



Reply to the Attention of: Mary Flynn-Guglietti  
Direct Line: 416.865.7256  
Email Address: mary.flynn@mcmillan.ca  
Our File No.: 281612  
Date: May 3, 2021

EMAIL [councilmeeting@toronto.ca](mailto:councilmeeting@toronto.ca)

City of Toronto Council  
100 Queen Street West  
12th Floor, West Tower, City Hall  
Toronto, ON M5H 2N2

**Attention: Marilyn Toft, Council Secretariat**

Dear Mayor Tory and Members of Council:

**Re: City of Toronto Council Meeting No. 32, Item No. TE24.11  
King-Parliament Secondary Plan Review –Final Report Secondary Plan  
and Zoning By-law Amendments (Ward 10, 13 – Statutory: *Planning  
Act* R.S.O. 1990, c. P. 13) Letter of Concern on behalf of 1577377  
Ontario Limited  
135A (rear), 139, 141 & 145 Berkeley Street and 319, 323 (Units 2A  
& 2B), 329, 331, 333, 335 – 337 Queen Street East**

We have been retained to act on behalf of 1577377 Ontario Limited, owners of valid agreements of purchase and sale for lands municipally known as 135A (rear), 139, 141 & 145 Berkeley Street and 319, 323 (Units 2A & 2B), 329, 331, 333, 335 – 337 Queen Street East, which lands are located within the area that is the subject of the King-Parliament Secondary Plan ("KPSP and or OPA 525"). We have had an opportunity to review the draft KPSP, the accompanying zoning by-law amendments, as well as the Staff Report dated March 30, 2021. Our client has a number of concerns with the policies proposed and the proposed Zoning by-law amendments as follows:

A. Proposed Secondary Plan (OPA 525)

1. *Policy 1.5* – This interpretation section of the KPSP provides that the implementing zoning by-laws will reflect the built form directions of the Heritage Conservation District Plan. The LPAT in its recent decision concerning the St. Lawrence Neighbourhood Heritage Conservation District Plan (the "**St. Lawrence HCD Plan**") enacted under Part V of the *Heritage Act*, ruled that the City was to modify the plan to remove reference to the built form policies. Therefore, we submit that it would be inconsistent with the LPAT's ruling in the St. Lawrence HCD Plan that any built form

objectives or policies of an HCD Plan would be appropriate in a Secondary Plan. We therefore request that section 1.5 of OPA 525 be deleted. We also submit that policy 4.1 dealing with heritage is also not consistent with the LPAT's ruling in the St. Lawrence HCD Plan and should be deleted or significantly modified.

2. *Policy 2* – The KPSP imposes a mandatory obligation to provide employment uses on all sites designated Mixed Use Area 2 in the Downtown Plan. It requires that a site must provide the greater of the replacement of all existing non-residential gross floor area or a minimum of 25 percent of the total gross floor area as non-residential uses. This obligation explicitly includes cultural spaces as defined in the Downtown Plan. We submit that a more flexible approach is required as not all sites are equally appropriate for employment uses and this objective should be reviewed on a site by site basis. The policy as worded is unduly rigid.
3. *Policy 3.1.1* – This policy describes the Queen Street Policy Area as “a historic main street suited for mid-rise development”. We respectfully submit that the Queen Street Policy Area is not a cohesive strip only appropriate for mid-rise development. In fact, there are examples of high rise mixed use developments that exist harmoniously in the Queen Street Policy Area and accordingly, the policy requires flexibility to permit an appropriate assessment based on the immediate context.
4. *Policy 3.3* – This policy states that where a development site is subject to two Policy Areas, the policies of the more restrictive Policy Area will apply to the entire site. This will create significant issues for large sites that straddle two Policy Areas, particularly larger sites on the south side of Queen Street East. Further, there appears to be no consideration regarding the percentage of a site that is within the more restrictive Policy Area. We respectfully submit that the policy should be modified to allow flexibility on a site specific basis as to which Policy Area should be applied based on the circumstances of the site.
5. *Policy 3.5* – This policy establishes criteria that will be considered in determining the ultimate scale and intensity of the development of sites within the KPSP. Specifically, Policy 3.5.3 purports to limit intensification of a site as determined by the performance standards established in the Zoning by-laws for the KPSP. As noted above in item no. 3, tall buildings exist harmoniously in the KPSP and therefore it should not be presumed that tall buildings cannot be appropriately sited and represent good land use planning principles as established in policy documents such as OPA 352 and the City's Tall Building Design Guidelines.
6. *Policy 3.5.6* – This policy does not conform to the Growth Plan 2020 as is required. The Growth Plan 2020 directs intensification towards Major Transit Station Areas and prescribes minimum density targets for the City. This policy fails to

“optimize” development potential within Major Transit Station Areas as required by the Growth Plan 2020.

