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November 20, 2013

File No.: 527499-6

**SENT VIA E-MAIL (pgmc@toronto.ca)**

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

Attention: Ms. Nancy Martins, Committee Administrator, City Clerk's  
Department

Dear Sirs/Mesdames:

**RE: 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  
Agenda Item PG28.2  
743 Warden Avenue and 37 Upton Road**

We are the solicitors for The Goldman Group, Zahavish Downtown Developments Ltd. and Zahavish  
Downtown Commercial Ltd., the beneficial and registered owners of the properties known municipally in  
A.D. 2013 as 743 Warden Avenue and 37 Upton Road in the City of Toronto (the "Site").

By way of background, our clients had written to City Planning staff (April 13, 2011), requesting that the  
Site be redesignated from Employment Areas to Mixed Use Areas as part of the City's Five-Year Official  
Plan Review/Municipal Comprehensive Review. We formally wrote to the Planning and Growth  
Management Committee on November 7th, 2012, in support of this redesignation.

We have now had an opportunity to review the November 5th, 2013 City staff report with respect to the  
above-noted matter, together with Attachment 1 to the Report, the proposed Official Plan Amendment  
No. 231 (the "Proposed OPA") and Attachment 2 (specifically pages 482-484 which relate to the Site).

Under the Proposed OPA, City staff have recommended that the Site be redesignated from Employment  
Areas to the new designation of General Employment Areas. It is our clients' continued position that the  
proposed redesignation is inappropriate and that the Site should be redesignated to Mixed Use Areas, for  
the following reasons:

1. The Site was originally scheduled for inclusion in the Warden Woods Secondary Plan Area when that Secondary Plan was being formulated but, as a result of significant clean-up costs, the previous owners chose not to pursue inclusion within the Secondary Plan Area. Subsequently, the manufacturing facility operated by Samuel Steel was discontinued and the facility was shut down, following which our clients received development approvals from the City, designating just over six (6) acres of the approximately seventeen-acre Site fronting on Warden Avenue for commercial use. Our clients have attempted to market both the industrial and the commercial portions of the Site with no success. Of note, our clients have been refused by all grocery-store chains as they have determined that the population in the Warden Woods Secondary Plan Area and surrounding neighbourhoods is not adequate to support a store in this location;
2. The redesignation of the Site to Mixed Use Areas would be consistent with the policy direction recommended by City staff as part of this Municipal Comprehensive Review, to allow residential mixed use development on the edges of Employment Areas near rapid transit stations. The Site is at the southerly edge of the South West Scarborough Employment District. The area directly to the south is comprised of medium- and high-density residential uses. Further, the TTC's Warden subway station is in close proximity to the Site as it is located at the intersection of St. Clair Avenue East and Warden Avenue;
3. Our clients are in the process of preparing and filing Official Plan Amendment and Rezoning Applications for a mixed-use development being proposed for the Site. The supporting documentation will clearly show that there is no need for another supermarket in this area and that the Site is unlikely to attract any major employment generating uses in the future, such as traditional employment uses like manufacturing or warehousing uses. We anticipate these applications will be filed imminently; and
4. In preparation of these development applications, our clients' consultants have also reviewed the nature of the existing industrial uses to the north of the Site and have determined, based on noise, odour and vibration studies which will be submitted as part of the development applications, that there are no adverse impacts on either the existing industries or the proposed residential uses on the Site.

In light of the above, we respectfully request that Planning and Growth Management Committee not recommend the adoption of the Proposed OPA as it relates to the Site but, alternatively, recommend the redesignation of the Site to Mixed Use Areas.

Thank you for your consideration of this request. We would also appreciate receiving any notice of decisions and/or future public meetings with respect to this matter.

If you have any questions regarding the above, please do not hesitate to contact the undersigned at 416.863.4786.

Yours very truly,  
**Dentons Canada LLP**

A handwritten signature in black ink, appearing to read 'J-Park', written over a printed name and initials.

Jason Park  
JIP/ss

c.c. Councillor Michelle Berardinetti  
Joe Nanos, Manager, Community Planning  
Paul Bain, Project Manager, Policy & Research, City Planning  
Anna Czajkowski, Senior Planner, Policy Planning  
The Goldman Group