



Fogler, Rubinoff LLP

Lawyers

77 King Street West  
Suite 3000, PO Box 95  
TD Centre North Tower  
Toronto, ON M5K 1G8

t: 416.864.9700 | f: 416.941.8852  
foglers.com

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Reply To: Joel D. Farber  
Direct Dial: 416.365.3707  
E-mail: jfarber@foglers.com  
Our File No. 142907

**VIA EMAIL**

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

Attention: Nancy Martins

Dear Ms. Martins:

**Re: PGMC 15.5 Steeles-Redlea Regeneration Area Study - Final Report - Official Plan Amendment and Urban Design Guidelines (Ward 6 - Statutory: Planning Act, RSO 1990)**

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We are the solicitors for Toronto Standard Condominium Corporation 1858 (the Splendid China Mall). We have recently been retained in respect of the Steeles Redlea Regeneration Area Study and proposed OPA 321.

We have now had the opportunity to review the various staff reports, the proposed Official Plan Amendment 321, and other study related materials including the proposed Urban Design Guidelines. We are also in the process of making our way through the recently revised development application submitted by Global Fortune for the lands at 4665 Steeles Avenue East.

Following consultation with our client on the City planning initiatives, we advise the Committee that our client is not currently in a position to support the proposed re-designation of lands within the study area to Mixed Use Areas. Our client supports the retention of the Regeneration Area designation on the lands.

At this time, there is no appropriate development plan acceptable to TSCC 1858 which would enable development of the Global Fortune lands in a mixed use form. When the Splendid China Mall was developed and sold as a commercial condominium, the contemplated development and planned function for the lands at 4665 Steeles was for a complimentary and interfaced Phase 2 commercial expansion. There is insufficient rationale and critical adverse planning consequences to the Splendid China Mall justifying a change to the existing commercial planned function of the site.

The Global Fortune mixed use development as currently proposed results in a number of significant adverse planning consequences for the Splendid China Mall including loss of viable access and street frontage, complete loss of visibility and insufficient parking all of which are vital to the economic health of our client's facility. The adverse planning consequences which would arise from the current Global Fortune proposal are markedly different than the originally contemplated Phase 2 commercial expansion on to 4665 Steeles in the form of a mall addition which would have enhanced the commercial function of the site.

There are approximately 160 or so small business men and women operating small storefronts within the Splendid China Mall, many of which shops have a number of employees in addition to the proprietors. These businesses and jobs are at risk as a result of the proposed OPA and the implementation instruments such as the Global Fortune development application and the proposed Urban Design Guidelines.

Although a hotel and possibly a single residential tower were historically contemplated as a third phase of the overall development scheme, what was contemplated was a modest hotel/residential element – something substantially different than the current Global Fortune proposal. The site was to be predominantly developed as a commercial centre with a subservient hotel/residential use. The proposed special policies in OPA 321 do not adequately protect the prominence of the existing and planned commercial function of the site, which is critical to the economic health of the Splendid China Mall.

While we do acknowledge the efforts made by staff to address the unique planning considerations involving the two properties [specifically the proposed policy 395 (m) excerpted below] the uncertainty surrounding the implementation of such policy does not allow for our client to support the proposed Mixed Use Area designation at this time. It has not been shown to our client's satisfaction that a mixed use proposal properly addresses our client's key concerns of frontage, access, visibility and parking, all of which are crucial to the mall's survival. A commercial phase 2 development as originally contemplated had the potential to enhance the commercial function of the entire site whereas the current proposal has the potential to destroy the commercial viability of our client's shopping mall.

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*m) New development is required to properly interface with the adjoining commercial lands to the east known municipally as 4675 Steeles Avenue East and will provide required parking for these lands together with temporary and permanent easements and rights-of-way for parking, pedestrian and vehicular access, servicing and maintenance to the satisfaction of the City.*

The need for such a policy, in our submission, recognizes that the establishment of any planning framework for a mixed use development proposal on the Global Fortune lands would be premature in advance of resolution of all the matters set forth in proposed Special Policy 395(m).

The Global Fortune proposal, when examined in conjunction with proposed Steeles Avenue underpass of the GO tracks significantly exacerbates the potential for critical adverse impacts on

Splendid China Mall. The Splendid China Mall will be rendered devoid of any visibility or suitable access. Any development of 4665 Steeles needs to provide appropriate mitigation measures for Splendid China Mall arising as a result of the proposed underpass.

As noted in the proposed Urban Design Guidelines, the Splendid China Mall will suffer a loss of street frontage and may need substantial retrofit in order to be properly integrated within a mixed use development on the Global Fortune lands. Our client is not satisfied that the Global Fortune proposal and the Urban Design Guidelines adequately protect our client's planning concern respecting street frontage and the provision of appropriate public and private open space on the development block to enhance the function of Splendid China Mall. Virtually all of the contemplated open space and mid-block pedestrian connection is centered on the Global Fortune site with virtually no integration for the Splendid China Mall.

Accordingly, we ask that the Committee defer further consideration of OPA 321 so as to enable further consideration of Global Fortune's development proposal including a requirement for enhanced commercial functions prior to introduction of any non-employment uses and to allow time for the resolution of private site development matters as between TSCC 1858 and Global Fortune including those items referred to in policy 395(m).

In the event that no appropriate resolution can be reached on the appropriate mixed use development on the Global Fortune site and its interface with Splendid China Mall including the appropriate urban design requirements, then our client will be maintaining its objection to the introduction of residential uses and requests that the planning framework for the lands continue to permit employment uses only in accordance with existing Official Plan policy.

Yours truly,

**FOGLER, RUBINOFF LLP**

*"Joel D. Farber"*

Joel D. Farber\*

\*Services provided through a professional corporation

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Encl.

cc: client

Councillors Chin Lee and Jim Karygiannis