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Matter No. P751-04

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
Pinnacle International (Adelaide St.) Ltd.**

Please be advised that we are the solicitors for Pinnacle International (Adelaide St.) Ltd., the owners of the lands known municipally as 283 Adelaide Street West 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**").

Upon review of the Proposed Amendments, we understand and appreciate the City's intention to exempt the Property from the application of the Proposed Amendments by indicating in Section 4(TT) of the proposed amendment to By-law 569-2013, and Section 6(tt) of the proposed amendment to By-law 438-86, that the following by-law would prevail:

"2015-1175 – Respecting the lands bounded by John Street to the west, Adelaide Street West to the north, Duncan Street to the east and Pearl Street to the south."

Unfortunately, we believe there may be a technical error with this exemption.

In the Supplementary Report, City Staff indicates that certain site-specific zoning by-laws will prevail over the Proposed Amendments. However, By-law 2015-1175 is not a site-specific zoning by-law. It is a by-law passed by Council approving Official Plan Amendment No. 297 ("**OPA 297**") which provides for, amongst other things, minimum separation distances between towers on the lands bounded by John Street, Adelaide Street West, Duncan Street and Pearl Street. OPA 297 does not *permit* towers to be erected on any of the specific sites on the block.

OPA 297 was borne out of a rezoning application in respect of the Property. During the subsequent appeal, a settlement was reached amongst several parties, including the City of Toronto, which was contingent on OPA 297 being approved and coming into force and effect. When OPA 297 was deemed in force and effect, the Ontario Municipal Board subsequently approved the rezoning for the Property; however, the zoning by-law amendment for the Property has yet to be finalized.

Given that By-law 2015-1175 is a by-law to approve an Official Plan Amendment and given that the zoning by-law amendment in respect of the Property has not been finalized, there is significant concern that the Proposed Amendments do not exempt the Property itself from their application.

While we do believe it was the City's intention to exempt all properties within the lands bounded by John Street, Adelaide Street, Duncan Street and Pearl Street including the Property, we respectfully request that it is made abundantly clear that the Property and any tower permitted thereon, is exempted from the application of the Proposed Amendments.

In this regard, we would encourage City Staff and Council to consider whether the proposed transition provisions would be clearer and better served by exempting specific properties in addition to, or alternatively, instead of, the exemption of site-specific by-laws, particularly in instances where site-specific zoning by-laws have not yet been finalized.

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: Pinnacle International (Adelaide St.) Ltd.