

North York Community Council - Item NY6.38 -- Downsview Secondary Plan Review

From: "Bronskill, David" <dbronskill@goodmans.ca>
To: "nycc@toronto.ca" <nycc@toronto.ca>
Date: 2011-04-19 2:04 PM
Subject: Item NY6.38 -- Downsview Secondary Plan Review
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Attachments: Scanned From Copitrak.pdf

Please find attached correspondence regarding the above-noted item.

Thank you,

David Bronskill
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***** Attention *****

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April 19, 2011

Our File No.: 09-2624

Via Email

North York Community Council
North York Civic Centre
5100 Yonge Street
Toronto, ON
M2N 5V7

Attention: Francine, Adamo, Committee Administrator

Dear Sirs/Mesdames:

**Re: Downsview Area Secondary Plan – Supplementary Staff Report
NYCC Item NY6.38**

We are solicitors for Parc Downsview Park Inc. (“PDPI”). PDPI is the owner of approximately 231 hectares (572 acres) of land within the Downsview Area Secondary Plan. We are writing on behalf of our client to provide comments regarding the supplementary staff report dated April 5, 2011 (the “Supplementary Report”) and to request that North York Community Council (“NYCC”) move the above-noted matter forward to City Council.

Requested Action

It is time for NYCC to make a decision regarding the staff-recommended Secondary Plan for the Downsview area. It has been almost three years since City Council initiated the secondary plan review in May 2008. This review involved at least four outside consulting firms to provide expert advice to the City regarding land use planning, urban design, transportation, servicing, heritage and archaeology. PDPI participated extensively in this review, including the funding of dedicated City staff positions and the outside consultants to support the preparation of numerous studies.

Over a year ago, in a staff report dated February 17, 2010, City staff recommended a new Downsview Area Secondary Plan. However, despite almost two years of study, NYCC deferred the staff recommendations. At its meeting of June 22, 2010, NYCC again deferred the staff-recommended secondary plan. At its meeting of March 22, 2011, NYCC deferred this item for a third time.

The time for deferrals is over. PDPI supports the staff-recommended Secondary Plan for the Downsview area and the recommendations in the Supplementary Report. We understand that Build

Toronto similarly supports the staff recommendations. PDPI respectfully requests that NYCC endorse the staff recommendations and move this matter forward to City Council for a decision.

Specific Matters in the Supplementary Staff Report

- Motions 2(a)(i) and 2(a)(ii): PDPI supports the discussion provided by City staff. In addition, we would note that the subject matter of these motions relates to the financing of development-related infrastructure, which is already fully addressed in other legislation. PDPI believes that this legislation prevents the City from imposing a condition of development that one landowner solely fund all development-related infrastructure.
- Motions 2(a)(iv) and 2(a)(v): In previous reports, City staff have confirmed that the densities recommended in the proposed Secondary Plan for the Downsview area are appropriate. PDPI is strongly opposed to the transfer of density from the Stanley Greene and William Baker Districts to the Allen West District. We would ask NYCC to support the staff-recommended densities, which are the result of extensive analysis and consultation.
- Motion 2(b)(i): PDPI is not opposed to the proposed increased density permission within the Neighbourhoods designation of the Allen East District.
- Motion 2(b)(iv): PDPI supports the staff conclusion that the recommended development levels in the proposed Secondary Plan for the Downsview area were not predicated on the construction of the proposed east-west Sheppard Avenue subway system. As noted above, the secondary plan review for the Downsview area commenced in May 2008 in part because of the approval of the Toronto-York Spadina Subway Extension north to the City of Vaughan. Should the proposed east-west Sheppard Avenue subway system be constructed, this could justify a review of density permissions to see if they should be increased in the future, especially since this would represent one of the few intersection points of two subway lines in the City.
- Motion 2(c)(ii): As above, City staff have confirmed that the densities recommended in the proposed Secondary Plan for the Downsview area are appropriate. PDPI is strongly opposed to any motion that would reduce the staff-recommended densities in the William Baker District. This District, which is bounded by Keele Street and Sheppard Avenue West (both of which are major streets), is located within walking distance of a new transit hub. It is the explicit direction of the Growth Plan to recognize "Major Transit Station Areas" as a key focus for intensification and to increase the residential and employment densities in those areas. This is specifically what is accomplished by the proposed Secondary Plan.

Status of Ontario Municipal Board Appeals

Faced with the above-noted deferrals by NYCC, PDPI filed official plan amendment, rezoning and plan of subdivision applications to ensure that appeal rights would be protected. Although PDPI

and its consultants continued to work with City staff to reach agreement regarding the recommended Secondary Plan, PDPI appealed its applications to the Ontario Municipal Board to ensure that a decision will be made regarding a new secondary plan for the Downsview area.

The Ontario Municipal Board has indicated that a pre-hearing conference will be scheduled shortly. A position of City Council is required for the pre-hearing conference, which means this matter must move forward to City Council for a decision. However, should City Council adopt the staff-recommended Secondary Plan for the Downsview area, it could mean that the Ontario Municipal Board hearing regarding the Secondary Plan will no longer be required. This is certainly the preferred result for all parties.

Representatives of PDPI will be in attendance on April 21, 2011, when this matter is considered. Although we understand that depositions are not permitted regarding the supplementary staff report (a decision with which we do not agree), we are prepared to answer any questions.

Yours very truly,

Goodmans LLP

David Bronskill
DJB/
cc: Client

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