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Our File No.:

Via Email: councilmeeting@toronto.ca

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

Attention: Ellen Devlin, 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 Li Limited Group of Companies., who are the owners of the properties known municipally in the City of Toronto (the “**City**”) as 22 Sackville Street. We are writing to provide our client’s concerns in respect of the draft King-Parliament Secondary Plan (the “**Draft Secondary Plan**”) and the draft Zoning By-law Amendment (the “**Draft ZBA**”) pursuant to the requirements of the *Planning Act*.

Our client’s concerns relate to the Property and the area more generally, given our clients have an expectation of developing the Property in the future

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 inappropriately references the King-Parliament 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 of the Local Planning Appeal Tribunal (the “**LPAT**”).
- Policy 2.2: This policy would require development in areas designated *Mixed Use Areas 2* in the Downtown Plan, which includes the Property, to replace all existing non-residential gross floor area, or maintain a minimum of 25 percent 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 the COVID-19 pandemic, where the future of non-residential markets remain 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: This proposed policy would conflict with the City’s own vision for non-residential replacement in the Downtown and Central Waterfront Area, as proposed by the City in Official Plan Amendment No. 231(“**OPA 231**”). Although the non-residential replacement policies proposed in OPA 231 remain under appeal, Policy 2.3 of the Draft Secondary Plan would conflict with OPA 231’s direction to allow for replacement anywhere in those areas.
- Policy 3.3: This policy would require a property subject to two or more Policy Areas to apply the policies of the more restrictive Policy Area to an entire site. This proposed approach is a significant issue for large sites straddling two or more policy areas, particular for sites south of Queen Street East and which straddle the Corktown and West Don Lands Policy Areas. Greater flexibility is required.
- Policy 3.4: This policy requires a property adjacent to a more restrictive Policy Area to have regard to the policies of that Policy Area. Similar to Policy 3.3, greater flexibility is required to avoid a situation where the City reviews a development application using policies that have no application to the property in question.
- Policy 3.5: This policy requires a development to undergo a “balanced consideration” of various factors, including applicable Heritage Conservation District Plans, and whether the site has the appropriate characteristics to accommodate a tall building in accordance with the required performance standards established in the zoning by-law. As with Policy 1.5, the Heritage Conservation District Plan must first be revised to comply with the directions of the LPAT. This provision also inappropriately elevates zoning permissions to Official Plan policies. Accordingly, this policy 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. Accordingly, Policy 5.5 should be revised to be consistent with provincial direction.

- Section 9 (Corktown Policy Area): Certain language in the built form policies proposed for the Corktown Policy Area lack sufficient clarity. For example, Policy 9.3 requires all development to be setback from the front property line, but it is unclear whether this setback would be in addition to existing setbacks. Furthermore, Policies 9.4 and 9.5 provide that the City will only permit reductions to the minimum setback where a “strong, legible heritage of street-oriented buildings” exist or where required by high pedestrian volumes. These policies would appear to require mandatory setbacks for every development, 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 to establish a “strong, legible” heritage character.
- 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 ZBA has only been made publicly available as of April 12th. It is difficult to provide a full review and comment before the statutory public meeting with the late release of these documents.

Our clients’ initial concerns with the Draft ZBA are as follows:

- General: In general, the draft Zoning By-law Amendments do not result in the optimization of land within the King-Parliament area, including on the Property. Further, the above-noted LPAT decision regarding the City’s proposed Heritage Conservation District Plan removed certain matter from inclusion in the proposed Plan. Although these matters still need to be implemented, it appears that the City is now proposing to include these matters in the draft Zoning By-law Amendments without sufficient analysis.
- Heights/Streetwall Heights: Our preliminary review of the draft ZBL 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 ZBA 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.

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, 1992*.

If the City proceeds with adopting the Draft Secondary Plan and Draft ZBL unamended, then these concerns would be expanded through the appeal process. Our client also reserves the right to identify further objectionable aspects of both instruments, including any inconsistency/non-conformity with the Provincial Policy Statement (2020) or the Growth Plan for the Greater Golden Horseshoe (2019).

We would also appreciate this letter being treated as our client's request for notice of any decision made in respect of both the draft Secondary Plan and draft Zoning By-law Amendments.

Yours truly,

Goodmans LLP



David Bronskill

DJB/

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Cc: Client