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June 13, 2016

File No. 106259

## EMAIL

Toronto and East York Community Council  
City Clerk's Office  
Toronto City Hall  
2<sup>nd</sup> Floor, West Tower  
100 Queen Street West  
Toronto, ON M5H 2N2

Attention: Ellen Devlin, Committee Administrator ([teycc@toronto.ca](mailto:teycc@toronto.ca))

Dear Community Council Members:

**Re: Request for Deferral  
Item TE17.14 - Toronto and East York Community Council Meeting: June  
14, 2016  
TOcore: Updating Tall Building Setbacks in the Downtown - City-Initiated  
Official Plan Amendment and Zoning By-law Amendments**

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We act on behalf of 3C Lakeshore Inc. ("3C") with respect to lands in the Keating Channel Precinct at the southeast quadrant of Lake Shore Boulevard and Cherry Street, municipally known as 429 Lake Shore Boulevard and 324 Cherry Street, City of Toronto.

We are writing with respect to the proposed changes to the City of Toronto Official Plan, former City of Toronto By-law 438-86 and City of Toronto By-law 569-2013 regarding policies and regulations for "tall buildings" in the Downtown.

Our client and its consultant team has been working for the past several years to refine the plans for development of its lands. This has included working with the City of Toronto and Waterfront Toronto in an Ontario Municipal Board-led mediation to resolve its appeals of the Central Waterfront Secondary Plan and the Keating Channel Precinct Zoning By-law. At its meeting on February 3, 4 and 5, 2016, City Council endorsed the settlement reached through the Board-led mediation process. An Ontario Municipal Board hearing in respect of our client's appeals concerning the Official Plan Amendment 257 to the former City of Toronto Official Plan and the zoning by-law amendment concerning the Keating Channel Precinct Area is scheduled to commence on June 22, 2016.

We received notice that this City-initiated request to amend the Official Plan and Zoning By-laws will be considered at the upcoming Toronto and East York Community Council ("TEYCC") meeting scheduled for June 14, 2016. Upon receiving the City's notice, we requested and received a copy of the proposed Official Plan Amendment (the "proposed OPA"). The Staff Report respecting this matter was released on June 6, 2016, one week

prior to the TEYCC meeting, with no proposed Zoning By-law Amendments (“proposed ZBAs”) attached for review.

As a result, there has been no opportunity for our client and its consultants to thoroughly review and consider the implications of the proposed amendments and to provide detailed instructions to our office respecting same. We are therefore writing to request that consideration of the proposed OPA and proposed ZBAs be deferred to a future meeting of the TEYCC in order to provide all interested stakeholders with an opportunity to make fully informed submissions to the City. Our client’s comments set out in this correspondence should be treated as preliminary. We anticipate further comments will be forthcoming.

We acknowledge that transition provisions are proposed to be included in the proposed OPA which provide that any Area Specific Official Plan Amendment within the Central Waterfront Secondary Plan shall prevail over the proposed OPA. However, it is not clear whether any similar transition provisions will be included in the proposed ZBAs for by-laws which apply to lands within the Central Waterfront Secondary Plan area, for properties which are the subject of current development applications, or matters that are currently before the Ontario Municipal Board on appeal. Appropriate transition provisions should be incorporated in any by-law or official plan amendment adopted by Council to ensure that landowners may continue to rely on the policies. This is a matter of significant interest to our client.

We acknowledge that general consultation on these matters has taken place in the context of the City’s TOcore initiative, however, no such consultation has occurred in respect of the actual proposed amendments with our client or many other affected landowners. Therefore our client objects to the approval on the proposed OPA and proposed ZBAs on the basis of insufficient notice and consultation.

A deferral and referral of this matter back to staff will facilitate staff’s consideration of our client’s preliminary comments respecting the proposed amendments and enable consultation with our client and other stakeholders prior to a statutory public meeting.

We hereby also formally request that the undersigned be provided with notice of any meetings of Council, Community Council or any Community Consultation Meetings where reports related to the proposed OPA and proposed ZBAs are to be considered. Finally, we request that the undersigned be notified of any decision of City Council respecting the proposed OPA and proposed ZBAs.

Should you have any questions or require any further information, please do not hesitate to contact the undersigned or Sidonia J. Loiacono of our office.

Yours very truly,

AIRD & BERLIS LLP

A handwritten signature in cursive script, appearing to read "Shannon".

*per.* N. Jane Pepino, C.M., Q.C., LL.D.  
NJP/SJL  
cc Client  
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