

November 15, 2017

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VIA E-MAIL

File 16784.00001

City of Toronto Planning and Growth Management Committee
10th floor, West Tower, City Hall
100 Queen Street West
Toronto, ON
M5H 2N2

Attention: Nancy Martins, Secretariat Contact
Members of Planning and Growth Management Committee

Dear Sirs and Mesdames:

**Re: Item PG24.6 Port Lands Planning Initiatives - Final Report
Planning and Growth Management Committee meeting November 15, 2017**

We are solicitors for Tribal, Castlepoint, Kerbel Inc. ("**TCK**") with respect to their property at 475 and 495 Commissioners Street and 75 Basin Street, Toronto (the "**Property**").

Further to our review of the Draft Official Plan Amendment ("**Draft OPA**") for the Port Lands dated March 29, 2017, we provided our submissions with respect to this draft document to the City of Toronto Planning Department and Waterfront Toronto on May 18, 2017 (copy of letter enclosed). TCK has been following the process for quite some time and unfortunately none of the comments and concerns as identified in the appended letter to City and Waterfront Toronto staff has been addressed.

We further note that the Draft OPA that is attached to the September 27, 2017 staff report, despite some modifications, is consistent with previous versions. Additionally, certain modifications proposed to this Draft OPA, raise new issues of concern including, but not limited to:

1. Shift from Official Plan mixed use 'Regeneration Area' designation to strictly employment 'Productions, Interactive and Creative Core' designation within the Turning Basin District:

Productions, Interactive and Creative Core ("PIC") Core is focused on the film and television sector. TCK has no intention to construct a film and television studio on its lands and as such being so limited as to the land use and restricting uses to solely employment type uses is of significant concern. TCK believes that mixed use development, including residential, is appropriate and meets the intent of creating a vibrant and urban waterfront.

2. Carlaw Extension South of Commissioners Street: There is no value in creating a 30.5 m ROW immediately adjacent to the Turning Basin. We also have concerns with the new proposed east-west realigned Basin Street since it will result in a remnant land to the south of the proposed ROW that has a questionable functionality as a development block.

3. Premature: We believe that it is premature to consider any official plan modifications to the Central Waterfront Secondary Plan for the Film Studios Precinct Plan Area in the absence of the completion of the Port Lands and South of Eastern Transportation and Servicing Master Plan.

4. Preservation of views of the Hearn from proposed Broadview Avenue Extension and the proposed ROW alignment itself: This is a new addition to the Draft OPA that was included in the September 27th Staff Report. TCK was not consulted on the inclusion of said views, nor have we had an opportunity or sufficient information to study the implications of same. Moreover, although in principle TCK is supportive of the strong north/south link that the proposed Broadview Ave. extension would offer, TCK has concern with the current proposed alignment and the potential implications on its lands.

We again request that staff be required to meaningfully consult with TCK before any further action is taken on the Draft OPA.

I look forward to hearing from you.

Yours truly,

WeirFoulds LLP



Denise Baker

DB/mw

cc client

Encls.

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May 18, 2017

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File 16784.00001

City of Toronto Planning
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Toronto, ON M5V 3C6

Attention: Cassidy Ritz, Senior Planner

Waterfront Toronto
20 Bay Street
Suite 1310
Toronto, ON M5J 2N8

Attention: Amanda Santo, Director, Development Approvals

Dear Ms. Ritz and Ms. Santo:

RE: 475 and 495 Commissioners Street and 75 Basin Street, Toronto

We are the solicitors for Tribal, Castlepoint, Kerbel Inc. with respect to their property at 475 and 495 Commissioners Street and 75 Basin Street, Toronto, (the "Property").

We have had the opportunity to review the draft Official Plan Amendment for the Port Lands dated March 29, 2017 and are providing herein our submissions with respect to this draft document.

Overall, we have significant concerns with the proposed policies that would not permit residential land uses on the Property. It is submitted that the proposed OPA is reverting to a conventional development approach that isolates residential, commercial, and public uses from one another, when it is well known that mixing such land uses creates vibrant, complete and sustainable communities that are healthier and use more wisely, infrastructure investment. Specifically, having a range of diverse uses throughout a discrete area such as the Port Lands, generates vibrancy from active, pedestrian-friendly streets, sidewalks, and public spaces at all hours of the day and night.

