

# Stikeman Elliott

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January 28, 2020  
File No. 139867.1001

By E-mail  
[councilmeeting@toronto.ca](mailto:councilmeeting@toronto.ca)

City Council  
City Hall  
100 Queen Street West  
12<sup>th</sup> Floor, West Tower  
Toronto, ON M5H 2N2

Attention: Ms. Marilyn Toft, Secretariat

Dear Sirs/Mesdames:

**Re: Item No. TE12.4 – King-Spadina Secondary Plan Update – Final Report  
Letter of Concern  
263-267 Adelaide Street West**

We are counsel to Adelaide Street Lofts Inc., the owner of the property municipally known in the City of Toronto as 263-267 Adelaide Street West (the "**Property**"), and located within the area of the proposed King-Spadina Secondary Plan (the "**Secondary Plan**").

**By this letter, we request that City Council defer consideration of the Secondary Plan until staff have conducted meaningful consultation with affected landowners, including our client.**

We have been engaged in the consultation process for the Secondary Plan and have expressed serious concerns to City staff by way of formal comments, submitted back in January 2019, as well as by letter to the Toronto & East York Community Council. A copy of these submissions is attached for your reference.

Staff have recently made substantive changes to the draft Secondary Plan, which became available to the public only in late December 2019. These recent changes have not been accompanied by further public and stakeholder consultation. Through the Commenting Letter, we requested a meeting with staff to discuss our client's concerns regarding the draft Secondary Plan, and to date, we have received no response from staff.

Upon our preliminary review, the most recent draft of the Secondary Plan fails to address some of the serious concerns raised in our submissions to the City and also raise additional areas of concern, including:

1. Policy 3.1.2, which requires that development provide the greater of the replacement of all existing non-residential gross floor area or a minimum of 25 percent of the total gross floor area as non-residential uses—without consideration of site location and context, the size and configuration of a site, or the built form implications of providing such a significant amount of non-residential space;

2. Policy 6.3, which requires setbacks of at least 3 metres above the height of a streetwall or base building, free and clear of projections—imposes an inflexible and prescriptive standard that fails to account for the unique attributes of the site and development scheme; and
3. the lack of any policies addressing matters of transition or exemption.

Given that the revised draft Secondary Plan was made available to the public only in late December, it is essential that a deferral be granted in order to allow the public an opportunity to review and comment on this new document advanced by staff, and to provide staff the time needed to respond to the comments received.

In addition, as the appeals of the King-Spadina Heritage Conservation District Plan (the “**HCD Plan**”) are still ongoing before the Local Planning Appeal Tribunal (Case No. MM170097), it is premature for the City to move forward with the Secondary Plan absent a determination on the appeals of the HCD Plan—particularly where the draft Secondary Plan references or incorporates elements of the HCD Plan still under appeal.

For these reasons, we strongly urge City Council to

1. Defer consideration of the Secondary Plan;
2. Direct City Planning staff to conduct further consultation as it relates to the draft Secondary Plan policies; and
3. Direct City Planning staff to report to Community Council with any further recommendations, such report to be made available to the public as required under the *Planning Act* and related regulations.

Please provide us with notice of all upcoming meetings of Council and Committees of Council at which the Secondary Plan will be considered, and we ask to be provided with notice of Council’s decision with respect to this item.

Yours truly,



Calvin Lantz

CL/jsc  
Enclosures  
cc. Jim Neilas, *Neilas Inc.*



Calvin Lantz  
Direct: 416.869.5669  
clantz@stikeman.com

January 8, 2020  
File No. 139867.1001

**By E-mail**  
teycc@toronto.ca

Toronto and East York Community Council  
City Hall  
100 Queen Street West  
Toronto, ON M5H 2N2

Attention: Ms. Ellen Devlin, Committee Administrator

Dear Sirs/Mesdames:

**Re: TE12.4 – King-Spadina Secondary Plan Update - Final Report  
Letter of Concern  
263-267 Adelaide Street West**

We are counsel to Adelaide Street Lofts Inc., the owner of the property municipally known in the City of Toronto as 263-267 Adelaide Street West (the "**Property**"), and located within the area of the proposed King-Spadina Secondary Plan (the "**Secondary Plan**").

