

May 30, 2017

Our File No.: 135171

BY EMAIL

Chairman and Members,
Planning and Growth Management Committee,
City of Toronto,
City Hall, 100 Queen Street West
10th Floor, West Tower,
Toronto, Ontario, M5H 2N2

Attention: Nancy Martins, Secretariat, Planning and Growth Management Committee

Dear Chair and Members:

Re: Item: PG 21.4
Port Lands Planning Initiatives – Interim Report
Planning and Growth Management Committee Meeting – May 31, 2017

Aird & Berlis LLP represents Toronto Waterfront Studios Development Inc., the development arm of Pinewood Toronto Studios, the long-term leasee of the property municipally known as 101 and 225 Commissioners Street and 1-17 Basin Street, in the City of Toronto (the "Site") and Castlepoint Numa, the development manager for Pinewood Toronto Studios located on the Site. The approximately 30-acre Site is located within the Port Lands' Film Studio Precinct Plan within the City of Toronto's Central Waterfront.

We, along with our client, have had an opportunity to review the "Port Lands Initiatives – Interim Report" dated May 16, 2017 and are writing to express our clients' concerns with the proposed official plan amendment in its current form, as well as with the proposed process of endorsing draft documents prior to resolving any outstanding matters with stakeholders and ultimately before they are presented in their final form.

Our clients have active applications to facilitate the constructions of a 3-storey, 6,724 square metre office building (purpose built film and television support facility) with broadcasting and communication uses, office uses, and a temporary surface parking lot on the Site.

Over the past several years, our clients have continued to actively participate in the Port Lands Acceleration Initiative initiatives, including the Port Lands Framework Plan, Port Lands and South of Eastern Transportation and Servicing Master Plan, and the Film Studio Plan exercises. Most recently, our clients, have reviewed the latest publically available materials concerning the Film Studio Precinct Plan. Under separate cover dated April 12, 2017, our clients provided comments to staff highlighting numerous concerns with the Film Studio Precinct draft Official Plan Amendment, as circulated on March 29, 2017 (the "Draft OPA"). A copy of our clients' correspondence is attached. We note that

the Draft OPA attached to the May 16, 2017 Interim Report is largely consistent with the version distributed on March 29, 2017 and, in particular, our clients' comments and concerns have not been addressed.

We understand that as part of this agenda item, it is staff's recommendation that City Council endorse in principle (emphasis added) the Draft OPA as a modification to the Central Waterfront Secondary Plan and to bring forward the final Draft OPA to the October 2017 Planning and Growth Management Committee meeting. As noted above, our client appreciates the City's prioritization of the Draft OPA. However, our client is not in support of City Council endorsing the Draft OPA in the form attached to the May 16, 2017 Interim Report.

First, the Draft OPA, in our respectful submission, constitutes a fundamentally flawed approach to land use planning and design for the Film Studio Precinct. The Official Plan is a policy document and should not include matters which are better suited as zoning regulations and/or urban design guidelines. The Draft OPA policies appear to be drafted in a compulsory manner and if rigidly applied would result in excessively strict obligations which, in our clients' view, will stifle and unnecessarily restrict development. As a general rule, official plan policies should be broad and purposive while still being capable of clear interpretation. The Draft OPA fails to achieve this balance and accordingly, the unduly restrictive nature of the Draft OPA policies will stagnant the ability to achieve good planning within this Precinct.

Second, as evidenced from our client's correspondence of April 12, 2017, there are a number of detailed concerns respecting the Draft OPA which remain outstanding. In our submission, it is premature for City Council to endorse a policy document which, in our submission, should be viewed as a working draft, subject to further amendments and refinements. An endorsement by City Council of the Draft OPA at this time and in its current form, in our respectful submission, renders the Draft OPA as approved (albeit in principle) thereby thwarting the public consultation process going forward. The Planning Act requires that City Council hold a public meeting prior to making a decision respecting the Draft OPA. That statutory public meeting is anticipated to occur in the Fall. The Planning Act does not contemplate a two-staged approval process as is being proposed in this circumstance. In our submission, an endorsement of the Draft OPA in its current form is prejudicial to our client and circumvents the statutory public consultation and approval process enshrined in the Planning Act.

