

Reply to the Attention of	Mary Flynn-Guglietti
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Email Address	mary.flynn@mcmillan.ca
Our File No.	232575 et al
Date	May 18, 2018

**DELIVERED VIA EMAIL** [clerk@toronto.ca](mailto:clerk@toronto.ca)

City of Toronto  
12<sup>th</sup> Floor, West Tower  
City Hall  
100 Queen Street West  
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**Attention: Ms. Marilyn Toft  
City Clerk's Office**

Dear Mayor Tory and Members of Council:

**Re: City of Toronto Council Meeting on May 22 – 24, 2018  
Item No. PG29.4 (from Planning & Growth Management  
Committee)  
TOcore: Downtown Plan Official Plan Amendment**

We are the solicitors representing owners of a number of properties listed in **Schedule "A"** attached hereto, who own sites which are located within the boundaries of the proposed Official Plan Amendment pertaining to the Downtown Secondary Plan, being Official Plan Amendment No. 406 (the "**Downtown OPA**"). Kindly accept this letter as formal notice of our clients' objections to the proposed Downtown OPA.

Our clients are concerned regarding the number of proposed policies which will seriously impact the viability of the redevelopment of their properties. Our clients are at various stages of the approval process. A number of our clients have obtained final approvals with respect to Official Plan and zoning amendments and are presently in site plan approval, while other clients have recently submitted applications for various approvals or are finalizing applications for approval that will be filed with the municipality in the near future. All of the properties will be directly prejudiced by the passage of the proposed official plan amendment as the proposed Downtown OPA does not provide grandfathering safeguards to recognize pre-existing approvals and/or applications. We respectfully submit that the magnitude of the proposed changes to the City of Toronto Official Plan will have a direct and significant impact on our clients.

The latest draft of the proposed OPA and Staff Report, dated April 17, 2018 was only made available for review and consideration approximately two weeks before the May 1st, 2018 Planning and Growth Management Committee meeting. The staff report is approximately 104 pages long. This has not given our clients and their consultants sufficient time to review and consider the impacts of the proposed changes, nor the opportunity to meet with staff to discuss the impacts of the proposed changes. We would respectfully request that Council defer

consideration of the Draft OPA to allow an opportunity for further consultation regarding the draft OPA and to discuss meaningful transition provisions, amongst other matters.

We further understand from our review of the staff report that the draft Downtown OPA only achieves “partial conformity” with the Growth Plan and that additional work is necessary to achieve “full conformity”. We respectfully submit that partial “conformity” is not the test under the *Planning Act* (the “Act”). The test under the Act is whether the Official Plan is consistent with the PPS and conforms with the Growth Plan. Accordingly the City needs to ensure that a full and complete municipal review, that fully considers the Growth Plan, is undertaken to satisfy the tests under the Act and not some “partial” or “incomplete” review.

The above sets out our general concerns related to the Downtown OPA, however we also have a number of concerns related to specific policies. For example, we note that the Downtown OPA seeks to protect parks and open spaces from any new net shadows from 10:18 am to 4:18 pm. This is a new and very strict standard that will significantly prejudice and restrict intensification in areas of the City that have been targeted for growth. We also note that the Downtown OPA will require that all indoor amenity space must be located at or above-grade, without flexibility. This requirement is extremely restrictive and does not consider the individual sites or creative design solutions. It is a “one size fits all” policy.

The two aforementioned proposed changes to the Official Plan are merely examples of the significant changes and should not be considered exhaustive. We respectfully request that Council defer consideration of the Downtown OPA in order to allow all impacted landowners the opportunity for meaningful consultation with city staff and input into the process, prior introduction of the Downtown OPA.

Kindly accept this letter as our clients’ request for notice regarding any decision made in respect of this matter.

Yours truly,



Mary Flynn-Guglietti

Cc: Clients

## SCHEDULE "A"

### Properties

- 64 Prince Arthur Avenue
- 135 – 143 Portland Street
- 158 Pearl Street
- 480 University Avenue
- 225 Jarvis Street
- 363 King Street West
- 462 Wellington Street West
- 70 St. Mary's Street