

# DEVINE PARK LLP

PLANNING AND DEVELOPMENT LAWYERS

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Matter No. X971-01

September 28, 2016

## DELIVERED BY EMAIL AND COURIER

Mayor and Members of Council  
c/o City Clerk's Office  
City of Toronto  
13<sup>th</sup> 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  
GG Eight Cumberland Inc.**

Please be advised that we are the solicitors GG Eight Cumberland Inc., the owner of the lands municipally known as 826 and 828 Yonge Street, 6-8 Cumberland Street, and 830-834 Yonge 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. 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**") as they apply specifically to the Property.

### **Background**

On February 11, 2015, WND Associates submitted an application to the City to amend the applicable zoning for the Property, being the former City of Toronto General Zoning By-law 438-86 and new City-wide Zoning By-law 569-2013 (the "**Rezoning Application**"). City Staff prepared a Preliminary Report with respect to the Rezoning Application dated March 25, 2015. Since the Preliminary Report, extensive discussions have taken place with City Staff and revised plans and supporting documentation are about to be submitted.

## **Objections**

The proposed transition provisions in the proposed Zoning By-law Amendments are not adequate or acceptable. Currently, the transition provisions only 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, such as is the case with the above-noted Rezoning Application.

It is well-settled 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. Accordingly, it is inappropriate to require that existing applications, like our client's development application, adhere to policies and regulations that were approved subsequent to 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. Alternatively, we specifically request that the Property be exempted from the Proposed Amendments.

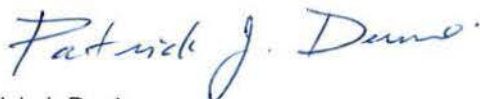
In addition to the specific objection with respect to the lack of appropriate transition provisions noted above, our client is generally concerned with the Proposed Amendments and its impact on planning in the Downtown. The Proposed Amendments, and the lack of flexibility therein, do not take into account 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: GG Eight Cumberland Inc.