

February 27, 2013

Planning and Growth Management Committee  
City of Toronto  
100 Queen Street West  
Toronto, Ontario, M5H 2N2

**Attention: Ms. Frances Pritchard, Planning and Growth Committee Administrator**

Dear Chair and Members of the Committee:

**Re: Proposed Official Plan Amendment No. 199 - Amendment to Adopt New Heritage and Public Realm Policies (Official Plan Five Year Review)**

**Planning and Growth Management Committee Item No.: PG22.3**

We are the solicitors for a number of property owners (attached as Schedule “A” to this letter) who have acquired sites which are located within the boundaries of the above-referenced amendment, who have either obtained or are in the process of obtaining final approvals in respect of applications for an Official Plan Amendment, Zoning By-law Amendment, Site Plan Approval, Committee of Adjustment approval and/or building permit approval, which properties were acquired in reliance upon “in force” policies which affected the acquisition price of the lands, which would be significantly impacted by the passage of the proposed amendment. While the potential impact of the proposed amendment cannot be fully assessed based upon the vague policies contained therein, the following is a current review of our clients’ concerns:

1. The policies generally refer to views to specific prominent buildings, structures, landscapes and natural features, many of which are neither listed or designated, which policies do not offer any understanding as to the manner in which such policies would be applied. Furthermore, such policies are vague and uncertain, which again, leads to an amendment which cannot offer any affected property owner certainty as to how such policies would be applied;
2. The report presupposes the importance of certain views to specific properties and features without any proper analysis whatsoever, with no supporting background information, no Council direction and no explanation as to why each particular view is of any cultural or heritage importance. Furthermore, the maps provided (7A and 7B) increase the uncertainty, as they do not provide adequate information to understand the extent of the area affected by each protected view;

3. In addition to listing specific properties, the policies also look to generally maintain views to the skylines of *Downtown and the Central Waterfront*, *North York Centre*, and *Scarborough Centre*, “without obstruction” which policy direction could be interpreted to suggest that no development can take place outside of the aforementioned centres, which conflicts with the entirety of the City’s Official Plan, which promotes many different forms of infill development in areas outside of those listed above, such as the Yonge and Eglinton area which area is a Growth Centre in the Greater Golden Horseshoe Growth plan. These policies are, again, vague and open to interpretation, which results in a high level of uncertainty for our clients and property owners across the City about how such policies will be applied;
4. There are no transition policies whatsoever, which in essence, render current owners with applications at various stages of the planning, site plan and permit process, unable to properly proceed with their developments with any certainty that such rights will not be adversely affected. For instance, applications which may have been filed, relying upon the “Clergy” principle which requires the “in force” policies to be applied, seem to be ignored by the new proposed amendment. Furthermore, applications for rezoning, which are either in the process of being circulated and/or finally approved with appeals and/or site plan approval pending, are again, potentially retroactively affected by the proposed amendment. Finally, even applications where the zoning is “final and binding”, with site plan applications pending resolution and/or building permit applications being processed, are again, subject to an uncertain retroactive result which would have the effect of stopping those application “in their tracks”;
5. The proposed policies seem to offer identical protection and scrutiny to properties which are “adjacent” to heritage properties, as the policies that apply to heritage properties themselves. The policies also make a heritage impact assessment mandatory for any development occurring next to a property on the Heritage Register, which Register includes formally designated properties, as well as those which are only listed. The adjacency policies are vague, and have the potential to prejudice active and future development applications with undue restrictions, as the intent of such policies is uncertain and the application of such policies may vary widely across the City;
6. It is critical, in proceeding with any City-wide or area-wide amendment, to provide clarity and appropriate transition policies in order for such landowners to make an informed decision as to the impact of same to protect landowners who have filed applications relying on the in force policies of the Official Plan. The proposed amendment, in and of itself, fails to address this fundamental principle, and as such, should not proceed without significant consideration of these fundamental issues raised herein.

In light of the significant efforts and resources invested by our clients in the properties listed in Schedule “A”, which proposed and/or approved developments have gone through an extensive due diligence period, purchase and sale agreements, with significant resources invested by our clients in preparing the requisite application materials, who have yet to obtain building permits, we hereby formally request that the draft OPA No. 199 be amended to address the above

concerns before it is passed, so that our clients' current applications will not be prejudiced by proposed new Official Plan policies with respect to Public Realm and Heritage.

We also formally request that the writer, as well as every registered owner listed in Schedule "A", be provided with notice of any meetings of Council, Committees of Council, Community Council or Public Meetings/Community Consultation Meetings where reports related to OPA No. 199, being an Official Plan Amendment to Adopt new Heritage and Public Realm Policies, are to be considered. We respectfully request that both our clients and the writer be forwarded copies of any future reports and/or proposed by-laws affecting our client's lands. Finally, we would respectfully request that both the writer and our clients be notified of the City's passage of any by-law affecting the Sites.

Should you have any questions, please do not hesitate to contact the writer, or Laura MacCormick, a Planner in our office.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Adam J. Brown', with a stylized, cursive style.

