

DEVINE PARK LLP

PLANNING AND DEVELOPMENT LAWYERS

Jason Park
jason.park@devinepark.com
D 416.645.4572

Devine Park LLP
250 Yonge St., Suite 2302
P.O. Box. 65
Toronto ON M5B 2L7

T 416.645.4584
F 416.645.4569

Matter No. G354-08

September 29, 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 M5H 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
Letter of Objection Filed on Behalf of GWL Realty Advisors Inc.

Please be advised that we are the solicitors for GWL Realty Advisors Inc., the owner of several properties throughout the City of Toronto, and specifically within the *Downtown* area.

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

Our client is concerned that the Proposed Amendments, if adopted, will have a significant adverse impact on development in the *Downtown* and *Central Waterfront* areas, including the redevelopment of sites currently owned by our client and any future sites that our client may acquire. 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 including lot sizes and lot configuration when determining appropriate 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. This lack of flexibility is unduly restrictive and will limit the ability to achieve good planning on several 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 concerns and objection 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



Jason Park
JIP/SHL

cc: GWL Realty Advisors Inc.