

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

**mccarthy  
tétrault**

**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 6, 2016

Via Email – [teycc@toronto.ca](mailto:teycc@toronto.ca)

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, 2<sup>nd</sup> Floor  
100 Queen Street West  
Toronto, Ontario M4H 2N2

**Re: Proposed City-Initiated TOcore Official Plan Amendment No. 352 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 Sinai Health System (the “Hospital”) with respect to the property municipally known as 600 University Avenue – the site of Mount Sinai Hospital (the “Property”). The Property is located within the area subject to the City-initiated proposed Official Plan and Zoning By-law amendments with respect to tower distance separation, which if approved, will 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”).

The Hospital is concerned that the Amendments will impose inappropriate restrictions on the development of the Property and on the development of lands generally within the boundaries of the proposed Amendments.

In this case, the hospital building on the Property will be undergoing much-needed renovations. We note that Section 1(5) and Section 3(3) of the Amendments state that the provisions shall not “apply to prevent the continued use of a *tower* constructed pursuant to a building permit issued prior to Oct 4, 2016”. Given that the building permit for the renovations to the existing *tower* on the Property has not yet been issued, we wish to ensure that such renovations will not be prevented by the Amendments. Therefore, we are submitting this letter and respectfully request that the Property be exempted.

The Hospital is concerned, amongst other things that the Amendments do not provide for sufficient flexibility to adequately respond to various site-specific considerations, which vary greatly across the *Downtown and Central Waterfront* within the study area. 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.

We have reviewed the August 31, 2016 report with the attached Amendments, and in particular, the paragraphs that exempt certain listed site-specific zoning by-laws from the regulations of the Amendments. While the Property is not subject to a site-specific by-law, it is subject to minor variances. There is no recognition of the minor variances applicable to the Property.

We are of the opinion that it is the properties themselves that should be exempted from the Amendments and not the existing site-specific zoning by-laws, as this is too narrow an approach and does not adequately/appropriately address the matter of minor variances. Furthermore, we are of the opinion that the Amendments should not apply to institutional buildings, such as hospitals, given the different character and form of institutional buildings. We specifically request that the Property be exempted from the Amendments.

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

We would be pleased to discuss these and other concerns of the Hospital regarding 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

CAM/kem

- c. Mr. Tony Khouri, Vice President, Mount Sinai Hospital
- Mr. Marc Toppings, General Counsel, Mount Sinai Hospital
- Ms. Joan Sproule, COO, Executive Vice President, Finance (CFO) and Chief Operations Officer