

January 12, 2014

**Via Email**

Toronto and East York Community Council  
2<sup>nd</sup> Floor, West Tower  
City Hall  
100 Queen Street West  
Toronto, ON M5H 2N2

**Attention: Ms. Ros Dyers, Secretariat**

Dear Ms. Dyers:

**Re: Community Council Item TE3.1  
Final Report – Queen-River Secondary Plan  
1-25 Defries Street**

We are solicitors for Project Don ValleyPlan Inc., the owner of the properties known municipally as 1-25 Defries Street (the “Subject Property”). On August 28, 2014, our client filed official plan amendment and rezoning Applications in respect of the Subject Property (the “Applications”). A preliminary report regarding the Applications is also on the agenda for this meeting of Toronto and East York Community Council.

The purpose of this letter is to provide our client’s concerns regarding the proposed Queen-River Secondary Plan. In general, our client is supportive of the goals of the proposed Queen-River Secondary Plan, including the need for more intensive forms of regeneration within the area, but is concerned that some of the proposed policies are unnecessarily restrictive through the inclusion of specific numbers contrary to the overall direction of the City’s Official Plan.

In particular:

- Policy 3.2.2 would permit only one tall building on the Subject Property even though the Applications (and the supporting material submitted therewith) clearly demonstrated that two towers can be accommodated on the Subject Property in compliance with the City’s Tall Building Guidelines;
- Policy 3.2.3 proposes a maximum height of 88 metres for the Subject Property, or approximately 29-30 storeys, while the Applications propose tall building with heights of 31 and 39 storeys;

- Policy 3.2.5 would require a 10 metre setback from the top of bank, while our client submits that the appropriate setback (and the starting point for its measurement) is better determined through the site-specific process associated with the Applications;
- Policy 4.1.1 would require a tall building to be setback a minimum of 20 metres from the nearest property line of an area designated as Neighbourhoods, although it is unclear why this setback would be drawn from the centre line of a road as shown on Map 34-1;
- Policy 4.1.3 would limit the maximum height of any base building to 100% of the widest adjacent right-of-way width, which could prevent an appropriately designed taller base building that does not negatively impact adjacent streets and properties.

Given that our client's concerns may be resolved through the processing of the Applications, as additional consultation occurs with City staff, community representatives and the local councillor, it may be more appropriate to adopt the proposed Queen-River Secondary Plan in conjunction with the Applications. This would avoid potential and unnecessary Ontario Municipal Board appeals and be consistent with the well-established jurisprudence that planning applications should be evaluated under the existing policy context at the time of submission.

Please accept this letter as request for notice of any decision of City Council regarding this matter.

Yours very truly,

**Goodmans LLP**



David Bronskill

DJB/

cc: Client

6409961