

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

**mccarthy
tétrault**

September 6, 2016

Via Email teycc@toronto.ca

Toronto City Council
City of Toronto
Toronto City Hall
100 Queen Street West, 2nd Floor
Toronto, ON M5H 2N2

Attention: **Ms. Ulli S. Watkiss, City Clerk**

Dear Mr. Mayor and Members of Council:

**Re: Proposed City-Initiated TOcore Official Plan Amendment and Zoning By-law
Amendments (the "Proposed Amendments")
Toronto and East York Community Council Item TE18.7 for September 7, 2016**

We are the solicitors for RAD (Front-Wellington) Nominee Inc., the owners of lands bounded generally by Front and Wellington Streets West to the south and north and Spadina Avenue and Draper Street to the east and west, municipally known as 440, 450 462 Front Street West, 425, 439, 441 and 443 Wellington Street West, 6 – 18 Spadina Avenue and 1 and 19 Draper Street (the "Spadina Lands"). The Spadina Lands are the subject of the recently adopted Site and Area Specific Policy No. 495, which recognizes its unique size and contextual relationship and provides for its redevelopment with a mixed use development containing tall buildings known as "The Well". The Well is also the subject of an application for Zoning By-law Amendment to implement the permissions granted through Site and Area Specific Policy 495, including permissions for tall buildings, lower rise buildings and areas to be developed as publicly accessible open space.

We are also the solicitors for 250 Davenport Inc. with respect to its interest in the lands located at 250 Davenport Road and 181 Bedford Road (the "Davenport Lands"). The Davenport Lands are the subject of an application for by-law amendment filed in collaboration with Toronto Community Housing (TCHC), the owner of the Davenport Lands, to permit the development of a new residential condominium in addition to the existing rental apartment building owned by the TCHC, as well as the construction of new rental replacement dwelling units to be owned and operated by TCHC.

Both the Spadina Lands and the Davenport Lands (collectively the "Properties") are located within the area subject to the City-initiated proposed Official Plan and Zoning By-law amendments (the "Amendments") with respect to tower setbacks within the Downtown in association with the on-going TOcore study.

We are writing to express the concerns of our clients with respect to the Amendments both as applicable to the Properties and throughout the area subject to the Amendments.


Both Properties have been the subject of community meetings and additional consultations with the City and local area residents and land owners. Final staff reports are expected to proceed to Toronto and East York Community Council in the fourth quarter of this year. The proposals for The Well and the Davenport Lands are appropriate for the development of the Properties. Our clients are concerned that the proposed Amendments will impose inappropriate restrictions on the development of the Properties and in this regard we are requesting that the Properties be exempted from the Amendments.

Further, above and beyond the site specific concerns referred to above, our clients are concerned that the proposed Amendments do not provide sufficient flexibility to adequately respond to site-specific considerations as arise on individual sites generally and which vary greatly across the Downtown and Central Waterfront. In our view, the Amendments do not adequately allow for consideration of specific design solutions or site specific factors which may warrant different setbacks than those set out in the Amendments.

In addition, the transition clause in the proposed Amendments fails to account for development applications, such as The Well and the redevelopment of the Davenport Lands, that are still in the "pipeline" and fails to recognize previous relief obtained by way of minor variances.

We would be pleased to discuss these and the other concerns of our clients with respect to the proposed 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: Stephen Diamond
Bob Blazevski
Lucy Cameron