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February 16, 2022

via email (teycc@toronto.ca)

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

Attention: Ellen Devlin, Administrator

**Re: TE31.12**  
**Danforth Avenue Planning Study (Segment 2 - Don Valley to Coxwell Avenue)**  
**City-Initiated Official Plan Amendment and Urban Design Guidelines**  
**Final Report**

We are the solicitors for Percy Ellis Holdings Inc., the registered owner of 975 Danforth Avenue in the City of Toronto (the "**Site**"). On behalf of our client, we are writing to express concern with the Final Report titled *Danforth Avenue Planning Study (Segment 2 – Don Valley to Coxwell Avenue) – City-Initiated Official Plan Amendment and Urban Design Guidelines* that is being considered by Toronto and East York Community Council on February 16, 2022 (the "**Final Report**"), in particular the proposed Official Plan Amendment ("**Draft OPA**").

On a preliminary review, our client's concerns with the Final Report include but are not limited to the following:

### **1. Lack of a Transition Clause**

As proposed, the Draft OPA does not contain transition provisions, which are critical to prevent prejudice to landowners or developers with development projects and applications that are already approved or underway. Without an appropriate transition or grandfathering clause, many development applications under consideration by the City - "pipeline projects" - may be adversely affected.

### **2. Prescriptive Built Form Policies**

The Draft OPA codifies as Official Plan text built form character and other performance standards in a rigid and inflexible way, that does not adequately allow for site-specific context and considerations to be taken into account, including some that are relevant to the Site. The effect of the land use requirements contained in the Draft OPA are overly restrictive and are not supportive of the policy direction contained in the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe.

Additionally, we formally request that the undersigned be provided with notice of any City meetings where reports related to the above noted matter are to be considered. Finally, we request that the undersigned be notified of any decision respecting the above noted matter.

Should you have any questions or require any additional information, please do not hesitate to contact the writer.

Sincerely,

McCarthy Tétrault LLP

A handwritten signature in black ink, appearing to read 'M. Foderick', written over a light blue horizontal line.

Michael Foderick