

23 July 2018

Sent via E-mail (clerk@toronto.ca)

Mayor and Members of Council
12th floor, West Tower, City Hall
100 Queen Street West
Toronto, ON M5H 2N2

Attention: Ms. Marilyn Toft

Dear Ms. Toft:

**Re: TOcore: Downtown Plan Official Plan Amendment
Council Meeting, 23 July 2018, Item BL44.1, Bill 1109
Submissions by Incore Equities Inc & Slate Toronto Core Office L.P.**

We are counsel to Incore Equities Inc & Slate Toronto Core Office L.P. which own and/or operate a number of properties, including 154 University Avenue, 56 Wellesley Street and 151 Bloor Street West, that are subject to the proposed TOcore: Downtown Official Plan Amendment (the "Draft Downtown Plan").

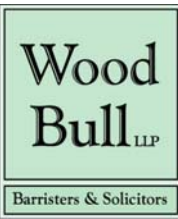
We attach a letter prepared by WND Associates dated 23 July 2018 outlining their planning concerns with the Draft Downtown Plan for Council's consideration.

We also offer the following additional submissions for Council's consideration.

Policy 6.6 is Premature

Policy 6.6 of the Downtown Plan requires, among other things, that there to be a net gain of gross floor area of office uses, and no net loss of other non-residential uses. It is our client's position that this policy should be revised to allow for flexibility on a case by case basis.

We note that a substantively similar office replacement policy is contained at policy 3.5.1 (9) of Official Plan Amendment No.231("OPA 231"), which is currently under appeal to the Local Planning Appeal Tribunal (the "LPAT"). Respectfully, it is premature to adopt policy 6.6 of the Downtown Plan until the LPAT adjudicates policies 3.5.1(9) through the OPA 231 appeal process; to proceed otherwise would effectively undermine that appeal process. Accordingly, policy 6.6 of the Downtown Plan should not be adopted by Council at this time.



23 July 2018

Section 26

We have a serious concern with staff’s position that the Draft Downtown Plan is a Section 26 amendment.

It is clear from the public record that the Draft Downtown Plan was not presented as a Section 26 amendment (or as part of a five year review process) at the outset of the municipal approvals process in 2014. Although references to the plan possibly being a Section 26 amendment appeared in August 2017 (after Bill 139 was released), it was only in March 2018 that the plan was conclusively characterized as a Section 26 amendment. As you know, the implications of this re-characterization under the post Bill 139 *Planning Act* is very significant for landowners as it bars any appeal right. As such this constitutes an abuse of the Section 26 process.

With respect, it is not appropriate for the City to change the nature of an amendment mid-way through a process, particularly where the change will be seriously prejudicial to stakeholders and landowners (restrict appeal rights).

On behalf of our clients, we request that the City reconsider its position that the Downtown Plan is a Section 26 amendment.

More Consultation Required

We urge City Council to defer its decision on the Draft Downtown Plan in order that the above and attached issues can be discussed and potentially resolved. It is imperative, particularly in the context of the post Bill 139 legislative scheme, that all members of the public are given a meaningful opportunity to consult and respond to a plan prior to City Council making a decision.

Yours very truly,

Wood Bull LLP

A handwritten signature in blue ink that reads "Jshapira".

Johanna R. Shapira

JRS/af

c. Client

23 July 2018

City of Toronto
 City Council, City Hall
 100 Queen Street West
 Toronto ON M5H 2N2

Attention: City Council Members

Dear Members of Council,

**RE: City Council, July 23, 2018 Session
 Item 2018.BL44.1, Bill 1109
 Downtown Secondary Plan
 Submission by Incore Equities Inc. & Slate Toronto Core Office L.P. & Slategreen LP
 Our File: 18.573**

Walker, Nott, Dragicevic Associates Limited (“WND Associates”) is the planning consultant for Incore Equities Inc. & Slate Toronto Core Office L.P. & Slategreen LP (the “Owner”) with respect to their properties with the following municipal addresses within the Downtown Secondary Plan area:

- 154 University Avenue
- 56 Wellesley Street West
- 151 Bloor Street West

The purpose of this submission is to address ongoing concerns with respect to some of the policies and designations affecting the above-noted properties in the Council-adopted Official Plan Amendment 406 (“OPA 406”), including the Downtown Secondary Plan. We have reviewed OPA 406 on behalf of the Owner and offer the following submissions in respect to the above-noted sites and the policies on an area-wide basis for Council’s consideration.

