



April 30, 2018

BY E-MAIL - pgmc@toronto.ca

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

sleisk@casselsbrock.com

tel: 416.869.5411

fax: 416.640.3218

file # 46577-1

Attention: Nancy Martins, Secretariat Contact

Dear Members of the Planning and Growth Management Committee:

**Re: TOcore: Downtown Plan Official Plan Amendment
Item PG29.4 | Planning and Growth Management Committee | May 1, 2018
Request for Deferral**

We are the solicitors for Sebert Productions Limited (“**Sebert**”). Our client has reviewed the materials that form Item PG29.4 and has significant concerns about the plan being advanced, which comprises part of Official Plan Amendment No. 406 (“**OPA 406**”) and Secondary Plan 41 – Downtown Plan (the “**Secondary Plan**”).

The policies proposed in OPA 406 and the Secondary Plan largely disincentivize growth and development within Toronto’s downtown. It is our position that these policies will increase affordability issues, restrict housing supply, decrease livability for all who use Toronto’s downtown, and discourage the achievement of the City’s vision as set out in Section 2 of the Secondary Plan. This has been echoed in the significant concerns raised with the TOcore proposals to date by the development industry, and is particularly troubling when viewed in light of provincial policy. Both the Growth Plan for the Greater Golden Horseshoe and the Provincial Policy Statement direct growth to Toronto’s downtown; yet, OPA 406 and the Secondary Plan rebuff these policies, making them contrary to the *Planning Act*.

Sebert asks that the Planning and Growth Management Committee defer consideration of Item PG29.4 until such time as these concerns have been addressed and OPA 406 and the Secondary Plan are revised accordingly. Our client has the following, among other, concerns:

- The Secondary Plan does not clearly indicate what “Development” or “New Development” includes. As many of the new obligations proposed would cause significant hardship and be inappropriate for minor additions or site alterations, clarification is required.
- Policies 5.3 - 5.5, sidebar – What is meant by a “Complete Community Assessment” remains unclear. Further clarification is required. The requirement for further study being prepared by the City prior to any site-specific recommendations being made to Council may unnecessarily delay the processing of an application and impact the affordability of residential units eventually brought on market contrary to the provincial and municipal



goals of affordability. Finally, depending upon the meaning of “Development”, such a requirement might be extremely burdensome.

- Policy 6.28 and 9.13.2 – These policies prohibit the construction of tall buildings on a site that is designated *Mixed Use Area 3*. Restricting greater density in mixed use areas of the Downtown is contrary to provincial and Official Plan policies and fails to recognize there may be site-specific contexts in which a tall building is appropriate.
- Policy 6.36 – 6.39 – Several streets, including Church Street, have been designated Priority Retail Streets, with new design requirements for retail and service commercial space. The retail and service commercial requirements prohibit any redevelopment from including residential units or amenity space at ground level. These policies should be amended to allow for site-specific considerations.
- Policy 6.41 – It is unclear how the City intends to require that first-responder facilities be considered as part of a development. It is beyond the City’s authority to require land be conveyed for this purpose.
- Policy 9.13.2 – This policy prohibits tall buildings within *Neighbourhoods*, *Mixed Use Areas 3*, and *Mixed Use Areas 4*, contrary to the Provincial Policy Statement, the Growth Plan, and the Official Plan directing growth to the Downtown.
- Policy 9.18 – The requirement to not cast *net-new shadow* during certain windows on parks and open spaces indicated on Map 41-13 is extremely prohibitive of development in locations which are targets for growth under provincial policy. We recommend that this policy be revised to prevent adverse shadow impacts.
- Policy 10.3 – It is unclear how development will be required to contribute to the delivery of community service facilities. The City’s authority for this requirement and how it will relate to section 37 agreements is unknown.
- Policies 11.1 - 11.4 – Policies dictating larger units in all cases and requiring dwelling room replacement remains contrary to the City’s desire to encourage affordable housing. These requirements do not appropriately take into account market needs. Increasingly onerous requirements will only serve to limit development and create greater affordability concerns. We are also concerned with the City’s suggestion that it can regulate the interior spaces of developments.
- Policy 14.15 – This policy is ambiguous about how Community Benefit Agreements are related to section 37 agreements. Further clarity as to the scope and authority for these policies is required.



Please provide us with written notice of all further steps in this matter.

Yours truly,

Cassels Brock & Blackwell LLP

A handwritten signature in blue ink, appearing to read "Signe Leisk". The signature is fluid and cursive, with a large initial "S" and a long, sweeping tail.

Signe Leisk

SL/CEG