
AIRD & BERLIS LLP

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Our File No.: 117467

BY EMAIL

Toronto and East York Community Council
City Clerk's Office
2nd floor, West Tower, City Hall
100 Queen St. W.
Toronto, ON M5H 2N2Attention: Ellen Devlin, Committee Administrator (teycc@toronto.ca)

Re: TEYCC Agenda Item 18.7
To Core: Updating Tall Building Setbacks in the Downtown – City
Initiated Official Plan Amendment and Zoning By-law Amendments

Aird & Berlis LLP represents 214 King Holdings Limited, the owner of the property located at 214 King Street West. Our client has owned the property, which is designated under Part IV of the Ontario Heritage Act, since the last 1970s and has undertaken a sensitive stewardship of the building, ensuring long-term maintenance of its heritage attributes.

We are writing with respect of the proposed Official Plan Amendment (“OPA”) and Zoning By-law Amendments (“ZBLAs”) as presented in the May 27, 2016 report. Additionally, we attended the City’s community consultation meeting on July 19th, 2016 and have now reviewed the instruments and staff report with our client.

Our client has significant concerns regarding the draft instruments, which are set out below.

The proposed OPA lacks clarity as to the application and implementation of the proposed policies. For example, it remains unclear to us what is meant by a “tall building” as opposed to a mid-rise building or building element, and when the proposed policies will therefore be applied. Additionally, the OPA as drafted appears to only contemplated one form of a “tall building” (i.e. podium and tower) whereas the policies in the OPA and proposed by-laws would capture taller (i.e. greater than 24m) midrise buildings. This overly broad application is a result of the draft language in its current form. We recognize that an Official Plan is intentionally a broad policy document but it needs, nevertheless, to be capable of clear interpretation.

The ZBLAs in their current form apply mandatory setbacks across the Downtown and without reference to lot size and configuration or the built form context. Additionally,

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some of the draft standards are contradictory to the Tall Buildings Guidelines which these draft ZBLAs are proposed to implement. In other instances the application of the ZBLAs to other built form elements (for example, balconies as permitted encroachments) are unclear.

Neither the OPA nor the ZBLAs provide appropriate transition policies for properties which are the subject of current development applications, appeals to the Ontario Municipal Board (the "Board") or matters awaiting a decision from the Board. Additionally, the lack of transition would capture site plan applications for dozens of rezoning applications which are in process, including many which were the result of recent Council approval or settlements. 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 and regulations in force at the time of commencing an application, consistent with established caselaw.

In our opinion, the proposed OPA and ZBLAs in their current form do not represent good planning. We request that Toronto and East York Community Council refuse the recommendation to adopt the OPA and ZBLAs in their current form.

Should you have any questions or require any further information, please do not hesitate to contact the undersigned.

Yours truly,

AIRD & BERLIS LLP


Per Eileen Costello

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