

DEVINE PARK LLP

PLANNING AND DEVELOPMENT LAWYERS

Jason Park
patrick.devine@devinepark.com
D 416.645.4572

Devine Park LLP
250 Yonge St., Suite 2302
P.O. Box. 65
Toronto ON M5B 2L7

T 416.645.4570
F 416.645.4569

Matter No. N651-01

September 5, 2017

DELIVERED BY EMAIL (scc@toronto.ca)

Scarborough Community Council
Scarborough Civic Centre
3rd Floor, 150 Borough Drive
Toronto, ON M1P 4N7

Attention: Yvonne Davies, Administrator

Dear Ms. Davies:

RE: Scarborough Community Council Meeting of September 6, 2017
- **Agenda Item SC24.8 – 85 Galloway Road – Zoning Application – Request for Direction Report**
- **Letter filed on behalf of Highland Creek Lofts Inc.**

We are the solicitors for Highland Creek Lofts Inc., the owner of lands known municipally as 85 Galloway Road in the City of Toronto (the "**Property**"), which is the subject of the above-noted Zoning By-law Amendment application (the "**Application**").

We have now had the opportunity to review the Request for Direction Report with respect to this Application from the Director, Community Planning, Scarborough District to the Scarborough Community Council, dated August 18, 2017 (the "**Report**").

Our client is pleased to continue engaging in productive dialogue with the City and the Toronto and Region Conservation Authority ("**TRCA**") with respect to the Application and the issues outlined in the Report. Nonetheless, we would like to address certain key comments in the Report.

1. Metrolinx has not made an Offer to Purchase or Commenced Expropriation

We disagree with the Report's suggestion that the Application is premature on a number of fronts, including pending the completion of detailed design work by Metrolinx for the Galloway Road underpass. While our client has been in discussions with Metrolinx with respect to the Galloway Road underpass and the required expropriation/purchase of part of the Property for same, Metrolinx has not yet made an offer, commenced an expropriation, or provided any timelines to our client for when these actions will be taken. Accordingly, our client had no choice but to move forward with the Application at this time. In any event, our client and its consultants are of the opinion that the design of the development proposal has regard for the future Galloway Road underpass and that the development proposal is compatible with same as set out in the BA report which was filed as part of the Application.

2. Cultra Square Access

With respect to the Metrolinx underpass, the City notes concerns with respect to safety and access considerations with respect to the proposed private driveway off of Galloway Road. Although the original proposal indicated an access to the proposed development off of Cultra Square, City staff expressed their concerns in the Preliminary Report dated February 3, 2016 (the "**Preliminary Report**") that this could preclude the redevelopment of remaining vacant parcels fronting onto Cultra Square. Accordingly, our clients had no choice but to show the private driveway coming from Galloway Road only.

3. Hydrogeological Assessment

The Report indicates that Engineering and Construction Services staff and the TRCA have requested a hydrogeological assessment. Neither our client nor its consultants, both of whom have been in discussions with TRCA, have any record of a hydrogeological assessment being requested.

Our client is prepared to provide a hydrogeological assessment report, if required.

4. Landscape Plans

The Report notes that our client has not revised its landscape plans to address the concerns of Urban Forestry. Our client has submitted the "Concept" Landscaping Plans as required by the City's Development Applications guidelines. The concept landscaping plans, submitted with the Rezoning Application, have been accepted by Urban Forestry staff. The Urban Forestry Recreation report of December 23rd, 2015 indicates that:

"In principle, Urban Forestry does not object to the proposed development, however due to the issues noted below we are unable to support the application at this time. Revised plans and documents are required as noted...." [Bold included in the staff report]

In any event, the applicant will submit detailed Landscaping Plans before final approval of the site configuration and development proposal, in accordance with Urban Forestry requirements.

5. Comprehensive Development Plan

Our client is prepared and pleased to continue to engage in discussions with the Ward Councillor, City staff and TRCA with respect to the Application in order resolve the issues noted in the Report and the Preliminary Report. Specifically, in the Preliminary Report indicated that a comprehensive redevelopment plan be prepared:

"these lands would be better considered as part of a larger, comprehensive redevelopment of vacant remnant parcels fronting onto Cultra Square immediately north, and in conjunction with lands to the north at 87 Galloway Road, to complete the lotting pattern establishing along Cultra Square with consideration to the Natural Future Heritage policies applicable to the lands."

Our client is amenable to continuing discussions with City Staff, TRCA and its neighbouring landowners.

Given the above, we respectfully request that Community Council amend City Staff's recommendations to City Council to request staff to continue discussions with the stakeholders for a satisfactory development proposal for the Property.

If you have any questions, please do not hesitate to contact me or my colleague, Samantha Lampert, at 416.645.4532 or samantha.lampert@devinepark.com.

Yours very truly,

Devine Park LLP

A handwritten signature in blue ink, appearing to read 'J-Park' followed by a stylized flourish.

Jason Park
JIP/SHL

cc: Highland Creek Lofts Inc.
Matthew Longo, City of Toronto Legal Services Division