



Davies
Howe
Partners
LLP

Lawyers

The Fifth Floor
99 Spadina Ave
Toronto, Ontario
M5V 3P8

T 416.977.7088
F 416.977.8931
davieshowe.com

Please refer to: **Aaron Platt**
e-mail: AaronP@davieshowe.com
direct line: 416.263.4500
File No. 702439

September 1, 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 No. TE18.7
Final Report – TOcore
Updating Tall Building Setbacks in the Downtown
City-Initiated Official Plan and Zoning By-law Amendments
Comments from 45 Bay Street Property I Inc. and Others**

We are counsel to 45 Bay Street Property I Inc., 45 Bay Street Property II Inc., 45 Bay Street Property III Inc. (collectively, “45 Bay”), the owners of 45 Bay Street. Our clients also include related entities which maintain an interest in the lands municipally known as 141 Bay Street (together with 45 Bay Street, the “Project Lands”).

Our clients are proposing a series of mixed-use buildings at the Project Lands (collectively the “Project”) which is intended to include, amongst other components, two significant office towers together with and a new regional bus terminal for Metrolinx’s Go service.

On June 14, 2016, Toronto and East York Community Council (“TEYCC”) considered a report which proposed significant changes to the tall building setbacks in the above-referenced staff report (“Staff Report”) which include proposed amendments to the Official Plan and By-laws 438-86 and 569-2013 (collectively, the “Proposed Amendments”). At the June 14th public meeting, the TEYCC adjourned the matter until its next meeting on September 7, 2016.

As of writing, the TEYCC September 7, 2016 agenda does not include any supplementary materials; rather, it contains a one-sentence report which sets out



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that Staff will provide a report on the supplementary agenda for consideration at the meeting.

Our clients have serious concerns with the Proposed Amendments.

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

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

Many recent projects near the Project, and throughout the Downtown, have been approved at less than the setbacks being suggested in the Proposed Amendments. This has occurred in a manner consistent with the above-noted Official Plan policy regarding “context” and does not support the “one size fits all” approach to tower setbacks that will result from the Proposed Amendments.

Further, 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 is redundant.

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

We are unclear with how the Proposed Amendments will impact sites such as the Project that are currently undergoing a planning approval process or those projects which have secured zoning relief (either through an amendment or minor variance) but have not received all building permits required to complete construction.

While Staff’s report references the potential for transition provision for those zoning amendments that are in force. However, the list of by-law amendments (or intended amendments) that will not be subject to the Proposed Amendments has not been released. Similarly, the Proposed Amendments lack clarity on how applications currently undergoing the planning process will be treated.

Our client is also concerned about the limited time to review and comment on any forthcoming supplementary report(s) and any possible revision(s) to the Proposed Amendments between now and the September 7, 2016 TEYCC meeting.



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For these reasons, we encourage TEYCC to defer consideration of the Proposed Amendments and to recommend that the Proposed Amendments be referred back to staff for consideration of appropriate transitions provisions that address applications that are already being processed. Alternatively, we submit that the Project Lands be listed as one of the properties that will not be subject to the Proposed Amendments.

Yours truly,

DAVIES HOWE PARTNERS LLP

A handwritten signature in blue ink, appearing to read 'Aaron Platt'.

Aaron Platt

IB:am

copy: Clients