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March 27, 2018

Reply To: Joel D. Farber
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Our File No. 175928

VIA EMAIL

Toronto City Council
100 Queen Street West
Toronto, Ontario
M5H 2N2

Attn: Clerk

Dear Mayor Tory and Members of Council:

Re: Victoria Court (280 – 422 Consumers Road) - ConsumersNext Secondary Plan

PG27.2

We acknowledge being provided with the opportunity to consult further with the City Solicitor Ms. Hill, as well as City planning staff Guy Matthew and Christian Ventresca to discuss our client's concerns with the proposed Secondary Plan in respect of its site at 280 - 422 Consumers Road, following on the PGMC direction for further consultation.

As we discussed at our meeting, our client has two fundamental planning concerns with the proposed plan, being the proposed 1.5x FSI density cap in the employment area and the restriction on stand-alone retail and service commercial permissions for our client's site.

On the density issue, our client cannot accept the proposed imposition of Official Plan density restrictions on the employment/office uses. Official Plan restrictions on density have never been in place for the business park. The proposed plan unfairly burdens the existing users of the business park including long time landowners like our clients, because of background traffic congestion that has arisen on Sheppard and Victoria Park. Our client's lands have never been regulated by an Official Plan density restriction. Imposing new planning restrictions on the employment areas is inconsistent with the planning objectives of ConsumersNext which is to promote Toronto's largest concentration of office uses outside the core. I would also add that the vast majority of the City's employment areas contain no Official Plan density restrictions.

Furthermore, the proposed 1.5x FSI for a large site such as our clients is not viable for a redevelopment. The allowable density could be deployed in one tall or two mid-rise office buildings that would achieve coverage of only 10%-15% of the site area in either case. There is

no viable building concept at 1.5x FSI that would allow for appropriate intensification and/or redevelopment of the site.

Finally, we expressed our concern that, unlike the immediately adjacent land to the west, the proposed secondary plan does not recognize our clients long standing existing zoning rights in terms of stand-alone retail and commercial use permissions. These commercial permissions are supported by the underlying General Employment land use designation policies under OPA 231.

In addition, two new roads are proposed thru our clients site.

We are requesting the following:

1. That the City remove the proposed density cap on the employment areas. A traffic/transportation monitoring program which can be updated and revised as development applications are brought forward should address any concerns related to traffic capacity; and
2. That the General Employment policies in accordance with OPA 231 concerning commercial and retail permissions apply to our client's site.

Absent these changes our client will not be able to support the secondary plan.

Thank you for your attention to this matter.

Yours truly,

FOGLER, RUBINOFF LLP

"Joel D. Farber"

Joel D. Farber*

*Services provided through a professional corporation

JDF/sz

cc. clients