

June 23, 2022

Our File No. 174744

BY EMAIL

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Dear Chair Members of the Etobicoke York Community Council:

**Re: Mount Dennis Secondary Plan – Final Report
Item EY33.11
Etobicoke York Community Council Meeting June 27, 2022**

Aird & Berlis LLP acts on behalf of KingSett Capital (“**Kingsett**”). Kingsett is the owner of a number of properties located within the boundaries of the City’s proposed Official Plan Amendment No. 571 (“**Mount Dennis Secondary Plan**”), including: 5-15 Denarda Street, 2-16 Denarda Street and 1161-1181 Weston Road and 7-11 Locust Street. Kingsett has active interests in and continues to consider acquisitions of other properties within the proposed OPA area.

We have reviewed with Kingsett the draft Mount Dennis Secondary Plan as well as the accompanying Staff Report dated June 8, 2022. Although generally supportive of the overall vision of the draft Mount Dennis Secondary Plan, we have identified a number of concerns and comments with the present draft policies, including but not limited to the following:

- **Land Use Permissions:** Policy 5.4.1 requires that development replace all existing non-residential gross floor area, which may be transferred to a receiving site within the Plan Area provided the non-residential gross floor area on the receiving site is constructed prior to, or concurrent with, any residential gross floor area on the donor site. While Kingsett is supportive of maintaining and growing the economic function of the Mount Dennis Secondary Plan Area in its view this policy is overly restrictive and will have the effect of limiting redevelopment opportunities. Rather, Kingsett’s view is that Policy 5.4.2 alone provides for more appropriate flexibility to create a balance of residential and non-residential uses based on the market’s ability to support new commercial space in the community.
- **Rail Safety:** Policies 5.7 should be revised to remove the minimum 30 metre setback from the property line of the rail corridor, and should rather require all development adjacent to the corridor to provide the noted Rail Safety and Risk Mitigation Report that identifies a recommended approach to achieving an appropriate setback given the site configuration, proposed uses and other factors. We note that these reports are subject to peer review therefore ensuring the broader public interest engaged by the policy is addressed.

- **Base Building and Stepbacks:** Policy 8.14.3 limits the height of base buildings, and provides a required tower setback from the base building. This policy is overly prescriptive for an Official Plan policy and could trigger the need (and expense) of amendments to the Official Plan which otherwise would not be necessary. The policy should be deleted to allow for detailed building design through the zoning by-law amendment process.
- **Tower Floorplates:** Policy 8.14.4 requires the floor plates for portions of the building above the base building of residential buildings to generally not exceed 750 square metres. The policy should be revised to allow for increased flexibility as determined by supporting studies.
- **Tall Building Setbacks:** Policy 8.14.5 requires a minimum tower separation of 30 metres. As a general rule zoning standards such as tower separation belong in an implementing by-law and not in Official Plan policy. While we appreciate that a reduction to separation distances may be considered at some locations on a site, we believe the requirement should be reduced to 25 metres to be consistent with the Tall Building Guidelines and recently adopted City By-laws 1106-2016 and 1107-2016, and include language to provide for additional flexibility where it can be demonstrated that a reduced separation is appropriate.
- **Parking Structures:** Policy 8.25 limits the location of underground parking structures to below the building footprint. This policy should be deleted so issues of detailed building design through the zoning and site plan application processes.
- **Mixed-Use Main Street:** Policy 8.45 should be revised to allow for tall buildings on both the east side and west side of Weston Road. Additionally, this policy should be revised to permit flexibility in height maximum for both base buildings and towers, supported by shadow studies to ensure no adverse impacts. Additionally flexibility in this designation will allow for the area to support the intended intensification near the transit station.
- **Mixed-Use Growth District:** Policy 8.47 should be revised to allow for buildings with a maximum height of approximately 45 storeys to be located in the general proximity to Mount Dennis Station. Expanding the area where tall buildings are permitted will create consistency with higher level policy requirements for intensification nearby to higher order transit service, particularly at transit stations.
- **Affordable Housing:** Policy 9.4 states that development of publicly owned land should include provisions for affordable housing. The language of this policy should be modified to say that development of publicly owned land may include provisions affordable housing.
- **Housing:** Policy 9.7 requires developments with more than 80 new residential units to provide a minimum of 40% of the total number of new units as a combination of two- and three-bedrooms units. Kingsett is supportive of the requirements in Policy 9.7.1 and 9.7.2 for a minimum of 15 per cent of the total new units as two bedroom and a minimum of 10 per cent of the total new units as three bedroom; however, it is Kingsett's experience that a total requirement for 40 per cent is not supported by the current market demands for unit types. Policy 9.7 should be revised to require a minimum of 25 per cent of total number of

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new units to be a combination of two- and three-bedroom units, consistent with other recently adopted and approved Secondary Plans in the City.

- **Parks and Public Realm Plan:** Kingsett welcomes the proposed planned parks and public realm improvements to the Plan Area; however, the “planned” pedestrian connections as they are shown on Map 5 bisect some of the Kingsett holdings. We would appreciate the opportunity to work with staff to ensure pedestrian connections can be achieved in a manner that ensures the orderly future development of these lands. In the interim we would respectfully request that the “planned” connections be removed from the Kingsett lands.

Generally speaking, in our view the draft Mount Dennis Secondary Plan should be modified to ensure additional flexibility is provided with respect to heights, built form and the provision of unit types in order to ensure that the objectives and desired vision set out therein can be reasonably achieved.

Kingsett welcomes the opportunity to continue dialogue with the City with respect to this important policy initiative and to address those concerns outlined above and any additional concerns which may arise through further review. In addition, we may provide additional commentary on behalf of other clients and in respect of other aspects of the draft draft Mount Dennis Secondary Plan prior to the adoption of any Bills by Council.

Finally, we respectfully request that Community Council recommend that the matter be referred back to staff so that the concerns outlined herein can be addressed in a revised version of the draft Mount Dennis Secondary Plan.

We ask to be provided with notice of any future meetings related to this matter and for notice of adoption of any Official Plan Amendment resulting therefrom.

Thank you for your consideration of this request.

Yours truly,

AIRD & BERLIS LLP



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