In particular, the fundamental concern for our clients is that the Draft OPA fails to reflect the necessary flexibility, mix of uses and attributes which modern film districts deliver around the world. Film studios campuses encompass an integrated mix of uses now more than ever. In order for screen-based industries to thrive, we submit that there needs to be a better understanding of what creates a successful film, television and digital media hub so that the policies of the Draft OPA can support and encourage same. Accordingly, our client is urging the City and Waterfront Toronto to pursue further market analysis, assess implementation strategies for better infrastructures, learn how studios are financed and gain an appreciation of the importance of "place making" associated with such uses. In particular, we note that the Draft OPA limits the current land use planning flexibility associated with the current Regeneration Areas designation. In our clients' experience,

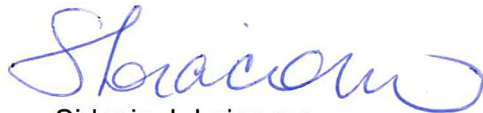
creative industries want to locate their operations in vibrant and diverse environments. Therefore, our client is not supportive of the approach taken in the Draft OPA which seeks to restrict uses otherwise supported in the Regeneration Areas designation with no clear rationale for doing so. As currently drafted, the introduction of residential uses, for example, would require a comprehensive review. This requirement is overly restrictive and could be a significant hindrance to realizing film studio and other creative cluster. In our submission, a range of uses including cultural, office, residential, retail and hotel are needed to create a vibrant environment within which the film, television and digital media sector can thrive.

Based on the foregoing, we request that Planning and Growth Management Committee reject staff's recommendations and refer the Draft OPA back to staff in order that consultation with the public may be undertaken as part of a process which is not suggestive of City Council having predetermined the form of the Draft OPA prior to its final approval. In the interim, our client remains available to meet with staff to discuss its concerns respecting the Draft OPA in greater detail.

We formally request that the undersigned be provided with notice of any meetings of Council, Committees of Council, Community Council or Public/Community Consultation Meetings where reports related to the Draft OPA are to be considered. Finally, we request that the undersigned be notified of the any decision of Council, Committees of Council or Community Council respecting the Draft Plan. Should you require any further information, please do not hesitate to contact the undersigned.

Yours truly,

AIRD & BERLIS LLP



Sidonia J. Loiacono
SJL
Encl.

cc: Clients

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April 12, 2017

VIA EMAIL

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Dear Cassidy and Amanda,

Re: Draft Official Plan Amendment respecting the Port Lands

On behalf of Pinewood Toronto Studios ('PTS') and Castlepoint Numa, the development manager for PTS, we are writing to advise of our continued support in the efforts being made to revitalize the Port Lands. We remain concerned however, that the foundations of the vision for the Film Studio Precinct still do not reflect the necessary flexibility, mix of uses and types of spaces that modern film districts are evolving into around the world. Studio campuses are now more integrated than ever before making them and the areas they anchor more attractive for investment and growth.

While we appreciate the efforts proposed and implemented to create parameters to support screen-based industries, there is a need for a better understanding as to what creates a successful film, television and digital media hub. A simplistic land use plan that draws hard lines and does not consider the numerous other factors that make a successful precinct will not attract the necessary investment to compete with emerging studio campuses in other jurisdictions. We are urging the City and Waterfront Toronto to pursue further market analysis, implementation strategies for better infrastructure, to learn how studios are financed and made sustainable, and finally, but just as importantly, an understanding that 'place making' needs to be at the forefront of this discussion.

Although we are supportive of the efforts to advance the acceleration of development in the Port Lands, through such instruments as the Official Plan, we believe that the current draft requires further review and consultation. We do not think that the draft Official Plan should proceed to Planning and Growth Management Committee and City Council in its current form.

Based on our review of the Draft Official Plan Amendment respecting the Port Lands, we have a number of preliminary comments. As suggested, we have tried to group our response in the following three categories: 1. Policy areas that we are able to support, 2. Policy areas which are of the opinion should be strengthened and/or require further consideration and 3. Policy areas that we are of the opinion should be revised.

Please see our initial comments below.

1. Policy areas that we are able to support

Section 2- Vision

- Section 2.1.3 c)- we are supportive of the efforts to embrace the Ship Channel and build on the potential of this unique waterfront amenity.

Section 5- Parks and Open Spaces

- Section 5.6- within the secured portion of Pinewood Toronto Studios, our master plan has contemplated green open space as an amenity to those working at secured studio campus- we are supportive of protecting for a range of different spaces for the emerging neighbourhood.
- Section 5.10.2- we are supportive of the proposal that if cash-in-lieu of parkland is collected by the City, the monies will only be applied towards the acquisition, design and construction of parks within the Port Lands. Ensuring that any resources collected within the Port Lands gets allocated directly to the Port Lands and not elsewhere in the City is positive.

Section 10-Transportation

- We are supportive of the protection for higher order transit, including cycling, as well as inclusion of shared local streets.

