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October 5, 2015

Our File No.: 000031

By Email and Courier

Community Planning – Toronto & East York District
Toronto City Hall
18th fl. E., 100 Queen St. W.
Toronto ON M5H 2N2

Attention: Avery Carr, Planner

Dear Sirs/Mesdames:

**Re: City Initiated Official Plan Amendment Lands Bounded by John Street, Adelaide Street West, Duncan Street and Pearl Street
Toronto and East York Community Council: Item TE. 11.2**

We are solicitors for 257 Adelaide Street West Inc. (“Allied”), the owner of the property known municipally as 257 Adelaide Street West (the “Allied Property”). The Adelaide Property is located on the block bounded by John Street, Adelaide Street West, Duncan Street and Pearl Street (the “Block”) that is the subject of the proposed City of Toronto (“City”) initiated Site and Area Specific Policy and implementing Official Plan Amendment (the “OPA”). A map showing the location of the Allied Property and the properties included in the OPA is attached to this letter as Schedule “A”.

The OPA would limit the Block to a maximum of three new tall buildings, with a minimum separation of 20 metres between tall building towers and maximum tower floor plates of 700m², and sets out the general location of these towers. The OPA does not locate a tall building on the north east quadrant of the Block which includes the Allied Property.

While Allied agrees that the Block is an appropriate location for a number of tall buildings, Allied is very concerned that the OPA will sterilize the entire north east quadrant of the Block, including the Allied Property, for tall building development. Further, Allied takes issue with the contention that this OPA is the result of a comprehensive plan agreed to by the landowners on the Block. This OPA was not agreed to by Allied and the OPA does not take into consideration the development potential of the north east quadrant of the Block including the Allied Property.

The City Initiated Official Plan Amendment: The OPA

The City Staff Report, dated September 18, 2015 (the “Staff Report”), states that the City initiated the OPA to “appropriately guide the future development of the block and at the request of various landowners on the Block.” The Staff Report notes that the Block is subject to two tall building applications (263 Adelaide Street West and 283 Adelaide Street West) and that a third owner has expressed an interest in developing a tall building on the Block (14 Duncan Street & 180-188 Duncan Street).

In order to accommodate the development aspirations of these landowners, the goal of the OPA was to “set out the location of towers on the block, thus limiting the addition of other towers on the block that don’t achieve adequate tower separation distance”.

Further to this goal, the OPA sets out five key development policies:

1. **Three Tall Buildings:** a maximum of three (3) tall buildings¹ will be permitted on the Block;
 - o the three tall buildings are shown generally on a schedule, and are located on:
 - 263 Adelaide Street West,
 - 283 Adelaide Street West, and
 - 14 Duncan Street & 180-188 Pearl Street;
2. **Tower Separation:** a minimum tower separation distance of 20 metres is required;
3. **Floorplate:** a maximum tall building floorplate of 700 square metres is permitted;
4. **Height:** the maximum height for all tall buildings on the Block is 157; and
5. **Heritage:** development will respect/reinforce the heritage character of the block.

The Staff Report indicates that this OPA is not intended to set a precedent for the scale of area development, and is being considered for this block because “landowners cannot achieve tall buildings on their site independently and are willing to work together on a comprehensive plan.”

Further, the Staff Report indicates that the OPA prevents tall building development on the Allied Property and 18-22 Duncan Street, as the remainder of the Block is “occupied by buildings of heritage interest.”

The Allied Property – 257 Adelaide Street West and the OPA Policies:

The Allied Property is located at the centre of the Adelaide Street West frontage of the Block, and is currently occupied by an office building. It is designated as *Regeneration Areas* and is within the *Downtown and Central Waterfront*. The Allied Property is not designated or listed in the City of Toronto’s Inventory of Heritage Properties.

¹ Tall buildings are defined as any building taller than the height limit permitted by the zoning by-law at the time of enactment of the OPA.

Adequate Tower Separation Distances:

The Allied Property in combination with any of the neighbouring properties with frontage on Adelaide Street West would be an ideal candidate site for a tall building and could achieve adequate tower separation distances, as set out in the OPA. A schematic drawing illustrating only one possible option for the location of a tall building on the Allied Property in combination with its neighbour to the east is attached to this letter as Schedule "B".

