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Our File No.: 161978

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
254 Adelaide Street West

We are solicitors for the owners of the property known municipally in the City of Toronto as 254 Adelaide Street West (the "**Property**"). We are writing to express our client's concerns with the proposed updated King-Spadina Secondary Plan (the "**Secondary Plan**"), in particular that the Property should be excluded from the policies of the Secondary Plan at this time.

Our client is concerned that the Secondary Plan would impose overly prescriptive and rigid policies that would unduly constrain the redevelopment of the Property in conflict with the directive policies of the Growth Plan for the Greater Golden Horseshoe (2019). One option available to City Council would be to exclude the Property from the application of the Secondary Plan pending submission and processing of the above-noted rezoning application.

Another option for City Council would be to defer the Secondary Plan to enable modifications to the proposed policies. In particular:

- 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.

- Policies 3.1.2.1 and 3.1.2.2 are in conflict with the recently approved Downtown Plan. These policies are mandatory and would require the replacement of all existing non-residential gross floor area, or a minimum of 25% of the total proposed gross floor area to be non-residential, whichever is greater. The recently approved Downtown Plan recognized that such a rigid policy is inappropriate at an Official Plan level because it does

not recognize that employment space may not be required in every redevelopment or on every property within the King-Spadina area.

- 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.

- Policy 6.5 is in conflict with the recently approved Downtown Plan. The proposed no net-new shadow test is inappropriate for the area and has been already considered by the Province as part of its review and approval of the Downtown Plan.

- Policy 6.6.2 proposes a "noticeable and discernible step down" in height between Zone B and Zone C, and yet this is not the approved pattern of development within the area. This policy should be revised or deleted.

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