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Via E-Mail: [councilmeeting@toronto.ca](mailto:councilmeeting@toronto.ca)

Your Worship, Mayor John Tory and Members of  
City of Toronto Council

**Attention City Clerk Secretariat**  
c/o Marilyn Toft  
12<sup>th</sup> Floor, West Tower, City Hall  
100 Queen Street West  
Toronto, ON M5H 2N2

Dear Mayor and Members of Council:

**Re: Proposed King-Spadina Secondary Plan  
224 Richmond Street West, Toronto**

We act on behalf of Freed Developments Ltd. which has an interest in the building and property known municipally as 224 Richmond Street West, Toronto (the "**Property**"). The Property is located within the boundaries of the proposed King-Spadina Secondary Plan (the "**Proposed Plan**") and as identified on Map16-1 within the East Precinct.

### **Proposed Plan**

Our client is generally supportive of the Proposed Plan. In particular, our client supports the overall direction of the Proposed Plan to encourage growth and the identification of the Property, and its abutting properties, as falling within the "Mixed Use Area 2" designation as shown on Map 16-2.

While our client is generally supportive of the Proposed Plan, there are a number of policies they have concerns with as they fear that if those policies are adopted they will "not be consistent with, and do not conform with" the policies of the *Provincial Policy Statement*, a *Place to Grow: Growth Plan for the Greater Golden Horseshoe Area*, or with the overall objectives of the Proposed Plan to encourage growth.

We have outlined below the areas of the Proposed Plan we believe could be improved so that it would better enable diverse and sustainable growth that would better implement provincial policy and the City's overall goals as stated in the Official Plan.

## Concerns

Specifically, our client's concerns are as follows:

1. Section 1.2 speaks to the policy that Heritage Conservation District Plans will prevail over the Proposed Plan. This is troubling considering the Property is within an appealed proposed Heritage Conservation District and backs upon a second Heritage Conservation District along Queen Street West. Section 1.2 specifically says that "in the case of conflict...the Heritage Conservation District Plans will prevail". It is also our client's concern that it is premature to include such a policy when the applicable Heritage Conservation District has been appealed and therefore, is not in force.
2. Sections 1.4 and 1.5 Interpretation references two documents that the City will be relying upon to "guide development review" and "to evaluate proposed development" (Public Realm Strategy and Urban Design Guidelines) that are not being adopted pursuant to *Planning Act* provisions and therefore, are not subject to formal public scrutiny before implementation. We note that Policy 8.4 also notes these documents are not *Planning Act* approved. This is not supportable.
3. Section 3.1.2 attempts to set a universally applicable policy around allocating a significant percentage of gross floor area as non-residential uses. While our client understands the City's objective to ensure that the King-Spadina Area maintains a diverse mix of residential and non-residential uses, the implementation of a uniform standard on every lot is not the best means to achieve this goal. As can be seen by the success of the King-Spadina area, a more flexible approach should be taken – ultimately, some sites will be best suited to provide only non-residential uses, some sites primarily residential uses, and others a mix of uses. We believe a more flexible approach is consistent with the in-force Secondary Plan for the Downtown, a plan that specifically rejected setting a minimum non-residential gross floor area for all developments within King-Spadina.
4. Section 4.3 and Map 16-3C speaks to "potential public realm enhancements". Our client understands the concept and recognizes the reference to "potential". However, the policies are very vague and therefore, concerning. Terms such as "different opportunities" provide little or no direction. Given the size of the Property, any "public realm enhancement" will have a significant impact on the developability of the Property.
5. It is our position that Section 6. Built Form is overly prescriptive with its "one size fits all" formulas. We provide two examples of what might appear to be insignificant policies, but in fact could have a major impact on the design of redevelopment projects. For example, Section 6.2.3 requires increased setbacks for "retail displays" where retail is planned at grade. What is the justification for that to occur on every occasion? Section 6.3.2 prohibits projections into the "required" setback area. Again, there is no justification for this to occur on every project.
6. Our client is very concerned about the individual and cumulative impact of Sections 6.3.1, 6.3.3, 6.4, and 6.6.5. on the Property. As with concerns detailed in 5. above, this "one size fits all" approach with policies 6.3.1 and 6.3.3. are in conflict with the *Provincial Policy Statement* and *Growth Plan*. They will unnecessarily and systematically stifle responsible growth by not taking into consideration site by site characteristics. The concern not only relates to the concept of the policies





but, the fact, that the details of implementation are too vague to be evaluated at this time. For example, Policy 6.4 uses criteria that are not defined (such as spring, summer and fall) without providing particular times of day or dates of the year to consider.

7. Our client's concern with respect to the policy direction of Section 6.8 relates to the matters noted in items 2 and 6 above. The East Precinct policies recognize a diverse range of building types which is logical. The concern is that specific policies (6.8.1, 6.8.2 and 6.8.3 of the Proposed Plan) may in fact be conflicted by "one size fit all" requirements of Sections 6.3, 6.4 and 6.6.5.

8. Proposed Section 8.3 notes that a Heritage Impact Assessment ("**HIA**") will be required for all developments. While it is anticipated an HIA would be submitted with any redevelopment of the Property, Section 8.3 does not provide sufficient guidance regarding properties that are not listed or designated.

In addition to some of the specific comments noted above, we have a general concern that the proposed policies appear to, in part, look for developers to make contributions to City preferences without specifically taking into account how such contributions are to be credited against the section 37 contributions (either in the existing system or in the community benefits charge system). We would suggest that this should be clearly identified in the policies of the plan.

Please add us to any distribution list with respect to the King-Spadina area.

We would be happy to discuss any of the above with the City if it is so desired.

Yours truly,

**BENNETT JONES LLP**



Andrew L. Jeanrie

cc: Freed Developments Ltd. – Steve Roy

