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PLANNING AND DEVELOPMENT LAWYERS

PG31.7.93

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Matter No. M606-03

July 3, 2018

DELIVERED BY EMAIL (pgmc@toronto.ca)

Planning and Growth Management Committee
10th Floor, West Tower, City Hall
100 Queen Street West
Toronto, ON M5H 2N2

Attention: Ms. Nancy Martins, Committee Administrator

Dear Chair and Members of the Planning and Growth Management Committee:

RE: PGMC Item No. PG31.7
- **Midtown in Focus: Final Report**
- **City File No. 17 25443 NNY 25 OZ**
- **Further Objection Letter filed on behalf of 1908844 Ontario Inc. and 18 Brownlow Holdings Limited**

We are the solicitors for 1908844 Ontario Inc. and 18 Brownlow Holdings Limited, the owners of the land municipally known as 190-200 Soudan Avenue and 18 Brownlow Avenue in the City of Toronto. We are writing further to our letter to the Planning and Growth Management Committee (“**PGMC**”) dated June 5, 2018 in which we expressed our concerns with and objections to the proposed update to the Yonge-Eglinton Secondary Plan (the “**Proposed OPA**”).

We have reviewed the Midtown in Focus Supplementary Report and related attachments dated June 26, 2018 from the Chief Planner and Executive Director, City Planning (the “**Supplementary Report**”) and are writing to reiterate our continued concerns and to express our client’s additional concerns arising out of the Supplementary Report.

Firstly, our client objects to the introduction of geodetic height maximums to its site. The addition of a geodetic height maximum places further limits on creative design flexibility that was already significantly restricted with the maximum storey height. In our opinion, these new policies are overly prescriptive and continue to ignore the development complexities and constraints of each individual site. As noted in our letter of June 5, 2018, these detailed height requirements ought to be included in a Zoning By-law, rather than a Secondary Plan, which can be amended through a public process on a site-specific basis, with a focused analysis of the proposal and its potential impacts.

Secondly, our client has significant concerns with the lack of planning rationale provided for the revisions recommended in the Supplementary Report to the Proposed OPA. The

Supplementary Report and recommendations therein were a direct result of a request from PGMC and a further community consultation meeting held on June 21, 2018. While our client appreciates the importance of public consultation in the planning process, in our opinion, based on a review of the Supplementary Report, it appears that the changes do not stem from a proper planning rationale, but instead, from a desire to provide a hasty response to public comments. This is evidenced by the fact that Staff presents three different options for height limits with no clear recommendation as to which option is preferable from a planning perspective.

Thirdly, our client continues to have significant procedural concerns with Proposed OPA. The community consultation meeting was held on June 21, 2018 and the Supplementary Report was publicly released on June 27, 2018, only one week before the amended recommendations are scheduled to be considered by PGMC. Given that the recommendations in the City's Supplementary Report are significant revisions to the Proposed Official Plan Amendment, in our opinion, the extremely narrow timelines between events have not afforded Staff or interested stakeholders sufficient time to consider the overall impact of the revisions.

Additionally, the three options for lowering height limits as set out in the Supplementary Report all have significant differences from one another. In our opinion, it is inappropriate that landowners will not have any certainty of how their lands will be impacted until after the matter is considered by PGMC. This lack of notice is highly unfair and does not provide our client, or any other interested stakeholder, sufficient time to review and express their comments or concerns in a meaningful way.

The above-noted procedural concerns are exacerbated by the fact that the City's intention continues to be to adopt the Proposed OPA pursuant to Section 26 of the *Planning Act*, with final approval to be sought from the Minister of Municipal Affairs, thereby eliminating the right to for stakeholders to challenge any flaws or defects in the plan. This continues to be, in our opinion, a significant abuse of process.

For these reasons, we again urge the Committee to defer consideration of the Proposed OPA for further and meaningful consultation with impacted landowners. Please accept this letter as notice of our client's objections to all policies, plans, maps or any other parts of the proposed Yonge-Eglinton Secondary Plan that relate in any way to the Site.

We respectfully request notification of any further notices, actions or decisions made by Council, Committees of Council or Community Council respecting this matter.

If you have any questions, please do not hesitate to contact the undersigned.

Yours very truly,

Devine Park LLP



Patrick J. Devine
PJD/SHL

cc: 1908844 Ontario Inc. and 18 Brownlow Holdings Limited
Louis Tinker and Caitlin Allan, Bousfields