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File No. 703124

January 16, 2017

**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  
Toronto, Ontario  
M5H 2N2

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

Dear Ms. Devlin:

**Re: 31 Parliament Street – Official Plan Amendment and Zoning  
Amendment Application – Refusal Report  
Reference Number: 16 188179 STE 28 OZ  
Agenda Item: TE21.8**

We are counsel to 1150782 Ontario Inc., the owner of lands municipally known as 31 Parliament Street, Toronto (the “Lands”) and the applicant in the above matter.

Please note that on January 12, 2017, our client appealed its Official Plan Amendment and Zoning By-law Amendment applications to the Ontario Municipal Board (the “OMB”), based on the City’s failure or neglect to make a decision on the applications within the time periods set out in the *Planning Act*.

We have reviewed the Refusal Report of the Director, Community Planning, Toronto and East York District, dated December 20, 2016 (the “Staff Report”). We understand that the Staff Report is to be considered by Toronto and East York Community Council at its meeting on January 17, 2017 and we wish to provide some comments in relation to the Staff Report.

We disagree with the staff conclusions and their recommendations to refuse the subject applications. While not exhaustive, we provide some concerns with the Staff Report below.



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The Lands are located next to the Metrolinx rail line and are separated from the existing Distillery District buildings and activity areas by two existing industrial/commercial properties/buildings to the north (33 and 37 Parliament Street) and by the lands to the east (31R Parliament Street), where a 57 storey mixed use building is proposed. As such, there are intervening properties and buildings between the Lands and the existing Distillery District activity areas, none of which are designated heritage properties. By contrast, the Staff Report improperly identifies the Lands as being “adjacent” to protected heritage property.

As indicated on page 15 of the Staff Report, staff is supportive of a mixed-use building of up to 30 storeys on the western portion of the “Triangle Lands” (which includes the Lands). According to the Staff Report, a building of up to 30 storeys:

“...introduces new development while providing a gradual transition in building height toward the St. Lawrence neighbourhood to the west, is complementary and compatible with its surrounding area and will not adversely impact the utility of the surrounding open spaces by casting significant shadows.”

A 57 storey tower is proposed to the immediate east on 31R Parliament Street, within the eastern portion of the Triangle Lands, and the proposed 49 storeys on the Lands gradually transitions down from that height and is otherwise an appropriate height on its own in light of the surrounding built form context. In either case, whether the site is developed with a building of 30 or 49 storeys, an Official Plan Amendment is required to address the King-Parliament Secondary Plan policy directing the height of new development within the Triangle Lands to be consistent with the heights of the neighbouring portions of the St. Lawrence neighbourhood. It appears that the Staff Report inappropriately criticizes the proposal due to an alleged non-conformity with this Secondary Plan policy, while at the same time supporting a building of up to 30 storeys for this portion of the Triangle Lands.

The Staff Report also appears to place undue reliance on draft OPA 304, which is not in effect and has not even been adopted by City Council. In particular, while draft OPA 304 prescribes the standard of no new net shadows on specified surrounding area sites and open spaces, the City’s in force Official Plan calls for shadows to be “adequately limited”. The staff reliance on this proposed standard is not appropriate in this circumstance and should not be used as a basis of opposition to this application.



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The Staff Report raises a number of other design related concerns which, where appropriate, are capable of being addressed. The Lands are 2,379.74 m<sup>2</sup> with the proposed tower element providing tower setbacks that meet or exceed the Tall Buildings Guideline recommendation of 12.5 m to the common property line of adjacent properties with development potential and a tower separation of 25 m. In the ordinary course of discussion with City staff, the comments raised by City Staff are, where appropriate, capable of being addressed. In this regard, our client would be pleased to make its architect and other consultants available to seek resolution of the design issues raised in the Staff Report.

We urge Council to reject the recommendations in the Staff Report and, instead, to confirm its support for the proposed development, including the proposed height of 49 storeys.

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

In the meantime, please do not hesitate to contact us if you have any questions regarding this submission.

Yours truly,

**DAVIES HOWE PARTNERS LLP**

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