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File No. 702666

September 6, 2016

**By E-Mail Only to [teycc@toronto.ca](mailto:teycc@toronto.ca)**

City of Toronto  
Toronto and East York Community Council  
2<sup>nd</sup> Floor, West Tower, City Hall  
100 Queen Street West  
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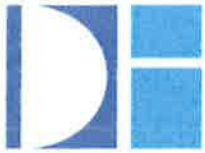
**Attention: Ms. Ellen Devlin, Committee Secretariat**

Dear Ms. Devlin:

**Re: TOcore: Updating Tall Building Setbacks in the Downtown – City-initiated Official Plan Amendment and Zoning By-law Amendments – Supplementary Report  
City Reference Number: 16-103066 SPS 00 OZ  
Agenda Item: TE18.7**

We are counsel to Daniels Waterfront Corporation and Daniels QQ Corporation (collectively, “Daniels”). Daniels is the owner of the lands within the block bounded by Lower Jarvis Street, Lake Shore Boulevard East, Richardson Street and Queens Quay East (collectively, the “Daniels Lands”). The Daniels Lands are located with the East Bayfront Precinct of the Central Waterfront Secondary Plan area, and are municipally known as 130-132 Queens Quay East, 143-177 Lake Shore Boulevard East and 26 Richardson Street.

By letter dated June 13, 2016, we made a written submission on behalf of Daniels in respect of the Final Report of the Director, Community Planning, Toronto and East York District (the “Director”), regarding Downtown tall building setbacks. A copy of our submission is attached for ease of reference. In our submission, we noted that the Ontario Municipal Board (“OMB”) had issued an Order dated April 6, 2016, approving the Central Waterfront Secondary Plan, as modified, and a zoning by-law amendment for the Daniels Lands to permit a mixed-use development consisting of multiple tall buildings with minimum setback and tower separation distances. Accordingly, we requested that the Daniels Lands be exempt from the City’s proposed zoning amendments.



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We have now reviewed the Supplementary Report of the Director, dated August 31, 2016. We note that in the Supplementary Report, staff advise that any site or area-specific by-law that was passed after March 1, 1994, that contains setbacks that conflict with the proposed new zoning amendments, and for which no building permit has yet been issued is to be listed as a "prevailing by-law". Further, the Supplementary Report notes that staff have attempted to capture all conflicting site specific zoning by-laws for development that is approved but not yet constructed or issued a building permit to prevail over the proposed zoning amendments, and that if a site specific by-law has been missed but comes to staff's attention, City staff will make a stylistic or technical change to the proposed zoning amendments prior to enactment to add the approved site specific by-law to the list of prevailing by-laws.

We have reviewed the list of "prevailing by-laws" in the two draft zoning by-laws appended to the Supplementary Report and note that the site-specific zoning by-law amendment approved by the OMB for the Daniels Lands has not been included. When the OMB issued its Order on April 6, 2016, it expressly authorized the City Clerk to assign a by-law number to the approved zoning by-law amendment for "record keeping purposes". To our knowledge, the City Clerk has not yet taken this administrative action. Nonetheless, the zoning by-law amendment approved by the OMB would, in our view, still constitute a "prevailing by-law" and, likewise, it should be referenced in some fashion in the proposed zoning amendments to ensure that the proposed City-initiated amendments will not apply to the development of the Daniels Lands in accordance with the zoning by-law amendment approved by the OMB.

As noted in our earlier submission, in the absence of confirmation that the Daniels Lands are exempt for the City's proposed amendments, Daniels does not support the approval of the proposed Official Plan Amendment and zoning by-law amendments.

Kindly ensure that we receive notice of any decision(s) made by Toronto and East York Community Council and/or City Council regarding this item.

Yours truly,  
**DAVIES HOWE PARTNERS LLP**

Mark R. Flowers  
Professional Corporation

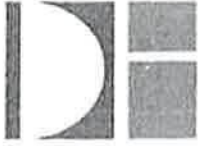


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Attachment

copy: Robert Robinson, City of Toronto Legal Services Division  
Niall Haggart and David Aird, The Daniels Corporation





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File No. 702666

June 13, 2016

**By E-Mail Only to [teycc@toronto.ca](mailto:teycc@toronto.ca)**

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2<sup>nd</sup> Floor, West Tower, City Hall  
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**COPY**

**Attention: Ms. Ellen Devlin, Committee Secretariat**

Dear Ms. Devlin:

**Re: TOcore: Updating Tall Building Setbacks in the Downtown – City-initiated Official Plan Amendment and Zoning By-law Amendments – Final Report**  
**City Reference Number: 16-103066 SPS 00 OZ**  
**Agenda Item: TE17.14**

We are counsel to Daniels Waterfront Corporation and Daniels QQ Corporation (collectively, "Daniels"). Daniels is the owner of the lands within the block bounded by Lower Jarvis Street, Lake Shore Boulevard East, Richardson Street and Queens Quay East (collectively, the "Daniels Lands"). The Daniels Lands are located with the East Bayfront Precinct of the Central Waterfront Secondary Plan area, and are municipally known as 130-132 Queens Quay East, 143-177 Lake Shore Boulevard East and 26 Richardson Street.

On April 6, 2016, the Ontario Municipal Board (the "OMB") issued an Order approving the Central Waterfront Secondary Plan, as modified, and a zoning by-law amendment in respect of the Daniels Lands to permit a mixed-use development. The OMB Order followed a settlement hearing on June 2, 2014, that resulted from a settlement of appeals of the Central Waterfront Secondary Plan and the East Bayfront Zoning By-law No. 1049-2006, supported by both City staff and City Council. Both the Central Waterfront Secondary Plan, as modified, and the zoning by-law amendment approved by the OMB for the Daniels Lands permit a redevelopment of the site that includes multiple tall buildings with minimum setback and tower separation distances.



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We have reviewed the Final Report of the Director, Community Planning, Toronto and East York District dated May 27, 2016, regarding TOcore: Updating Tall Building Setbacks in the Downtown (the "Staff Report"), which we understand will be considered by Toronto and East York Community Council at its meeting on June 14, 2016.

We note that in the Staff Report there is a section entitled "Transition", which indicates that "transition for projects currently in the development pipeline will be considered based on the planning framework that applied at the time of application and will be looked at on a case-by-case basis. Factors that will be considered may include site specific zoning by-laws which have received approvals; ...". Similarly, we note that section B)vi) of the draft Official Plan Amendment proposes that "Any Area Specific Official Plan Amendment within the Central Waterfront Secondary Plan will prevail over this Site and Area Specific Policy". In this case, the OMB has approved an Area Specific Policy in the Central Waterfront Secondary Plan for the Daniels Lands, consisting of Policy (P52) and the related Map F1, which establishes, among other things, building envelopes for the site with minimum setback and tower separation distances.

Notwithstanding the above, the draft zoning by-laws attached to the Staff Report do not indicate that the Daniels Lands are exempt from the proposed zoning amendments. In the absence of such confirmation, to be reflected in the documents, Daniels does not support the approval of the proposed Official Plan Amendment and zoning by-law amendments.

Kindly ensure that we receive notice of any decision(s) made by Toronto and East York Community Council and/or City Council regarding this item.

Yours truly,

**DAVIES HOWE PARTNERS LLP**

Mark R. Flowers  
Professional Corporation

copy: Niall Haggart and David Aird, The Daniels Corporation