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City of Toronto
Toronto and East York Community Council
Toronto City Hall
2nd Floor, West Tower, City Hall
100 Queen Street West
Toronto, Ontario
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Attention: Ellen Devlin, Committee Secretariat

Dear Ms. Devlin:

**Re: City-initiated Official Plan Amendment for the Gooderham & Worts Special Identity Area, Triangle Lands and Portions of the West Don Lands
Reference No. 14 263137 STE 28 OZ
Agenda Item: TE25.7**

We are counsel to 1150782 Ontario Inc. ("1150782"), the owner of lands municipally known as 31 Parliament Street, Toronto (the "Lands"), which are located within the area of the King-Parliament Secondary Plan ("KPSP") known as the "Triangle Lands".

The Lands are currently occupied by a one-storey commercial building with a large rooftop billboard, a driveway access along the southern boundary, and a surface parking lot at the rear of the property.

On July 11, 2016, 1150782 submitted applications to the City of Toronto for Official Plan and Zoning By-law Amendments (File No. 16 188179 STE 28 OZ) to permit a 49-storey mixed-use development on the Lands (the "31 Parliament Applications"). As a result of City Council's failure to make a decision on the 31 Parliament Applications within the prescribed time periods set out in the *Planning Act*, 1150782 appealed the applications to the Ontario Municipal Board ("OMB") on January 12, 2017 and a prehearing conference has been scheduled for August 21, 2017 under OMB Case No. PL170101.

Meanwhile, our client obtained party status in the appeals to the OMB of applications by OTP Management Ltd., Ribbon East Corp. and Ribbon West Corp. for a mixed-use development on the adjacent lands at 31R Parliament Street, 370 and 370R Cherry Street under OMB Case No. PL151116 (the "OTP Appeals") and participated in the recent OMB hearing for the OTP Appeals during the week of May 15, 2017.

We have reviewed the Final Report of the Director, Community Planning, Toronto and East York District, regarding the proposed City-initiated Official Plan Amendment for the Gooderham & Worts Special Identity Area, Triangle Lands and Portions of the West Don Lands, dated May 26, 2017 (the "Final Report"), including the recommended draft Official Plan Amendment ("OPA 304"). We understand that the Final Report will be considered by Community Council at its meeting on June 13, 2017 and it is anticipated that City Council will consider this matter at its meeting beginning on July 5, 2017.

It is our position that the new policies proposed in OPA 304, even if adopted by City Council, would not apply to the 31 Parliament Applications, given that the applications were filed prior to any adoption and/or approval of such new proposed policies. Nonetheless, as noted below, 1150782 has a number of concerns with the proposed policies in OPA 304, particularly those that would pertain to new development within the Triangle Lands.

For example, among our client's concerns is proposed new policy 12.1(b) of the KPSP, which contemplates a maximum of two tall buildings within the Triangle Lands. Assuming that the proposed development of a tall building at 31R Parliament would constitute one tall building within the Triangle Lands, the proposed policy would have the effect of purporting to limit the balance of the Triangle Lands for one additional tall building. In our view, that proposed restriction is neither justified nor appropriate. 1150782 maintains that there is opportunity to accommodate more than one tall building on the western portion of the Triangle Lands and still achieve appropriate tower separation distances and an appropriate built form.

With respect to proposed policy 12.1(c) of the KPSP, we maintain that there is no demonstrated need nor any appropriate justification to require a transition in height down from east to west within the Triangle Lands, particularly where the eastern portion of the Triangle Lands is closer to some of the areas of the Distillery District that the City has identified as warranting specific consideration and particularly where an appropriate built form transition can otherwise be achieved to the St. Lawrence Community to the west of Parliament Street.

Further, it is our position that there is no need to establish maximum heights in the KPSP for new tall buildings within the Triangle Lands, as appropriate heights can be determined through the review of site-specific zoning by-law amendment applications. Nor is there any proper justification for the proposed application of arbitrary height limits of 30 storeys on the western portion of the Triangle Lands and 45 storeys on the

eastern portion of the Triangle Lands. In support of this position, it is noteworthy that the same authors of the Final Report who are now recommending a limit of 45 storeys on the eastern portion of the Triangle Lands just recently supported the approval of a 49-storey building at 31R Parliament Street, which also had the support of the City's urban design and heritage staff, and City Council.

Similarly, there is no demonstrated need or proper justification for the application of an arbitrary height limit of 16 metres for the height of a base building, as proposed in new policy 12.1(g) of the KPSP, especially where proposed new development within the Triangle Lands would not be adjacent to any heritage resources.

With respect to the proposed new policies in OPA 304 regarding standards for assessing shadow impacts (eg., policies 12.1(k) – (o)), it is our position that the proposed policies are unnecessarily restrictive and have not been properly justified. First, consistent with existing Official Plan policies, the appropriate consideration should be to determine whether resulting shadow impacts are "adequately limited". Second, whereas the proposed new policies purport to preclude new net shadows on Trinity Square on June 21 at 2:18 p.m., the authors of the Final Report, with the support of City urban design and heritage staff, and City Council, just recently supported the approval of the proposed development of a tower at 31R Parliament Street that it is acknowledged will cast new net shadows on portions of Trinity Square on June 21 at 2:18 p.m. Third, whereas the proposed new policies in OPA 304 would require an assessment of shadow impacts on certain lands west of Parliament Street, it is noteworthy that the shadow study prepared by the proponent that was recently accepted by City staff as a basis for supporting a tower at 31R Parliament as part of the OTP Appeals did not include any consideration of shadow impacts on lands west of Parliament Street.

Moreover, it is our position that there is no demonstrated need nor any appropriate justification to establish prescriptive policies that would dictate minimum unit sizes and pricing for rental and ownership housing, as proposed in new policy 12.2. Although achieving diversity in housing choice, including unit types, sizes and price/tenure, is a valid planning objective, the City's Official Plan already includes a planning policy framework in this regard.

For these reasons and others, 1150782 does not support OPA 304 in its current form. Accordingly, we request that the recommendations in the Final Report not be adopted and that staff be directed to revise OPA 304 to address our client's concerns.

Also, kindly ensure that we receive notice of any decision(s) made by Community Council and/or City Council concerning this matter.

In the meantime, please do not hesitate to contact us if you have any questions or wish to discuss the concerns identified in this submission.

Yours truly,
DAVIES HOWE LLP



per:

Mark R. Flowers
Professional Corporation

copy: Client
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