

January 28, 2020

Our File No.: 180720

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

Attention: Marilyn Toft, Secretariat

Dear Sirs/Mesdames:

**Re: King-Spadina Secondary Plan
578-580 King Street West**

We are solicitors for C Squared Properties (the “**Owner**”), who is the owner of the properties known municipally in the City of Toronto as 578-580 King Street West (the “**Property**”). We are writing to express our client’s concerns with the proposed updated King-Spadina Secondary Plan (the “**Secondary Plan**”).

On September 14, 2018, the Owner filed a rezoning application with the City of Toronto to permit the redevelopment of the Property with a 15-storey office building (the “**Application**”). At its meeting on February 26, 2019, City Council refused the Application, even though the Owner had suggested a deferral to enable the consideration of suggested revisions to the plans filed in support of the Application. As a result, by letter dated March 25, 2019, the Owner appealed the decision of City Council regarding the Application to the Local Planning Appeal Tribunal. A case management conference is now scheduled for February 4, 2020 for this appeal.

Overall, it is unclear how the City intends to apply the Secondary Plan to active planning matters, such as the Application, absent clear transition policies as were recently included in the Downtown Plan and the Midtown Plan. Further, in our view, the Secondary Plan proposes certain policies that are inconsistent with other aspects of the Official Plan framework for this area and do not accurately reflect the existing character of the King-Spadina area.

In particular, our client is concerned with the imposition of rigid standards that could unnecessarily preclude or hinder context specific development. As just one example, Policy 6.11 would limit height for properties in the West Precinct designated as *Mixed Use Areas 2* to 50 metres. This proposed policy appears in conflict with the recent approved Downtown Plan, which permits the highest heights and most intense form of development on lands designated as *Mixed Use Areas 1* and *Mixed Use Areas 2* in proximity to existing or planned rapid transit. This is the case with

Property and much of the West Precinct. Further, the existing context includes a number of buildings taller than 55 metres and the rationale for an arbitrary cap of 50 metres is unclear.

Other policies of concern include but are not limited to:

- Policies 1.4 and 1.5 incorporate mandatory language in reference to a Public Realm Strategy and Urban Design Guidelines. By doing so, it appears that the Secondary Plan would incorporate these non-statutory documents by reference without ability to appeal the contents of these documents.
- In general, the policies proposed in Section 4 appear to require private land to be treated as part of the public realm without compensation or reference to whether such use should qualify as a form of community benefit. Not only is direction required regarding the mechanisms for implementing these policies, but also greater flexibility should be incorporated into the proposed policies to recognize site-specific exceptions without the need for an official plan amendment.
- Similar concerns apply in respect of the Built Form policies proposed in Section 6. These policies use mandatory language for design matters, including lane setbacks, base buildings and stepbacks, that ignores site-specific context or existing development patterns in sub-areas.

This communication should be treated as our client's written representation in accordance with the *Planning Act*. We would also appreciate receiving notice of any decision of City Council in respect of this matter.

Yours truly,

Goodmans LLP



David Bronskill
DJB/

cc: Client