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October 7, 2013

Mayor and Members of Council
Toronto City Hall
100 Queen Street West
Toronto, ON M5H 2N2

Attention: City Clerk

Dear Sirs/Mesdames:

**Re: Item No. TE26.14
Final Report – North Downtown Yonge Official Plan Amendment**

We are the solicitors for the property known municipally as 411 Church Street in the City of Toronto (the "Subject Property"). We are in receipt of the draft official plan amendment for the North Downtown Yonge area (the "Draft OPA") and are writing to express our client's concerns regarding the draft policies.

Policy 5.8.7 of the Draft OPA as revised in the September 5, 2013 supplementary report reads:

"The maximum height for the area located along the south side of Wood Street for properties fronting onto Church Street within the Church Street Village Character Area will be in the range of 47m to 77m (15 storeys to 25 storeys)."

This policy is still unclear and is inconsistent with the Staff comment that "the policy applies to those properties that front onto Church Street between Wood Street and Carlton Street", none of which are within the Church Street Village Character Area as shown on Map 1.

If the intention of this policy is in fact to implement a maximum height for the Subject Property of 47 metres to 77 metres, we submit that this height limit is inappropriate and does not recognize the site's proximity to higher-order transit (College Subway Station) and existing buildings which exceed this height limit (281 & 285 Mutual Street - 101 metres and 81 metres). Furthermore, the recently-adopted Downtown Tall Buildings Vision and Supplementary Guidelines indicate a height of 62 metres to 107 metres is appropriate for this same portion of Church Street.

As the proposed policy is unclear and inconsistent with the recently approved guidelines we hereby submit that the Subject Property should be excluded from the Draft OPA. This will allow for the appropriate height to be determined via a site-specific rezoning application, whereby the unique conditions of the Subject Property can be properly evaluated.

Our client is also concerned with the proposed wording of policies regarding shadows, setbacks and at grade retail, all of which are too prescriptive.

We must add that the accompanying guidelines show the Subject Property as “potential open space/parks opportunity”. We trust the City will delete this label from the final version of the guidelines or else specifically recognize that such an opportunity can only be realized through a purchase at fair market value.

Please also accept this letter as our request for notice of any meeting or decision made in respect of the above-noted matter.

Yours truly,

Goodmans LLP

A handwritten signature in black ink, appearing to read 'David Bronskill', with a stylized flourish at the end.

David Bronskill

DB/pc
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