
AIRD & BERLIS LLP

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September 2, 2016

Our File Nos.: 134191 and 134192

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 450 Richmond Street West Limited and 457 Richmond Street West Limited, the owners of the above noted properties which are located on both the north and south sides of Richmond Street, just west of Spadina Avenue (the "properties").

We are writing to share our clients' concerns with respect to the City's proposed Zoning By-law Amendments ("ZBLAs") and Official Plan Amendment ("OPA") with respect to "tall buildings" setbacks in the Downtown.

The properties currently contain above-ground parking lots, clearly not the highest and best use of lands within the Downtown. Our clients have recently retained some of the City's leading architects, planners and urban designers to assist in the preparation of development proposals for the properties. As established developers with many successful completed projects in the Downtown, our clients have an interest in the redevelopment and intensification of lands in the Downtown generally.

We attended the City's community consultation meeting on July 19th and have now reviewed the proposed ZBLAs and OPA in detail with our client and its consultants. We offer the following comments on behalf of our client.

The proposed ZBLAs define "tower" as any portion of a building enclosing a storey higher than 24 metres above average grade. It is our understanding that the setback requirements of the proposed ZBLAs would be triggered for buildings taller than 24 metres or approximately 6 storeys, including mid-rise buildings which were not the intended subject of these instruments. Additionally, the proposed required setbacks are mandatory in nature and do not account for differences between certain areas within the Downtown in respect

September 2, 2016

Page 2

of existing built form, lot sizes and configurations or other area/site specific considerations.

The proposed setbacks are unrealistic in the context of infill development and would effectively sterilize many proposed development sites within the Downtown, contrary to provincial and City policies aimed at promoting intensification in this area of the City.

We note that 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. We recognize that an Official Plan is intentionally a broad policy document but it needs, nevertheless, to be capable of clear interpretation.

Neither the OPA nor the ZBLAs provide transition positions for properties which are the subject of current development applications filed with the City or under appeal at the Ontario Municipal Board. 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.

In our clients' opinion, the proposed OPA and ZBLAs do not represent good planning. We request that Toronto and East York Community Council refuse the staff 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 P. K. Costello
EPKC/LD

c: Client

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