

June 14, 2016

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

office 647.837.3338  
fax 647.837.3339

Attention: Rosalind Dyers, Committee Administrator

Dear Community Council Members:

**Re: Request for Deferral  
Item TE17.14 - TOcore: Updating Tall Building Setbacks in the Downtown - City-  
Initiated Official Plan Amendment and Zoning By-law Amendments**

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On behalf of 1337194 Ontario Inc. and 2034055 Ontario Ltd., the owners of 309 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.

1337194 Ontario Inc. and 2034055 Ontario Ltd. made a rezoning application in 2012 and have since appealed to the Ontario Municipal Board. In addition, we have ongoing appeals to the Central Waterfront Secondary Plan and have been working with staff to resolve our concerns with the draft Villiers Island Precinct Plan.

Similar to the position that our related company has taken (please see attached letter), we strongly believe that the Official Plan Amendment and rezoning bylaw need to be reviewed together in their complete draft form in order to confirm if there are any issues or potential impacts on our development. Also, given the fact that there has been no opportunity for us and our consultants to thoroughly review and consider the implications of the proposed amendments on our current appeals, we believe that a deferral and referral of this matter back to staff will allow us and other stakeholders to provide comments prior to a statutory public meeting.

We would also like to request that we be provided with notice of any meetings of Council, Community Council or any Community Consultation Meetings where reports related to the draft Official Plan Amendment and draft zoning bylaw amendments are to be considered. Finally, we request that we be notified of any decision of City Council respecting the draft City-Initiated Official Plan Amendment and zoning by-law amendments.





We look forward to working with City Staff on the next steps of this process.

Yours very truly,  
**2034055 Ontario Ltd.**

A handwritten signature in black ink, appearing to read "Elsa Fancello".

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Elsa Fancello, MES, MCIP, RPP  
Development Manager, Castlepoint Numa

CC: Councillor McConnell, City of Toronto;  
Chris Williams, Aird & Berlis LLP;  
Alfredo Romano, Castlepoint Numa



# AIRD & BERLIS LLP

Barristers and Solicitors

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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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