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May 22, 2018

Via email and courier

Mayor and Members of City Council
City Hall
12th floor, West Tower
100 Queen Street West
Toronto ON M5H 2N2

Attention: Marilyn Toft, City Clerk's Office

RE: Item PG 29.4 – TOcore Downtown Official Plan Amendment (OPA No. 406) including proposed secondary plan for Downtown (“ the Downtown Plan”)

We are the solicitors for Plazacorp Properties Limited (“**Plazacorp**”), which owns the lands municipally known as 20 and 26 Maitland Street and has an interest, by way of an agreement of purchase and sale, on the adjacent property immediately to the west, 15 Wellesley Street, currently owned and operated as a Toronto Parking Authority parking lot (collectively the “**Site**”). The Site is situated within the southeast quadrant of Yonge Street and Wellesley Street, immediately east of the Wellesley subway station.

Our client has been involved in an extensive, and ongoing pre-application consultation process respecting its proposal for the Site’s residential redevelopment and has met on numerous occasions with City staff and the local Councillor to consider revisions to the design to meet the City’s objectives for the Site. Plazacorp has also engaged extensively with neighbouring property owners and the local community through a series of working group sessions, also attended by staff and the local councillor, as part of its endeavour to refine its proposal, prior to the submission of a formal application for development approval.

The plans for the proposal that have been developed to date are reflective of this collaborative process and and comments provided as to the goals for the Site ‘s redevelopment which include the provision of significant public benefits such as the creation of a new, on-site public park and pedestrian connections. Discussions with the City are also ongoing on the potential for provision of affordable housing as part of the redevelopment scheme.

In our view, given the extent of staff and community input and review already provided to date and reflected in our client’s plans for the Site, it would be appropriate to provide for some form of site-specific recognition to ensure that the application of the policies of the Downtown Plan will not operate to prevent the redevelopment proposal from being realized. This might, for example be achieved through a site-specific exemption for the Site.

We would therefore request that the Downtown Plan be modified prior to adoption to exempt the Site from the proposed instruments' application.

In the absence of such an exemption, however, our client would object to the proposed adoption the Downtown Plan in its current form and requests that Council's approval of the instruments be deferred to allow for additional consultation. As currently drafted, the proposed Downtown Plan contains a number of unduly prescriptive policies that, taken cumulatively, will limit the opportunity to achieve an appropriate and desirable form of residential intensification on the Site- a location within a major transit station area served by existing higher order public transit and municipal infrastructure. The range and nature of constraints imposed by proposed policies in our submission are not consistent with the Provincial Policy Statement, 2014 nor do they conform to Growth Plan for the Greater Golden Horseshoe particularly as these instruments relate to the objective of intensification and provision of an appropriate range and mix of housing.

By way of example, the built form policies proposed within the new secondary plan for the Downtown in Section 41 of Chapter 6 of the Official Plan propose the introduction of a number of minimum numerical standards including the imposition of a maximum floorplate size for residential and mixed-use buildings as well as a minimum requirements for a 6 metre building setback applicable within most mixed use areas designations, including the *Mixed Use Area 1* designation relevant to the Site. The specificity of such standards in our view is inappropriate within the context of an official plan document and are too inflexible to respond appropriately to the site and area-specific conditions that vary across the Downtown.

Equally, our client has concerns with the proposed housing policies that require a minimum percentage of two and three bedroom units with a specified minimum unit size in all projects containing 80 or more new units, as well as with the variety of policy directions which require, in different contexts, maintenance of non-residential gross floor area with highly specific programmatic requirements. The latter includes, by way of illustration, the direction to maintain a high proportion of non-residential uses in mixed-use development in the *Mixed Use Areas 1* designation as well as the mandatory requirement for replacement of existing community service facilities on-site. In Plazacorp's submission, the collective effect of such a range of restrictive policy directions is to create substantial obstacles to delivery of viable residential projects within the Downtown that will remain at once affordable and meet market demand- undermining rather than promoting goal of ensuring housing diversity and affordability.

The above comments do not exhaustively capture our client's objections to the proposed instruments but are intended to highlight and provide examples of some of the problematic aspects of the Downtown Plan, in its current form, that concern our client.

Consequently, in the absence of a site-specific exemption, given the concerns which arise from the instruments in their current form which would significantly impact the Site's redevelopment, we request that the approval of the Downtown Plan be deferred by Council to permit further discussion with Planning staff and reporting to Council, Community Council or their Committees as may be required.

In any event, on behalf of our client, we request that notice of Council's decision in this matter as well as of any further consideration by Council, any Committee thereof, or Community Council be provided to us.

All of which is respectfully submitted.

Yours truly,

McCarthy Tétrault LLP

Per:

Handwritten signature of Cynthia A. MacDougall in cursive, with the word "per" written below it.

Cynthia A. MacDougall

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