



PG30.6.3

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VIA EMAIL

Mayor John Tory and Members of Council
Toronto City Hall
100 Queen Street West
Toronto, ON M5H 2N2

**Attention: Nancy Martins, Planning and Growth Management Committee
Administrator**

Attention: City Clerk

Your Worship and Members of Council:

**RE: PG30.6 – Don Mills Crossing – Proposals Report
The Independent Order of Foresters**

We are the lawyers for The Independent Order of Foresters (“**Foresters**”), the owner of the property at 789-793 Don Mills Road (the “**Foresters Property**”), which is located in the southeast quadrant of the Don Mills Road and Eglinton Avenue East intersection.

We have been involved on behalf of Foresters in a number of recent planning processes involving the Foresters Property and surrounding lands, including Official Plan Amendment Nos. 231 and 238 (“**OPA 231**” and “**OPA 238**”), and the development of the lands at 1185 Eglinton Avenue East.

We have had an opportunity for a preliminary review of the proposed Don Mills Crossing Secondary Plan (the “**Secondary Plan**”) and the accompanying Staff Report dated May 17, 2018 (the “**Staff Report**”). We are writing to provide some preliminary feedback and to request notice of this matter as it progresses at the City.

Overall, Foresters is concerned that any Secondary Plan adopted by the City provide flexibility for the future development and redevelopment of some or all of the Foresters Property at appropriate heights and densities and with an appropriate mix of uses.

We note the following areas of concern and questions that arise from our preliminary review of the Secondary Plan and Staff Report:

- How do policies, such as Policies 3.3 and 3.11, which refer to concentrations of non-residential development within the Core Area, including the lower levels of buildings containing residential uses in *Mixed Use Areas*, correlate to the policies in OPA 231 regarding office space replacement?

- In respect of Policy 4.17 and Map 40-3b, what is the rationale for locating a potential POPS space at the southeast corner of the Foresters Property? Under what development scenario would such a POPS space be appropriate?
- Regarding the Built Form policies in Section 5 of the Secondary Plan and elsewhere, how has streetwall height been considered for the Foresters Property, having regard to the existing Foresters office building, which is not a streetwall building?
- How have the tall building heights identified on the Foresters Property been determined? What assumptions have been made about redevelopment of the Foresters Property, the existing office building, the existing parking structure, and the surface parking lot?
- How has the proposed density of 3.5 FSI on the lands that include the Foresters Property been determined? How is that density intended to be shared over those lands? What regard has been had to existing densities in this area? What is the relationship between the 3.5 FSI proposed in the Secondary Plan and the 3.2 FSI that is set out in OPA 238 (which remains under appeal)? What mix of uses has been considered with respect to the proposed density of 3.5 FSI?
- More generally speaking, what is the relationship between the Secondary Plan and OPA 238?
- Given the Foresters Property is identified for tall buildings on Map 40-7, how does Policy 5.22 apply given the existing tall buildings in this area?
- Why has the Foresters Property been identified on Map 40-9 Views and Vistas? What background reports or studies support the identification of specific views of the Foresters office building as having “cultural heritage” merit under Section 6 of the Secondary Plan? How has it been determined that a Heritage Impact Statement is required in respect of the properties identified on Map 40-9. How were the specifically identified views in Policy 6.4.4 determined? Given these views are not from the Foresters Property, how is the requirement to prepare a Heritage Impact Statement proposed to be enforced?
- How are the policies regarding Context Plans, in particular the allocation of densities within Context Plan areas in Policy 10.4, proposed to be enforced? How will these policies be applied to ensure an appropriate distribution of density within the identified areas?
- Foresters Lane, a private laneway, is identified on various maps in the Secondary Plan as forming part of the public road network, connecting to a local road called Sonic Way. Under what conditions is the City proposing that Foresters Lane would become a public road, and what are the implications for the Secondary Plan if Foresters Lane remains in private ownership?

Notwithstanding the specific concerns, policies, and mapping referred to above, we reserve the right to raise additional concerns through further consideration of the Secondary Plan and the Staff Report.

Upon review of the Staff Report and through discussions with City Staff, we understand that the intention in bringing forward the Secondary Plan at this time is to provide a reference document that will serve as the basis for consultation and input from various stakeholders. We appreciate the opportunity to participate in this process, and we reiterate the concern as expressed above that the Secondary Plan should provide flexibility for the future development and redevelopment of some or all of the Foresters Property at appropriate heights and densities and with an appropriate mix of uses.

Thank you for your attention to this matter.

Yours truly,
Overland LLP



Per: Christopher J. Tanzola
Partner
c. I. Collins (Foresters)