

April 3, 2019

**VIA EMAIL**

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

**Attention: Planning and Housing Committee**

**Attention: City Clerk**

Your Worship and Members of City Council:

**RE: PH4.1 – Don Mills Crossing Final Report**

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, and the development of the lands at 1185 Eglinton Avenue East.

Most recently, together with our client and our client's lands use planning consultant, we have been involved in the Don Mills Crossing Secondary Plan (the "**Secondary Plan**") process, including by making written submissions, by attending at the recent Open House, and by meeting with and providing comments directly to City of Toronto Planning Staff as part of the landowner consultations on the Secondary Plan.

We have now had the opportunity, together with our client and its consultant, to review the latest draft Secondary Plan that is being presented to the Planning and Housing Committee (the "**Committee**") and which we understand will then be presented to City Council. We have also reviewed the other reports that are being presented to the Committee in conjunction with the Secondary Plan.

**Secondary Plan**

Further to our June 6, 2018 correspondence, we continue to have concerns about the policies of the Secondary Plan regarding views and vistas to the Foresters building, including the requirements for submission of a Heritage Impact Assessment, as well as the identification of the Foresters Property as a "visual point of interest" and a "view corridors" site, as neither of those terms is defined in the Secondary Plan. The cultural heritage value of the Foresters

Property has not been a topic in our discussions with City Staff and we have concerns with the Cultural Heritage Resource Assessment that accompanies the Secondary Plan, as elaborated below.

We are supportive of the modifications to the Secondary Plan which have revised the density allocations in the southeast quadrant of the Don Mills-Eglinton intersection. In particular, we support the separation of the CreateTO development parcel from the balance of the quadrant, which we understand will ensure that the development proposal for those lands does not appropriate to itself an unbalanced share of the future overall development capacity in this area.

We also support the identification of the Foresters Property and immediately surrounding lands as a "Context Plan" area, again excluding the CreateTO site. The requirement for a context plan for development of the balance of the quadrant is a useful tool for determining the distribution of density and built form for lands that have redevelopment potential. In particular, the use of a context plan will assist in determining an appropriate massing on the Foresters Property, which may include both new and existing buildings, including the development of tall buildings on both sides of Foresters Lane.

In this regard, we have been advised and understand that the Secondary Plan recognizes the potential for a tall building located immediately to the east of the existing Foresters office building on the west side of Foresters Lane (in the location of the current structured parking garage), in addition to a tower on the east side of Foresters Lane (in the location of the current surface parking lot). While no specific height is identified on the west side of Foresters Lane on Map 40-7 to the Secondary Plan, it delineates the entirety of that site as being a "tall building location". Further, we understand that heights in the range of those shown for other tall buildings in the quadrant (e.g., 23 st, 28 st, 29 st, 31 st) could be considered and that this assumption formed part of the area analysis in arriving at overall density permissions for the quadrant. Although the specific height and massing, as well as the distribution of density for any new development on the Foresters Property would be addressed in greater detail through a context plan exercise, it could be useful to clarify this intention in the Secondary Plan when it is presented to City Council.

### **Cultural Heritage Resource Assessment**

We have also now had an opportunity to review the Cultural Heritage Resource Assessment prepared for the City by ASI. We understand that this report is being recommended for further study by City Planning Staff and could result in future recommendations to City Council regarding the cultural heritage status of various properties, including the Foresters Property.

In particular, the report by ASI contains a recommendation that the Foresters Property be listed on the City of Toronto's Heritage Register. This recommendation is made by the consultant without any input from or explanation provided to Foresters as the property owner. The implications of a heritage listing or potential future heritage designation on an active commercial office building and campus that is acknowledged by the City Staff to have significant future development potential should involve more rigorous and balanced assessment of not only the supposed heritage value but also of the implications of such actions on the long term

functionality and vitality of this property and the broader area. This assessment must involve direct discussion and dialogue with Foresters as the property owner and primary occupant of the building.

Before any of the heritage-related recommendations are taken up by the Committee or by City Council, we would appreciate the opportunity for further discussion with City Staff.

We thank City Staff for the dialogue we have had to date. We wish to see that productive dialogue continue as the Secondary Plan moves forward.

Thank you for your attention to these submissions. Representatives of Foresters will be present at the Public Meeting on April 4, 2019.

Please provide us with notice of the Committee's and City Council's decision in this matter and of any further reports, meetings, public meetings, or open houses in respect of the Secondary Plan or matters affecting the Foresters Property. Our contact information is provided herein.

Yours truly,

**Overland LLP**



Per: Christopher J. Tanzola  
Partner

c. I. Collins (Foresters)  
B. Hall (Planning Partnership)