The development of the Allied Property with a tall building in combination with another neighbouring landowner fronting on Adelaide Street West can be accomplished in a way that would meet the OPA requirement to maximize light, view and privacy through the use of appropriate tower separation distances.

Further to the above, it is not appropriate to limit the development potential of the Allied Property based on a concern about adequate tower separation distances.

Heritage Interest:

As noted above, the Allied Property is not designated or listed in the City of Toronto's Inventory of Heritage Properties. In fact, if the main criteria for tall building candidate sites on the Block is heritage interest then two of other properties on the Block that are currently noted as tower sites should be of concern as one is listed in the City of Toronto's Inventory of Heritage Properties and the other is of equal or greater heritage interest than the Allied Property.

Further, as the OPA "does not preclude the possibility of vertical additions" to the Allied Property and its neighbour to the east, there appears to be no issue with locating building massing above either of the existing buildings from a heritage perspective.

Accordingly, it is not appropriate to limit the development potential of the Allied Property based on a concern about heritage interest.

Comprehensive Plan and Landowner Agreement:

Allied is in full agreement that the Block is an appropriate location for tall buildings and that a OPA which includes a block plan could be used to achieve that objective. However, at no time did Allied agree that the proposed OPA was acceptable nor did Allied agree to limit the development potential of its property in any way.

Conclusions:

The proposed OPA is not being brought forward with the agreement of all of the landowners on the Block and has the potential to sterilize the entire north east quadrant of the Block for tall building development.

Allied agrees that the Block is an appropriate location for a number of tall buildings and agrees that appropriate development of the Block could be achieved through the use of an OPA which includes a block plan. Allied is very concerned, however, with any block plan or proposed OPA that would sterilize its property in any way.

In consideration of the significant concerns raised by Allied we would ask that Community Council refer the OPA back to Staff for further reconsideration. We appreciate your consideration of these comments and concerns.

Please also accept this letter as our request for notice of all meetings, reports and decisions regarding this matter. Please do not hesitate to contact the undersigned if you have any questions.

