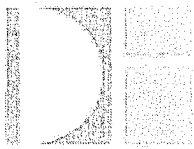


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Please refer to: **Mark Flowers**
e-mail: markf@davieshowe.com
direct line: 416.263.4513
File No. 702726



Davies
Howe
Partners
LLP

Lawyers

The Fifth Floor
99 Spadina Ave
Toronto, Ontario
M5V 3P8

T 416.977.7088
F 416.977.8931
davieshowe.com

January 14, 2014

By E-Mail to teycc@toronto.ca

Toronto and East York Community Council
City of Toronto
Toronto City Hall
100 Queen Street West
Toronto, Ontario
M5H 2N2

Attention: Ms. Ros Dyers, Committee Secretariat

Dear Ms. Dyers:

Re: Request for Direction Report – 484 Spadina Avenue
Item: TE29.3

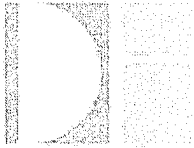
We are counsel to 1095909 Ontario Limited (Wynn Group of Companies), the applicant/appellant in the above matter.

We have reviewed the staff report of the Director, Community Planning, Toronto and East York District, dated November 22, 2013 (the "Staff Report"), which we understand will be considered by Toronto and East York Community Council at its meeting on January 15, 2014.

We are writing to request that Community Council reject Recommendation No. 1 of the Staff Report and, instead, recommend that City Council authorize the City Solicitor to attend the Ontario Municipal Board hearing in support of the rezoning application for 484 Spadina Avenue in its current form.

With respect, it is our position that the Staff Report does not provide a sound planning rationale to support a recommendation to oppose the application in its current form.

For example, in expressing concerns with the height of the proposed building (22 storeys / 74.65 m), the Staff Report notes that "[t]he variation between the height of the proposed building and the height of the adjacent area is problematic, fails to respect the scale of the surrounding area, and shadows the adjacent lands".



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Regarding the height of the proposed building in relation to the adjacent area, there are numerous examples throughout the *Downtown* (including many in close proximity to the subject site) where tall buildings appropriately co-exist in close proximity to, and even immediately adjacent to, lower-scale buildings. It is noteworthy that the Staff Report simply characterizes the proposed relationship as “problematic”, without identifying any actual adverse impacts arising from the proposed development and any variation in height with other buildings in the area.

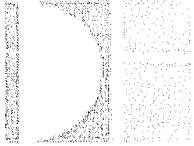
Similarly, to merely assert that the proposed development “shadows the adjacent lands” is not a proper basis upon which to oppose the application. We venture to say that if the test was simply whether or not a proposed development would “shadow the adjacent lands”, virtually no new development would occur within the *Downtown*.

The Staff Report also improperly applies the Tall Building Design Guidelines (the “TBDG”) in assessing the merits of the proposed development. As the name suggests, the TBDG are merely “guidelines” that may be considered in evaluating a development proposal. By contrast, the Staff Report appears to improperly treat certain recommended setback provisions of the TBDG as regulatory requirements that must be complied with, failing which the application cannot be supported.

Moreover, it is our view that the Staff Report also contains a number of significant omissions.

For instance, although all planning decisions of City Council are required to conform to the *Growth Plan for the Greater Golden Horseshoe* (the “*Growth Plan*”), there is no mention whatsoever of the *Growth Plan* in the Staff Report. It is our position that the application in its current form fully conforms to the policies of the *Growth Plan*. Assuming that staff agrees with this position, it is curious that the Staff Report does not mention this in advising Community Council.

Further, despite repeated reference in the Staff Report to the existing and planned built form context, it is particularly noteworthy that staff has failed to refer to City Council’s relatively recent approval of a tall building on the south side of College Street, just west of Spadina Avenue, at 297 College Street, in describing the “planned context”. At its meeting on November 29, 2012, City Council (recommended by Toronto and East York Community Council) enacted Zoning By-law No. 1631-2012 to permit a building with a maximum height of 56.7 m at 297 College Street. Given its status and its very close proximity to the subject site, this approval clearly forms part of the planned built form context.



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Thus, we urge Community Council to reject the staff recommendation to oppose our client's rezoning application. Instead, we request that Community Council recommend support for the application in its current form.

Kindly ensure that we receive a copy of the decision of the Community Council and City Council, and that we receive notice of any subsequent staff reports and/or public meetings concerning this item.

In the meantime, please do not hesitate to contact us if you have any questions concerning these comments.

Yours truly,

DAVIES HOWE PARTNERS LLP

Mark R. Flowers
Professional Corporation

copy: Client
David Butterworth, Kirkor Architects & Planners
Gordon J. Whicher, City of Toronto, Legal Services Division