2. Policy areas which are of the opinion should be strengthened and/or require further consideration

Section 3- Objectives

- Section 3.1- we suggest to removal of 'beautifully designed buildings' since it does not read clearly with the rest of the sentence and add a new objective that speaks to the importance of incorporating high standards in building design, architecture and placemaking.
- Section 3.2- 'Actively pursue land uses that will shape prosperity and increase Toronto's global competitiveness and drive a strong, production-orientated, digitally-connected, innovative and diverse economy'- will not be achieved when creating single use environments as envisioned for the Media City. The land use vision should be revisited.
- Section 3.10- 'Ensure orderly development in lock-step with infrastructure improvements while advancing short-term actions for enhanced public spaces'- notwithstanding the minor typo ('is' instead of 'in'), this objective is unclear. Specifically, the reference to 'advancing short-term actions' is vague in the context of accelerating the creation of public spaces. Is this objective trying to note that notwithstanding the required infrastructure needed for development, emphasis should be placed on creating functional public spaces early in the process?

Section 7- Community Infrastructure

- Section 7.5.4 – although this section does not specifically reference where the 'twin pad arena or sports complex' will be located in the Port Lands, we do think that it should not be located within the Media City.

Section 13- Biodiversity

- Section 13.2- it is unclear what a 'Naturalization Plan' is referring to. Should the reference be updated to Natural Heritage Impact Study, which has a defined scope within the City's Development Guide?

Section 15- Implementation

- Section 15.10 –this section lists potential conditions that would be tied to the removal of the holding provision. It is unclear what 'special design features as required' is referring to. Please clarify or remove.

3. Policy areas that we are of the opinion should be revised

Proposed amendment to Policy P42

- We do not believe that the current draft of the Port Lands Area Specific Policy included in Schedule C should be used to set the vision for the Port Lands and as such this reference should be removed until a number of matters are addressed.

Proposed amendments to Schedule A- Proposed Rights of Way (ROW) for Major Roads

- We believe that amendments to the proposed list of ROWs for Major Roads should not be introduced further consultation has been completed. As mentioned, we continue to have concerns with the proposed alignment of Broadview Avenue. The proposed Broadview Avenue extension runs through the eastern portion of the secured area of the Studio lands. The use of the adjacent lands to the east of Stages 10, 11 and 12, which were completed in 2013, is significantly, if not completely, compromised by this road proposed road alignment. The PTS Master Plan included potential build options for this portion of the site, including a parking deck or workshop spaces. These are important elements to support ongoing growth and day-to-day operations of the Studios, which are now lost with the currently proposed alignment. Although we see the benefit of extending the Broadview Extension to the Port Lands, our support is conditional until such time as we can address and resolve the loss of valuable lands to support the studios operations.

Section 2-Vision

- Section 2.1.2 c)- as we noted above, our support for Broadview Avenue is conditional on resolving a number of issues resulting from proposed alignment as currently presented.
- Section 2.1.3 b)- we are supportive of transforming Commissioners Street into the main street in the Port Lands and in introducing higher order transit. That said, we believe that maintaining the above grade decommissioned hydro towers results in an overly generous ROW and as such should be removed to create a pedestrian scaled street experience.
- Section 2.1.4 d)- 'Water recreation features that capitalize on the various water features...' is unclear
- Section 2.1.6- We believe that creating single use environments will not support the 'broader city building objectives,' including strong and thriving spaces

Section 4- Land Use

- Section 4.1.4 a) We question the decision to remove the current land use flexibility found under the current *Regeneration Area* Official Plan designation, especially since it has yet to be demonstrated through any type of market evaluation or planning justification whether there are a sufficient number of 'Production, Interactive and Creative' uses to support a dynamic and active built environment, or whether these creative users would want to locate in a purely "employment" area. We believe that residential uses are appropriate for our site especially given that there are residential uses and a proposed community hub immediately north and that the site fronts onto two major public realm features- turning basin and the water's edge promenade.
- Section 4.1.4 b)- it is unclear how the south west corner of the Commissioners Street and the proposed Broadview Avenue extension will support retail since there is not sufficient land area to support an actual building. Further, it is unclear how the existing studio buildings, which are behind a secured fence line, will support at-grade retail opportunities further south along the Broadview Avenue extension.
- Section 4.2.2- Based on our experience creative industries want to locate their operations in vibrant and diverse environments. Restricting uses that currently are permitted under the *Regeneration Area* Official Plan designation is not advancing the objective of creative a strong economic base.
- Section 4.3- As noted above, the current *Regeneration Area* Official Plan designation does contemplate residential uses. Suggesting that residential uses may only be contemplated through a municipally initiated comprehensive review is overly restrictive and short sighted.
- Section 4.4.1- envisioning the majority of the Film Studio Precinct to support strictly 'Production, Interactive and Creative' uses with a particular focus on 'screen based industries' is unsupportable from neighbourhood and place-making perspective. Diversity in land uses is needed to support interesting and thriving neighbourhoods.
- Section 4.4.2- We believe that land use compatibility issues can be mitigated and the residential uses are appropriate and desired within Media City. A range of uses, including cultural, office, residential, retail, hotel, are needed to create a vibrant environment to support film and television production.
- Section 4.4.6- 'sound levels associated with gunfire, explosions and/or other noisy activities' are more likely to happen outside of the film and television production studios lot and this statement is not an accurate characterization of the potential relationship between sensitive land uses and a film and television production studio.
- Section 4.5.1- the retail strategy proposed on Map 3C needs to be reconsidered as part of the proposed street network proposal.

