



April 30, 2018

BY E-MAIL - pgmc@toronto.ca

Planning and Growth Management Committee
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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 Canadian Tire Real Estate Ltd. (“**Canadian Tire**”), the owner of various lands in downtown Toronto, including 835-839 Yonge St., Toronto (the “**Property**”). On behalf of our client, we filed correspondence with Strategic Initiatives, Policy and Analysis, City Planning Division on January 18, 2018 setting out our client’s concerns with the August 18, 2017 draft of the proposed Downtown Plan. Our client has reviewed the materials that form Item PG29.4 and has continued concerns about the plan being advanced, which now 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. 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*.

Our client 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 still 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. Finally, depending upon the meaning of “Development”, such a requirement might be extremely burdensome.



- 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.
- Policies 7.7 – 7.13 – The Property falls within the “Schematic Boundary” of the Core Circle. Development adjacent to the Core Circle will be required to improve various features. It remains unclear what “adjacent” means.
- Policy 9.37 – It is unclear why non-residential development would provide amenity space. Please provide clarification around this. In particular, there are several forms of non-residential development for which it would be inappropriate to provide outdoor or indoor amenity space.
- Policy 10.3.3 – This policy is ambiguous about how community service facilities relate to section 37 agreements. Further clarity as to the scope and authority for these policies is required.
- 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.

Canadian Tire is aware that the OPA 406 and Secondary Plan forecast the City’s desired development in the Downtown for the next several decades. As a land owner, Canadian Tire also has general concerns with the increased restrictions on residential uses in mixed-use areas. In particular, Policies 11.1 - 11.4 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.

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

Yours truly,

Cassels Brock & Blackwell LLP



Signe Leisk

SL/CEG
Encl.



January 18, 2017

BY E-MAIL

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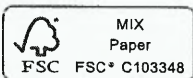
Attention: Andrew Farncombe, Project Manager
Ann-Marie Nasr, Manager

Dear Sirs/Mesdames:

Re: TOcore Proposed Downtown Plan dated August 18, 2017

We are the solicitors for Canadian Tire Real Estate Ltd., the owner of various lands in downtown Toronto, including 835-839 Yonge St, Toronto (the "**Property**"). Our client has reviewed the TOcore policies advanced in the City's August 18, 2017 proposal, the TOcore Proposed Downtown Plan (the "Plan"), and has the following concerns:

- The 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 alteration, clarification is required.
- Policy 3.14 – Development will be required to be "zero-emission ready". This does not take into consideration the traits of certain uses, including gas bars, which inherently are not zero-emission. Because "development" is not defined, it is unclear what amount of redevelopment would trigger this requirement.
- Policies 5.3, 5.5, sidebar - Development will be required to prepare a "Complete Community Assessment". This requirement for further study is inappropriate, particularly as there is no clarity around the meaning of the word 'development'. The further study required in these policies is too broad and unnecessarily overlaps with the City's secondary plan regime, which are the appropriate mechanism for this form of study. Further, more information should be provided around what is involved with a "Complete Community Assessment". To the extent a study has not yet been performed within an area, the requirement for a Complete Community Assessment may unnecessarily delay the processing of an application.
- Policies 6.6 and 6.19 - The Plan proposes strict restrictions on shadows on surrounding streets and opposite sidewalks. This will severely restrict development potential of some



sites within the Downtown, including at the Property, located along Yonge Street north of Church Street/Davenport Road in an area not noted on Map 16 as a Cultural Corridor. These policies should be amended to reflect consideration of site specific context.

- Policies 6.11 and 6.13 - Development in MU2 must be set back from any property line adjacent to a street by at least 6 metres, and policies provide that in certain circumstances more than 6 metres is warranted. In several areas of the downtown, this is not practical and severely restricts the built form landscape. This is inappropriate for streets with frontage on Yonge Street north of Church Street/Davenport Road, and the Property is not noted on Map 16 as a Cultural Corridor. Further this would significantly reduce the developable area of a property and would in particular unnecessarily cripple corner properties, resulting in a decreased interest in redeveloping the intersections within areas to which this policy applies. A more site-specific context should be embraced, as well as a separate policy for corner properties.
- Policies 7.16 – 7.21 - The Property falls within the “Schematic Boundary” of the “Core Circle”. Development adjacent to the Core Circle will be required to improve various features. It is unclear what “adjacent” means and under what circumstances such a policy might be imposed.
- Policy 9.8 - Development will be required to include a child care centre where it can be accommodated on the site, regardless of the size of a development or proposed land use. There are a myriad of contexts where this policy would not be appropriate and/or cannot be accommodated on site, including properties with retail uses. This policy also does not appropriately recognize how a proposal should proceed where a child care centre is located within close proximity. Depending upon the definition of “development”, this might also be an unnecessarily burdensome requirement on relatively minor site alterations. Further clarification and specificity is required.
- Policy 9.14, sidebar - Policies related to the “Community Benefit Agreement” are unclear. How do these relate to s. 37 agreements? To what extent would this policy apply to retail sites? Further clarity as to the scope and authority for these policies is required.



Thank you for your consideration of these comments. Please provide us with written notice of all further steps in this matter.

Yours truly,

Cassels Brock & Blackwell LLP

A handwritten signature in black ink, appearing to read "SL", is written over the printed name "Signe Leisk". The signature is fluid and cursive.

Signe Leisk

SL/CEG