

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

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 Canada Land Corporation re: 372 Richmond Street
West**

We are counsel to Canada Land Corporation, the owner of the lands known municipally as 372 Richmond Street West (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 East 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, the Subject Site is located within Zone E on Map 16-4 that identifies the boundaries of various ‘height transition zones’.

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 built form policies set out in Section 6.0 of the proposed Secondary Plan:

1. 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.

2. Policy 6.3.2 requires that any setbacks are to be free from “projections”. Further clarity is required on what is meant by “projections”.
3. Policy 6.4 states that “No *net-new shadow* shall be cast on the north sidewalk of Queen Street West, particularly in the spring, summer and fall, in accordance with the Queen Street West HCD Plan.” The limitation on no *net-new shadow* unduly restricts future development on the Subject Site and is not consistent with the approach taken by the City upon review of recent development approvals. There is also no rationale provided for the inconsistency in its shadowing policies within the Secondary Plan. For example, Policy 6.5 restricts no *new-net shadow* on certain parks and buildings to specific times. Finally, restricting any *net-new shadow* is not consistent with the shadowing policies in the Queen Street West HCD Plan, which simply states that the “shadow impact of new buildings outside the Heritage District should not result in greater shadowing on Queen Street West than what is permitted by this plan”.
4. Policy 6.6.5 states that “[i]n Height Transition Zone E, a 45-degree angular plane taken from the curb on the north side of Queen Street West will be applied to development. Development will fit beneath the angular plane”. This policy introduces a new test of measuring the angular plane from a curb line, rather than a property line without any rationale and is inconsistent with recent development approvals in area.

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. 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 indirectly circumvent the decision 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. For example, in the December 2018 version of the Secondary Plan, the 45-degree angular plane was to be taken from the property line, rather than the curb on the north side of Queen Street West. As noted above, there has been no rationale for this change.

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.

Our client reserves the right to make further comments on the Secondary Plan. Please notify us of any decisions or further actions taken with respect to this matter.

Yours sincerely,
DAVIES HOWE LLP



per: Susan Rosenthal
Professional Corporation

SR:SL

copy: Client
Mr. Louis Tinker, Bousfields
Mr. Philip Evans, ERA Architects