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File No. 702991

June 13, 2016

By E-Mail Only to teycc@toronto.ca

Ms. Ellen Devlin
Secretariat, Toronto and East York Community Council
City Hall, 2nd Floor, West Tower
100 Queen Street West
Toronto, Ontario
M5H 2N2

Attention: Members of Toronto and East York Community Council

Dear Councillors:

**Re: Item TE17.14
Final Report – TOcore
Updating Tall Building Setbacks in the Downtown
City-Initiated Official Plan and Zoning By-law Amendments
Comments from 2477879 Ontario Inc. and Others**

We are counsel to 2477879 Ontario Inc. and others listed in Appendix 1 (“247”), the owners of 301-319 King Street West (the “King Site”) within the King/Spadina Regeneration Area. 247 have filed planning applications in support of a tall building on its lands.

The City proposes significant changes to the tall building setbacks in the above-captioned staff report (“Staff Report”) which include proposed amendments to the Official Plan and By-laws 438-86 and 569-2013 (collectively, the “Proposed Amendments”). The two draft zoning by-law amendments were released for public review only two days before the TEYCC meeting and thus our clients and their consultants have not had an opportunity to thoroughly consider it.

The Proposed Amendments will apply uniformly across the Downtown.

The in-force Official Plan currently establishes a policy framework for built form which includes:

New development will be located and organized to fit with its existing and/or planned context.



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In this policy environment, the King/Spadina Regeneration Area in which the King Site is located has evolved into a vibrant downtown neighbourhood that includes a wide variety of built-forms and massing. Many recent projects have been approved at less than the setbacks being advanced by the Proposed Amendments. This has occurred in a manner consistent with the above-noted Official Plan policy regarding “context” and does not support a “one size fits all” approach to tower setbacks that will result from the Proposed Amendments.

Since most redevelopment sites are subject to re-zoning applications, the appropriate tower setbacks can be evaluated on a site-specific basis in accordance with a site’s existing or planned context. Therefore, a general tower setback regulation in the parent by-law is of little utility.

The in-force Official Plan currently contains a detailed policy framework regarding tall buildings (Section 3.1.3). A separate policy framework for tall buildings in the Downtown seems redundant.

As noted at page 9 of the Staff Report, projects have provided less than these proposed minimum setbacks and been supported by Council or the Ontario Municipal Board on the basis of good planning principles.

As previously observed, the proposed amendments to By-laws 438-86 and 569-2013 were not included with the initial release of the Staff Report and were made available only two days before the TEYCC meeting. Our clients have serious concerns about TEYCC’s intention to consider a significant change to By-laws applicable to the whole of the Downtown when they and their consultants have not been provided sufficient opportunity to analyze and provide comment.

For all these reasons, we encourage TEYCC not to adopt the report’s recommendations for the Proposed Amendments, or in the alternative, that you defer the report and related planning documents to allow for a more thorough review.



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We also welcome an opportunity to have a dialogue with the City about appropriate tall building setbacks for the King Site.

Yours truly,

DAVIES HOWE PARTNERS LLP

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MWM:am

copy: Client
Ms. Wendy Nott, Walker, Nott, Dragicevic Associates Limited
Ms. Deborah Scott, Scott Shields Architects Inc.



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Appendix 1: Owners of the King Site

2477879 Ontario Inc.

1579661 Ontario Inc.

Claireville Holdings Limited

Frances Danyliw