

**SHERMAN · BROWN · DRYER · KAROL**  
BARRISTERS & SOLICITORS

November 14, 2013

Our File No.: 00-1454

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 Revision to proposed Site and Area Specific Policy No. 435 with relating to the property municipally known as 1891 EGLINTON AVENUE EAST in the former City of Scarborough**

**City File No. 11 325706 ESC 35 OZ**

We are the solicitors for 2004085 Ontario Inc., the owner of the property municipally known as 1891 Eglinton Avenue East (the "Site") in the former City of Scarborough. The Site is located on the south side of Eglinton Avenue East, east of Victoria Park Avenue and west of Warden Avenue. More specifically, the Site is located at the southeast corner of Eglinton Avenue East and Pharmacy Avenue, with frontage of 120m along Eglinton Avenue, 230m metres along Pharmacy Avenue, with a total site area of approximately 5.09 hectares.

The Site is located within an "Avenues District" in the Urban Structure section of the City's Official Plan, and is designated as an "Employment Area" pursuant to the Land Use Map, which designation was approved without the type of fulsome review which has now been carried out by our client's consulting team. While the "Avenues District" designation makes it clear that the proposed change in use is not an employment conversion, and while an area specific Official Plan Policy 129 permits the Site to be redeveloped with a "Power Centre", our client and its consultants have considered many

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PRACTISING IN ASSOCIATION

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

of the locational attributes of the Site, concluding that the existing “Employment Area” designation did not anticipate the newly planned Light Rail Transit along Eglinton Avenue from Black Creek Drive to Scarborough Town Centre, which Light Rail Transit corridor is an investment which will not be optimized if the Site remains “as is”.

Our client filed an application for an official plan amendment on December 13, 2011 to implement a mixed-use development which utilizes both the locational attributes of the Site, in addition to building upon the significant existing and planned infrastructure for the surrounding area. Since that time, our client and their consultants have undergone significant discussions with City Staff, the local councillor and the area residents.

Our client has now reviewed the Employment report and 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 portion of the Site be designated as a “General Employment Area”. We have reviewed the draft official plan amendment relating to the designations and mapping for Employment Areas including the proposed draft Site and Area Specific Policy No. 435 (attached hereto). While the concept of designating the northern portion of the Site as “Mixed Use Area” and retaining the southern portion as a “General Employment Area” is acceptable to our client in order to satisfy the City’s request for a physical buffer between the proposed residential uses with the existing industrial uses to the south of the Site, our client has the following concerns with the proposed draft Site and Area Specific Policy as it is currently worded:

**1. Minimum of 6,000 square metres of office floor area within the “Mixed Use Area” portion of the Site**

While there is no requirement in any of the existing Official Plan policies that require our client to construct a minimum amount of gross floor area for office space, and while our client has agreed to construct office floor area within the northern portion of the Site as a condition of that northern portion of the Site being re-designated to a “Mixed Use Area,” the amount of residential has not been agreed to as of this date, and as such, a minimum office space requirement of 6,000 square metres should not be included as part of the site specific official plan amendment.

**2. Requirement for a Feasibility Analysis and Impact Assessment**

During the consultation process for our client’s site specific application for an official plan amendment, our client was asked by City Staff to revise its proposal to reconfigure the layout of the Site so that the proposed private road would divide the residential and non-residential uses. The portion of the Site south of the proposed private road would contain retail uses, which would have frontages along Pharmacy Avenue and wrap around the south portion of the Site to create a buffer to the abutting industrial uses south of the Site. With a physical buffer/separation distance of 150m from the institutional uses to the proposed residential uses, no mitigation measures are required, and as such, there is no basis to include a requirement for a feasibility study.

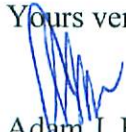
**3. Provision to delete the Site from Site and Area Specific Policy No. 129**

Site and Area Specific Policy No. 129 currently allows the Site to be developed with stand-alone retail and/or “power centres”. There is also an associated site specific zoning by-law which permits same. The proposed Site and Area Specific Policy No. 435 removes the aforementioned retail and/or “power centre” permission, without any justification whatsoever. Furthermore, such amendment would render the underlying zoning as non-conforming. Our client would not support the “down designation” of its Site and would ask that the site specific policy be amended to maintain the underlying permission for stand-alone retail and/or “power centres” at the very least until a site specific zoning by-law amendment has been enacted to implement a mixed use zoning for the Site to avoid any non-conformance or down designation.

We respectfully request that the draft Site and Area Specific Policy No. 435 be revised to address our client’s concerns prior to the November 21, 2013 meeting of the Planning and Growth Management Committee where the proposed draft policy is to be considered.

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 Michelle Berardinetti  
Ms. Anna Czajkowski, Senior Planner, Scarborough District  
Ms. Kelly Dynes, Senior Planner, Community Planning  
Mr. Michael Goldberg, Goldberg Group