



April 30, 2021

City Council
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Attention: Mayor and Members of City Council

**Re: King Parliament Secondary Plan
Item Number: TE24.11
City Council Meeting – May 5, 2021
120, 122, 143 Sherbourne Street and 225 Queen Street East**

We are the solicitors for Anishnawbe Health Toronto, 2290557 Ontario Limited, Yaorland Developments Ltd. and Bloorston Farms Ltd., the owners of the lands municipally known as 120, 122, 143 Sherbourne Street and 225 Queen Street East (the “Subject Property”). This correspondence is submitted on behalf of our clients to outline their concerns with the proposed amendments to the King-Parliament Secondary Plan ‘OPA 525’ (“Secondary Plan”) and accompanying Zoning By-law Amendment as recommended for adoption by Toronto and East York Community Council for adoption on April 21, 2021.

Redevelopment of the Subject Property is being actively pursued, although no application has been submitted to date. The Subject Property is currently designated Regeneration in the City’s Official Plan, Mixed-use Area 3 in OPA 405, the Downtown Plan, and Queen Street Area D in the in-force King-Parliament Secondary Plan, all of which recognize the potential for tall buildings at the Subject Property. The Subject Property is also within the proposed Queen Street Station Major Transit Station Area (“MTSA”), as well as directly across the street from the proposed new station for the Ontario Line, all of which supports significant development at the Subject Property. Despite the foregoing, the Subject Property is identified in the proposed Secondary Plan as being within the new Queen Street Policy Area and proposed to be zoned CR 4.5 (c2.0; r4.0) SS2 (x333) with a height maximum of 30 metres.

We have reviewed the proposed instruments and have the following, among other, concerns:

Parks and Public Realm

Section 5.5.3 of the proposed Secondary Plan directs that development in the King-Parliament area will result in no net new shadows on Moss Park as measured on March 21 and September 21 from 10:00 a.m. to 6:00 p.m. This policy directly conflicts with Section 9.18 of OPA 406, approved by the Minister, which denotes that development will *adequately limit* net-new shadow

as measured from March 21st to September 21st from 10:18 a.m. – 4:18 p.m. While OPA 82/SASP 461 contains a similar policy to that proposed, these do not apply to the Subject Property. Section 9.18 should be modified to conform to OPA 406 to allow for appropriate flexibility to ensure that adequate development along Queen Street East is not precluded.

Urban Structure

Section 3.1.1 identifies the Queen Street Policy Area as suitable for mid-rise development, and fails to acknowledge that portions of this area are within a MTSA, subject to additional transit investment for the Ontario Line, and already has approvals for tall buildings.

Queen Street Policy Area

Similarly, section 7.1 of the Queen Street Policy Area directs that development in the Queen Street Policy Area will generally take the form of additions to existing buildings, or mid-rise buildings, where height will be consistent with adjacent right-of-way width. This policy should be amended to recognize and allow for the consideration of tall buildings, where appropriate. Section 3.5 of the Secondary Plan acknowledges that scale and intensity will be dependant on a number of factors, including land use designations in the Downtown Plan OPA 406 or the Official Plan. As noted above, the Subject Property is designated *Mixed Use Area 3* in OPA 406 which contemplates the potential for tall buildings.

Major Transit Station Areas

The proposed Secondary Plan fails to recognize the policies contained within the Growth Plan of Greater Golden Horseshoe ('Growth Plan') regarding MTSAs, which prescribe minimum density targets. The policies contained generally in the Secondary Plan and in Sections 3 and 7 do not adequately promote the appropriate transit supportive densities in line with Growth Plan policy. As noted above, the Subject Property is included within proposed SASP 605 of Draft OPA 524 within the Queen Station MTSA, with an anticipated 2000 persons and jobs per hectare, one of the highest in the City.

Draft Zoning By-law Amendment

The proposed Zoning By-law Amendment is contrary to the directions of the Growth Plan, Provincial Policy Statement 2020, the Official Plan, and OPA 406 Downtown Plan. The proposed maximum height of the Subject Property is 30 metres, which translates into approximately 7 or 8 storeys plus mechanical penthouse. The lands directly south of the Subject Property, south of Britain Road, have a permitted height double that of the Subject Property. Directly to the east of the Subject Property located at 245 Queen Street East, heights have been approved up to 24 storeys along Queen Street East, and 19 storeys recently

approved at 301-317 Queen Street East. Height maximums along Queen Street East should be increased to transition to greater heights proposed towards the south and approved development to the east. The proposed permitted maximum density of 4.5 FSI should also be increased to facilitate compatibility with the increase of densities approved and proposed to the east and south of the Subject Property. Further, the draft Zoning By-law Amendment within Exception 333 (f) requires equipment and structures on the roof of a building to be included within the maximum permitted building height, which is inconsistent with the calculation of height in the parent Zoning By-law and should be deleted. Further Exception 333 (g) restricts locating appropriate height and density towards Britain Street and should be deleted.

Given these outstanding concerns we request that the proposed Secondary Plan and Zoning By-law Amendment be referred back to City Planning for further amendment and be referred back to Toronto and East York Community Council for further consideration at a later date. We request that the undersigned be provided with notice of any future meetings related to this matter and for notice of any decision of City Council, including any potential further Committees of Council, concerning the proposed Secondary Plan and associated Zoning By-law Amendment.

Yours truly,

Cassels Brock & Blackwell LLP

A handwritten signature in blue ink, appearing to read 'SL', is written over a faint, light blue circular background.

Signe Leisk
Partner

SL/JP/cm

C: Clients