

VIA FAX: (416) 392-2980 AND ELECTRONIC TRANSMITTAL: [clerk@toronto.ca](mailto:clerk@toronto.ca)

**Daniels HR Corporation**  
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November 28, 2011

Marilyn Toft, Manager  
City Clerks Office  
12th floor, West Tower, City Hall  
100 Queen Street West  
Toronto, ON M5H 2N2

Dear Ms. Toft:

**For distribution to Mayor and Members of Council**

**Re: 18-26 Rean Drive  
Official Plan and Zoning By-Law Amendment Applications  
Item No. NY11.23**

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Daniels HR Corporation (“Daniels”) filed applications on December 3, 2010 to amend the Official Plan and Zoning By-law to facilitate a multi-residential development with grade related retail uses on the above referenced lands. A final staff report recommending approval of the applications was prepared by Community Planning, dated October 17, 2011.

At the November 2, 2011 meeting of the North York Community Council, the following recommendation was added by a member motion to those already set forth in the final report and was subsequently adopted:

Committee Decision  
North York Community Council:

- 7. City Council require the applicant to provide 1% of the gross construction costs for public art.*

This item will be before the November 29th to 30th meeting of City Council as part of the Report of the North York Community Council from Meeting 11 on November 2, 2011, submitted by Councillor Maria Augimeri, Chair. Daniels hereby requests that the recommendation (no. 7) requiring one per cent for public art be removed prior to final determination of the development approvals by City Council.

As established in the City’s “Protocol for Negotiating Section 37 Community Benefits” appropriate s.37 contributions for this development application had been agreed between Planning staff and the Councillor’s Office prior to the completion of the final planning report. An amount, consistent with other recent s.37 contributions in the area, was subsequently documented in the final report from planning staff before North York Community Council on November 2, 2011.

The above referenced motion for an additional contribution was raised for the very first time as a question to the Daniels' deputant on the floor of Community Council during consideration of the redevelopment applications. The additional s.37 contribution requested more than doubles the quantum agreed to by Daniels following discussions between Planning Staff and the Ward Councillor. For reference \$225,000 was the agreed contribution. The one per cent for public art condition will add approximately \$250,000 to the s.37 contribution amount.

Up until consideration by North York Community Council there was co-operation between staff, the community and the Councillor, resulting in an exceptional design fulfilling the City's vision for the Shepherd Avenue corridor. Therefore, it was with surprise that we received the request to double the community contribution. We note that, as per the Official Plan policies, Public Art is an acceptable community benefit. Should Council so desire the agreed contribution amount of \$225,000, as referenced in the planning staff report, may be redirected accordingly, but Daniels hereby objects to the additional \$250,000 request for a community contribution, which was not clear, transparent or predictable.

Thank you for your consideration of this request.

Yours truly,

**Daniels HR Corporation**



Neil Pattison, MCIP, RPP  
Senior Manager of Development

Cc. Niall Haggart, Executive Vice President, The Daniels Corporation