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November 20, 2013

Our File No. 112887

BY EMAIL

Councillor Peter Milczyn, Chair
c/o Nancy Martins,
Secretarial Contact, Planning and Growth Management Committee
City of Toronto
10th Floor, West Tower, City Hall
100 Queen Street West
Toronto ON M5H 2N2

Dear Chair Milczyn,

**Re: City of Toronto - Municipal Comprehensive Review
Official Plan Amendment No. 231**

2-6 Lansing Square and 2550 Victoria Park Avenue, City of Toronto

Planning & Growth Management Committee Meeting – November 21, 2013

We act on behalf of Manufacturers Life Insurance Company, the owner of 2-6 Lansing Square and 2550 Victoria Park Avenue, in the City of Toronto (the “Property”).

We have reviewed the proposed Official Plan Amendment No. 231 (“OPA 231”). OPA 231 proposes to re-designate the portion of the Property fronting onto Sheppard and Victoria Park Avenues to *Mixed Use Areas*. The balance of the Property is proposed to be re-designated *General Employment Areas*.

The portion of the Property proposed to be re-designated *Mixed Use Areas* is currently occupied by four office buildings, containing approximately 40,720 square metres of office space. Our client is currently exploring options with respect to the redevelopment of the Property for mixed-use purposes.

The Property is subject to Area “B” policies contained within Site and Area Specific Policy 386: *Lands bounded by Sheppard Avenue East, Victoria Park Avenue, Highways 401 and 404* (“SASP 386”). Clause c, of SASP 386, directs as follows:

Development on *Mixed Use Area* land in Area "B" that includes residential units is required to also increase the non-residential gross floor area in Area "B", on land designated as *Mixed Use Areas* and/or on land designated as *General Employment Areas*.

Based on the foregoing, residential development would be permitted on the Property provided that the amount of non-residential gross floor is increased on lands designated *Mixed Use Areas* and/or on land designated as *General Employment Areas* (emphasis added). While our client supports the proposed *Mixed Use Areas* designation and the approval of SASP 386, we observe that SASP 386 appears to be inconsistent with the policies proposed within section 3.5.1 *Creating a Strong and Diverse Civic Economy*. In particular, policy 3.5.1.9 directs that:

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 office is required to increase the non-residential gross floor area used for office purposes where the property is located in a *Mixed Use Area*...within...500 metres of any existing or an approved and funded subway, light rapid transit or GO train station.

While Policy 3.5.1.9 would not preclude residential development on the Property, residential development would only be permitted if the existing office floor space is replaced with an equivalent amount of office space. In comparison, SASP 386, provides a different requirement and would require the replacement of the existing non-residential floor space with an equivalent amount of non-residential floor space. In addition, SASP 386 permits the replacement floor space to be provided on adjacent lands whereas Policy 3.5.1.9 appears to require the replacement space in the new development itself. Accordingly, Policy 3.5.1.9 appears to unduly constrain the development opportunities on the Property in a manner which is inconsistent with SASP 386.

We also note that Policy 5.6.7 of the City's Official Plan currently provides that the general OP policies apply to "areas subject to site/area specific policies...except where in the case of a conflict, the site/area specific policy will prevail". It is not clear whether the City considers these two inconsistent approaches to be in conflict, or merely different. We are therefore seeking a modification to SASP 386 to confirm that where it applies, Policy 3.5.1.9 does not.

November 20, 2013

Page 3

Thank you very much for your consideration of our client's request. We request that the undersigned be notified of any further meetings of City Council or any Committee of Council wherein OPA 231 is considered and we request notice of adoption of OPA 231.

Yours truly,

AIRD & BERLIS LLP



Sidonia J. Loiacono

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cc: Client
Frank Lewinburg

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