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March 12, 2015

Our File No: 123990

BY EMAIL

The Honourable Mayor John Tory and Members of Council
City of Toronto
100 Queen Street West
Toronto, ON M5H 2N2

Attention: Ulli S. Watkiss, City Clerk

Dear Mr. Mayor and Members of Council:

**Re: Downtown East Planning Study and Proposed Official Plan Amendment
No. 82**

We have recently been retained by Magna Hotels (Toronto) Inc., the owner of 203 Jarvis Street, located at the northeast corner of Jarvis and Shuter Streets in the City of Toronto. This property is designated Mixed Use Areas in the City's Official Plan and in August 2010, By-law 1118-2010 was passed to amend Zoning By-law 438-86 in order to permit a 20 storey hotel on the site.

The Downtown East Planning Study Report, including a draft of Official Plan Amendment No. 82 ("OPA 82"), was issued by City staff on July 8, 2014 and considered by City Council on August 25, 2014. A Final Report was presented to Toronto and East York Community Council at its meeting on February 18, 2015 and we understand the proposed OPA may be placed before City Council for adoption on March 31, 2015.

OPA 82 proposes a Garden District Site and Area Specific Policy ("SASP") which would apply to the lands generally bounded by Carlton Street, Seaton Street, Queen Street East and Mutual Street, including the subject site. In particular, the SASP places the site within the Hazelburn Character Area and identifies 4 blocks in this Character Area as having the potential for tall buildings. In fact, OPA 82 specifies that tall buildings are only permitted on the 4 identified blocks. Our client's property is not identified as a potential tower block and OPA 82 contains no mention of the tall building approval currently in place on the site. Our client is concerned that Zoning By-law 1118-2010 would not conform with the OPA as drafted and it is unclear what is intended in this regard.

Our client is currently in the process of considering revisions to its existing development approvals and has concerns with several of the proposed policies in OPA 82. Aside from the failure to recognize the current zoning permissions for a tall building on the site, our

client does not support the new provisions which would require 10% of all new units to be affordable, 10% of all new units to contain 3 bedrooms and the additional built form controls respecting tower separation, setbacks and shadows.

As such, our client is opposed to the adoption of this OPA and we are writing to request that OPA 82 be referred back to staff for a report on the failure to recognize the existing permission for a tall building on the subject site at 203 Jarvis Street and the intended impact of the other revisions including the proposed built form controls. Please provide the undersigned with notice of further public meetings respecting OPA 82 and of any adoption of this proposed Official Plan Amendment. Thank you.

Yours truly,

AIRD & BERLIS LLP



Kim M. Kovar
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cc: Client
Guilio Cescato

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