

## STIKEMAN ELLIOTT

Stikeman Elliott LLP Barristers & Solicitors

5300 Commerce Court West, 199 Bay Street, Toronto, Canada M5L 1B9  
Tel: (416) 869-5500 Fax: (416) 947-0866 www.stikeman.com

Calvin Lantz  
Direct: (416) 869-5669  
Fax: (416) 947-0866  
E-mail: CLantz@stikeman.com

**BY E-MAIL**  
pgmc@toronto.ca

April 4, 2016  
File No.: 138853.1001

Planning Growth and Management Committee  
City Clerk's Office  
City Hall, 100 Queen Street West  
Toronto, ON M5H 2N2

Attention: Nancy Martins

Dear Sirs/Mesdames:

**Re: Request for Deferral of Mimico-Judson Secondary Plan,  
Official Plan Amendment No. 331 ("OPA 331")  
Item: PG11.4, April 6, 2016 Planning and Growth  
Management Committee ("PGMC") Meeting**

We are the solicitors for CIC Management Services Inc. (Dunpar) with respect to the property municipally known as 39 Newcastle Street, City of Toronto, located at the South East corner of Windsor Street and Newcastle Street (the "**Property**").

The March 29, 2016 open house on the proposed Official Plan Amendment No. 331, also known as the Mimico-Judson Secondary Plan (the "**Secondary Plan**") and the related Urban Design Guidelines was postponed (notice of the rescheduled date has not been provided as of today's date). This public meeting should take place before PGMC and Council consider the Secondary Plan in order to support enhanced citizen and stakeholder engagement but also so that City staff and Council have the benefit of this public input when making their recommendations and direction is given on this matter. This consultation could resolve issues and may result in fewer appeals of the decision to approve the Secondary Plan to the Ontario Municipal Board.

We are writing to request a deferral of Council's consideration of the proposed Secondary Plan which is being considered at the April 6, 2016 PGMC meeting.

TORONTO

MONTREAL

OTTAWA

CALGARY

VANCOUVER

NEW YORK

LONDON

SYDNEY

## Concerns

Our client's Property is located within the Secondary Plan. We reviewed the Final Staff Report, the Secondary Plan and the Urban Design Guidelines. On behalf of our client, potential concerns with the Secondary Plan and the Urban Design Guidelines have been identified below:

- 1) The location of, access to, and how the Mimico-Judson Greenway is being secured (Policies 4.5 to 4.7 and 5.2 and Map 35-2, Structure Plan, and Map 35-4, Public Realm Plan) requires clarification;
  - Policies 4.5 to 4.7 require the provision of a multi-use trail known as the Mimico-Judson Greenway (the "**Greenway**"). Map 35-2 and 35-4 of the Secondary Plan identify the proposed Greenway extending across the southern portion of the Property.
  - The proposed location of the Greenway may not be ideal and should be reconsidered in light of the anticipated development of Block 'C' and the surrounding area.
  - Policy 5.2 states that the "Greenway will be secured through an easement registered on title"; however, this policy is ambiguous and requires clarification. For example: Must it be an exclusive easement? Is the easement only secured above-grade? Does the easement count towards an applicant's parkland requirements? Who maintains the easement? Who is responsible for users that are injured on the Greenway? Will the municipality indemnify landowners for trespass and property damage that may be caused by Greenway users?
- 2) Prescribed maximum building heights (Policy 6.4) are inappropriate for a policy instrument;
  - Policy 6.4 provides height (in storeys and metres) limits for low-rise, mid-rise and tall buildings. While the inclusion of a storey limit may be appropriate in the Secondary Plan, including precise building height limits in a policy instrument is problematic.
  - If the objective is to set precise maximum building heights, this type of standard is more appropriately included in a regulatory instrument such a zoning by-law, where "height" can be defined relative to "grade" and exceptions to the height limit for mechanical elements, etc. can be set out, if appropriate.
- 3) unit mix requirements (Policy 7.1) are inequitable;
  - Policy 7.1 requires a minimum of 50% of all new residential units provided to have three or more bedrooms.

- We recognize that the City is looking to meet Provincial and municipal objectives for providing a diverse range of housing options including units designed to accommodate families. However, new development in other areas of the City are only required to provide a minimum of 10% of all new residential units as three or more bedroom units. This policy is patently inequitable.
- 4) Mechanisms for securing off-site parkland dedication (Policy 7.14) are vague; and
- Policy 7.14 outlines that Proponents who are seeking to develop on lands within the Secondary Plan Area outside of Block "D" are encouraged to secure off-site parkland dedication within Block "D". The delivery mechanism for such an arrangement is unclear.
- 5) A lack of opportunity to provide input into the development of Urban Design Guidelines (Policy 9.11).
- Policy 9.11 refers to Urban Design Guidelines that are to be adopted by City Council.
  - The Urban Design Guidelines that are attached to the Final Staff Report have not been the subject of community consultation. It is premature for these Guidelines to be brought forward for Council approval in advance of such consultation.

#### Request

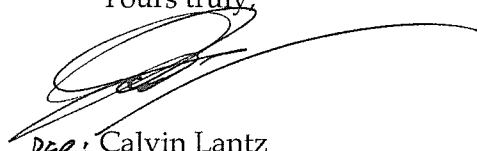
On behalf of our client, we respectfully request that:

- 1) Consideration of the Secondary Plan and related Urban Design Guidelines be deferred;
- 2) These matters be sent back to Staff for further public consultation, input and revision; and
- 3) These matters be brought back to PGMC at a later date.

Please note that the concerns with the Secondary Plan and Urban design Guidelines mentioned above are not exhaustive and we reserve the right to raise further issues as they may arise. Additionally, please provide us with notice of all upcoming meetings of Council and Committees of Council at which the Secondary Plan/OPA 331 will be considered as well as notice of any Council or Committee decisions thereon.

We look forward to participating in the upcoming public meeting process and working with City Staff to resolve our client's issues and concerns with the Secondary Plan and related Urban Design Guidelines. If you have any questions or require further information, please contact the undersigned. Thank you for your attention to this matter.

Yours truly,



PER: Calvin Lantz

CL/cb

cc. Councillor Mark Grimes, *Ward 6*  
Alyssa Trivelli, *Dunpar*  
Louis Tinker, *Bousfields Inc.*