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June 24, 2014

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

Dear Sirs:

**RE: Recommendations by Toronto and East York Community Council  
Pertaining to City Initiated Official Plan Amendment Involving 260-270 King  
Street and 274-322 King Street West/ City File No. 14 138367 STE OZ 20/  
Our File No. K306**

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My firm represents Wise Enterprises Inc. and J. Weiss Investments Ltd. (collectively referred to as "Weiss") who are the owners of 11 Ed Mirvish Way, Toronto. On their behalf I am writing to respond to the recommendations as adopted by the Toronto and East York Community Council on June 17, 2014, pertaining to the City initiated official plan amendment involving 260-270 King Street West and 274-322 King Street West (Community Council Agenda Item TE 33.8).

Pursuant to the official plan amendment, it is proposed that the City would support the redevelopment for two mixed-use buildings, located on either side of Ed Mirvish Way along King Street; on the east side of Ed Mirvish Way an 82 storey tower and on the west side of the road a 92 storey tower. Both parcels would have a combined maximum density of 18.1 times their site area. In addition to establishing parameters for the height and density of the development the amendment also contains policies dealing with urban design, heritage preservation and provision of other community benefits.

The presentation of the proposed official plan amendment has been prompted by an appeal filed with the Ontario Municipal Board by the owners of these properties, Ed Mirvish Enterprises Ltd. and 276 King Street West Inc. (collectively referred to as "Mirvish"). To date, the Board has conducted two prehearing conferences as part of its

process and a third prehearing is scheduled for July 23, 2014. As well, the hearing of the Mirvish appeal has been scheduled by the Board returnable in the fall of this year.

Concurrent with the Board's process City staff and the area Councilor have conducted a working group process with participation by various interest within the community, the developer and staff. The amendment being presented to you today has been described by staff as representing an outcome of the working group process.

Weiss has been represented by their land use planning consultant in the City's working group and they are also a party to the Ontario Municipal Board proceedings. Their participation results from the fact that they own a four storey office building located at 11 Ed Mirvish Way, which forms part of the block and is adjacent to Mirvish's easterly development parcel (municipally known as 266 King Street West). The current use of the two properties are related as they share a common boundary line and access to the rear of the Mirvish property is presently available via a right-of-way that crosses the easterly portion of the Weiss property. Notwithstanding the fact that my client's property forms part of the easterly block upon which the 82 storey Mirvish tower is proposed, 11 Ed Mirvish Way has been excluded both from the proposed Mirvish zoning by-law and the City's proposed official plan amendment.

While my clients appreciate the efforts of the City through the working group to achieve a settlement of the Mirvish appeals, they remain concerned as to how the proposed Mirvish development, even if modified in accordance with the City's amendment, will impact the existing and future use of their building at 11 Ed Mirvish Way. My client's property is currently zoned Reinvestment Area ("RA") under By-law number 438-86. This zoning category permits a range of residential and commercial uses subject to a maximum height of 30 metres with no density restriction. The office building currently located on 11 Ed Mirvish Way has a height of approximately 15 metres and a floor area of approximately 1,337 square metres; as a result, the property is currently under-utilized in terms of its as of right of zoning potential.

My clients wish to ensure to the extent possible, through their participation in both the City's working group process as well as the Municipal Board proceedings that the ultimate approval of the Mirvish development proposal will not impair their ability to achieve a complete build out of the existing zoning rights that they presently enjoy.

Unfortunately, while the City's proposed amendment provides parameters related to the height, density and architectural design of the Mirvish buildings its does not provide the specificity of detail required in order for my clients to confirm the extent to which their existing development rights may be impacted by the Mirvish proposal. In order to carry out such an assessment it would be necessary for the related zoning by-law that would

implement the official plan amendment to be produced for review and comment by our clients.

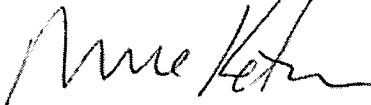
We understand that it is the intention of the City staff and Solicitor, and as well contemplated by Mirvish, that if there are objections to the proposed official plan amendment lodged following its adoption by the City that the consideration of such objections to the amendment will be consolidated with the consideration of outstanding zoning appeal. At this time we do not know whether such objections will be filed (since the amendment has not yet been adopted), nor do we know the position of Mirvish in relation either to the amendment or any potential revisions to their current zoning appeal.

While my clients do not object in principle to the City's desire to establish through the amendment parameters for the development of the Mirvish project and to achieve the variety of community benefits as outlined in the document they wish to ensure that they are provided the opportunity to fully assess the implications, of the amendment for their property. This can only be done by means of receipt not only of the amendment but also the accompanying zoning by-law that would be proposed to be approved in conjunction with the amendment.

Accordingly, I am writing to inform you that pending the receipt and review of the related zoning by-law amendment my clients are not prepared at this time to support the amendment. To date, we have not received a draft by-law from City staff nor confirmation from the developer as to their position in regards either to the amendment or the anticipated revisions to their zoning by-law.

Yours very truly,

**RITCHIE KETCHESON  
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