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Via Email: teycc@toronto.ca

Toronto and East York Community 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 Dream Impact Master LP, the owner of the property known municipally in the City of Toronto as 49 Ontario Street (the “**Property**”). We are writing to express our client’s concerns with the proposed updated King-Parliament Secondary Plan (the “**Secondary Plan**”), and request that the Property be excluded from the policies of the Secondary Plan at this time.

On November 1, 2019, our client submitted a complete rezoning application for the Property. Since that time, close to two and a half years since the submission of the rezoning application, our client has worked with City staff and engaged the local community in respect of the redevelopment proposal for the Property. Although progress with respect to our client’s rezoning application has been made, it is unclear how the City intends to apply the Secondary Plan to active planning matters absent a clear transition policy. Accordingly, we urge Toronto and East York Community Council to consider inclusion of a transition provision in the draft Secondary Plan. The approved version of the Downtown Plan and Midtown Plan both contain such an explicit transition provision and it is both fair and good planning to include such a transition provision to ensure that the legal basis for consideration of our client’s rezoning application follows the well-established principle that an application is entitled to be evaluated pursuant to the policies in force at the time of the application. Inclusion of a transition provision may even eliminate the need for an appeal.

Absent such transition, we request that Community Council defer the Secondary Plan to enable modifications to the proposed policies, including but not limited to, the following policies our client has concern with:

- 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.

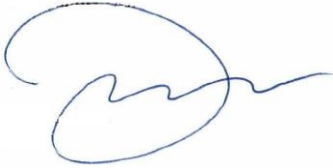
- Policy 8.1: The use of the words “context-specific” in this policy and others is problematic without clarification of the context. The parent Official Plan provides guidance regarding the existing and planned context, but this policy (and others in the draft Secondary Plan) does not recognize that this area is planned for growth and that development applications must be reviewed within this context.
- Policy 8.2.2 requires noticeable and discernible built form transition to adjacent Mixed Use Areas 3 and Mixed Use Areas 4. Instead, this Policy should require appropriate transition to adjacent properties dependant on the particular context of a site and its surrounding area.
- Policy 8.3 requires development to be setback from property lines and that these setbacks be unencumbered by building cantilevers and balconies. A blanket prohibition on buildings cantilevering over setbacks at all, even above certain heights, is inappropriately rigid and ignores site-specific context or existing development patterns in certain areas. Further, the policy appears to exclude below-grade projections into a setback but such potential should be specifically included.
- There are a number of policies (of note Policies 4.2 and 8.5) that suggest setbacks, stepbacks and/or other performance criteria may be greater than the built form and urban design standards identified in the Secondary Plan and/or the Zoning By-law. These policies are overly broad and create uncertainty about how the Secondary Plan should be applied, especially when the policy includes cross-references to urban design guidelines and the draft Zoning By-law Amendments.
- Policy 8.6 permits tall buildings on sites only where minimum built form standards are achieved. This policy suggests zoning permissions may be elevated to Official Plan policy, which is inappropriate, or at the very least is vague and unclear.
- More generally, there 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. Further direction is required regarding the mechanisms for implementing these policies.
- There are also a number of instances in the proposed Secondary Plan that incorporate mandatory language in reference to 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 ability to appeal the contents of these documents.

In respect to the Zoning By-law Amendment, which has only been made publicly available as of April 12th, it is difficult to provide full review and comment before the statutory public meeting with such late release of this document. We note, however, the Zoning By-law Amendment limits the height of the Property to 90 metres, less than the proposed height for the redevelopment, and would not result in the optimization of the Property.

This communication should be treated as our client's 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 be 'Joe Hoffman', with a large loop and a trailing flourish.

Joe Hoffman

JBH/

7156186

Cc: Dream Impact Master LP