

September 12, 2016

Our File No.: 124066

BY EMAIL

Honourable Mayor Tory and Members of Council
City of Toronto
12th floor, West Tower, City Hall
100 Queen St. W.
Toronto, ON M5H 2N2

Attention: Marilyn Toft, Secretariat Contact (clerk@toronto.ca)

Re: TEYCC Agenda Item 18.7
To Core: Updating Tall Building Setbacks in the Downtown – City
Initiated Official Plan Amendment and Zoning By-law Amendments

Aird & Berlis LLP represents Fortress Charlotte 2014 Inc. in respect of its lands located at 46 Charlotte Street. Our client's application for rezoning on the lands was deemed complete by the City on June 3, 2016. The City is now proceeding to schedule a community consultation meeting for the fall of this year.

We are writing further to our previous letter of June 9, 2016 to share our client's continuing concerns with respect to the City's proposed Zoning By-law Amendments ("ZBLAs") and Official Plan Amendment ("OPA") with respect to "tall buildings" setbacks in the Downtown.

We attended the City's community consultation meeting on July 19th and have now reviewed the proposed ZBLAs and OPA in detail with our client and its consultants. We offer the following comments on behalf of our client.

The proposed ZBLAs define "tower" as any portion of a building enclosing a storey higher than 24 metres above average grade. It is our understanding that the setback requirements of the proposed ZBLAs would be triggered for buildings taller than 24 metres or approximately 6 storeys, including mid-rise buildings which were not the intended subject of these instruments. Additionally, the proposed required setbacks are mandatory in nature and do not account for differences between certain areas within the Downtown in respect of existing built form, lot sizes and configurations or other area/site specific considerations. The proposed setbacks are unrealistic in the context of infill development and could sterilize many proposed development sites within the Downtown, contrary to provincial and City policies aimed at promoting intensification in this area of the City.

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We note that the proposed OPA lacks clarity as to the application and implementation of the proposed policies. For example, it remains unclear to us what is meant by a “tall building” as opposed to a mid-rise building or building element, and when the proposed policies will therefore be applied. We recognize that an Official Plan is intentionally a broad policy document but it needs, nevertheless, to be capable of clear interpretation.

Neither the OPA nor the ZBLAs provide sufficient transition positions for properties which are the subject of current development applications, such as the one filed by our client, or under appeal at the Ontario Municipal Board. Appropriate transition provisions should be incorporated in any by-law or official plan amendment adopted by Council to ensure that landowners may continue to rely on the policies and regulations in force at the time of commencing an application.

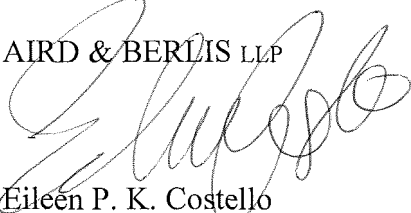
In the opinion of our client, the proposed OPA and ZBLAs do not represent good planning. We request that Council refuse the staff recommendation to adopt the OPA and ZBLAs in their current form.

Additionally and regardless of Council’s decision in respect of the first request above, we request that our client’s property at 46 Charlotte Street be exempted from the retroactive application of these instruments which will now only come into force after the filing of a complete application with the City.

Should you have any questions or require any further information, please do not hesitate to contact the undersigned.

Yours truly,

AIRD & BERLIS LLP



Eileen P. K. Costello
EPKC/LD

c: Client

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