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VIA EMAIL: teycc@toronto.ca

June 5, 2018 Our file: 106259

Toronto and East York Community Council 2nd floor, West Tower, City Hall 100 Queen Street West Toronto, ON M5H 2N2

Attention: Ellen Devlin, Secretariat

Dear Council Members:

TE33.16 – 324 Cherry Street and 429 Lake Shore Boulevard East - Draft Plan of Subdivision Application – Directions Report

Aird & Berlis LLP represents 3C Lake Shore Inc., with respect to the redevelopment of the site located at 324 Cherry Street and 429 Lake Shore Boulevard East.

We entirely reject the suggestion that the Draft Plan of Subdivision is premature, and request that your Committee recommend to Council:

"That the Chief Planner and Executive Director, City Planning, authorize the City Solicitor together with City Planning Staff and other appropriate staff, to finalize the processing of the Draft Plan of Subdivision on an expedited basis, and enter into settlement discussions with the applicant to secure those matters set out in Recommendation 4(a), (b), (c), (d), and (e), of the Staff Recommendation."

In support of this request that the plan not be deemed premature and a revised Recommendation, we note that the Draft Plan of Subdivision has been before the City of Toronto since December 30, 2016. Upon receipt of preliminary circulation comments on November 28, 2017, a resubmission package was submitted on February 14, 2018, to respond to the comments received.

The Draft Plan of Subdivision itself was filed to implement the conditional approval of an Official Plan Modification and Zoning By-law Amendment reached as a settlement with the City, after several years of processing, and more than one year of mediation. This conditional approval was received at most two years ago, on June 22, 23 and 24 of 2016. The conditional approval of the built form and Section 37 matters included affordable housing provisions. After provision of additional documentation the final Order issued on December 22, 2017.

Contrary to the suggestion of your Staff Report that the Draft Plan Application was provided prior to "approval" by LPAT, it should be pointed out that the LPAT approval of June, 2016 settled matters of built form, Section 37 and other matters sufficient to allow the Draft Plan of

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Subdivision to be filed. More importantly, the resubmission of February, 2018 was, unquestionably, undertaken in light of the final Order of LPAT.

The Staff Report also suggests the Draft Plan is premature due to ongoing projects including the Port Lands Flood Protection Enabling Infrastructure, and the East Gardiner EA. With respect to the Port Lands Flood Protection Enabling Infrastructure, it should be noted that this site was removed from the flood plain upon completion of the Lower Don River West Flood Remedial Project. It was only after the Draft Plan of Subdivision submission that TRCA advised that due to additional flood modeling work, a portion of the site may still be subject to flooding. As part of that, TRCA recognized that an onsite servicing solution could address the matter. More importantly, conditions of draft plan approval are readily available to ensure that development does not proceed in advance of appropriate flood protection. This fact does not render processing and draft plan approval premature.

With respect to the Gardiner EA, we note that the current alignment does not affect the subject site. In any event, and as above, conditions of draft plan approval can address the requirement to work with the City regarding potential site access and circulation impacts during the potential construction process.

Finally, the Draft Plan of Subdivision is one of many processes still required to be completed prior to issuance of any building permits. Specifically, the Site Specific Zoning By-law puts in place a number of technical requirements prior to the removal of an existing Holding Provision, including written confirmation from the TRCA with respect to removal of the Special Policy Area designation. Additionally, site plan approval is required. The Draft Plan of Subdivision application merely assists in advancing the application and does not replace those other steps.

It is our client's intention to continue to work with staff to finalize responses to those details set out in Section 4 of the Staff Recommendation, as well as any other comments provided on the resubmission. If those matters are satisfactorily achieved prior to Council's ability to provide altered instructions to the City Solicitor, this matter will be unreasonably and unnecessarily delayed by the Staff Recommendation as drafted.

As a result, it is requested that this application not be deemed premature, but rather made subject to the conditions and recommendations set out above.

Yours truly,

AIRD & BERLIS LLF

N. Jane Pepino, C.M., Q.C., LL.D.

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