November 18, 2013

City Planning - Strategic Initiatives, Policy & Analysis
Metro Hall
55 John St., 22nd Floor
Toronto ON M5V 3C6

Attention: Mr. Paul Bain, Project Manager, Official Plan Review

- and-

Chair and Members of Planning and Growth Management Committee
City of Toronto
100 Queen Street West
Toronto, Ontario, M5H 2N2

Attention: Ms. Nancy Martins, Committee Administrator

Dear Sir/Madam:

Re: Notice of Concern with the proposed Employment Lands Review Official Plan Amendment No. 231 as it affects the properties identified in Schedule "A"

And Re: Request for Receipt of any and all future reports in respect of the proposed Employment Lands Review Official Plan Amendment No. 231

And Re: Request for Notification of any meetings of Council, Committees of Council, Community Council and/or Public Meetings and/or Community Information Meetings where the proposed Employment Lands Review Official Plan Amendment No. 231 is to be considered

And Re: Request for Notification of the passage of the Proposed Employment Lands Review Official Plan Amendment No. 231

Planning and Growth Management Committee Item Number: PG28.2

We are the solicitors for a number of property owners who own properties in the City of Toronto (see list attached hereto as Schedule "A"), which properties are specifically within the boundaries of the proposed Employment Lands Official Plan Amendment No. 231 ("New OPA"). Many of

the above noted property owners have either obtained and/or are in the process of obtaining final approvals in respect of applications for an Official Plan Amendment, Zoning By-law Amendment, Site Plan Approval, Committee of Adjustment approval and/or building permit approval. Other property owners included in our list have purchased their property, after conducting their due diligence, reviewing the various permissions contained in the "in force" policies, none of which have improved the request to replace existing office uses as a condition of any future approval process.

The proposed New OPA includes a draft policy (#9 on pg. 10 of the draft Official Plan Amendment – the "Office Replacement Policy") that requires any building with 1000 m^2 of existing gross floor area used for "office purposes" in "Mixed Use Areas" or "Regeneration Areas" within the "Downtown and Central Waterfront", a "Centre", or within 500 m of an existing, planned or approved transit station (subway, LRT and GO Transit), to "increase" the gross floor area used for office purposes in any future redevelopment of the property, with no "transition" or "grandfathering" clauses whatsoever. In addition, the language of the proposed Office Replacement Policy is extremely vague, which does not provide clarity to our various clients as to how such policy will be applied. For example, no explanation or definition is provided for how "office purposes" or what amount of additional gross floor area is considered an "increase." Furthermore, the determination of the distance used to determine "proximity to transit stations" (especially those stations which are only approved and "funded") is also uncertain.

The owners of properties within the area impacted by the policies of the New OPA have been actively involved in the processing of their respective applications with City Staff and/or City Council and/or the Committee of Adjustment. As such, it is only fair to acknowledge such involvement by providing an overriding exemption for properties where the owners have expended significant time and money in pursuing their various approvals by filing any of the above-referenced applications. In addition, the New OPA is being proposed without providing appropriate and comprehensive "grandfathering" or "transition" clauses to recognize applications which are "in the queue", when the details of such site plans have been known and/or commented on by the City, with an Office Replacement Policy that is vague and leaves uncertainty for future property owners with "office" uses in the areas described above.

In addition, even our clients who have no "formal" application filed with the City, placed a land value on their properties "prior to acquisition," which land values would be significantly reduced by the imposition of a request to maintain office uses which are not financially viable. The proposed Office Replacement Policy is in direct conflict with not only the Provincial Policy Statement and Growth Plan for the Greater Golden Horseshoe, it is in conflict with the City's own Official Plan. The existing Provincial and Municipal Policies which are intended to promote intensification in the areas noted above are now targeted by the Office Replacement Policy.

Furthermore, the adoption of the Office Replacement Policy will be a disincentive to both redevelopment and rejuvenation of the areas, with a different approach necessary if the City has a desire to "promote" office development. A different approach would be to provide a density incentive to an applicant who agreed to replace and/or introduce new office uses, rather than making it a requirement. Exempting office density from the calculation of the total gross floor

area of a development and allowing a greater height when such office density is included as part of the development is a more appropriate way in which to further the City's goals without adversely affecting the sale of such properties.