Section 6- Cultural Heritage

- Section 6.2.5- states that view studies will be completed during precinct planning and the development application review process. As such, it is unclear why Map 3F is included. Map 3F is too general and does not provide any context for what views should be considered (it is also missing a detailed legend listing the views themselves). Reference to protection of certain views is appropriate but including a map seems premature since view studies have not yet been prepared.
- Section 6.2.6- 'Giving silos, chimney stacks and other port/industrial artifacts address or frontage on/in major public open space and streets' is unclear. Is this referring to protecting views to these features? Is this referring to City's desire to integrate hydro towers into the revitalized streetscape?

Section 10- Built Form

- Section 10.4 c)- Further to meeting the Toronto Green Standards, it is unclear why future development proposals would be required to 'demonstrate how the building materiality supports longevity and sustainability objectives' and more specifically how that requirement would be met. It may be more appropriate to include this or a similar provision as part of site specific zoning bylaw since there may be an opportunity to provide further detail.
- Section 10.5 a) reads 'Animating the public realm with retail and other active uses at grade with narrow frontages, a wealth of details and recessed entrances' – it is unclear what a 'wealth of details' is intended to refer to / require?
- Section 10.6.1- the majority of the Port Lands are currently vacant or underutilized and therefore, setting requirements for new development to reinforce and showcase the Port Lands existing skyline (of mostly vacant lands) is counter to the efforts to support new development and investment
- Section 10.7.4- we are not supportive of setting a minimum tower separation distance of 40 metres, which is almost double the distance of the City Wide minimum requirement of 25 metres between tall buildings. This distance seems arbitrary and inconsistent with the objective to create an urban environment.
- Section 10.7.5 – further to Section 10.7.4, we are not supportive of minimum separation distance of 40 metres between a tall building and the predominant face of heritage buildings/structures
- 10.7.6- we believe that minimum setbacks from base building should be evaluated with an actual massing proposal and should be referred to in a site-specific zoning bylaw and not within an Official Plan.

Section 11- Arts and Culture

- Sections 11.1 to 11.7 – it is unclear why there is such detail for Public Art Plan and Public Art Strategies when section 11.7 states that development on privately-owned sites are just encouraged to participate in the City's Percentage for Public Art Program. Are other models for public art being considered than just the City's Percentage for Public Art Program and the proposed coordinated public program. As you may be aware, further alternative strategies were contemplated in the recent settlements in Keating Channel West Precinct which may also be appropriate for the Port Lands
- Section 11.7- is the intent to use a portion of the public art funds towards implementing the items listed in a, b, c, and d including high-profile events, new cultural facilities, etc.?

Section 14- Municipal Servicing, Utilities and Green Infrastructure

- Section 14.5.3- states that development will be required to 'provide proper fit-outs to ensure connection to future low-carbon thermal energy network, such as deep lake water cooling....' Has the City confirmed the cost and timing implications of this requirement on future development?

Section 15- Implementation

- Section 15.6.3 e)- the Port Lands and South of Eastern Transportation and Servicing Master Plan is not finalized nor is it approved – why are Official Plan policies tying servicing improvements to a document that is not in force?
- Section 15.8- A Section 37 contribution is determined by the amount of residential density secured. The list of items anticipated to be funded solely by Section 37 contributions is unrealistic in particular given that much of the Port Lands is not intending to support residential uses. This provision requires reconsideration.

Maps

- Map 3E- there are two copies of Map 3E in the draft
- Map 3F- a detail legend should be included in order to clarify the proposed views i.e. what does 'B' refer to?
- Map 3F- what does 'protect view corridor through any redevelopment' as noted in the legend mean?

We trust that the above is helpful in your review. We would be happy to discuss our preliminary comments above in further detail at your convenience. As noted above, we are strongly of the view that the current draft Official Plan Amendment for the Port Lands requires further review and consultation and therefore should not proceed to Planning and Growth Management Committee and City Council in its current form.

Yours very truly,



Elsa Fancello, MES, MCIP, RPP
Development Manager, Castlepoint Numa

