



N. Jane Pepino, C.M., Q.C., LL.D.
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BL44.1.2
Re Bill 1109

July 10, 2018

Our File No.: 134336

BY EMAIL

Ms. Ulli Watkiss, City Clerk
Attn: Julie Amoroso and Catherine Regan, City Council Administrators
City Clerk's Office, City of Toronto
City Hall, 100 Queen Street West
12th Floor, West Tower,
Toronto, ON M5H 2N2

Dear Chair and Members of City Council:

**Re: City Council Agenda Item PG29.4
Downtown Plan OPA 406
334 Bloor Street West & 2 Spadina Road**

We act on behalf of 334 Bloor West Limited, the owner of the lands municipally known as 334 Bloor Street West & 2 Spadina Road (the "**Site**"). The Site is located within the Downtown Plan Boundary, on the north west corner of the intersection of Bloor Street West and Spadina Avenue.

We are writing with respect to the proposed Downtown Plan amendment to the Official Plan (OPA 406). While City Council, on May 22, 2018, adopted a series of staff recommendations with respect to proposed OPA 406, we understand that, to date, a Bill has not yet been adopted by Council. We are writing to outline our client's with the Downtown Plan, both from a process point of view, and with respect to its proposed application on our client's Site.

Summary of Concerns

1. As a result of the May 22, 2018 last-minute amendments to the proposed Downtown Plan, the Site would be designated as *mixed use area 3*, rather than *mixed use area 2*, as previously proposed.
2. There is a complete lack of a coherent planning rationale for why the *mixed use area 3* designation has been applied to the Site and surrounding lands which are along an existing Rapid Transit Station, as shown on Map 41-4.
3. Among other things, the *mixed use area 3* designation (which provides for development in the form of low-rise and mid-rise buildings) is inconsistent with the Provincial Policy Statement, does not conform to the Growth Plan, does not appropriately recognize the existing and planned context, including the Site's proximity and relationship to higher order transit, and does not conform to previous Council direction with respect to the Site (i.e. OPA 365, which is currently under appeal) which contemplates a high-rise building on the Site.

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4. The City's proposal to adopt the Downtown Plan under section 26 of the *Planning Act*, which will eliminate any right of appeal with respect to the Downtown Plan, is a misuse of section 26 of the *Planning Act*. The City ought not to proceed with the adoption of the OPA 406 Bill and, instead, ought to direct that staff proceed with any approval of the Downtown Plan pursuant to the process prescribed by section 17 of the *Planning Act*, including by holding a statutory public meeting at which the public can provide comments for staff and Council's consideration.

In our client's opinion, the proposed Downtown Plan does not represent good planning and has not been the subject of a fair process leading up to its adoption. We have a number of other concerns in addition to the above. We request that City Council refuse to adopt a By-law enacting OPA 406.

Please contact the undersigned should you require any further information or have questions arising from this correspondence. Please provide our office with notice of any reports, decisions or meetings regarding the Downtown Plan / proposed OPA 406.

Thank you.

Yours truly,

AIRD & BERLIS LLP



N. Jane Pepino, C.M., Q.C., LL.D.

NJP/AS/cp

c. Client

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