

## STIKEMAN ELLIOTT

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**BY E-MAIL**

September 7, 2016

Toronto and East York Community Council  
City Clerks Office  
City Hall  
2nd Floor  
100 Queen Street West  
Toronto, ON M5H 2N2

Attention: Ellen Devlin, Administrator

Dear Sirs/Mesdames:

**Re: TOcore: Updating Tall Buildings Setbacks in the Downtown  
City-initiated Request to Amend the Official Plan and Zoning By-laws  
File No.: 16-103066 SPS 00 OZ  
Clients: Neilas Inc. and Related Companies**

We are solicitors for Neilas Inc. and related companies (the "Clients"), the owners of 263 Adelaide Street West, 40-58 Widmer Street, and have broad land interests in the City of Toronto and acquire additional interest in lands in the City from time to time. We have reviewed: the report, *"TOcore: Updating Tall Buildings Setbacks in the Downtown - City-initiated Official Plan amendment and Zoning By-law Amendments - Final Report"*, dated May 27, 2016; the draft Site and Area Specific Official Plan ("Draft OPA"); the two draft implementing zoning by-law amendments ("ZBAs"); and we attended the public consultation meeting held on July 19, 2016, with respect to this matter.

The Draft OPA and ZBAs represent a fundamentally flawed approach to land use planning and design for the Downtown, which is a key location identified by the Province for intensification. These proposed instruments will have the effect of limiting architectural creativity and innovation for building design.

The Draft OPA proposes to impose rigid ZBA standards as the criteria to be used in the determination of whether a site is appropriate for a tall building, predetermining site specific tower proposals without the benefit of contextual assessment. Also, the proposed setback and separation requirements of the ZBAs are the same regardless of whether a commercial office building is proposed or an

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apartment building. This "one size fits all approach" to proposed tall buildings in Downtown is unacceptable and does not represent good planning.

There are also numerous drafting and implementation issues with the Draft OPA and ZBAs that speak to the prematurity of such instruments. For example, the list of zoning by-laws that are to be exempt from the application of the ZBAs is not complete and the transition requirements for complete applications is unfair and inequitable in such instruments.

For the reasons outlined above, we respectfully request that the proposed OPA and ZBAs be referred back to City staff for further consideration. We also reserve the right to raise further concerns and issues with the Draft OPA and ZBAs.

We ask to be provided with notice of all upcoming meetings of Council and Committees of Council at which the Draft OPA and ZBAs will be considered and we ask to be provided with notice of Council's decision with respect to the Draft OPA and ZBAs. If you have any questions or require further information, please contact the undersigned. Thank you for your attention to this matter.

Yours truly,



*CL* Calvin Lantz  
Partner

CL/nla

cc. John Neilas