to bring forward, at the earliest possible date, regulations pertaining to conditional zoning powers under the City of Toronto Act 2006 and the Planning Act that would include among other matters the powers for municipalities to zone for a minimum required amount of office space within provincial identified Urban Growth Centres and within 500 metres of a rapid transit station."
2. "That the Chief Planner and Executive Director, City Planning report directly to City Council on incentives that could be added to the office replacement policies, such as but not limited to: stratified zoning; excluding office space from inclusion in the calculation of density"

In light of our client's objections and Councillor Milczyn's Motions, we believe it is premature to bring forward such office requirements at this time in the draft OPA. We request that further review and study be conducted in order to determine the feasibility and economic impacts on various properties when imposing such policy.

We thank City Council in advance for considering our client's concerns. Should you have any questions, do not hesitate to contact the undersigned.

Best regards,



May Luong, MCIP, RPP

cc: Ulli Watkiss, City of Toronto Clerk  
Paul Bain, Project Manager, City of Toronto  
Sean Gosnell, Borden Ladner Gervais LLP  
Client

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**File No. 020088/000002**

November 20, 2013

**Delivered by Email (pgmc@toronto.ca)**

City Clerk  
City Hall  
100 Queen Street W  
10<sup>th</sup> Floor  
West Tower  
Toronto, ON M5H 2N2

Attention: Nancy Martins, Administrator, Planning and Growth Management Committee

Dear Members of Planning and Growth Management Committee:

**Re: Krugarand Corporation**  
**City File: Proposed Official Plan Amendment Pertaining to Economic Health and Employment Lands Policies and Designations**  
**Property: 80 Bloor Street W**  
**Planning and Growth Management Committee meeting November 21, 2013, item PG28.2**

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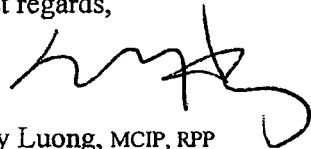
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Furthermore, we do not see any strong planning rationale from the City to support and impose this blanket policy on all buildings (that fit the criteria set above) in the Downtown and Central Waterfront area.

We thank Planning Committee in advance for considering our client's concerns. We also kindly ask to be placed on the circulation list to receive any Committee/Council decisions relating to this matter.

Should you have any questions, do not hesitate to contact the undersigned.

Best regards,



May Luong, MCIP, RPP

cc: Ulli Watkiss, City of Toronto Clerk  
Paul Bain, Project Manager, City of Toronto  
Sean Gosnell, Borden Ladner Gervais LLP  
Client

TOR01: 5399993: v1