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Matter No. S854-02

September 28, 2016

DELIVERED BY EMAIL AND COURIER

Mayor and Members of Council
c/o City Clerk's Office
City of Toronto
13th Floor, West Tower, City Hall
100 Queen Street West
Toronto, ON M4H 2N2

**Attention: Ms. Ulli S. Watkiss,
City Clerk**

Dear Ms. Watkiss:

**RE: City-Initiated Request to Amend the Official Plan and Zoning By-law
TOcore: Updating Tall Buildings Setbacks in the Downtown
City File No: 16-103066 SPS 00 OZ
Item No. TE18.7 to be considered by City Council on October 5, 2016
Queen Developments Inc.**

Please be advised that we are the solicitors for Queen Developments Inc., the owner of the lands bounded by Shuter Street to the north, Queen Street to the south, Dalhousie Street to the west, and Mutual Street to the east in the City of Toronto (the "**Site**").

We have reviewed the Final Report and Supplementary Report of the Director, Community Planning, Toronto and East York District dated May 27, 2016 and August 31, 2016, respectively. On behalf of our client, we are writing to express our client's objections to the proposed Official Plan Amendment and Zoning By-law Amendments (collectively, the "**Proposed Amendments**") with respect to the Site.

Background

The Site is subject to site-specific By-law 180-2005. Our client purchased the Site in 2014. On December 23, 2015, an application for Site Plan Control was filed with respect to the northerly third of the Site to allow the development of a proposed 29-storey mixed-use building. A minor variance application was also submitted for this portion of the Site. The variances were granted by a decision of the Committee of Adjustment dated August 16, 2016. This represents Phase 1 of the overall development of the Site.

The proposal for the rest of the Site, known as Phase 2, is proceeding by way of zoning by-law amendment. An application for amendments to former City of Toronto Zoning By-law 438-86 and new City-wide Zoning By-law 569-2013 were submitted on May 31, 2016 (the "**Rezoning Application**"). A Notice of Incomplete Application was provided by the City on August 30, 2016 indicating that certain documents were still required to be submitted. Those documents are currently being prepared and will be submitted to the City shortly.

Objections

Our client's primary objection to the Proposed Amendments is with respect to the transition provisions as currently drafted.

As drafted, the transition provisions apply to a list of identified Site-specific by-laws that would prevail over the provisions of the proposed Zoning By-law Amendments and all towers constructed pursuant to a building permit issued prior to October 4, 2016. There are no transition provisions with respect to sites with development applications under review by the City or development applications that are the subject of appeals before the Ontario Municipal Board. There are also no transition provisions with respect to sites that have site plan approval pending or that take into account minor variances granted for a site.

As noted above, Phase 1 of the Site has yet to obtain Site Plan Approval and was granted minor variances. If the transition provisions remain as currently drafted, our client is concerned that the Proposed Amendments will negatively impact its Site Plan Approval and will undermine its current zoning permissions as achieved through the minor variance decision.

With respect to the rezoning application currently submitted, in light of the point in the development application process for Phase 2 of the Site, we submit that it is inappropriate to require that this existing application be subject to new policies and regulations set out in the Proposed Amendments. It is well-established law that development applications must be reviewed and considered according to the policy and regulatory regimes in force and effect at the time of submission.

We respectfully encourage Council to ensure that appropriate transition provisions be incorporated within the Proposed Amendments to ensure that landowners may continue to rely on the policies and regulations in force and effect at the time of submission, consistent with the established law. We further request that the Property be exempted from the Proposed Amendments.

In addition to the specific objection with respect to the lack of appropriate transition provisions noted above, our client is generally concerned with the Proposed Amendments and its impact on planning in the Downtown. The Proposed Amendments, and the lack of flexibility therein, do not take into account the unique context of various area and specific sites within the *Downtown* and *Central Waterfront* which may warrant reduced setbacks. We submit that this "one-size-fits-all" approach is inappropriate given the varied contexts of all sites to which the Proposed Amendments apply.

Please accept this letter as notice of our client's objections to the Proposed Amendments. We respectfully request that we be notified of any further actions or decisions made by City Council respecting the above-noted Proposed Amendments.

If you have any questions or concerns about the matters discussed above, please contact the undersigned.

Yours very truly,

Devine Park LLP



Patrick J. Devine
PJD/SHL

cc: Queen Developments Inc.