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Via Email (teycc@toronto.ca)

City of Toronto
 Mayor and Members of Council
 Toronto City Hall
 10th Floor, West Tower
 100 Queen Street West
 Toronto, ON M5H 2N2

Attention: Toronto East York Community Council

Dear Sirs/Mesdames:

Re: TE11.4 - Main Street Planning Study - City Initiated Official Plan Amendment

I am a solicitor for two related companies, Dandaw Developments Limited and Marlin Springs Limited Partnership, housing developers with interests in land in the City of Toronto, including 10-30 Dawes Road, Toronto (the "Owner"). On behalf of the Owner I am writing to express concern with the report titled *Main Street Planning Study – City Initiated Official Plan Amendment* that is being considered by Toronto and East York Community Council on December 3, 2019 (the "Report"), in particular the proposed Official Plan Amendment ("Draft OPA").

As noted in the Report, 10-30 Dawes Road (the "Site") is already the subject of a site-specific application (file no. 19 124138 STE 19 OZ) (the "Application"). On a preliminary review, the Owner's concerns with the Report include but are not limited to:

1. Lack of a Transition Clause:

Without an appropriate transition or grandfathering clause, many development applications under consideration by the City – "pipeline projects" – may be adversely affected, including the Application noted above.

2. Prescriptive Built Form Policies

The Draft OPA codifies as Official Plan text floor plates and setbacks and other performance standards in a rigid and inflexible way, that does not adequately allow for site-specific context and considerations to be taken into account, including some that are relevant to the Site. The height provisions, in particular for the area designated "Character Area C" are also vague and arguably imply that the height should be limited to below 30 storeys, which is not supported by the evidence and is inconsistent with the existing Application.

3. Location and Cost of POPs Spaces

Map 4 of the Draft OPA features a large asterisk implying that a POPs space may consume much of the Site, which is not economically feasible. Furthermore, section 2.4 implies that the POPs will be dedicated gratuitously, which is also difficult or impossible to justify economically in the context of the Site. Furthermore, the permitted relationship between a tower on the Site and the new proposed public park is not clear.

4. Public Infrastructure Requirements

Section 6.1 of the Draft OPA outlines extensive infrastructure requirements as a prerequisite to even the consideration of certain planning approvals on the Site. It is not clear however that all of these requirements are within the Owner's control or could be within the scope of the development contemplated in the Application.

5. Restrictive Employment Use Policies

Although the Owner remains open to incorporating "employment" uses into the Site in some manner, the very prescriptive nature of the policies contained within section 6.2 of the Draft OPA characterizing these as a requirement is tantamount to an employment conversion/re-designation which is too restrictive outside the context of the settlement of the Application.

Accordingly, we respectfully request that Council direct staff to report back to Toronto and East York Community Council on these concerns. As the proposed Draft OPA is currently constituted, the Owner would object.

Please provide me with notice of decisions by Community Council, City Council or any other Committee of Council related to this matter.

Yours sincerely,

McCarthy Tétrault LLP

Per:



Michael Foderick

MF/kf