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June 18, 2014

Via Email and Courier

Mayor and Members of Council
City of Toronto, 1st Floor, West Tower
100 Queen Street West
Toronto, ON M5H 2N2

Attention: Planning and Growth Management Committee

Sirs/Mesdames:

**Re: Proposed Draft OPA 253 ("OPA 253")
Eglinton Connects
Reference No. P:\2014\Cluster B\PLN\PGMC\PG14071 (12 141479 SPS 00 OZ)**

We are the solicitors for White Bell Investments and Duffmits Holdings Inc., which own properties known municipally as 2401 Dufferin Street and 2409 Dufferin Street respectively.

Primarily for reasons summarily articulated in the joint letter from our clients to the City of Toronto (to the attention of Lorna Day) dated May 15, 2014 (a copy of which is attached hereto and forms part of this letter), our clients are concerned with OPA 253 as it is currently constituted. We respectfully submit that deferring the enactment of any official plan amendment which affects the "Dufferin Focus Area" as identified in the Eglinton Connects Planning Study would permit a more finely-grained analysis of this area to address our clients' concerns. Should OPA 253 be enacted as currently proposed our clients would be compelled to object thereto.

Our clients have met with City staff, and are prepared to continue to do so in the pursuit of a consensual resolution of their concerns. In any event, please provide us with notice of any further consideration of this matter by Council or any Committee thereof, including any Community Council and including notice of the passing of any by-law.

Thank you for your attention in this regard.

Yours truly,

McCarthy Tétrault LLP

Per:

A handwritten signature in blue ink, appearing to read 'J. Dawson', with a long horizontal flourish extending to the right.

John A.R. Dawson

JAD/sc
Encl.

**WHITE BELL INVESTMENTS LIMITED
DUFFMITS HOLDINGS INC.**

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May 15, 2014

VIA EMAIL

City of Toronto
Eglinton Connects Planning Study
Metro Hall
55 John Street
22nd Floor
Toronto, Ontario
M5V 3C6

Attention: Ms. Lorna Day
Manager

Dear Ms. Day

**Re: 2401 and 2409 Dufferin Street
Eglinton Connects Study/Proposed Official Plan Amendment**

White Bell Investments Limited and Duffmits Holdings Inc. own (respectively) the two above-noted properties located on the east side of Dufferin Street, immediately north of Eglinton Avenue West. These properties are currently developed with a Mitsubishi automobile dealership and a PharmaPlus retail store, respectively. On behalf of White Bell Investments Limited and Duffmits Holdings Inc., I have been monitoring various matters related to the above-noted study.

Specifically, February of this year, I attended (with our project architect) at a meeting with Matt Armstrong and Emily Rossini, to discuss potential redevelopment concepts for these sites that would respond to the future potential of the immediate area which has been enhanced by the transit investment of the Eglinton LRT (and, more particularly, the importance of the future transit station to be located at Eglinton Avenue West/Dufferin Street). Those redevelopment concepts illustrated how a more intensified form of mixed use redevelopment could be achieved that would support and complement the Eglinton/Dufferin station area.

Eglinton Connects Study

I have reviewed the draft final study report and note that lands in immediate proximity to the Eglinton/Dufferin intersection have appropriately been identified as a 'Focus Area' by virtue of their strategic relationship to this major transit station and the area's unique characteristics and redevelopment potential. Both 2401 and 2409 Dufferin Street are included in this 'Focus Area'.

Within the Dufferin 'Focus Area', the southeast quadrant of the intersection has been identified as a 'Special Study Station Site', where mid-rise development will be permitted as-of-right, but allowing further consideration of built form based on matters such as property consolidation.

The draft report explicitly recommends only the northeast corner of Eglinton Avenue West and Dufferin Street as having the potential to accommodate a tall building in conjunction with the secondary transit station entrance. The balance of the Dufferin 'Focus Area' would be limited to a mid-rise built form with heights representing the road right-of-way width (i.e. 27 metres for Dufferin Street).

However, the draft final study report recognizes (pg. 80) that while the (east/west-oriented) Eglinton Avenue frontage will accommodate primarily mid-rise built-form and a consistent street wall, that tall buildings (i.e. greater than 11 storeys height) will be appropriate at certain locations within 'Focus Areas' and further (pg. 96) that a range of building types (including tall buildings) may be appropriate in Focus Areas. The recommendations found at pg. 96, include conducting "...land use, built form and urban design studies as required to respond to the need for larger-scale planning and design" within 'Focus Areas', which suggests that this draft final report has not definitively concluded on the totality of appropriate redevelopment (including built-form) in the 'Focus Areas' but acknowledges that further detailed study would be appropriate. Notwithstanding, on pg. 97, the draft report provides specific recommendations for the Dufferin 'Focus Area' that include direction that: *"Built form should be predominately mid-rise, accentuated with tall buildings at the intersection."*

In my submission, 2401 Dufferin Street, in particular, represents an opportunity to accommodate a taller building element, oriented to the transit station.

North/south oriented streets, such as Dufferin Street, result in different built-form conditions and considerations relative to adjacent development (in particular, Neighbourhoods areas) than Eglinton Avenue and therefore, development along such streets can and should be evaluated within a different framework than the broad Eglinton Avenue context. Therefore, where it can be demonstrated that an appropriate built form relationship to adjacent land uses and their related built-form can be achieved, additional building height in other strategic locations should be considered; particularly where it can achieve other objectives such as greater density in close proximity to transit station entrances, a transition of density outwards from a transit station, etc.

Proposed Official Plan Amendments

The draft final report's conclusions have been translated into proposed area-specific Official Plan policies respecting the Dufferin 'Focus Area' that include, among other matters:

- Increased building setbacks along the east side of Dufferin Street, between Eglinton and the Beltline Trail, to allow for a wider sidewalk, tree planting and a cycling connection;
- Maintaining the main street character of Dufferin Street;
- Identifying that the built-form will be predominantly mid-rise with tall buildings (which comply with the Tall Buildings Guidelines) permitted (only) at the corner of the Dufferin/Eglinton intersection; and,
- Increasing the overall amount of commercial floor space in this area.

The proposed area-specific policies reinforce that the Dufferin 'Focus Area' will be predominantly mid-rise in built-form and specifically identify only the intersection as being the appropriate area for tall buildings. In my submission, these policies are too restrictive and would prevent the consideration of tall buildings and/or taller building elements in combination with a mid-rise building on other sites within the Dufferin 'Focus Area'; in particular, at 2401 Dufferin Street.

A modification to the proposed area-specific policies to allow for the consideration of taller buildings, or taller building elements, in other locations within the Dufferin 'Focus Area' would be appropriate and consistent with the draft final reports recommendation (pg. 96) respecting the potential for additional land use, built form and urban design studies providing a more detailed planning framework in 'Focus Areas'. This policy modification would not allow for 'as-of-right' tall buildings but rather the determination of whether a development proposal containing a tall building/taller building element is appropriate can be undertaken in the context of a complete development application based on the characteristics of a specific site/location.

White Bell/Duffmits appreciates the opportunity to be directly involved in the draft final report and proposed Official Plan Amendment(s) process and would respectfully request that these comments be taken into consideration during the finalization of these documents.

Yours Truly,



Paul W. Rycroft, MCIP, RPP.,
Project Manager,
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cc. Planning and Growth Management Committee