**By this letter, we request that the Community Council defer consideration of the Secondary Plan until staff have conducted meaningful consultation with affected landowners, including our client.**

We have been engaged in the consultation process for the Secondary Plan and have expressed serious concerns to City staff by way of formal comments, submitted back in January 2019 (the "**Commenting Letter**"). A copy of the Commenting Letter is attached for your reference.

Staff have recently made substantive changes to the draft Secondary Plan, which became available to the public only in late December 2019. These recent changes have not been accompanied by further public and stakeholder consultation. Through the Commenting Letter, we requested a meeting with staff to discuss our client's concerns, and to date, we have received no response from staff.

Upon our preliminary review, the most recent draft of the Secondary Plan fails to address some of the serious concerns raised in the Commenting Letter—in particular, the lack of transition policies to recognize existing development applications and approvals that pre-date the potential adoption of the Secondary Plan.

Given that the revised draft Secondary Plan was made available to the public only in late December, it is essential that a deferral be granted in order to allow the public an opportunity to review and comment on this new document advanced by staff, and to provide staff the time needed to respond to the comments received.

For these reasons, we strongly urge the Toronto and East York Community Council to

- (i) Defer consideration of the Secondary Plan;

- (ii) Direct City Planning staff to conduct further consultation as it relates to the draft Secondary Plan policies, and in particular, site-specific issues and matters relating to exemption and transition policies; and
- (iii) Direct City Planning staff to report to Community Council with any further recommendations, such report to be made available to the public as required under the *Planning Act* and related regulations.

Please provide us with notice of all upcoming meetings of Council and Committees of Council at which the Secondary Plan will be considered, and we ask to be provided with notice of Council's decision with respect to this item.

Yours truly,



Calvin Lantz  
Partner

CL/na  
Attachments

cc. Jim Neilas, *Neilas Inc.*

Calvin Lantz  
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January 31, 2019  
File No. 139867.1001

**By E-mail**

City Planning Division  
Strategic Initiatives, Policy & Analysis  
Metro Hall  
55 John Street, 22nd Floor  
Toronto, ON M5V 3C6

Attention: Ms. Sarah Phipps, Project Manager

Dear Ms. Phipps:

**Re: Draft King-Spadina Secondary Plan Update - Comments**

We are counsel to Adelaide Street Lofts Inc. (the "**client**"), owner of the property municipally known as 263-267 Adelaide Street West (the "**Property**") which is located within the area of the Draft King-Spadina Secondary Plan Update (the "**Secondary Plan**").

An application for zoning by-law amendment for the Property was filed with the City on April 12, 2012 (File # 12 152660 STE 20 OZ) to facilitate the development of a tall building that is 156.9 metres in height containing dwelling units and at grade retail. The application was appealed to the Local Planning Appeal Tribunal and LPAT has approved a zoning by-law amendment for the Property in principle. Our client has been working cooperatively with the City to satisfy the conditions that would allow LPAT to issue an Order bringing the zoning by-law amendment for the Property into full force and effect.

On behalf of our client, we have reviewed the draft Secondary Plan and identified some concerns with the Secondary Plan. Specifically, the draft Secondary Plan does not include any transition policies or protocols to recognize applications/redevelopment proposals that are in process or that should be exempted from the application of the Secondary Plan.

In the event that the Property is not specifically exempted from the Secondary Plan, transition provisions should be incorporated into the Secondary Plan so as to ensure that properties that are the subject of complete applications should be reviewed on the basis of the planning framework which was in force at the time they were filed, and that future applications for the Property, such as Site Plan Approval and minor variance, should be exempt from conformity with the Secondary Plan.

As part of this submission, we request a meeting with staff to discuss our client's concerns.

Thank you for your attention to this matter. Should you have any questions, please do not hesitate to contact me.

Yours truly,



ROR Calvin Lantz

CWL/cb  
Enclosures

cc: Jim Neilas, *Neilas Inc.*