
AIRD & BERLIS LLP

Barristers and Solicitors

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November 20, 2013

Our file: 117639

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

Attn: Nancy Martins, Secretarial Contact
Planning and Growth Management Committee

Dear Chair Milczyn and Members:

**City of Toronto Municipal Comprehensive Review Employment Lands, Item
PG28.2, Planning & Growth Management Committee meeting November 21, 2013
3381 & 3389 Steeles Avenue East and 3900 & 4000 Victoria Park Avenue**

We act on behalf of STC Investments Limited Partnership/Société en Commandite Investissements STC, STC Investments GP Inc. and 8684138 Canada Inc. (also to be known by subsequent change of name as: STC Investments Nominee Inc.), being the equitable owners under an Agreement of Purchase and Sale relating to the properties municipally known as 3381 and 3389 Steeles Avenue East and 3900 and 4000 Victoria Park Avenue in the City of Toronto (collectively, the “Site”).

Our clients have agreed to acquire these lands from Ivanhoe Cambridge, the existing owner of the Site. Our clients adopt and share the concerns expressed in the letter from Ivanhoe Cambridge to you dated October 18, 2013 (“Ivanhoe Letter”). A copy of that letter is attached hereto.

We too have reviewed the draft Official Plan Amendment No. 231 and note that the proposed designation of the Site has been changed from the previously proposed “Core Employment Area” designation to “General Employment Areas” as requested in the Ivanhoe Letter.

We note, however, that the Site and Area Specific Policy (“SASP”) 394 Business Parks along the Don Valley Parkway Corridor continues to apply. The proposed policy is as follows:

394 Business Parks along the Don Valley Parkway Corridor

- a) New major retail developments with 6,000 square metres or more of retail floor area are not permitted.

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b) Restaurants, workplace daycares, recreation and entertainment facilities, and small and medium scale retail stores and services are only permitted when these uses are located on lower level floors of multi-storey buildings that include *Core Employment Area* uses, particularly office uses.

Our clients continue to have concerns regarding SASP 394. Our clients object to the cap on new major retail developments of 6,000 m² as well as the restriction that only permits uses such as restaurants and small and medium scale retail stores and services when located on lower level floors of multi-storey buildings that include *Core Employment Area* uses. Given the proposed designation of these lands as "General Employment", we question the appropriateness of this policy restriction to "*Core Employment Area* uses". Our clients also continue to have concerns regarding some of the general policies, in particular with the policy directing office space to certain locations.

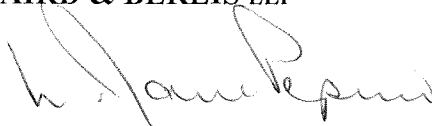
Please note that our clients, as equitable owners of the Site and the current existing owner of the Site, continue to participate in the planning process: we ask that you provide the undersigned with notice of the decision of Planning and Growth Management Committee and City Council, as well as notice of any decision issued by the Minister of the Ministry of Municipal Affairs and Housing.

Finally, it is the intention of our clients to work with staff with the goal of identifying mutually acceptable modifications to the draft OPA as it presently is proposed. To that end, we ask that your Committee defer the designation for the Site, and refer the matter of the designation to staff for further consideration in consultation with our clients.

Should you have any questions respecting this request, kindly contact the undersigned or Sandra Marki, a land use planner with our office at 416-865-4705.

Yours truly,

AIRD & BERLIS LLP



N. Jane Pepino, C.M., Q.C., LL.D.

NJP/SM/sh

Attachment

cc: client

Paul Bain, Project Manager, City of Toronto

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**Ivanhoé
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Caisse de dépôt et placement
du Québec

Ivanhoé Cambridge

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October 18, 2013

BY EMAIL (pgmc@toronto.ca)

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

Dear Chair and Members,

Re: City of Toronto - Municipal Comprehensive Review
Request for Reconsideration of Proposed Designation
3381 & 3389 Steeles Avenue East and 3900 & 4000 Victoria Park Avenue

We own the properties municipally known as 3381 and 3389 Steeles Avenue East and 3900 and 4000 Victoria Park Avenue in the City of Toronto (the "Site"). The Site is bounded by Highway 404 to the west, Victoria Park Avenue to the east, Steeles Avenue East to the north and the rear lot lines of the industrial properties fronting onto Gordon Baker Road to the south. The Site has been developed with office buildings.

