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Matter No. A051-01

November 10, 2016

DELIVERED BY EMAIL AND COURIER

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

Attention: Ms. Ellen Devlin, Administrator

Dear Chair and Members of Community Council:

RE: Item No. TE20.8 – Final Report and Request for Direction Report

- **20 Edward Street**
- **Zoning By-law Amendment Application**
- **City File No: 14-266298 STE 27 OZ**
- **Letter of Concern filed on behalf of Atrium on Bay Portfolio Inc.**

Please be advised that we are the solicitors for Atrium on Bay Portfolio Inc. ("**Atrium**"), the owner of the lands known municipally as 595 Bay Street in the City of Toronto (the "**Atrium Site**").

The Atrium Site is located on the block bounded by Yonge Street to the east, Dundas Street to the south, Bay Street to the west and Edward Street to the north and is immediately south of 20 Edward Street (the "**Lifetime Site**") the subject of the above-noted Zoning By-law Amendment Application (the "**Application**") brought by Lifetime Edward Street Inc. (the "**Applicant**").

Recommendations of City Staff respecting PATH Connection

On September 7, 2016, I appeared before Toronto and East York Community Council ("**TEYCC**") and expressed the concerns raised in this letter. We have reviewed the Final Report of the Director, Community Planning, Toronto and East York District dated August 18, 2016 and now the Request for Direction Report dated October 27, 2016, with respect to the Application. While our client has no objection to the Application itself, we are writing to reiterate our client's objections to and concerns with the recommendations of City Planning relating to the approval of the Application, specifically with respect to City Planning's recommendations on the PATH connection to the Atrium Site.

Our client has been monitoring the Application and had assumed that a condition of approval of the Application would be an extension of the PATH system from the Lifetime Site to the Atrium Site. By way of background, as a condition of redevelopment of the Atrium Site, Atrium was required to relocate the

existing TTC Dundas Subway Station entrance at Yonge and Dundas and incorporate it within the redevelopment. There are currently knock-out panels in the northeast corner at Bay Street and Edward Street on the concourse level of the Atrium Site for the purposes of the PATH connection to any future development on the Lifetime Site.

However, the recommendations of Planning Staff do not require an extension of the PATH system to the Atrium Site. Instead, the City Planning report recommends that as part of the Section 37 contribution for the proposed development, the owner of the Lifetime Site should be required to make a cash contribution of \$3,500,000.00,

“to be allocated to capital improvements which will benefit the community in the vicinity of the project such as, but not limited to, an underground pedestrian tunnel (PATH connection) connecting the subject property to the property at 595 Bay Street (Atrium on Bay), non-profit licensed daycare facilities, community centres, recreation facilities, libraries, arts related community space, local streetscape improvements, capital improvements....and improvement to public parks in the area...”.

Our client has considerable concerns with this recommendation. Specifically, if the PATH connection continues to be just one of several options for the allocation of the Section 37 cash contribution, the funds could be divided up so as to not leave sufficient funds to build a PATH connection. While we appreciate the City's desire for flexibility in allocation of the Section 37 cash contribution, our client is of the view that should the PATH connection from the Atrium Site to the Lifetime Site not be extended, accessibility in the downtown area would be significantly impeded. Accordingly, on behalf our clients, we respectfully request that TEYCC require a mandatory PATH connection from the Atrium Site to the Lifetime Site as part of the Applicant's Section 37 contribution.

TEYCC Meeting of September 7, 2016

As noted above, I attended the September 7, 2016 meeting of TEYCC and made submissions respecting this matter on behalf of our client. At this meeting, Councillor Wong-Tam moved for the item to be deferred until the November 15, 2016 meeting of the TEYCC and also made the following motion:

“That the Director, Community Planning, Toronto and East York Community Council be requested to work with the applicant and the owners' of 595 Bay Street (Atrium on Bay) and other relevant City divisions on a strategy to achieve the PATH connections between the two properties at no additional cost to the City.”

Despite this direction from the TEYCC, Atrium has not been contacted by the Director, Community Planning, or the Applicant to work on a strategy to achieve the PATH connection between the Atrium Site and the Lifetime Site. It is our understanding that the Applicant felt that there was no need for a meeting since it was up to the City to decide if it wanted to use its Section 37 contribution for the PATH connection.

In light of the above, please accept this letter as notice of our client's objections to the recommendations of City Staff with respect to approval of the Application. We respectfully request that we be notified of any further actions or decisions made by City Council respecting the above-noted Application. We also request to be notified of any correspondence or upcoming prehearing conferences with respect to the Ontario Municipal Board appeal recently filed by the Applicant.

If you have any questions or concerns about the matters discussed above, please contact the undersigned or my colleague Samantha Lampert at 416.645.4532.

Yours very truly,

Devine Park LLP



Patrick J. Devine
PJD/SHL

cc: Councillor Kristyn Wong-Tam
cc: Atrium on Bay Portfolio Inc.