In light of the significant funds invested by our clients in the acquisition of such properties listed in Schedule "A", which proposed and/or approved developments have yet to obtain final site specific zoning by-laws, we hereby formally request that, at the very least, the listed properties be excluded from the application of the Office Replacement Policy, and that the New OPA be revised to include clarity as to the manner in which the policy will be applied. We reiterate the need to include appropriate "transition policies," again, at the very least, to ensure that our clients' interests are protected.

We would respectfully suggest that the City's goals will not be achieved by the introduction of the proposed Office Replacement Policy, and instead, will create a disincentive to develop properties designated as "Mixed Use Areas." As a result, we would respectfully request that the proposed Office Replacement Policy be deferred and considered after a more fulsome review of the overall Official Plan policies are considered. It would be premature, without a more fulsome consideration of the economic impacts on the development in the affected areas, to proceed with such a policy. Its potential impacts and the need to consider positive incentives for office development need a more considered review.

In light of the significant impact the adoption of the New OPA will have on our client's developments, please provide both the writer and the registered owners of all properties included as Schedule "A" with notice of any meetings of Council, Committees of Council, Community Council or Public Meetings / Community Consultation Meetings where the proposed New OPA is to be considered. We would also respectfully request that both our client and the writer be forwarded copies of any future reports and/or revisions to the proposed New OPA affecting our client's lands. Finally, we would respectfully request that both the writer and our client be notified of the City's passage of any by-law affecting the Site, including the passage of the proposed New OPA.

Yours very truly,

Adam J. Brown
Encls.

cc: Property owners listed in Schedule "A"

Schedule "A"

Site Address	Contact Information
90 Eglinton Avenue West	90 Eglinton West Limited Attention: Mr. Miguel Singer 369 Rimrock Road Toronto ON M3J 3G2
90 Eglinton Avenue East	90 Eglinton Ave. Holdings Ltd. Attention: Mr. Miguel Singer 369 Rimrock Road Toronto ON M3J 3G2
15 Toronto Street	15 Toronto Holdings Limited Attention: Mr. Miguel Singer 369 Rimrock Road Toronto ON M3J 3G2
150 Eglinton Avenue East	150 Eglinton Avenue Limited Attention: Mr. Miguel Singer 369 Rimrock Road Toronto ON M3J 3G2
1940 Eglinton Avenue East	Eglinton Warden Dev'ts Limited Attention: Mr. Miguel Singer 369 Rimrock Road Toronto ON M3J 3G2
City Wide	Menkes Developments Ltd. Attention: Mr. Jude Tersigni 4711 Yonge Street, Suite 1400, Toronto ON M2N 7E4
316 Bloor Street West	State Building Group Attention: Mr. Ian Zagdanski 2700 Dufferin Street, Unit 34 Toronto, ON M6B 4J3
55 Eglinton Avenue East	55 Eglinton Avenue East Limited Attention: Mr. Ian Zagdanski 2700 Dufferin Street, Unit 34 Toronto, ON M6B 4J3
20 Edward Street	Lifetime Developments Attention: Mr. Brian Brown 49 Jackes Avenue, Unit 200 Toronto, ON M4T 1E2
10 St. Mary Street	Lifetime Developments Attention: Mr. Brian Brown 49 Jackes Avenue, Unit 200 Toronto, ON M4T 1E2
1185 Eglinton Avenue East	Bannockburn Lands Ltd. Attention: Ms. Norma Walton 30 Hazelton Avenue

	Toronto, ON M5R 2E2
27 & 37 Yorkville Avenue and 26, 28, 30 & 50 Cumberland Street	MK 37 Yorkville Inc. Attention: Mr. Tom Giancos 90 Sheppard Avenue East, Suite 500 Toronto, ON M2N 3A1
324-332 Richmond Street West	Petaluma Building Corp. Attention: Mr. Ted Wine 8700 Dufferin Street Vaughan, ON L4K 4S6
40-58 Widmer Street	Alimar Grove Estates Inc. Attention: Mr. Lino Pellicano 8700 Dufferin Street Vaughan, ON L4K 4S6
348 Bloor Street West and 4 & 6A Spadina Road	Starbank Developments 350 Corp. Attention: Mr. Jay Brown 38 Berwick Avenue Toronto, ON M5P 1H1
221, 225 and 227 Sterling Road	Firm Capital Corporation Attention: Mr. Eli Dadouch 1244 Caledonia Road Toronto, ON M6A 2X5
1891 Eglinton Avenue East	2004085 Ontario Inc. Attention: Mr. Myer Betel 7 Farrington Drive Toronto, ON M2L 2B4