Adam J. Brown

cc: Councillor Josh Colle  
Councillor Frank Di Giorgio  
Councillor John Filion  
Councillor Peter Milczyn  
Councillor Karen Stintz  
Councillor Adam Vaughan  
Property Owners listed in Schedule "A"

## Schedule "A"

<b>Municipal Address (City of Toronto)</b>	<b>Registered Owner</b>
40-58 Widmer Street	Alimar Grove Estates Inc. Attn: Mr. Lino Pellicano 8700 Dufferin Street Vaughan, ON L4K 4S6
324-338 Richmond Street West	Petaluma Building Corp. Attn: Mr. Ted Wine 8700 Dufferin Street Vaughan, ON L4K 4S6
37 Yorkville Avenue and 50 Cumberland Street	MK 37 Yorkville Inc. Attn: Mr. Tom Giancos 90 Sheppard Avenue East, Suite 500 Toronto ON M2N 3A1
94 Cumberland Street	94 Cumberland Inc. Attn: Mr. Tom Giancos 90 Sheppard Avenue East, Suite 500 Toronto ON M2N 3A1
129 Hazelton Avenue	129 Hazelton Inc. Attn: Mr. Sam Mizrahi 185 Davenport Road, Suite 300 Toronto ON M5R 1J1
145 - 185 Davenport Road	Mizrahi Development Group (145 Davenport) Inc. & Mizrahi Development Group (185 Davenport) Inc. Attn: Mr. Sam Mizrahi 185 Davenport Road, Suite 300 Toronto ON M5R 1J1
195 Davenport Road and 131 Hazelton Avenue	Mizrahi Development Group (133 Hazelton) Inc. and Mizrahi Development Group (131 Hazelton) Inc. Attn: Mr. Sam Mizrahi 185 Davenport Road, Suite 300 Toronto ON M5R 1J1
231-237 College Street and 177-189 Huron Street	Shiupong (231 College) Limited Attn: Mr. Henry Hung 131 Baldwin Street Toronto ON M5T 1L7
2263-2285 Yonge Street, 10 Eglinton Avenue East and 25 Roehampton Avenue	NE Holdings Inc. & Penlim Investments Limited Attn: Mr. Michael Gold 30 Casmir Court Concord ON L4K 4J5
500 Lakeshore Boulevard West	Wittington Properties Limited Attn: Mr. Tony Grossi 22 St.Clair Avenue East, Suite 400

	Toronto ON M4T 2S3  Loblaw Properties Limited Attn: Mr. Mario Fatica 1 President's Choice Circle, 4th Fl. South Tower Brampton ON L6Y 5S5
101 King Street East and 54-70 Colborne Street	(King-Church) Investments Limited Attn: Mr. Peter Freed 552 Wellington Street West, Suite 1500 Toronto, ON M5V 2V5
560-570 King Street West	560 King Developments Ltd. Attn: Mr. Peter Freed 552 Wellington Street West, Suite 1500 Toronto, ON M5V 2V5
621 King Street West	621 King Developments Ltd. Attn: Mr. Peter Freed 552 Wellington Street West, Suite 1500 Toronto, ON M5V 2V5
66 Temperance Street	Temperance Residences Inc. Attn: Mr. Andrew Hoffman 208 Adelaide Street West, Suite 300 Toronto, ON M5H 1W7
171 East Liberty Street	Liberty Market Building Inc. Attn: Mr. Brian Brown 145 Davenport Road, Suite 200 Toronto ON M5R 1J1
77 Clarendon Avenue and 159 Russell Hill Road	Pinedale Properties Ltd. Attn: Mr. Yoram Birenzweig 970 Lawrence Avenue West, Suite 303 Toronto ON M6A 3B6
609 Avenue Road	609 Avenue Toronto Developments Ltd. Attn: Mr. Barry Zagdanski 2700 Dufferin Street, Unit 34 Toronto, ON M6B 4J3
316 Bloor Street West	State Building Group Attn: Mr. Barry Zagdanski 2700 Dufferin Street, Unit 34 Toronto, ON M6B 4J3
2366- 2388 Danforth Avenue	BSAR (Eglinton) Ltd. Attn: Mr. Tarek Sobhi 662 King Street West, Suite 204 Toronto ON M5V 1M7
21 Avenue Road	21 Avenue Road Investments Inc. Attn: Mr. David Feldman 250 Davisville Avenue, Suite 400 Toronto ON M4S 1H2

111 St. Clair Avenue West	111 St. Clair Avenue West Investments Inc. and 2246299 Ontario Inc. Attn: Mr. David Feldman 250 Davisville Avenue, Suite 400 Toronto ON M4S 1N2
219 Queen Street West	Arrowhead Ventures Inc. Attn: Mr. David Feldman 250 Davisville Avenue, Suite 400 Toronto ON M4S 1N2
50-60 Yorkville Avenue	Bay-Yorkville Developments Ltd. Attn: Mr. Jude Tersigni 4711 Yonge Street, Suite 1400 Toronto, ON M2N 7E4
81-87 Peter Street	Noir Residences Inc. Attn: Mr. Jude Tersigni 4711 Yonge Street, Suite 1400 Toronto, ON M2N 7E4
90 Harbour Street and 1 York Street	Harbour Plaza Residences Inc Attn: Mr. Jude Tersigni 4711 Yonge Street, Suite 1400 Toronto, ON M2N 7E4
365 to 375 Church Street	Menkes Church Street Holdings Inc. Attn: Mr. Jude Tersigni 4711 Yonge Street, Suite 1400 Toronto, ON M2N 7E4
431, 441 and 445 Richmond Street West	Menkes Richmond Holdings Inc. Attn: Mr. Jude Tersigni 4711 Yonge Street, Suite 1400 Toronto, ON M2N 7E4
215 St. Clair Avenue West	213 & 219 St. Clair Holdings Ltd. Attn: Mr. Miguel Singer 369 Rimrock Road Toronto ON M3J 3G2
1920 Eglinton Avenue East and 20 Ashtonbee Road	(20) Ashtonbee Holdings Limited Mr. Miguel Singer 369 Rimrock Road Toronto ON M3J 3G2
450 Pape Avenue	The Rose & Thistle Group Ltd. Attn: Ms. Norma Walton 30 Hazelton Avenue Toronto, ON M5R 2E2