

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



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

Assistant: Yannakis, Suzanne
Direct Line: (416) 601-8067
Email: syannaki@mccarthy.ca

September 7, 2016

Via Email

Mayor and Members of Council
City of Toronto
Toronto City Hall
100 Queen Street West
Toronto, ON M5H 2N2

c/o Ellen Devlin
Committee Administrator
Toronto and East York Community Council
City of Toronto
Toronto City Hall, 2nd Floor
100 Queen Street West
Toronto, Ontario M5H 2N2

**Re: Proposed City-Initiated Official Plan Amendment and Zoning By-law Amendments
Toronto and East York Community Council Item TE18.7**

We are the solicitors acting on behalf of 19 Duncan Property Inc. (the "Company"), the registered owner of the lands municipally known as 19 Duncan Street and 219-223 Adelaide Street West in the City of Toronto (the "Property"). The Properties are located within the area subject to the City-initiated Official Plan and Zoning By-law amendments, which, if approved, would introduce unduly restrictive setback requirements on tall building development sites in the *Downtown and Central Waterfront*, in association with the on-going TOcore study (the "Amendments").

In May 2015, the Company filed a rezoning application to permit the redevelopment of the Property with a mixed-use building including a substantial office component proposed in the lower floors of the development and purpose-built rental apartment units above. The applications would allow for the desirable redevelopment and intensification of the Property while conserving the heritage building at 19 Duncan Street and maintaining appropriate setbacks to adjoining properties. The proposed Amendments, however, in their current form would not permit the proposed development and, if approved, will inappropriately impact future opportunities for intensification of the Property.

More generally, the Company is concerned, among other things, that the proposed Amendments do not provide for sufficient flexibility to adequately respond to various site-specific considerations, which vary greatly across the *Downtown and Central Waterfront*. In our view, determining appropriate building setbacks for a given location is not amenable to a one-size-fits-

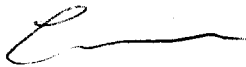
all approach and requires consideration to be given to the context of each site, including the Property.

In addition, the transition clause in the proposed Amendments fails to account for development applications that are still in the "pipeline".

In light of the foregoing, we would respectfully request that the Property be exempted from the proposed Amendments.

We would be pleased to discuss these and other concerns of the Owner with respect to the Amendments with City Staff. Please provide us with notice of Council's decision in this matter or of any future consideration by Council, Community Council, or any Committee.

Yours truly,



Cynthia A. MacDougall

c. Peter Venetas