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Our File No. 116338

VIA EMAIL

Toronto City Council
City Hall
100 Queen St. W.
Toronto ON M5H 2N2

Attention: Marilyn Toft, Clerk

Dear Mayor Tory and Members of Council:

Re: TOcore – Downtown Official Plan Amendment – PG 29.4

Written Submissions – 229 Richmond Street West

We are the solicitors for Pamlimar Investments & Enterprises Limited, owner of 229 Richmond Street West, directly north of Fire Station 332.

We concur with the submissions made by many of the stakeholders that the process in presenting the proposed plan just weeks before the statutory public meeting and without the opportunity for meaningful consultation, including for individual development sites such as 229 Richmond, is not appropriate for this critical land use planning exercise that will shape the future of the City.

In our submission, the proposed amendment does not amount to a conformity exercise and is therefore not subject to the Minister's approval. Given that the City is proposing to enact the proposed Downtown Official Plan Amendment as a conformity amendment subject to approval by the Minister, we are also of the view that the public has not been afforded with the requisite opportunity for consultation.

We have fundamental concerns with the treatment of our client's site and in particular its proposed designation as Mixed Use Area 2. In the specific local context, Nelson Street does not serve as an appropriate boundary between Mixed Use Area 1 and Mixed Use Area 2. Tall building sites such as our client's vacant land should be included as MUA1 so as to properly identify and preserve appropriate locations for intensification of the core. Richmond serves as the northerly limit of proposed MUA1 both east and west of the subject site. Richmond Street is the appropriate boundary for the subject site at 229 Richmond as opposed to Nelson Street. In our

view, designation of 229 Richmond as MUA1 would enhance future development opportunities in the immediate surroundings, including for the redevelopment of the Fire Station 332 site.

We also have fundamental concerns with the proposed requirement to provide a minimum 25% non-residential floor space in the context of a new development at 229 Richmond Street. Such a requirement would be highly inequitable given other recent approvals in the local context. Furthermore, the requirement to provide a threshold amount of non-residential floor space ignores market realities of demand, marketability and viability of such floor space which would be significant given the potential gfa achievable on a site such as 229 Richmond. We have no concerns with the principle of development of non-residential space but site location, marketability and viability must be considered on a site by site basis. The proposed hard line requirement of 25% is not grounded by any reason based approach and erodes the importance of maintaining flexibility for the consideration of individual development applications.

Finally, as Council is aware, the King Spadina Secondary Plan update remains a work in progress. The proposed OPA has the potential to prejudice the outcome of this focused area specific analysis including specific consideration of future tall building sites such as our clients.

Accordingly, we ask Council to defer adoption and direct staff to create and implement an enhanced consultation strategy including opportunities for consultation on individual sites. Further, we would ask Council to direct staff that adoption of TOcore, as it applies to King Spadina, be coordinated and brought forward with the King Spadina Secondary Plan update. Doing so would provide appropriate recognition of the secondary plan work being undertaken, and would appropriately consider emerging opportunity for the area through developments such as the Mirvish buildings and the John Street improvements.

Thank you for your consideration of this communication. We trust that Council will take a considered and reasoned approach to this most critical planning exercise and do its utmost to address the substantial concerns, both procedural and substantive, that have been raised by the stakeholders.

Yours truly,

FOGLER, RUBINOFF LLP

"Joel D. Farber"

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*Services provided through a professional corporation

JDF/sz