Yours truly,

Goodmans LLP



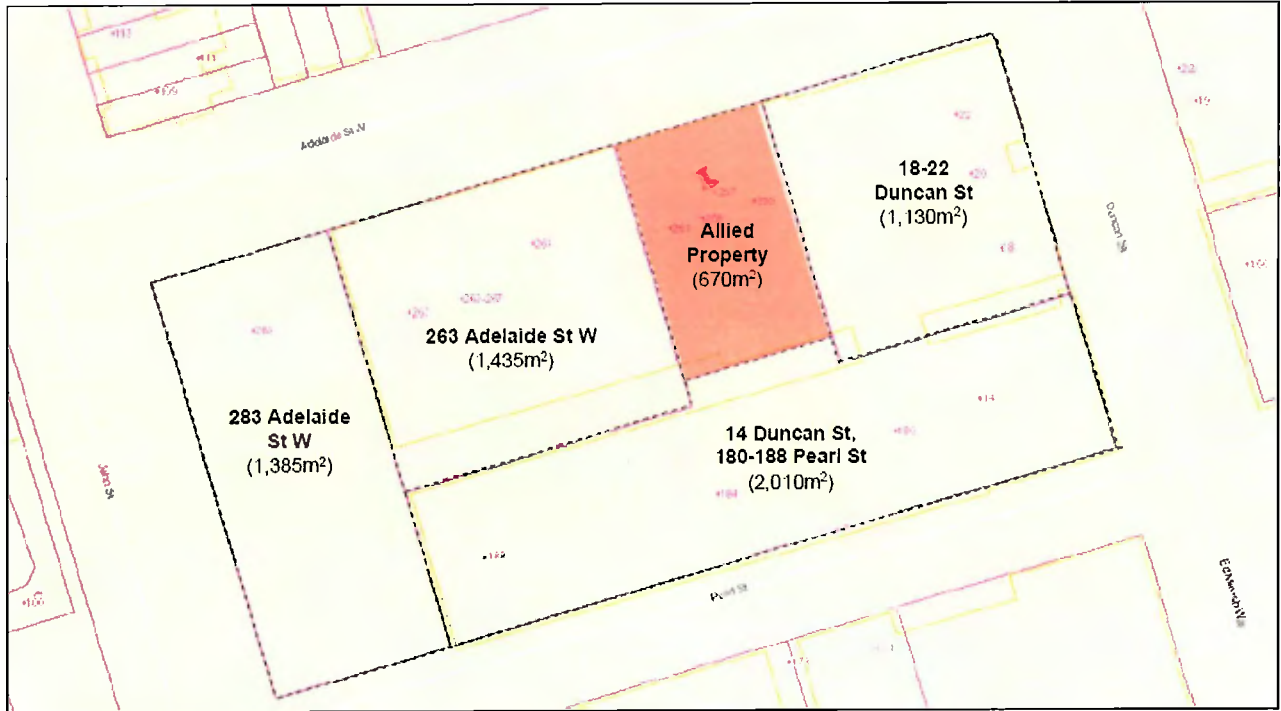
Anne Benedetti

AB/pc

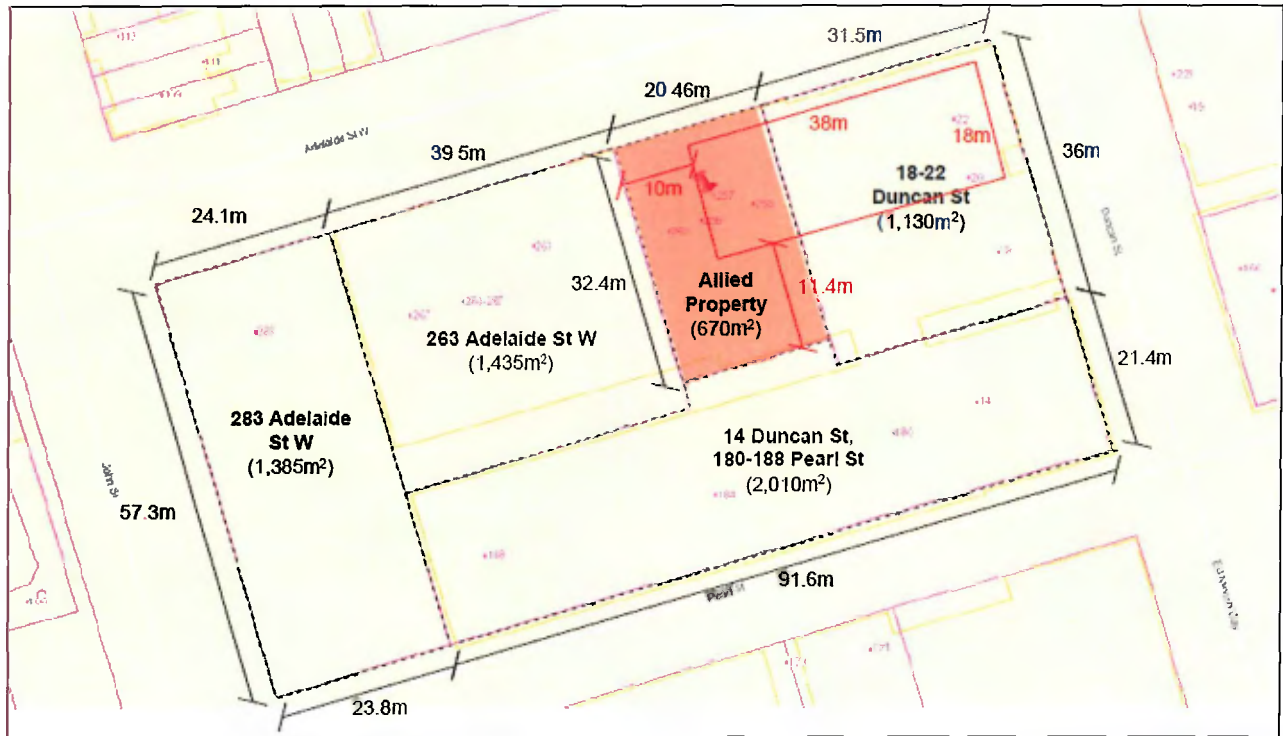
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cc. Ros Dyers, Toronto and East York Community Council Clerk
Councillor Joe Cressy, Ward 20 Trinity-Spadina
Hugh Clark, 257 Adelaide Street West Inc.

Schedule "A"
The Allied Property and the Block



Schedule "B"
Schematic of the Allied Property Development Potential²



² The dimensions and estimated areas on this schematic sketch are approximate and are provided for general estimate and reference purposes only.