

May 1, 2018

VIA EMAIL

Mayor John Tory and Members of Council
Toronto City Hall
100 Queen Street West
Toronto, ON M5H 2N2

Attention: Nancy Martins – Secretariat, Planning and Growth Management Committee

Your Worship and Members of Council:

**RE: Planning and Growth Management Committee Item PG29.4
TOcore: Downtown Plan Official Plan Amendment**

We are the lawyers for the persons set out on the attached Schedule "A", being either the owners or those who have an interest in the listed properties, which are within the boundaries of the City-initiated Official Plan Amendment pertaining to the Downtown Secondary Plan (the "**Draft Downtown Plan**"). For the reasons generally set out below, we are writing to request that this matter be deferred and Staff directed to undertake additional consultation with stakeholders.

The City has only very recently made available for public review a copy of the Draft Downtown Plan which has been revised since the previous iteration was circulated in August 2017. The supporting Staff Report was itself only released on April 24, 2018. The public has not been provided with a sufficient and meaningful opportunity to review this draft and fully discern the implications of the proposed framework in advance of the statutory public meeting. We are requesting that this matter be adjourned to provide a meaningful opportunity to assess and consult with City Staff on the proposed policies as they would apply to our clients' properties and interests in developments within the Downtown.

The limited opportunity to conduct a meaningful review of the Draft Downtown Plan is of particular concern to several of our clients with pending "pipeline" planning applications. The Draft Downtown Plan does not contain any transition policies/protocols to recognize pipeline projects. Rather, the Staff Report recommends that the Draft Downtown Plan be used to inform the evaluation of both current and future development applications in the Downtown Area, which runs counters to a long-established principle in land use planning that is intended to achieve, in part, both fairness and certainty in the planning process. The Draft Downtown Plan should be revised to include objective transitional provisions to ensure that pipeline projects continue to be processed and reviewed on the basis of the in-force policy regime.

We acknowledge a number of positive improvements to the previous iteration of the Draft Downtown Plan. However, based on our very limited opportunity for review we have concerns with several of the proposed policies, including overall structural issues as they pertain to areas such as King-Spadina and King-Parliament. Examples include mandatory requirements for minimum non-residential gross floor area in new developments within King-Spadina and King-Parliament without an opportunity to assess whether the minimum thresholds are achievable and what impacts this scale and type of use may have on the built-form contemplated for individual sites.

In several instances, the proposed redesignation and accompanying text that would apply to several of our clients' properties fails to account for the existing planned context, and will result in an underutilization of sites that are appropriate for more intense forms of development and creative architectural responses.

Several of the properties listed in Appendix "A" are proposed to be redesignated from *Regeneration Areas* to *Mixed Use Areas 2 – Intermediate*. Despite the overarching provincial policy direction for optimization and intensification at the level planned for the Downtown *Urban Growth Centre*, the proposed policies contemplate that the scale and massing of buildings will respect and reinforce the existing and planned context of the neighborhood, including the "prevailing heights, massing, scale, density and building type." This policy direction mimics the more restrictive policies contemplated for *Neighbourhoods*. On its face, it is unclear how this planned vision for the Draft Downtown Plan achieves conformity with the Growth Plan.

The very preliminary concerns raised above are exacerbated by the stated intent that the Draft Secondary Plan is to be forwarded for approval to the Minister, thereby putting it beyond the reach of appeal as a result of recent changes to the Planning Act. We submit that the proposed policy framework requires further analysis for this reason alone, which strongly supports repeated requests for additional consultation by our clients and other stakeholders.

We hereby request notice of any decision in respect of this matter by the Planning and Growth Management Committee and City Council.

Thank you for your consideration of this request.

Yours truly,
Overland LLP



Per: Daniel B. Artensosi
Partner

Encl.

SCHEDULE "A"

<u>Client Name</u>	<u>Properties of Specific Concern</u>
110 Adelaide Inc.	100-102, 110-112 Adelaide Street East
Queen East Centre Inc.	550 Queen Street East
Pier 27 Toronto Inc. Pier 27 Toronto (West) Inc. Pier 27 Toronto (North) Inc.	25-25R Queens Quay East and Part of 7, 15, 29, and 39 Queens Quay East
Fortress Carlyle Peter Street Inc.	120-128 Peter Street, 357-359 Richmond Street West
2344076 Ontario Inc.	412-418 Church Street
1266845 Ontario Limited York London Holdings	187 King Street East, 65 George Street