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BARRISTERS & SOLICITORS

November 12, 2013

Policy and Research  
Metro Hall  
22<sup>nd</sup> Floor, 55 John Street  
Toronto, ON M5V 3C6

Planning and Growth Management Committee  
10th floor, West Tower, City Hall  
100 Queen Street West  
Toronto, ON M5H 2N2

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

**Attention: Ms. Nancy Martins, Secretariat**

Dear Sir/Madam:

**Re: Request for Clarification on Site and Area Specific Policy No. 396 as it relates to the property municipally known as 939 EGLINTON AVENUE EAST in the former City of East York**

We are the solicitors for 939GP Inc., the owner of the property municipally known as 939 Eglinton Avenue East (the "Site") in the former City of East York. The property is located at the south-west corner of Eglinton Avenue East and Brentcliffe Road, which property is currently occupied by an open parking area and a 13,471 square metre retail and office building. The Site is designated as an "Employment District" pursuant to the Urban Structure section of the City of Toronto Official Plan and as an "Employment Area" pursuant to the Land Use section of that same Official Plan. To the immediate east of the Site, the lands are designated "Mixed Use".

Over the past number of years, there have been significant changes to both provincial and local planning policies, including the approval of the Provincial Policy Statement, the Growth Plan for the Greater Golden Horseshoe and the City's Official Plan, all of which are currently undergoing an extensive review in respect of the Employment Uses Policies. In addition, in the past year, the City has approved the Eglinton Crosstown LRT transit plan, which results in the underground portion to be located along the northern boundary of the Site, with a new station located well within a 500 m radius of the Site.

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PRACTISING IN ASSOCIATION

5075 YONGE STREET · SUITE 900 · TORONTO, ONTARIO · M2N 6C6 · TELEPHONE: (416) 222-0344 · FACSIMILE: (416) 222-3091

THE INDIVIDUAL LAWYERS NAMED ABOVE PRACTISE IN ASSOCIATION WITH ADAM J. BROWN PROFESSIONAL CORPORATION.

All of the approved and emerging provincial and local policies would support the re-designation of the Site for a mixed use development, which would be a natural progression from the Mixed Use Area designation to the immediate east.

Our client has now reviewed the Employment policies draft official plan amendment proceeding to the November 21<sup>st</sup> Planning and Growth Management Committee meeting, which report and draft amendment recommends that the north portion of our client's Site be re-designated as a "Mixed Use Area" and the south 50m of the Site be designated as a "General Employment Area". We have reviewed the draft Official Plan Amendment which proposes designations and mapping for Employment Areas including the proposed draft Site and Area Specific Policy No. 396 ("Policy 396", attached) which applies to our client's Site. We confirm that Policy No. 396 is generally acceptable to our client.

We have confirmed in discussions with staff that Policy 396 applies to the entire site, and that it is intended to secure additional non-residential gross floor area over the entire site.

We have two comments in respect of general policy 3.5.1 (9): first, to seek clarification on how the policy would be implemented for our site, given it is designated both Mixed Use Area and General Employment Area; and second, to request consideration of a deferral of this policy until the City addresses other official plan policies in respect of intensification and also consideration of incentives to promote office replacement.

With respect to the policy 3.5.1 (9), we understand that the proposed draft Official Plan Amendment requires an increase of non-residential gross floor area used for office space where residential units are proposed, where the site contains at least 1,000 square metres of office space and where the site is within 500m of an existing or planned subway or light rail transit. We request confirmation that when considering the development on the "Mixed Use Area" land that includes residential uses, the policy would allow the increase in the non-residential gross floor area to be located anywhere within the Site, including Area "A", which is proposed to be designated "General Employment Area".


This objective of this general policy is to encourage new office development. In this regard, we understand that staff is proposing to report further to Planning and Growth Management Committee on prospective incentives for office replacement. While a policy for office replacement may be an important objective for the City, we firmly believe that in the absence of a framework for incentives, this general policy could actually act as a disincentive to office redevelopment and rejuvenation. 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. For example, exempting office density from the calculation of the total gross floor area within the context of intensification, may be a more effective approach to further the City's goals.

As a result, we would respectfully request that the proposed policy 3.1.5 (9) be deferred and considered after a more fulsome review of the overall Official Plan policies is considered. It would be premature to approve this policy without a more fulsome

consideration of its potential impacts, the balance of the Official Plan policies that address intensification and a more considered review of the need for positive incentives for office development.

Should you have any questions or require any additional information, please do not hesitate to contact the writer or Jessica Smuskowitz, a lawyer in our office.

Yours very truly,



Adam J. Brown

cc: Councillor John Parker  
Mr. Gerry Rogalski, Senior Planner, North York District  
Mr. Steve Forrester, Senior Planner, North York District Community Planning  
Mr. Stephen Diamond