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September 8, 2016

**Via Email – [clerk@toronto.ca](mailto:clerk@toronto.ca)**

Mayor and Members of Council  
City of Toronto  
Toronto City Hall  
100 Queen Street West  
Toronto, ON M5H 2N2

**c/o Ms. Ulli S. Watkiss, City Clerk**

Dear Sirs/Madames:

**Re: Proposed City-Initiated TOcore Official Plan Amendment No. 352 and Zoning By-law Amendments (the “Proposed Amendments”)**

We are the solicitors for St. Michael’s Hospital (the “Hospital”) with respect to three separate properties municipally known as 1) 30 Bond Street, 2) 26 Shuter Street and 209 Victoria Street and 3) 61 Queen Street East (collectively referred to herein as the “Properties”). The Properties are located within the area subject to the City-initiated proposed Official Plan and Zoning By-law amendments with respect to tower distance separation, which if approved, will introduce unduly restrictive setback requirements on tall building development sites in the *Downtown and Central Waterfront*, in association with the on-going TOcore study (the “Amendments”).

The Hospital is concerned that the Amendments will impose undue restrictions on the development of the Properties and on the development of lands generally within the boundaries of the proposed Amendments.

Specifically, the Hospital is presently constructing a new Patient Care Tower, and will be constructing a much-needed Emergency Wing on Shuter Street. A minor variance to By-law No. 68-1999 is scheduled to be heard on September 28, 2016. The Amendments will impose new restrictions that will prevent the redevelopment of the new Shuter Wing, which has been under consideration by the City for more than a year.

The Hospital is concerned, amongst other things that the Amendments do not provide for sufficient flexibility to adequately respond to various site-specific considerations, which vary greatly across the *Downtown and Central Waterfront* within the study area. In our view, determining appropriate building setbacks for a given location is not amenable to a one-size-fits-all approach and requires consideration to be given to the context of each site, including the Properties.

We have reviewed the August 31, 2016 report with the attached Amendments, and in particular, the paragraphs that exempt certain listed site-specific zoning by-laws from the regulations of the Amendments. By-law No. 68-1999 is a site-specific by-law applicable to the 30 Bond Street property. It is not on either of these lists. Furthermore, there is no accounting for the minor variances applicable to the Properties.

We are of the opinion that it is the properties themselves that should be exempted and not the existing site-specific zoning by-laws, as this is too narrow an approach and does not adequately/appropriately address the matters of minor variances. Furthermore, we are of the opinion that the Amendments should not apply to institutional buildings, such as hospitals, given the different character and form of institutional buildings.

Finally, the transition clause in the Amendments fails to account for development applications that are still in the "pipeline".

We would be pleased to discuss these and other concerns of the Company regarding the proposed Amendments with City Staff. Please provide us with notice of Council's decision in this matter or of any future consideration by Council, Community Council, or any Committee.

Yours truly,



Cynthia A. MacDougall

CAM

- c. Mr. Michael Keen, St. Michael's Hospital
- Ms. Elise Hug, Community Planning, City of Toronto
- Ms. Sarah Phipps, Strategic Initiatives, City of Toronto
- Ms. Sipo Maphangoh, Community Planning, City of Toronto