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Please refer to: **Jeffrey L. Davies**
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File No. 702439

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Planning and Growth Management Committee
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Ms. Ulli S. Watkiss, City Clerk
Toronto City Hall
13th Floor West
100 Queen Street West
Toronto, Ontario
M5H 2N2

Dear Sirs/Mesdames:

Re: Ivanhoé Cambridge – 45 Bay Street, Toronto
OP Five Year Review: new Heritage and Public Realm Policies

We represent Ivanhoé Cambridge which manages and owns, through its affiliates, 45 Bay Street and write in connection with the proposed new official plan policies for the Public Realm and Heritage. In addition to its ownership of 45 Bay Street, Ivanhoé Cambridge has a broad and long term interest in the future of the City, the downtown and the financial core.

Ivanhoé Cambridge purchased 45 Bay Street, a site located next to Union Station known as the busiest public transit facility in Canada from Canada Post in 2007, and has an exciting vision for a high density office and retail development at this important location which is unique in Canada.



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With regard to the public realm, the financial district, and the downtown, the policy must clearly recognize that the view of the skyline from afar is protected and not views from within the skyline itself. Otherwise, it is our expectation that the policy will unintentionally set off objections and appeals to the Ontario Municipal Board (“OMB”) based on claims for view protection within the downtown and financial core which we do not believe is the intent of the new policies.

New tall buildings will continue to be added to the financial district and downtown that will form part of the evolving skyline of the City. Explicit language should eliminate any potential to interpret the public realm policies as restricting the growth and evolution of the skyline of the financial core and downtown themselves, when viewed from within the skyline.

The policies require and describe the steps for heritage conservation and assessments, but they do not provide clear guidance on the range of acceptable outcomes. In this sense, the policies are vague which will mean that the evaluation of any given heritage conservation assessment may be skewed to the point of view of the reviewer or reader. Further, when the policies talk about minimizing visual and physical impact, this is a vague standard in the context of the downtown and financial district. Likewise, what will or will not “negatively impact heritage values and attributes” suffers from vagueness.

It is submitted that a variety of forms of built outcomes should be anticipated by the policies as a means of encouraging heritage conservation in the context of a dynamic and changing financial core and downtown. Therefore it is suggested that additional policies are required to reflect this before the Amendment is finalized.

In the financial core and downtown, re-development is complex and intense. This is a product of Provincial and City policy, the high value of land, and the diversity of buildings and ownership patterns. Therefore, re-development and the interplay of old and new in close proximity make for complex yet potentially exciting planning considerations. To achieve greater success in heritage conservation, the integration of heritage resources as fully functional and economic elements of a project must be a priority.

It is suggested that a policy should be included to recognize that in some cases it will be appropriate to consider and approve new buildings, renovations and additions on, or in proximity to, buildings on the Heritage Register and to recognize that appropriately these may be of a design character that is different from the building on the Heritage Register. Further, a policy should be included to the effect that it is appropriate to consider and approve innovative approaches to heritage conservation.



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We would be pleased to work with staff to discuss the points raised in this letter to better the draft policies with the aim of making for good city building.

Yours sincerely,

DAVIES HOWE PARTNERS LLP

A handwritten signature in black ink, appearing to read 'J. Davies'.

Jeffrey L. Davies

JLD:mc

copy Client