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June 13, 2016

By E-Mail Only to teycc@toronto.ca

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

Attention: Ms. Ellen Devlin, Committee Secretariat

Dear Ms. Devlin:

Re: TOcore: Updating Tall Building Setbacks in the Downtown – City-initiated Official Plan Amendment and Zoning By-law Amendments – Final Report
City Reference Number: 16-103066 SPS 00 OZ
Agenda Item: TE17.14

We are counsel to Daniels Waterfront Corporation and Daniels QQ Corporation (collectively, “Daniels”). Daniels is the owner of the lands within the block bounded by Lower Jarvis Street, Lake Shore Boulevard East, Richardson Street and Queens Quay East (collectively, the “Daniels Lands”). The Daniels Lands are located with the East Bayfront Precinct of the Central Waterfront Secondary Plan area, and are municipally known as 130-132 Queens Quay East, 143-177 Lake Shore Boulevard East and 26 Richardson Street.

On April 6, 2016, the Ontario Municipal Board (the “OMB”) issued an Order approving the Central Waterfront Secondary Plan, as modified, and a zoning by-law amendment in respect of the Daniels Lands to permit a mixed-use development. The OMB Order followed a settlement hearing on June 2, 2014, that resulted from a settlement of appeals of the Central Waterfront Secondary Plan and the East Bayfront Zoning By-law No. 1049-2006, supported by both City staff and City Council. Both the Central Waterfront Secondary Plan, as modified, and the zoning by-law amendment approved by the OMB for the Daniels Lands permit a redevelopment of the site that includes multiple tall buildings with minimum setback and tower separation distances.



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We have reviewed the Final Report of the Director, Community Planning, Toronto and East York District dated May 27, 2016, regarding TOcore: Updating Tall Building Setbacks in the Downtown (the "Staff Report"), which we understand will be considered by Toronto and East York Community Council at its meeting on June 14, 2016.

We note that in the Staff Report there is a section entitled "Transition", which indicates that "transition for projects currently in the development pipeline will be considered based on the planning framework that applied at the time of application and will be looked at on a case-by-case basis. Factors that will be considered may include site specific zoning by-laws which have received approvals; ...". Similarly, we note that section B)vi) of the draft Official Plan Amendment proposes that "Any Area Specific Official Plan Amendment within the Central Waterfront Secondary Plan will prevail over this Site and Area Specific Policy". In this case, the OMB has approved an Area Specific Policy in the Central Waterfront Secondary Plan for the Daniels Lands, consisting of Policy (P52) and the related Map F1, which establishes, among other things, building envelopes for the site with minimum setback and tower separation distances.

Notwithstanding the above, the draft zoning by-laws attached to the Staff Report do not indicate that the Daniels Lands are exempt from the proposed zoning amendments. In the absence of such confirmation, to be reflected in the documents, Daniels does not support the approval of the proposed Official Plan Amendment and zoning by-law amendments.

Kindly ensure that we receive notice of any decision(s) made by Toronto and East York Community Council and/or City Council regarding this item.

Yours truly,

DAVIES HOWE PARTNERS LLP

Mark R. Flowers
Professional Corporation

copy: Niall Haggart and David Aird, The Daniels Corporation