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Via Email: councilmeeting@toronto.ca

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

Attention: Marilyn Toft, Secretariat

Dear Sirs/Mesdames:

**Re: Item TE24.11 – King-Parliament Secondary Plan Review – Final Report
Secondary Plan and Zoning By-law Amendments**

We are solicitors for Dream Asset Management Corporation, Dream Impact Master LP, Kilmer Infrastructure Developments Inc. and Tricon Lifestyle Rentals Investment LP, which, through affiliated companies listed in Schedule “A” to this letter, have joint interests (either between all three entities or a combination thereof) in the properties known as Blocks 347, 8, 10, 13 and 20 in the West Don Lands (the “**Properties**”).

On behalf of our clients, we are writing to express our clients’ concerns in respect of the proposed King-Parliament Secondary Plan and implementing Zoning By-law Amendments. Our clients’ concerns are not only specific to the Properties, but also relate to the entire proposed King-Parliament Secondary Plan area, given our clients have expectations that they may develop other lands in the future within the area to which the above-noted proposed Secondary Plan and Zoning By-law Amendments, if enacted, would apply.

Our clients initial concerns with the proposed King-Parliament Secondary Plan include the following:

- Policy 1.5: This policy should be deleted. Not only is it unnecessary because it duplicates a requirement of the *Planning Act* but it also inappropriately references the Heritage Conservation District Plan. If this policy is to remain without revision, the draft Zoning By-law Amendments must be deferred until the Heritage Conservation District Plan is revised to comply with the directions in the Local Planning Appeal Tribunal decision.

- Policy 2.2 requires development in *Mixed Use Areas 2* in the Downtown Plan to replace all existing non-residential gross floor area, or maintain a minimum of 25% of the total proposed gross floor area as non-residential, whichever is greater. This prescriptive policy ignores potential market realities, making the redevelopment of certain properties not financially feasible, especially in light of Covid-19 where the future of the non-residential market is uncertain. Further, in our view this policy is in conflict with the recently approved Downtown Plan, which directs that development within the King-Parliament Secondary Plan Area be encouraged to provide the replacement of all existing non-residential gross floor area.
- Policy 2.3: Although the non-residential replacement policies proposed in Official Plan Amendment No. 231 remain under appeal, this proposed policy would conflict with the direction in OPA 231, which allows for replacement anywhere in the Downtown and the Central Waterfront Area.
- Policy 3.5 lists considerations to determine the scale and intensity of development in the Secondary Plan Area and, in particular, Policy 3.5.1 speaks to the provision of community service facilities, parkland, green infrastructure and physical infrastructure to support complete communities. The potential application of Policy 3.5.1 is unclear. Various provisions of the *Planning Act*, including but not limited to Section 37 and Section 42, provide the mechanism for the City to require an application to provide community facilities and/or parkland. Further, the City has a responsibility for the provision of such matters through the *Planning Act*, the *City of Toronto Act, 2006*, and the *Development Charges Act*. This Policy needs to be clarified to ensure it does not require private contributions beyond statutory obligations or otherwise limit appropriate optimization of land and infrastructure in the event that the City has not fulfilled its statutory obligations.
- Policy 3.5.3 speaks to whether a site has the appropriate characteristics to accommodate a tall building in accordance with the required performance standards established in the zoning by-law. This Policy elevates zoning permissions to Official Plan policy and must be revised.
- Policy 5.9: The prescriptive requirements for new mid-block connections should be deleted or revised. It is not appropriate to require an official plan amendment if a new mid-block connection is not 4.0 metres or is partially covered. Such instances may be appropriate on a site-specific basis and should be implemented without a requirement for an official plan amendment.
- In addition, there are a number of instances in the proposed Secondary Plan that incorporate mandatory language in reference to a master plans, guidelines and other non-statutory documents that apply to the King-Parliament Area. By doing so, it appears that the Secondary Plan would incorporate these non-statutory documents by reference without the ability to appeal the contents of these documents.

- There are also a number of policies that appear to require private land to be treated as part of the public realm without compensation or reference to whether such use should qualify as a form of community benefit. Clarity and direction is required regarding the mechanisms for implementing these policies.
- Lastly, there are a number of policies that suggest setbacks, stepbacks and other performance criteria may be greater than the built form and urban design standards identified in the Secondary Plan. These policies are overly broad and create uncertainty about how about the Secondary Plan should be applied. For example, Policy 4.2 is vague and should be reconsidered. Not only is the reference to “additional design responses” overly broad but also it would create uncertainty in the application of the draft Secondary Plan, especially when the policy includes cross-references to the draft Zoning By-law Amendments and urban design guidelines.

Our clients initial concerns with the draft Zoning By-law Amendments include the following:

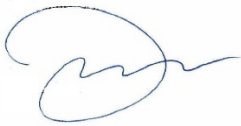
- General Comments: In general, the draft Zoning By-law Amendments do not result in optimization of land within the King-Parliament area, including on the Properties. Further, the above-noted Local Planning Appeal Tribunal decision regarding the proposed heritage conservation district plan still needs to be implemented. This decision removed certain matters from inclusion in the proposed plan, but it appears that the City is now proposing that these matters be included in the draft Zoning By-law Amendments without sufficient analysis.
- Heights/Streetwall Heights: Our preliminary review of the draft Zoning By-law Amendments indicates that the proposed overall height and streetwall heights do not reflect the pattern of growth in the area and are unduly limiting. Further, the approach to streetwall heights would remove the ability for flexibility, especially at corners or whether a site is appropriate for infill.
- Setbacks: It appears that the draft Zoning By-law Amendments would require a minimum 3.0 metre setback. This is overly prescriptive and should be removed from the draft Zoning By-law Amendments and determined on a site-specific basis. As noted above, our client has concerns that such a setback represents an inappropriate expansion of the City’s authority to take land without recognizing the corresponding community benefit.
- Stepbacks: It appears that the draft Zoning By-law Amendments would require a minimum stepback of 10.0 metres in certain situations. This extensive stepback is without justification and should be deleted.

Given the number of concerns our clients have with the King-Parliament Secondary Plan and the draft Zoning By-law Amendments, we ask that City Council defer consideration of these planning instruments to allow our clients to have discussions with City staff to see if their concerns can be addressed.

This communication is being sent on behalf of Dream Asset Management Corporation, Dream Impact Master LP, Kilmer Infrastructure Developments Inc., Tricon Lifestyle Rentals Investment LP and the entities listed in Schedule "A" to this letter. This communication should be treated as our clients' written representation in accordance with the *Planning Act*. We would appreciate receiving notice of any decision of City Council in respect of this matter.

Yours truly,

Goodmans LLP

A handwritten signature in blue ink, appearing to read 'Joe Hoffman', with a large, stylized loop at the end.

Joe Hoffman

JBH/

7156127

Cc: Clients
City Clerk

SCHEDULE “A”

List of Blocks with the West Don Lands and Entities

Blocks 347: WDL 347 LP

Block 8: WDL 8 LP

Block 10 (Condo and Rental Components): DK B10 LP

Block 13: Canary Block 13 Developments LP

Block 20: WDL 20 LP