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Reply To: Joel D. Farber
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Our File No. 142387

VIA EMAIL TO MARK.CRAWFORD@TORONTO.CA

City of Toronto, Legal Services
Metro Hall, 26th Floor
55 John Street
Toronto, Ontario M5V 3C6

WITH PREJUDICE

Attention: Mark Crawford

Dear Mr. Crawford:

Re: OLT Case No: PL151072 - OPA 324 - RioCan Victoria Crossing - Proposed Extension of Blantyre Road; Former Road Allowance Between Lots 24 and 25, Concession A (the "Subject Lands")

We are the solicitors for RioCan Holdings (GTA Marketplace) Inc., owner of the Victoria Crossing Shopping Centre (Freshco) at the north east quadrant of Victoria Park and Gerrard Street East, including the undeveloped Subject Lands. Our client has appealed OPA No. 324 to the OLT, which OPA proposes to re-establish the Blantyre Road extension north of Gerrard by way of amendment to Schedule 2 (Planned But Unbuilt Roads) of the Official Plan of the City of Toronto.

The Subject Lands are an abandoned road allowance, being the undeveloped strip of land lying immediately to the east of the RioCan site. The road allowance was formerly owned by the Corporation of the City of Scarborough, but was deemed surplus and sold to Runnymede Development Corporation Limited in 1986. The Subject Lands were then acquired by RioCan in 2011 as part of its acquisition of the Runnymede commercial lands.

We are hereby proposing to the City a settlement of our appeal of OPA 324 which fulfills the key objective of OPA 324, namely policy recognition of a future public street connection from Gerrard Street East to the Musgrave Street extension.

RioCan acknowledges the merit of future public connections to Gerrard Street East for the new community on the Quarry Lands, including the development now under construction at 411 Victoria Park Avenue. RioCan also recognizes the importance of its lands being further integrated with the new community as part of any future redevelopment on the RioCan site. In

fact, RioCan has already participated in the new community infrastructure through its conveyance of land required to accommodate the new Musgrave Street extension.

The fundamental principle of our settlement proposal is that RioCan agrees to policy protection for a future public street connection in the general location of the former Blantyre Road allowance, which would connect to the Musgrave Street extension. However, RioCan seeks to retain flexibility and avoid prejudging the form and function of such a connection. Additionally, RioCan seeks to avoid creating a connection which could result in a cut-thru for pass-by traffic or result in other forms of traffic infiltration that does not serve the new residents of the Quarry Lands or the RioCan property. RioCan suggests that designating a new road at this time is premature until future planning for redevelopment and intensification of the RioCan lands and/or lands to the east unfolds.

Therefore, instead of designating the Subject Lands as a planned new road at this time, we suggest an alternative policy framework to protect for a future public street connection. The public street connection would then be subject to future consideration of form and function within the context of a future development application.

The public street connection is not required at this time. As indicated by staff in the Final Report for 411 Victoria Park Avenue (June 4, 2021):

"While the current proposed deletion of Build Toronto's previous new street connection from the easterly Musgrave extension south to Gerrard Street East will reduce options for drivers, while (sic) pedestrians and cyclists can still make the connection through the proposed parkland. Transportation Services staff have not identified any resulting unacceptable traffic operational limitations or capacity concerns for either the new or local area streets due to servicing the proposed development entirely with new streets connecting only to Victoria Park Avenue".

The proposed policy would enable consideration of different forms of public connections including reduced right of way widths, stratified use and ownership, and urban design flexibility. The public street connection could take the form of a Woonerf or a type of connection that is exclusively available to pedestrians and cyclists. In our view the RioCan settlement proposal secures the concept of future community integration from Gerrard Street, without being overly prescriptive in its ultimate future function or configuration.

Nothing in our proposal would of course tie the City's hands in the event that the City might require title to the Subject Lands in the future for public purposes.

Accordingly, our proposal is to modify OPA No. 324 from amending Schedule 2 of the OP to designate the Subject Lands as a Planned But Unbuilt Road to a Site and Area Specific Policy based upon the following key principles:

- OPA No. 324 will be modified from a Schedule 2 amendment (Planned But Unbuilt Roads) to a SASP;
- The SASP will be specifically for the lands municipally known as Former Road Allowance Between Lots 24 and 25, Concession A (i.e. there will be no change in the lands subject to OPA No. 324);
- The SASP would provide that upon any future comprehensive redevelopment of the adjacent lands to the east and/or west of Former Road Allowance Between Lots 24 and 25, Concession A, a public street connection from Gerrard Street to the Musgrave Street extension should be provided;
- The type and form of the public street connection shall be considered within the context of a comprehensive redevelopment application for any of the adjacent lands including such matters as right of way width, stratified use and ownership and urban design (including potential for pedestrian/cycling only connection); and
- The ultimate future location of the public street connection from Gerrard Street East to the Musgrave Street extension may be accommodated for and approved without any need for future amendment to the SASP or the OP.

Yours truly,

FOGLER, RUBINOFF LLP

"Joel D. Farber"

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*Services provided through a professional corporation

JDF/sz

cc: RioCan (Stuart Craig)
WND (Andrew Ferancik & Tyler Peck)