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Via Email (councilmeeting@toronto.ca)

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

Attention: Marilyn Toft, Secretariat

Dear Sirs/Mesdames:

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

We are solicitors for CentreCourt Properties Inc., which has land interests within the King Parliament area. We are writing to express our clients' concerns in respect of the proposed King-Parliament Secondary Plan (the "**Draft Secondary Plan**") and implementing Zoning By-law Amendment (the "**Draft ZBA**"). Our clients' concerns relate to the area, given our clients have expectations that they may develop other lands in the future within the area to which the Draft Secondary Plan and the Draft ZBA, if enacted, would apply.

Our 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 also it inappropriately references the Heritage Conservation District Plan. If this policy is to remain without revision, the draft ZBA 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: This policy would require 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 3.3: This policy would require application of a more restrictive Policy Area to an entire site where a development site is subject to two Policy Areas. This proposed approach is a significant issue for large sites straddling two Policies Areas, particularly for sites on the south side of Queen Street East. Greater flexibility should be added to this policy.
- Policy 3.5: This policy 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 service 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: This policy 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.
- Policies 5.1, 5.9, 5.12: 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.
- Policy 5.5: This policy inappropriately incorporates a no net new shadow test in respect of certain parks within the King Parliament area. A similar policy was addressed and revised in the Province's revisions to the Downtown Plan. Policy 5.5 should be revised to be consistent with the similar policy in the Downtown Plan.

- Section 8 (Old Town Policy Area): Certain language in the built form policies proposed for the Old Town Policy Area lack sufficient clarity. For example, Policy 8.6.3 would require a “generous” setback from the façade of base buildings but it is unclear as to the definition of a “generous” setback when compared to other setbacks provided through redevelopment in the Downtown. To compound matters, it would appear that Policy 8.3 would require a mandatory setback for every redevelopment, which is overly inflexible and prescriptive when it comes to certain sites. Official plan amendments should not be required to provide relief from setbacks or where a setback is deemed not to be “generous”. Other policies would impose these setbacks for the entire building by preventing building cantilevers when this design response is both appropriate and desirable.
- Section 9 (Corktown Policy Area): Our client has similar concerns with the built form policies applicable to the Corktown Policy Area, in particular Policies 9.3, 9.4 and 9.5.
- Section 10 (West Don Lands Policy Area): While our client supports the vision for the West Don Lands Policy Area as a vibrant mixed-use community, the built form policies inappropriately limit this potential through arbitrary limitations on building cantilever restrictions, duplicative requirements for tower separation, and vague language related to setbacks and transition.

The draft Zoning By-law Amendments have only been made publicly available as of April 12th. It is difficult to provide full review and comment before the statutory public meeting with the late release of these documents.

Our clients’ initial concerns with the draft Zoning By-law Amendments are as follows:

- 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. This is particularly true within the Corktown Policy Area. 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 ZBAs

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 setback of 10.0 metres in certain situations. This extensive setback is without justification and should be deleted.

Our client is also concerned that the City has not included any form of transition in the Draft Secondary Plan or the Draft ZBA. Such an approach is contained in the Downtown Plan and the Midtown Plan and should be inserted into the Draft Secondary Plan. Further, the Draft ZBA should include some form of transition to avoid it being treated as applicable law under the *Building Code Act*.

All of these concerns would be expanded upon through the appeal process. Please also treat this communication as our client's request for notice of any decision of City Council in respect of this matter.

Yours truly,

Goodmans LLP



David Bronskill
DJB/rv

cc: Client

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