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Our File No.: 000031

Via Email

City Council
12th Floor, West Tower, City Hall
100 Queen Street West
Toronto, ON M5H 2N2

Attention: Marilyn Toft, Secretariat

Dear Sirs/Mesdames:

**Re: PG23.3 – Official Plan Five Year Review
OPA to Adopt New Heritage and Public Realm Policies**

We are solicitors for the owners of the properties known municipally as 580-596 Church Street and 67-71 Gloucester Street the City of Toronto (the "Subject Property"), some of which are designated pursuant to the *Ontario Heritage Act*. Our client owns other properties in the City of Toronto and has similar concerns in respect of the potential application of the proposed policies to those properties.

We understand that City Council will be considering the above-noted item as its meeting on April 2-3, 2013. Our client is concerned that the proposed heritage policies are not being considered as part of the broader land use planning framework that should inform them. This has resulted in a number of our client's concerns, as outlined below.

- The proposed public realm policy (3.1.1.9), with respect to maintaining, framing and creating public views to landmark buildings, is sufficiently vague and arguably overreaching that a future redevelopment of the Subject Property would be prohibited without an appropriate opportunity to review and balance all policies in the City of Toronto Official Plan.
- The proposed policies do not provide clear guidance regarding the evaluation of heritage conservation assessments or the range of acceptable outcomes. Our client submits that a variety of built form outcomes should be anticipated by the policies as a means of encouraging heritage conservation in the context of desirable intensification.
- The proposed policies should not discourage any particular potential outcome but, instead, recognize that it may be appropriate to consider and approve new buildings,

renovations and additions on, or in proximity to, buildings on the City's heritage inventory through the consideration of innovative approaches to heritage conservation.

- Other aspects of the proposed official plan amendment may not be consistent with the Provincial Policy Statement (2005), including those policies regarding settlement areas being the focus of growth and intensification (including Downtown Toronto) and the definition of "adjacent".

While our client recognizes that the City must update its Official Plan as part of statutory requirements under the *Planning Act*, our client is concerned that the proposed official plan amendment would establish overly subjective policies without an overall land use planning framework having been considered. If the City is unwilling to defer consideration of the above-noted official plan amendment until all policies resulting from the Official Plan Five Year Review have been brought forward, our client would have no choice but to consider an appeal of this matter to the Ontario Municipal Board at this time.

We would appreciate receiving notice of any City Council decision regarding this matter.

Yours very truly,

Goodmans LLP



David Bronskill

DJB/

cc: Client