

# CC35.5 - Confidential Attachment 2 - made public on December 18, 2017

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## Without Prejudice and Confidential

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Dear Ms. Matsumoto and Mr. Biggart:

**Re: Modification to OMB Approved Settlement  
OMB Case No. PO140860  
1150 Eglinton Avenue East and 844 Don Mills Road  
(Appeal Nos. 10-1 / 10-2)**

Further to our May 20, 2016 letter outlining the settlement offer of our client (Lifetime Pearl Street Inc.) in connection with the above proceedings and our now withdrawn appeal to OPA 231, we are writing to advise that, through the review of the development application for the subject lands, City staff and the owner have identified an inadvertent omission in Site and Area Specific Policy 511 of workplace daycares as a permitted use.

As you know, SASP 511 is one component of the settlement that Council endorsed and the OMB approved on December 20, 2016. The approved settlement also converts the west part of the subject lands to *Regeneration Areas* and modifies Map 2, Urban Structure, while retaining the east part of the lands as *General Employment Areas*.

In addition, the approved settlement removes the subject lands from the provisions of SASP 394 of OPA 231. SASP 394 applies to *General Employment Area* lands in the Don Mills business park where the subject lands are located and provides for a range of uses to support, 'amenitize' and animate office uses in the business park, including the workplace daycare use. SASP 511 maintains and carries forward some of these SASP 394 permissions; however the approved settlement does not reference the workplace daycare use in SASP 511.

Through the development application review process and ongoing discussions with City staff, our client understands that a workplace daycare within the proposed 9 storey office building of the first phase is a preferred location desired by City staff to support workers in the office building and help 'amenitize' and animate office uses in the Don Mills business park. Our client supports this use at this location near the Don Mills Road and Eglinton Avenue intersection.

Accordingly, we are writing to request that SASP 511 be modified to re-establish this SASP 394 use permission within SASP 511. As such, we are submitting the attached modification to SASP 511 which we hope can be considered by Council at its meeting in early October 2017, if necessary, and subsequently presented to the OMB for approval.

Yours truly,

McCarthy Tétrault LLP



Cynthia A. MacDougall

CAM

C: John Andreevski  
Gerry Rogalski  
Christian Ventresca

**Requested Modification  
Site and Area Specific Policy No. 511  
Chapter 7, Site and Area Specific Policies**

**Appeal No's 10-1/10-2 to OPA 231: 844 Don Mills Road and 1150 Eglinton Avenue East**

1. Site and Area Specific Policy No. 511 in Chapter 7, Site and Area Specific Policies is modified to add the words and punctuation "workplace daycares," to policy (h)(i) immediately after the word "restaurants" so that the policy reads as follows:

"(h) On the lands that are designated *Employment Areas* (identified as *General Employment Areas* in OPA 231):

- (i) retail and service uses, restaurants, workplace daycares, fitness centres and ice arenas may also be established; and"
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