

April 30, 2018

Our File No.: 000031

Via Email

Planning & Growth Management Committee
10th Floor, West Tower, City Hall
100 Queen Street West
Toronto, ON M5H 2N2

Attention: Nancy Martins, Secretariat (pgmc@toronto.ca)

Dear Sirs/Mesdames:

Re: Item PG29.4 – Tocore: Downtown Plan Official Plan Amendment

We are writing to express concerns of various clients regarding the draft Downtown Official Plan Amendment (the “**Draft OPA**”) as it would apply to the lands listed in the attached schedule (the “**Properties**”). We note that the Draft OPA has been revised since the previous version circulated many months ago for review and comment.

Many of the Properties are subject to ongoing planning processes – from pre-application consultation to approvals in principle – and could be prejudiced by the proposed approach of the City to the enactment of the Draft OPA. Our clients are concerned that the Draft OPA will result in a land use planning framework for the Properties that does not conform with the Growth Plan for the Greater Golden Horseshoe (2017). For example, in certain instances, the Draft OPA would propose land use designations that do not correspond to the existing or planned context, which represents a significant underutilization of lands that should be intensified.

Further, as proposed, the Draft OPA provides no form of transition for redevelopment proposals, such as those in progress for some of the Properties, and certain new policies or proposed land use designation changes should be deferred to allow those planning processes to be completed pursuant to the policy regime currently in place.

Given the late release of the Draft OPA and accompanying staff report, we have not had the opportunity to review the Draft OPA in detail with our clients or engage with City staff to discuss the potential for transition. We would respectfully request that the Planning and Growth Management Committee defer consideration of the Draft OPA to allow an opportunity for further consultation regarding the application of the Draft OPA to the Properties and the potential for meaningful transition.

This concern regarding transition is compounded by the recent indication in the accompanying staff report that the Draft OPA is a component of the of the City's work program to bring the Official Plan into conformity with the Growth Plan for the Greater Horseshoe, 2017. We have serious concerns with this recent decision.

First, as recently as the staff report dated August 18, 2017, City staff indicated they were still "considering whether the proposed Official Plan Amendment (OPA) pertaining to the Downtown Plan will proceed under Section 17 or Section 26 of the Planning Act". Clearly, the Draft OPA has not always been a component of the City's Official Plan Review, despite such a suggestion in the staff report.

Second, the discussion in the staff report concludes that the Draft OPA only achieves "partial conformity" with the Growth Plan and that additional work is necessary to achieve "full conformity". There is no such test in the *Planning Act* for "partial conformity". Finally, the City's approach, which results in "phased conformity", is inappropriate. If it is the City's intention to treat the Draft OPA as part of a conformity exercise, then the City should undertake a full and complete municipal comprehensive review that considers all mandatory aspects of the Growth Plan on a City-wide basis.

Please also accept this letter as our client's request for notice regarding any decision made in respect of this matter.

Yours truly,

Goodmans LLP



David Bronskill

DJB/

cc: Clients

LIST OF PROPERTIES

33-49 Avenue Road, 140-150 Yorkville Avenue
149-157 Bathurst Street
210 Bloor Street West
99 Blue Jays Way
55 and 61-63 Charles Street East
89-99 Church Street
119 Church Street
139-149 Church Street
191-213 Church Street
625 Church Street
148 Cumberland Street
1-25 Defries Street
400 Front Street West
49-65 Huntley Street
319-323 Jarvis Street
400-420 King Street West
578-580 King Street West
90-106 Queen Street East, 3 Mutual Street
41 Peter Street
83-97 River Street and 2-4 Labatt Avenue
170 Spadina Avenue
10-16 Wellesley Street West, 5-7 St. Nicholas & 586 Yonge Street

64-66 Wellesley Street East, 552-570 Church Street

240, 246 and 260 Wellesley Street East, 77 Howard Street & 650 Parliament Street

485-489 Wellington Street West

11-19 Yorkville Avenue

6813679