The City should be striving to integrate compatible non-residential uses with residential uses throughout the entirety Port Lands to achieve the most efficient and responsible use of these lands. Specifically, the Property should be permitted a wide variety of mixed-use development options and it is submitted that there is no sound planning justification for the exclusion of residential uses, which are compatible with the proposed employment uses.

Moreover, the City is seeking in this draft OPA to achieve a large amount of public amenities within the Port Lands. While we applaud that objective, such resources will be wasted in the absence of a more diverse and livable community throughout the entirety of the Port Lands that will better make use of these publicly funded resources.

To that end, we have concerns with a number of policies and proposed designations in the draft Official Plan amendment including:

- Amendment to Schedule A of the Central Waterfront Secondary Plan- We understand the desire to add a new Carlaw Avenue Extension (30.5 metres right-of-way) and a realigned Basin Street (20 metres). However we have concerns with the proposed 30.5 metre right-of-way and whether such width should be required for the Carlaw Avenue Extension.
- Map 3B (Port Lands Districts) and Policy 4.1.4(a)- The Property is located within the proposed Turning Basin District, as shown on Map 3B. Policy 4.1.4(a) permits *PIC Core* uses, focused on growing Toronto's screen-based industries, interactive and digital media, and arts, design and other creative enterprises. Other employment uses compatible with the desirable PIC uses will also be permitted. However, residential uses are not permitted. We have concerns with the proposed separation of uses within the Turning Basin District.
- Policy 4.2.2(a)- The policy provides that areas identified for *PIC Core* uses are reserved for *PIC (Production, Interactive and Creative)* uses, and notes that *PIC Core* areas can accommodate larger floor plates and more intense PIC activities. It is submitted that residential uses should not be excluded.
- Policy 4.3- The policy provides that *PIC Core, Light Industrial and Production, Port, and Port and Industrial* districts area areas for clusters of business and economic uses and are essential cornerstones for a diverse and thriving civic economy required for the foreseeable future. There is no planning justification for the exclusion of residential uses as they are known to be compatible with such uses.

- Policy 4.4.2- The provisions with respect to land use compatibility place the onus for addressing land use compatibility on the proposed sensitive land use, given that sensitive land uses would not be permitted unless there is a package of measures, including but not limited to separation distances, buffer uses, source mitigation and receptor mitigation. Similar potential issues exist with the wording of Policies 4.4.3 and 4.4.4.
- Policy 5.3.1 and Policy 5.3.2- There has been no justification established for the proposed minimum 18 metre width specified for the Public Promenade along the water's edge.
- Policy 8.5, 8.8-8.15- There has not been an appropriate justification for the requirement for 20% of the total residential GFA to be provided as "affordable rental housing, inclusive of land and the cost of delivering the housing". There is no clear explanation at how the City has arrived at the 20% figure or the meaning of including "land and the cost of delivering the housing".
- Policy 10.7- Including provisions regarding maximum floor plate sizes for tall residential buildings and minimum tower separation distances are not appropriate for inclusion in Official Plan policy, particularly at this stage in the process. There has been no planning justification for the inclusion of these proposed policies.
- Policy 15.8- The policy, which says that Section 37 of the *Planning Act* will be "required" for any area-wide or site-specific rezonings for residential uses, goes beyond the legislative and policy basis that properly applies to the use of Section 37.
- In addition we have concerns with respect to Policy 2.1.2, 2.1.3, 2.1.5, 4.1.4, 6.2.5, 8.3, 10.5, 10.6.1, 15.6 and how they may relate to or impact the redevelopment of the Property.

We would appreciate the opportunity to have discussions with City staff in respect of the proposed OPA to ensure that the ultimate policies in the Port Lands appropriately achieve the City's employment vision, but also allow for the creation of a vibrant, complete community that focuses on the efficient uses of existing and planned infrastructure, as opposed to what is currently proposed.

Further we reserve our right to provide further comments on the proposed OPA policies in the future and as such we request that we be provided with notice of all future meetings, or consultations, as well as notice of any public meeting, statutory or otherwise, where policies with respect to the Port Lands are being discussed.

Please do not hesitate to contact the undersigned should you have any questions or concerns.

Yours truly,

WeirFoulds LLP

A handwritten signature in black ink, appearing to read "DBaker".

Denise Baker

DB/mw

cc Client
Peter Smith, Bousfields Inc.

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