

From: Sidonia Loiacono <sloiacono@airdberlis.com>
Sent: Monday, November 9, 2015 6:06 PM
To: North York Community Council
Cc: Kim Kovar; Steve Gupta (stevegupta@eastonsgroup.com)
Subject: NY 10.42 - City Initiated Official Plan Amendment - Dufferin Street Secondary Plan
Attachments: Letter from K.Kovar to NYCC Re. Item NY 10.42 Dufferin Street Secondary Plan.pdf

Please find attached correspondence from Kim Kovar respecting the above-referenced matter to be considered by NYCC on November 10, 2015.

Kind regards

Sidonia J. Loiacono


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Kim M. Kovar
Direct: 416.865.7769
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November 9, 2015

BY EMAIL (nycc@toronto.ca)

Our File #110355

Chair and Members of North York Community Council
North York Civic Centre
Main floor, 5100 Yonge St.
Toronto, ON M2N 5V7

Attn: Francine Adamo

Dear Chair and Members:

**Re: City Initiated Official Plan Amendment – Dufferin Street Secondary Plan
Item NY 10.42 - November 10, 2015**

We are the solicitors for 3450 Dufferin Yorkdale Holdings Inc., the owner of the property municipally known as 3450 Dufferin Street (the "Site"). The Site is located within the boundaries of the above-referenced proposed Secondary Plan for Dufferin Street.

Our client and its advisors have had an opportunity to review the Dufferin Street Secondary Plan – Final Report issued on October 26, 2015 and the proposed Official Plan Amendment attached as Attachment 1 to this report. Our client has also been aware of and has participated in the public consultation meetings associated with this proposed Secondary Plan.

We are writing to express our client's concerns with the draft Secondary Plan. In particular, we offer the following for your consideration.

The proposed Secondary Plan identifies five "Large Blocks" within the Secondary Plan area and mandates coordinated and comprehensive master planning of such blocks between all owners in the block. The Site is proposed to be included in Block 1 in accordance with Map 36-2.

Block 1 is currently owned by more than one landowner. The policies as drafted appear to require a Master Plan to be prepared jointly by all the effected landowners in a block. While our client understands the importance of comprehensive planning, the policies appear to assume and to require that all landowners in a block will be ready and willing to proceed with comprehensive planning for the block at the same time. In a situation where that is not the case, and only one owner is interested in preparing a comprehensive plan for the block and a rezoning application for its site, that should be accommodated by the policies.

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In this case, our client is in the process of preparing a rezoning application for its Site. As part of the supporting materials to be submitted to the City, the various reports will include analysis addressing the future comprehensive redevelopment of Block 1. Staff are recommending a series of policies respecting potential redevelopment for the Site and the balance of Block 1 without the benefit of this application and the supporting analysis.

Related to this, our client's development proposal is being designed to conform with the current in force Official Plan policies, and we are concerned that the proposal may not conform to several of the newly proposed policies, including the policies relating to the following:

- a) extent and location of new public streets and parks;
- b) proposed density cap of 2.5 X the lot area;
- c) emphasis on a mid-rise building form, with a cap of 9 storeys and 30m, for the Site (we note that Map 36-10 is missing from the draft Secondary Plan and we aren't certain which is being proposed in terms of potential tall building permissions on Block 1);
- d) incorporating by reference angular plane provisions from non-statutory Urban Design Guidelines which are not subject to the provisions of the *Planning Act*;
- e) uncertainty relating to proposed Building Type Areas which are unclear in the absence of Map 36-10; and
- f) proposed 20m building setback from Employment lands.

Accordingly, we are writing to request that the proposed Secondary Plan, together with the related documents, including the proposed Urban Design Guidelines, not be adopted by Council as they relate to the lands identified as Block 1, pending a more fulsome review of Block 1 in the context of our client's pending rezoning application.

Please also accept this correspondence as our request for notification of any decision(s) by the Committee and/or City Council regarding this matter.

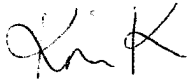
In the meantime, please do not hesitate to contact the undersigned if you have any questions concerning this submission.

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Thank you very much.

Yours truly,

AIRD & BERLIS LLP



Kim M. Kovar
KMK/SJL

cc: Steve Gupta

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