

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



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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 89 Avenue Road GP Inc. and Freed Developments, the owners of lands municipally known as 89 Avenue Road, Toronto (the "89 Avenue"). 89 Avenue is the subject of a site-specific zoning bylaw approved by a final Order issued by the Ontario Municipal Board July 13, 2016 (PL130285; PL130420). However, no bylaw number has yet been administratively assigned by the City to this site-specific bylaw.


89 Avenue is 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 client with respect to the Amendments both as applicable to 89 Avenue and throughout the area subject to the Amendments.

The Amendments in their draft form do not explicitly exempt 89 Avenue. Our clients are therefore concerned that the proposed Amendments will impose inappropriate restrictions on the development of 89 Avenue that will directly undermine the recent Ontario Municipal Board approval which was the result of a settlement agreed to by the City. Therefore we are requesting that 89 Avenue 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.

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