7. *Policy 5.11* – This policy states that the closing of public lanes is to be discouraged. This policy should be more flexibly worded particularly with respect to larger sites where the public lane may no longer serve a public purpose. In many instances a public lane may have been required for access but on a consolidated site no longer serves that purpose.
8. *Policy 7.1* – This policy provides that “development in the Queen Street Policy Area will occur incrementally and will generally take the form of additions to existing buildings, or mid-rise buildings, where the height will be consistent with adjacent right-of-way width, and compatible with the area’s distinct main street character and significant presence of heritage buildings”. As noted previously in this letter this policy fails to recognize that tall buildings harmoniously exist in the Queen Street Policy Area and development applications should be assessed within their immediate context. Policy 7.1 should be modified to provide flexibility to permit an appropriate assessment based on the context and size of the lot.
9. *Policies 7.2 & 7.3* – Policy 7.2 would permit the City to require greater minimum setbacks to provide for wider sidewalks where high pedestrian volumes exist on the approach to existing or planned rapid transit stations. As noted above policy 3.5.6 fails to optimize intensification near Major Rapid Transit Stations, contrary to the Growth Plan 2020, and policy 7.2 requires that sidewalks should be wider to access pedestrian volumes to rapid transit while ignoring the ability to optimize development near rapid transit stations. Although Policy 7.2 envisions greater setbacks to widen sidewalks, those greater setbacks cannot have cantilevers or balconies, although a cantilever or balcony would not impede the pedestrian access. This restriction again impedes the ability to optimize the amount of development that can be achieved near rapid transit.
10. *Policy 7.4* – This policy requires that building materials will be compatible with the historic character and limits large areas of glass. Firstly, the term “large areas of glass” is unclear and ambiguous and therefore creates uncertainty. In addition, it is important to recognize that the KPSP is a Secondary Plan and not a Part V designation under the *Heritage Act*. It is inappropriate to deal with matters in a Secondary Plan that should be dealt with through other more appropriate legislation and therefore is contrary to the *Planning Act*.

B. Proposed Zoning By-law Amendment

11. With respect to the lands referenced in our letter we note that there is a height limit of 25.0 metres to the portion of site fronting on Queen Street and a limit of 72.0 metres for the lands located south of the lane. As noted previously in this letter the

heights proposed do not reflect existing tall buildings located within the immediate vicinity of our client's site. As well, the height limits do not recognize the development potential of larger sites to address good land use planning principles within the site. We respectfully submit that strict height restrictions do not allow appropriate flexibility required when assessing the development of a larger site and would unnecessarily negatively impact the potential to respond appropriately through good planning principles and urban design solutions, suitable for the site.

12. Clause (F) in the CR 333 exception specifies that despite regulation 40.5.40.10 (4) all equipment and structures on the roof of a building may not exceed the permitted height maximum. We respectfully submit that such a restriction is unnecessary and again fails to provide the flexibility and appropriate site specific review that should be assessed through a site specific development application. The imposition of the said restriction fails to account for the unique attributes of the site or the specific design of the building.

We respectfully request that the draft KPSP and accompanying Zoning by-law amendment be referred back to planning staff for further consultation with affected landowners. We believe that based on our objections and those noted in the various communications submitted on this item that further consideration of the KPSP and accompanying Zoning by-law amendment is warranted and necessary to deal with the concerns noted.

In addition, we request that any future meetings related to this item or any notice of any decision of City Council of its Committees be sent to our attention. Should you have any questions please do not hesitate to contact me.

Yours very truly,



Mary Flynn-Guglietti\*

\*A Professional Corporation

/kc

cc: 1577377 Ontario Limited  
Bousfields Inc.