

## DEVINE PARK LLP

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Matter No. M613-01

November 11, 2019

**DELIVERED VIA EMAIL** (phc@toronto.ca)

Ulli S. Watkiss  
City Clerk  
c/o Nancy Martins, Administrator, Planning and Housing Committee  
100 Queen Street West,  
10<sup>th</sup> Floor, West Tower,  
Toronto, ON M5H 2N2

**ATTENTION: Nancy Martins,**  
**Administrator, Planning and Housing Committee**

Ms. Watkiss,

**RE: Request to Amend Zoning By-law for the City of Toronto 569-2013 and Former City of Toronto Zoning By-law 438-86 with respect to Priority Retail Streets**

- **Planning and Housing Committee Agenda Item No. PH 10.1**
- **Manga Hotels (Spadina) Inc.**
- **182-184 Spadina Avenue**

We are the solicitors for Manga Hotels (Spadina) Inc., the owner of the lands municipally known as 182-184 Spadina Avenue in the City of Toronto (the "**Property**"). The Property is the subject of an active development application.

Our client has monitored the process with respect to the proposed request to amend Zoning By-law No. 569-2013 and Former City of Toronto Zoning By-law No. 438-86 with respect to Priority Retail Streets (the "**Priority Retail Streets By-laws**").

We believe that our client's application meets the general intent of the Priority Retail Streets By-laws before the Planning and Housing Committee on November 13, 2019, however, we specifically object to:

### **1. Absence of transition provisions**

The Priority Retail Streets By-laws should exempt existing applications and approved developments, in keeping with long-standing principles of fairness and certainty that are the foundation of the planning system in Ontario.

## **2. Clarity over definition of “larger format stores”**

The references to the “larger format stores” in the Final Staff Report dated October 28, 2019 are unclear. There are no provisions in the Priority Retail Streets By-laws that define “larger format stores”. Additionally, despite a clearly-stated preference in the Final Staff Report, there are no mechanics in the Priority Retail Streets By-laws that set out how smaller stores are to “wrap” “larger format stores”.

## **3. Inconsistency with Provincial Policy Statement and conflict with the Growth Plan 2019 and City of Toronto Official Plan**

The Priority Retail Streets By-laws unduly restrict and are inconsistent with *the Provincial Policy Statement, 2014* (the “PPS”), which directs planning authorities to promote economic development.

The Priority Retail Streets By-laws are also in conflict with *A Place to Grow: Growth Plan for the Greater Golden Horseshoe* (the “**Growth Plan 2019**”), which calls for employment intensification in urban growth centres. Furthermore, the Priority Retail Streets By-laws conflict with the City of Toronto Official Plan, as amended by Official Plan Amendment 406, which directs Growth to the Downtown area. The Priority Retail Streets By-laws also conflict with Official Plan Amendment 231, currently under appeal at the Local Planning Appeal Tribunal.

## **4. The Priority Retail Streets By-laws are overly restrictive**

The Priority Retail Streets By-laws contains designations and policies that impose overly prescriptive built form standards. This includes, but is not limited to:

- The requirement for 60% of the lot frontage abutting the priority retail street be dedicated to the uses listed in s. 600.20.10(1)(A) of the draft Zoning By-law Amendment to Zoning By-law 569-2013,
- The requirement for 15.0 metres of lot frontage be used for the uses listed in s. 600.20.10(1)(B) of the draft Zoning By-law Amendment to Zoning By-law 569-2013,
- The requirements respecting pedestrian entrances in s. 600.20.10(1)(C) of the draft Zoning By-law Amendment to Zoning By-law 569-2013,
- The requirement for 60% of a façade facing a Priority Retail Street to be made up of windows and doors in s. 600.20.10(1)(D) of the draft Zoning By-law Amendment to Zoning By-law 569-2013, and
- The definition of “Street-Related Retail and Services Uses” as proposed to be amended under By-law 438-86.

Please accept this letter as notice of our client's objections to all policies, plans, maps or any other parts of the proposed Priority Retail Streets By-laws that relate in anyway to the Property. Furthermore, we ask that this matter be deferred to allow for further consultation with impacted landowners.

We respectfully request notification of any further actions or decisions made by City Council respecting this matter.

If you have any questions or concerns about the matters discussed above, please contact the undersigned.

Yours very truly,

**Devine Park LLP**

A handwritten signature in blue ink that reads "Patrick J. Devine". The signature is written in a cursive style with a large, stylized initial "P".

Patrick J. Devine

PJD/JME

cc: Manga Hotels (Spadina) Inc.