

McCarthy Tétrault LLP
PO Box 48, Suite 5300
Toronto-Dominion Bank Tower
Toronto ON M5K 1E6
Canada
Tel: 416-362-1812
Fax: 416-868-0673

**mccarthy
tétrault**

Cynthia A. MacDougall
Partner
Direct Line: (416) 601-7634
Direct Fax: (416) 868-0673
Email: cmacdoug@mccarthy.ca

June 14, 2016

Toronto and East York Community Council
Toronto City Hall, 2nd Floor
100 Queen Street West
Toronto, Ontario M5H 2N2

Dear Chair and Members of Community Council:

**Re: TOcore: Updating Tall Building Setbacks in the Downtown - City-initiated Official Plan Amendment and Zoning By-law Amendment - Final Report
Item 17.14**

We are the solicitors acting on behalf of 1147390 Ontario Limited, Queens Quay Avante Limited and Castlepoint Greybrook Inc. (the "Companies") which are the owners of lands within the Central Waterfront Secondary Plan Area known municipally as 178 Queens Quay East and 215 Lake Shore Boulevard East (the "Fed Ex Lands").

We are writing to express the Companies' concerns with respect to the proposed amendments, in their current form, both as they would apply to the Fed Ex Lands and throughout the study area generally.

We note that the paragraph 2 iv) of the draft Official Plan Amendment provides as follows with respect to the Central Waterfront Secondary Plan Area:

"Any Area Specific Official Plan Amendment within the Central Waterfront Secondary Plan Area will prevail over this Site and Area Specific Policy"

It appears that the intention is for the Central Waterfront Secondary Plan, which is currently under appeal at the Ontario Municipal Board for the majority of the Central Waterfront including the Fed Ex Lands, is to prevail over the provisions of the proposed Official Plan Amendment. In any event, in our view, the words are not technically clear, for example, are modifications and/or site specific amendments included or different than an "Area Specific Official Plan Amendment".

We respectfully suggest that it would be more appropriate to *exclude* the Central Waterfront, including the Fed Ex Lands, entirely from the application of the proposed amendments. The future development of the Central Waterfront Secondary Plan Area has been considered extensively as part of a comprehensive planning process, including on-going consideration and mediation at the Ontario Municipal Board, which dates back to many years. We respectfully submit that it is not appropriate to implement new restrictions on development within the Central Waterfront in advance of the final outcome of this extensive process.

We also note that no equivalent provision has been made for the exclusion of the Central Waterfront in the draft Zoning By-law Amendments.

The Companies' are also concerned, among other things, with the absence of an adequate transition mechanism in the draft amendments. While it appears that the draft Zoning By-law Amendments are intended to exclude certain lands with site-specific approvals in place, there is no provision made for active development applications that are currently under review by Staff, or under consideration at the Ontario Municipal Board, but have yet to receive final approvals.

We would welcome the opportunity to meet with Staff to explore the Companies' concerns in greater detail. We would, therefore, respectfully request that Community Council defer consideration of the proposed instruments to allow for further consultations to take place.

Please feel free to contact the undersigned should you have any questions or require further information.

Yours truly,



Cynthia A. MacDougall