

January 7, 2020

By E-Mail Only to *teycc@toronto.ca*

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

TE12.4.6

Attention: Ms. Ellen Devlin, Secretariat

Dear Chair and Members of Community Council:

**Re: King-Spadina Secondary Plan Update – Final Report
Toronto and East York Community Council Item No. TE12.4
Comments on Behalf of 1758173 Ontario Ltd. re: 127 Portland Street**

We are counsel to 1758173 Ontario Ltd., the owner of the lands known municipally as 127 Portland Street (the “Subject Site”). We are writing to outline our client’s concerns with the King Spadina Secondary Plan (the “Secondary Plan”) as currently proposed.

The Subject Site is located within the West Precinct, as identified as Map 16-1 of the Secondary Plan, and is designated as Mixed Use Area 2 on Map 16-2 Land Use Map. Additionally, Map 16-3C identifies a potential public realm enhancement on the Subject Site.

Based upon our client’s review of the proposed Secondary Plan and associated Staff Report, our client’s overriding concern is that the proposed policies in the Secondary Plan are vague and do not appropriately consider individual site and block contexts.

For example, our client is concerned with the following policies set out in the proposed Secondary Plan:

1. No rationale for the identification of a potential public realm enhancement on the Subject Site has been given and the implications of such identification are unclear. Any obligations related to public realm enhancements on specific sites should be set out in the Secondary Plan and available to the public for review and comment.
2. Policy 6.3.1 relating to base building requires that setbacks be a minimum of 3 metres above the height of the streetwall or base building. It is unclear how the height of the streetwall would be determined on a site- or street-specific basis.

Further clarity is required. Additionally, the required setbacks should be considered on a site-specific basis. For example, the structural system of the existing building located upon the Subject Site would not be compatible with a three-metre setback. This blanket requirement is unduly restrictive and does not take into account specific site and building characteristics.

3. Policy 6.3.2 requires that any setbacks are to be free from “projections”. Further clarity is required on what is meant by “projections”.
4. Policy 6.3.3 states that setbacks may be required to be greater than three metres to conserve the existing heritage resources or address the built form character on the street. This policy is vague and will lead to uncertainty and *ad hoc* planning. Additionally, given the size of the Subject Site and the current building thereon (which is listed as a contributing property under the King-Spadina Heritage Conservation District), this policy may have the effect of unduly restricting development on the Subject Site.
5. Policy 6.11 sets out a maximum height of 50 metres in the West Precinct. The appropriate height of new development should be determined on a site-specific basis.
6. Map 16-3B identifies an “Existing, Planned and Potential Mid-Block Connection” to the rear of the Subject Site, which is currently used as a service lane. Policy 4.12 states that existing public and private mid-block connections will be maintained to ensure a public realm that is walkable and fully accessible for public use and be extended to improve the utility of the network of mid-block connections for pedestrians. It is unclear how these policies will be implemented in relation to the current use of the laneway.

Our client is also concerned with the main objectives of the proposed Secondary Plan, which focus on the area’s economic role, conservation of built heritage and the provision of amenities for residents.

Policy 2.2 states that “King-Spadina’s identity comes from its heritage character including from the adaptive re-use of heritage properties...”. This objective ignores recent development in the area and inappropriately places a higher priority on new development being scaled to heritage properties, thereby restricting development potential on sites within the Secondary Plan area.

Additionally, there is no explicit reference to the Secondary Plan area providing opportunities for a wide variety of residential and live-work opportunities which is not consistent with, and does not conform with, policies of the *Provincial Policy Statement, 2014* and *A Place to Grow: Growth Plan for the Greater Golden Horseshoe*.

Furthermore, Policy 3.1.2 requires development in the area to provide the greater of: the replacement of all existing non-residential gross floor area or a minimum of 25 per cent of the total gross floor area as non-residential uses. These policies were originally contained in the Council-adopted Official Plan Amendment No. 406 (the "Downtown Plan"). However, these policies were subsequently amended by the Minister to "encourage" rather than require the replacement of non-residential gross floor area. It appears that by once again proposing these policies, and by explicitly stating that the replacement policies in the Secondary Plan would prevail over the Downtown Plan, City Staff is attempting to circumvent the decision-making and policies of the Province without any clear rationale as to why a non-residential gross floor area policy is warranted.

Finally, our client is concerned with the lack of opportunity for consultation on this latest iteration of the Secondary Plan. As detailed in the Staff Report, the last stakeholder consultation was held on December 4, 2018 with a different iteration of the Secondary Plan.

We are concerned that our client has not been provided the opportunity for meaningful comment and consultation given that the current version of the Secondary Plan was only circulated two weeks prior Community Council's scheduled consideration, and immediately before the holiday season. As such, we have significant concerns about the substantial changes to the proposed Secondary Plan and reserve our right to make additional comments after further review.

For these reasons, we would ask Community Council refuse the recommendations of Staff for the Secondary Plan and instead, direct Staff to undertake a further review of the policies with additional consultation with stakeholders.

Please notify us of any decisions or further actions taken with respect to this matter.

Yours truly,
DAVIES HOWE LLP



John M. Alati

JA:SL

copy: Clients
Mr. Peter Swinton, PMG Planning Consultants
Mr. Christopher Borgal, GBCA