

September 22, 2016

Our File No. 134510

BY EMAIL

Mayor John Tory and Members of Council
Toronto City Hall, 13th Floor, West Tower
100 Queen Street West
Toronto, Ontario
M5H 2N2

Attention: Ulli S. Watkiss, City Clerk

Dear Mayor Tory and Members of Council:

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 the Canadian Opera Company, which owns the lands known municipally as 223-251 Front Street East (the “site”). This site is comprised of a group of heritage buildings which make up the Joey and Toby Tanenbaum Opera Centre and the Imperial Oil Opera Theatre.

Our client’s site is directly impacted by the proposed Official Plan Amendment (“OPA”) and Zoning By-law Amendments (“ZBLAs”) contained in Attachments 2 and 3 of the above-referenced report.

The purpose of this correspondence is to advise Council of our client’s objection to and concerns with the proposed amendments with respect to “tall buildings” setbacks in the Downtown area of the City.

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. This would apply then to buildings in a mid-rise form which typically do not raise the land use planning impacts which the OPA and ZBLAs purport to address.

The heritage buildings on our client’s site are approximately 4.5 industrial-height storeys. The proposed ZBLAs would, for all intents and purposes, prevent reinvestment in or the expansion of the existing buildings on the site as even a modest increase in height would trigger the provisions applicable to a “tower” as currently defined. Further, the application

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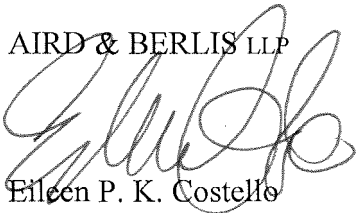
of the mandatory setbacks do not account for the particular site and area context and, in particular, the requirement to setback from all public streets and lanes compromises the ability to introduce greater density on the site, located as it is on a corner with a laneway to the rear.

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

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: Canadian Opera Company
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