The Site is designated Employment Areas in the existing City of Toronto Official Plan. It is located on the edge of an Employment District, adjacent to two major streets (Steeles Avenue East and Victoria Park Avenue). Along with employment uses permitted in this designation, given the fact that the lands are bounded by two major streets, large scale, stand-alone retail stores and power centres are permitted through the enactment of a zoning by-law should the tests related to transportation capacity and economic health of nearby shopping districts be met.

We have reviewed the August 20, 2013, Staff Report entitled Planning for a Strong and Diverse Economy: Official Plan/Municipal Comprehensive Reviews – Proposed Economic Health Policies and Proposed Policies and Designations for Employment Lands. It proposes to designate the Site as Core Employment Area which designation permits small scale restaurants, small scale service and small scale retail outlets that are ancillary to and on the same lot as the principal use. Although proposed Area Specific Policy 394 applicable to our Site would permit small and medium scale retail stores and services, those are only permitted when located on lower level floors of multi-storey buildings. We object to these policies as they would limit future retail development of the Site.

The proposed policies also direct major freestanding office buildings with over 10,000 square metres of gross floor area to Mixed Use Areas, Regeneration Areas and Employment Areas within the Downtown and Central Waterfront and the Centres, and/or within 500 metres of an existing or an approved and funded subway, light rapid transit or GO station. This policy would

restrict the development of further major freestanding office buildings on the Site. We object to this policy as it would limit the development of the Site.

Taken together the proposed policies noted above significantly alter the policy context of the Site. They do not bring forward the existing Official Plan permissions that permit retail uses, they restrict the size of freestanding office buildings on the Site and, as such, limit the future development of the Site.

In light of the existing planning policy and the current as built context, in our submission, there is no planning justification for the staff recommendation to now seek to designate the Site and surrounding area as Core Employment nor is there any planning justification to remove the retail use permissions for the Site.

We are writing to request that the designation of the entire Site be changed from Core Employment to General Employment. As we are continuing to conduct our review of the proposed policies and considering their impact on the Site, we are reserving our rights to make further submissions on these matters.

Kindly provide the undersigned, and Mr. Rick Coburn, counsel on behalf of the undersigned at Borden Ladner Gervais LLP, Scotia Plaza, 40 King Street West, 44th Floor, Toronto, Ontario M5H 3Y4 (facsimile: 416.361.6038), with notice of decisions of Planning and Growth Management Committee and City Council regarding the above-noted matter and notice of any further meeting with respect to the review of employment lands within the context of the City's Municipal Comprehensive Review.

Yours very truly,

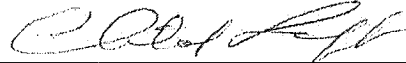
BTC PROPERTIES I CO.

Per:



Name: **Adam Adamakakis**
Title: **Executive Vice-President, Investments,
United States**

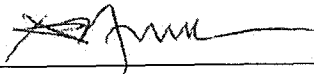
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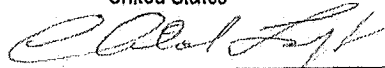


Name: **Chantal Laporte**
Title: **Senior Director, Legal Affairs
and Assistant General Counsel**

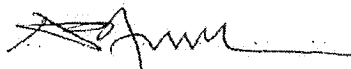
I/We have authority to bind the Corporation.

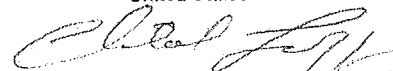
STEELESTECH PROPERTIES I INC.

Per: 
Name: **Adam Adamakakis**
Title: **Executive Vice-President, Investments,
United States**

Per: 
Name: **Chantal Laporte**
Title: **Senior Director, Legal Affairs
and Assistant General Counsel**
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STEELESTECH PROPERTIES II INC.

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Name: **Adam Adamakakis**
Title: **Executive Vice-President, Investments,
United States**

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Name: **Chantal Laporte**
Title: **Senior Director, Legal Affairs
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