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Matter No. X978-01

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-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
2462178 Ontario Inc.**

Please be advised that we are the solicitors for 2462178 Ontario Inc., the owner of the lands municipally known as 230 Adelaide Street West in the City of Toronto. The owner also has an interest in the abutting properties, municipally known as 240 Adelaide Street West, 236 Adelaide Street West, and 224 Adelaide Street West (collectively, with 230 Adelaide Street West, the "**Property**").

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 objections to and concerns with the Proposed Amendments.

Although the owner has yet to submit a formal application in respect of the Property, our client's architect has been actively working on a redevelopment plan and the intention is to submit a rezoning application shortly. Accordingly, our client has an interest in the Proposed Amendments and how the Proposed Amendments will impact the redevelopment of Property.

We submit that the Proposed Amendments, if adopted, will have a significant adverse impact on development in the *Downtown* and *Central Waterfront* areas, including the future development on the Property. City Staff notes in their Supplementary Report that "The use of the tall building setback

standards from the Tall Building Guidelines in the last 10 years has not unduly limited development potential". We submit that this is, in part, due to the willingness of Staff, Council and the Ontario Municipal Board to take into consideration site-specific characteristics which justify reduced setbacks. The Proposed Amendments, however, do not account for the unique characteristics of sites, or even whole areas in the *Downtown* resulting in an inappropriate and inflexible "one-size-fits-all" approach.

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.

Within the King-Spadina Planning Area, specifically in the East Precinct, the City has approved many rezoning applications that do not meet the standards set out in the Proposed Amendments. Indeed, a number of these are within the immediate vicinity of the Property. It is therefore unfair, inappropriate and unnecessary to impose new standards on our client's Property. Rather, the Property should be specifically exempted from the Proposed 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

A handwritten signature in blue ink that reads "Patrick J. Devine". The signature is written in a cursive, flowing style.

Patrick J. Devine
PJD/SHL

cc: 2462178 Ontario Inc.