The designations applying to each of these properties is summarized in the table below.

Address	Designations
154 University Avenue	Map 41-2: Financial District Map 41-3: Mixed Use Areas 1 – Growth

	<p>Map 41-7: University Avenue designated a “Great Street”</p> <p>Map 41-12: Adelaide Street designated a “Priority Cycling Route” and University Avenue designated a “Corridor Requiring Study”</p> <p>Map 41-14: King-Spadina Cultural Precinct</p> <p>Map 41-15: Downtown Film Precinct</p>
56 Wellesley Street West	<p>Map 41-2: Bloor-Bay Office Corridor</p> <p>Map 41-3: Mixed Use Areas 1 – Growth</p> <p>Map 41-5: Bay Street designated a “Priority Retail Street”</p> <p>Map 41-12: Wellesley Street designated a “Priority Cycling Route” and Bay Street designated a “Corridor Requiring Study”</p>
151 Bloor Street West	<p>Map 41-2: Bloor-Bay Office Corridor</p> <p>Map 41-3: Mixed Use Areas 2 – Intermediate</p> <p>Map 41-5: Bloor Street designated a “Priority Retail Street”</p> <p>Map 41-7: Bloor Street designated a “Great Street”</p> <p>Map 41-8: University of Toronto Park District</p> <p>Map 41-12: Bloor Street designated a “Corridor Requiring Study” for cycling infrastructure</p> <p>Map 41-14: Bloor Street Cultural Corridor</p>

A particular concern related to the site at 154 University Avenue is policy 6.2.3 which provides that “development within the Financial District will...only contain office and/or non-residential gross floor area for any increase in density above the existing as-of-right permissions contained within the in-force Zoning By-law”. Similarly, policy 6.6, requiring a net gain of office space in the Bloor-Bay Office Corridor area is also of concern for the sites at 56 Wellesley Street West and 151 Bloor Street West.

In our opinion, these policies needlessly restrict residential intensification in an area that is served exceptionally well by public transit and has excellent access to amenities, services, and employment opportunities. Additionally, the sites are located in a provincial Urban Growth Centre and in Major Transit Station Areas, both of which are designations that encourage intensification. As a result, policies 6.2.3 and 6.6, which restrict intensification on the sites, do not conform to Growth Plan policies 2.2.2(4)(a), 2.2.3,

and 2.3.4 and are not consistent with PPS policies 1.1.3.3, 1.1.3.4, and 1.1.3.6, which encourage intensification, particularly in areas designated for growth.

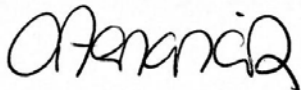
A number of policies are present in the Downtown Secondary Plan which are prescriptive and function so as to reduce flexibility and thus hinder the developability of the sites mentioned in this submission. The cumulative impact of prescriptive regulations is that the Downtown Secondary Plan does not foster an intensification-supportive environment and inappropriately restricts development and residential reinvestment. In our opinion, this is inappropriate given the fact that all of the above-noted sites are located within an Urban Growth Centre and a Major Transit Station Area, and given the existing and emerging context of tall buildings in the Downtown Core. Thus, we believe that the Downtown Secondary Plan does not conform to the Growth Plan and is not consistent with the Provincial Policy Statement.

Given the significance of the above-noted issues, we ask that Council defer this item to allow for additional consultations on a site-specific basis and on the Plan in its entirety in order to ensure its conformity to provincial policies and the overall intent of the Official Plan.

Should you have questions regarding this submission or require further information, please contact the undersigned.

Yours very truly,

WND associates
planning + urban design



Andrew Ferancik, MCIP, RPP
Principal
