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June 20, 2023

VIA EMAIL

Scarborough Community Council
Toronto City Hall
100 Queen Street West
Toronto, ON M5H 2N2

Attention: Ellen Devlin (scc@toronto.ca)

Dear Sirs/Mesdames:

RE: Item SC6.13 – Our Scarborough Centre Secondary Plan Study – Proposals Report

We are the lawyers for New-Can Realty Ltd. (“**New-Can**”), the owner of the property municipally known as 700 Progress Avenue (the “**Property**”). We are writing on behalf of our client to register our concern with the above-noted Proposals Report (the “**Staff Report**”).

We provided comments regarding the Our Scarborough Centre Secondary Plan Study at an earlier phase in the process via email on May 20, 2022, to which we received a response from City Planning Staff.

The concern as set out in our May 2022 correspondence remains after our review of the current Staff Report as well as the references to the Gladki Planning Associates “OurSC Final Consultant’s Report” (the “**Consultant Report**”) that are contained in the Staff Report.

Although the Consultant Report is referenced in the Staff Report, as of the date of this letter, the Consultant Report is not evidently available on the City’s website. Rather, only the Executive Summary is available as an attachment to the Staff Report. Our comments below are based on the material that is currently available for public review, namely the City Staff Report and the Executive Summary of the Consultant Report.

Parkland Designation Proposed for the Property?

The Property is currently occupied by an industrial building, and the Official Plan designation for the lands is *Mixed Use Areas*, where intensified forms of development, including residential development, are anticipated.

We note that immediately adjacent to the Property are the lands at 690 Progress Avenue where a multi-phase, multi-tower, high density application with heights originally applied for in the 14- to 48-storey range is under active consideration by the Ontario Land Tribunal. New-Can is a party to that proceeding.

Previous documents issued in the Our Scarborough Secondary Plan Study identified the Property as part of an intensification regime, including a scenario that included the Property in a “Transit Peak Strategy” with heights in the range of 16-30 storeys (Phase 3 Development Concepts Report, March 2022).

However, in mid-2022 and now in the Staff Report and the Executive Summary of the Consultant Report, there is a suggestion that the Property may ultimately be identified through the Secondary Plan process as a park and/or as *Parks and Open Space* on various concept and land use plans. We note:

- In Figure 1.8 of the Executive Summary (“View from the southeast of the demonstration model of preferred development concept”), the Property appears to be landscaped as parkland rather than improved with buildings.
- In Figure 5.2 of the Executive Summary (“Big move in open spaces”), although conceptual, the figure seems to include the whole of the Property in the “Expand[ed] East Highland Creek Parks” system. The bullet points on Page XIII of the Executive Summary note the expansion of the East Highland Creek Park system
- In Figure 5.5 of the Executive Summary (“Street network, with connections, trails and higher order transit”), the Property is shown as *Parks and Open Spaces*.
- In Figure 5.7 of the Executive Summary (“Green loops (dotted lines)”), the Property is shown in the same colour as the previously noted figure, although this figure does not contain a legend.
- In Figure 6.1 of the Executive Summary (“Density per block”), no density is assigned to the Property; rather it is shown as *Parks and Open Spaces*.
- In Figure 6.2 of the Executive Summary (“Maximum heights per block”), and directly contradictory to earlier mapping shown during the study process, the Property is excluded from the “Height Peak” area and not shown with any building height permissions. Again, it is shown as *Parks and Open Spaces*, according to the legend.

Within the City’s Staff Report, only one figure is included – on Page 10, Figure 1: Proposed Structure Plan. This figure shows the Property in green as *Parks*. We do note, however, that this section of the Staff Report is a summary of what is contained in the Consultant Report and does not purport to be a proposal for redesignation of the Property by City Staff at this stage.

In summarizing the Consultant Report, the Report also mentions the expansion of the East Highland Creek Parks system and the potential for “immediate designation of specific lands as parks (page 15), as well as a potential strategic direction to “preserve and expand East Highland Creek corridor ... through inclusion of new parks and open spaces where possible.” (page 14).

The Report concludes with a recommendation to invite comments on the draft Secondary Plan policies. At present, there does not appear to be a draft Secondary Plan *per se* to comment on.

We understand that a draft Secondary Plan will be available later this year and that stakeholder consultation will take place in the fourth quarter of 2023.

New-Can Objects to a Parks Designation of the Property

On behalf of our client, we wish to make it unequivocally clear and have it taken into consideration through the process of stakeholder consultation, that New-Can entirely objects to the redesignation of all or any part of the Property to a *Parks* or other similar land use designation through this process.

The Property should remain within a *Mixed Use Areas* designation or any similar growth-related designation that permits the range of uses and the intensification opportunities currently applicable to the Property.

The Property should be included within the “height peak” area or any similar area, such as has been previously shown to the public and landowners, with appropriate height and density permissions for the Property to allow for development of the lands in a manner consistent with surrounding lands.

The members of Scarborough Community Council should be very clear when considering the Staff Report and the Consultant Report that New-Can has not been consulted about any change in land use designation and does not consent to any change in land use designation that would impair the developability of the Property. To the contrary, New-Can is currently actively engaged, alongside the City, in the assessment of the development application at 690 Progress Avenue as a means of safeguarding both its current property rights, as well as the future development potential of the Property.

Request for Notice

Please continue to provide us with written notice of all reports, committee meetings, community meetings, public meetings with respect to the Our Scarborough Secondary Plan Study. Our address is noted herein. Please include both the author (ctanzola@overlandllp.ca) and Justine Reyes (jreyes@overlandllp.ca) on all such notices.

Yours truly,
Overland LLP



Per: Christopher J. Tanzola
Partner
c. Client