

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 Daram Holdings Inc. re: 443 Adelaide Street West**

We are counsel to Daram Holdings Inc., the owner of the lands known municipally as 443 Adelaide 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 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, the Subject Site is located within Zone G 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 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. Policies 6.13 and 6.14 refer to setbacks and setbacks of new development within the West District. These policies, and particularly, the minimum setback requirement of 5.5 metres from any property line that is not adjacent to a public street or public lane, does not take into account specific site characteristics. For example, requiring a 5.5 metre setback from the east property line of the Subject Site would result in a total loss of development potential.
4. Map 16-3B appears to identify an “Existing, Planned and Potential Mid-Block Connection” near the Subject Site. Further clarification is needed as to whether it is the City’s intention for the mid-block connection to be located to the west of Morrison Street.
5. Policy 6.5 states that “no *net new shadow* shall be cast on...St. Andrew’s Playground, as measured from March 21st to September 21st from 10:18 a.m. to 4:18 p.m.”. The requirement of no *net-new shadow* significantly limits any development potential of the Subject Site, particularly considering the limited size of the Subject Site and the existing 2-storey non-residential building thereon.

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 this 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.

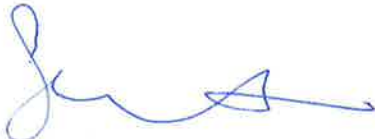
Finally, our client is concerned with the lack of opportunity for consultation on this latest iteration of the Secondary Plan. As detailed in the Staff Report, the last stakeholder consultation was held on December 4, 2018 with a different iteration of the Secondary Plan. For example, in the December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

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. Ryan Guetter and Ms. Tara Connor, Weston Consulting