

# DEVINE PARK LLP

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Matter No. X978-01

January 27, 2020

**DELIVERED BY EMAIL (clerk@toronto.ca)**

Mayor and Members of Council  
c/o City Clerk's Office  
2<sup>nd</sup> Floor, City Hall  
100 Queen Street West  
Toronto ON M5H 2N2

**Attention: Ms. Ulli S. Watkiss, City Clerk**

Dear Mayor Tory and Members of City Council:

**RE: City Council Meeting Item No. TE12.4**  
**- King-Spadina Secondary Plan Update – Final Report**  
**- Letter of Objection**  
**- 230 Adelaide Street West (and related properties)**

We are the solicitors for 2462178 Ontario Inc., the owner of the lands municipally known as 230 Adelaide Street West in the City of Toronto. Our client also has an interest in the abutting properties, municipally known as 240 Adelaide Street West, 236 Adelaide Street West, and 224 Adelaide Street West (collectively, with 230 Adelaide Street West, the "**Site**"). We are writing on behalf of our client to provide written submissions respecting the proposed new King-Spadina Secondary Plan, which is being considered by Council at its meeting beginning January 29, 2020.

On January 8, 2020, Toronto and East York Community Council adopted the above-noted item, which recommends that City Council adopt the draft Official Plan Amendment, King-Spadina Secondary Plan (the "**Plan**"), included as Attachment 2 to the December 12, 2019 report from the Director, Community Planning, Toronto and East York District (the "**Staff Report**").

On behalf of our client, we wish to convey our objections respecting the absence of transitional provisions for pending applications that will be subject to the Plan, and also to certain the substantive aspects of the proposed Plan as well.

Our client has had a number of meetings with City staff and is in the process of finalizing a rezoning application. The Staff Report specifically recommends that: "City Council direct staff to use the King-Spadina Secondary Plan in the evaluation of all current and new development proposals within its boundaries." Although the owner has yet to submit a formal application in respect of the Site, our client's architect has been actively working on a redevelopment plan, and, as noted, attended pre-application consultation meetings with City Staff, with the intention to submit a rezoning application, in accordance with the existing policy context, shortly. Failure to include transitional provisions in the Plan could have a significant negative impact on our client's application.

Additionally, the draft Plan does not consider the unique aspects of many sites that may not warrant strict adherence to certain policies. For example, the setback requirements set out in the built form policies, specifically policy 7.13, are overly prescriptive, may not always be necessary and, in the case of the Site, may be undesirable because of the existing setbacks on adjacent and nearby properties. This "one-size-fits-all" approach is inappropriate given the varied contexts of all sites to which the proposed Plan applies and may unduly limit the development opportunities of our client. Accordingly, we encourage Council to incorporate language that provides greater flexibility within the built form policies of the Plan.

Furthermore, our client objects to the proposed Plan's vague policies respecting height. For example, Policy 6.8.3 states that building heights in the East Precinct (where the Site is located) "shall be subordinate to the building heights of the Financial District north of Front Street." Our client also has concerns respecting the interpretation and practical application of the heritage conservation approaches and policies set out in the proposed Plan in light of the recently adopted King-Spadina Heritage Conservation District Plan. In particular, our client objects to the proposed policies which relate to the proposed new Duncan Street Area of Special Identity. These policies are overly prescriptive and would severely limit appropriate re-development of properties adjacent to Duncan Street.

It is our request that our client's Site (which includes 224,230,236 and 240 Adelaide Street West) be exempted from all policies, text and maps which form part of this proposed Official Plan Amendment. If Council does not accede to this request, our client will consider appealing this matter to LPAT.

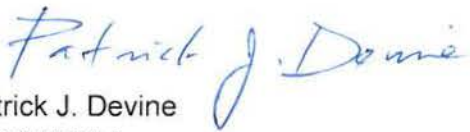
Please accept this letter as our client's written objections respecting the proposed King-Spadina Secondary Plan and implementing Official Plan Amendment prior to enactment by Council. We

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

Should you have any questions respecting the foregoing, please do not hesitate to 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, looped initial "P".

Patrick J. Devine  
PJD/MAC/sf

cc: 2462178 Ontario Inc.