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Matter No. C151-01

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-laws
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
The Cadillac Fairview Corporation Limited**

Please be advised that we are the solicitors for The Cadillac Fairview Corporation Limited, the owner of several properties in the City of Toronto, including within the *Downtown*.

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, with respect to the above-noted proposed Official Plan Amendment and Zoning By-law Amendments (the "**Proposed Amendments**"). On behalf of our client, we are writing to express our client's concerns and objections with respect to the Proposed Amendments.

While we appreciate the City's intention to capture all site-specific zoning by-law amendments that are in force and effect that conflict with the Proposed Amendments and for which no building permit has yet been issued. In this regard, we believe the City may have missed site-specific By-law No. 1027-1014 with respect to the lands municipally known as 156-174 Front Street West and 43-51 Simcoe Street. We respectfully request that the City add this site-specific By-law to the list of by-laws that prevail over the Proposed Amendments.

In addition to the specific concern noted above, our clients are generally concerned with the substantial impact that the Proposed Amendments will have on development in the *Downtown* and *Central Waterfront* areas, including sites that our client currently owns or sites that our client may acquire in the

future. The Proposed Amendments take a "one-size-fits-all" approach to tall building setbacks for the *Downtown*, not taking into consideration unique site characteristics, such as lot configuration and lot size, which may warrant reduced setbacks. This lack of flexibility is unduly rigid and may limit achieving good planning and development opportunities on various suitable redevelopment sites in the *Downtown*.

The Proposed Amendments also lack clarity on key issues. For example, in the proposed Official Plan Amendment, the definition of the term "tall building" is vague, resulting in ambiguity as to when those policies would be applied.

Additionally, the Proposed Amendments do not provide any transition provisions for sites with development applications currently under review by the City or before the Ontario Municipal Board; developments with site plan approval or building permits pending; or developments with minor variance permissions. Accordingly, and consistent with well-settled law, appropriate transition provisions should be incorporated into the Proposed Amendments in order to ensure that landowners may rely on the policies and regulations in force and effect at the time of submission or that reflect permissions that were achieved outside of site-specific zoning by-law amendments.

For the foregoing reasons, we submit that the Proposed Amendments do not represent good planning. 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: The Cadillac Fairview Corporation Limited