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Matter No. A051-01

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. 18.7 to be considered by City Council on October 5, 2016
Atrium on Bay Portfolio Inc.**

Please be advised that we are the solicitors for Atrium on Bay Portfolio Inc., the owner of the lands known municipally as 595 Bay Street in the City of Toronto (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 concerns and objections with respect to the Proposed Amendments.

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 any further redevelopment opportunities on the Property. We submit that the rigid, inflexible and "one-size-fits-all" approach to tall building setbacks found within the Proposed Amendments, and specifically within the proposed Zoning By-law Amendments, do not take into consideration site-specific characteristics that may justify reduced setbacks and would be in keeping with good planning principles.

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, our clients are concerned with the transition provisions as drafted. We note that the transition provisions indicate that the site-specific by-law applicable to the Property, being By-law No. 1725-2013, is listed as a prevailing by-law. While we believe it is the intention of the City to exempt our client's property, we submit that the proposed transition provisions would be clearer by exempting specific properties in addition to, or alternatively, instead of, the exemption of site-specific by-laws. In this regard, we specifically request that the Property itself, and not just the site-specific by-law, be 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 style with a large, looped initial "P".

Patrick J. Devine
PJD/SHL

cc: Atrium on Bay Portfolio Inc.