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PLANNING AND DEVELOPMENT LAWYERS

TE4.8.8

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Matter No. D204-01

February 19, 2015

**DELIVERED BY EMAIL clerk@toronto.ca
AND BY COURIER**

Mayor and Members of Council
c/o City Clerk's Office
City of Toronto
13th Floor, West Tower, City Hall
100 Queen Street West
Toronto ON M4H 2N2

**Attention: Ms. Ulli S. Watkiss,
City Clerk**

Dear Mayor Tory and Members of Council:

RE: Proposed Official Plan Amendment No. 82 to the Official Plan of the City of Toronto
- Garden District Site and Area Specific Policy
- Downtown East Planning Study – Official Plan Amendment
- Nos. 308-314 Jarvis Street and No. 225 Mutual Street, Toronto
- Item No. TE4.8, TEYCC Meeting of February 18, 2015

Please be advised that we are the solicitors for Duration Investments Limited, the owner of the property municipally known as 308-314 Jarvis Street and 225 Mutual Street, Toronto (the "**Property**"). The Property is partially located within the area subject to proposed Official Plan Amendment No. 82 ("**OPA 82**"), known as the Garden District Site and Area Specific Policy.

BACKGROUND

On January 23, 2012, we submitted an application (the "**Rezoning Application**") to the City on behalf of the owner to amend the applicable zoning for the property, being City of Toronto By-law 438-86, as amended. On March 23, 2012, the City issued a Notice of Complete Application with respect to the Rezoning Application. On February 27, 2012, a public meeting was held with respect to the Rezoning Application.

Planning Rationale Addenda were submitted to the City on January 25, March 15 and September 6, 2012, setting out a number of revisions to the proposed redevelopment. Correspondence between our client and the City continued in March, April and June 2013, clarifying the proposed redevelopment and providing responses to City Planning staff comments.

On May 1, 2014 we met with Councillor Wong-Tam and the area planner, Giulio Cescato to discuss the Rezoning Application. As a result of this discussion, on October 15, 2014, we submitted a further, detailed shadow study, confirming our client's position that the proposal creates "no net new shadow" on the nearby Allan Gardens at the appropriate times. On November 10, 2014, we received a response from City Planning staff, indicating that, notwithstanding the fact that the matter of shadows on Allan Gardens was the focus of our meeting on May 1, 2014, there were other (unspecified) reasons why City staff could not support the application.

On December 30, 2014, the Rezoning Application was appealed to the Ontario Municipal Board pursuant to subsection 34(11) of the *Planning Act*.

OBJECTIONS TO PROPOSED OPA 82

As you may be aware, the law is well-established that development applications must be reviewed and considered according to the policies and regulatory regimes in force and effect at the time of submission. It is our view that our client's redevelopment proposal for the Property conforms to the policies and regulatory regimes in place at the time of submission, which constitute the extent of applicable policy. Nonetheless, out of an abundance of caution, we hereby object to all policies, plans, maps or other parts of OPA 82 that relate in any way to the Property.

Accordingly, in order to recognize its legal status, we request that the Property be explicitly exempted and excluded from proposed OPA 82.

REQUEST FOR NOTICE

We respectfully request that we be notified of any further actions or decision(s) made by TEYCC and/or City Council regarding Item No. TE4.8 and the matters set out above.

If you have any questions or concerns about the matters discussed above, please contact the undersigned, or Andrea Paterson, a Land Use Planner in my office who can be reached at andrea.paterson@devinepark.com or 416.645.4574.

Yours very truly,
Devine Park LLP



Patrick J. Devine
PJD/AEP/ss

Enclosures

cc: Duration Investments Limited