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File No. 135257By Email: teycc@toronto.caChair and Members of Toronto & East York Community Council
2nd floor, West Tower, City Hall
100 Queen Street West
Toronto, ON M5H 2N2**Attention:** Ms. Ellen Devlin, TEYCC Administrator

Dear Chair and Members:

TEYCC Agenda Item TE23.65
re: 309 Cherry Street - Zoning By-law Amendment Application –
Preliminary Report

We act on behalf of 2034055 Ontario Ltd. and 1337194 Ontario Inc., collectively “our clients” and the owners of the above-noted property (the “Site”). The Site is located at the intersection of Cherry and Villiers Streets in Toronto’s Port Lands neighborhood.

A Preliminary Staff Report dated March 17, 2017 will be before the Toronto and East York Community Council on April 4, 2017. This report is in regards to our clients’ rezoning application filed on December 30, 2016 concerning the southern half of the Site (the “Phase 2 Lands”). The application proposes to develop this portion of the Site with an 11-storey building along Cherry Street and a 52-storey building above a ‘u-shaped’ podium ranging from 4- to 12- storeys in height.

Background and Application Respecting the Phase 1 Lands

By way of background, in March 2012, our clients also filed a rezoning application with respect to the Site in connection with the redevelopment proposal for the northern half of the Site (the “Phase 1 Lands”). The application for the Phase 1 Lands seeks to permit a mixed-use development comprising of an 8- storey office/retail based building, 26 storey residential tower and two partially retained heritage buildings. At the request of staff on two occasions, the application respecting the Phase 1 Lands was held in abeyance in order that the City and Waterfront Toronto could complete the various Port Lands Acceleration Initiative projects which were ongoing, including the Port Lands Framework Plan and the Villiers Island Precinct Plan. Unfortunately, following numerous promised and unmet deadlines, it became clear to our clients that they had to appeal the application for the Phase 1 Lands to the Ontario Municipal Board in order to advance this application.

This appeal was filed on October 31, 2014, two and half years after the application was filed.

Our clients also have party status to various proceeding involving the Central Waterfront Secondary Plan, including Official Plan Amendment 388.

Notwithstanding the above-referenced appeals, our clients continued to work with City staff in order to resolve the outstanding appeals. In particular, our clients have continued to actively participate in the Port Lands Acceleration Initiative projects, including the Port Lands Framework Plan and the Villiers Island Precinct Plan exercises.

Preliminary Staff Report dated March 17, 2017 Respecting the Phase 2 Lands

As noted above, we have received and reviewed the Preliminary Staff Report dated March 17, 2017, in regards to our clients' application for the Phase 2 Lands and which will be considered by Toronto and East York Community Council on April 4, 2017.

Recommendation 1 of the report recommends that Toronto and East York Community Council direct staff to schedule a community council meeting for the lands at 309 Cherry Street together with the Ward Councillor. According to the staff report, the meeting is anticipated to take place in the spring of 2017.

Our clients are in support of staff's recommendations and in continuing to work together with staff, the public and other community groups respecting this application.

Although not relevant to the staff recommendations, we note that staff have taken the position in the Preliminary Report that our clients' application is premature, in addition to raising a number of concerns respecting the built form. Accordingly, we are writing to ensure that our clients' concerns are on the public record for TEYCC Members, and Members of Council.

In preparing the application for the Phase 2 Lands, our clients together with its consultant team, have taken into consideration the latest publically available materials concerning the Villiers Island Precinct Plan. In particular, this application responds to the vision of a mixed-use community for the Site (and the Precinct more generally) as well as responds to the City and Waterfront Toronto's desire for certain design and public realm features.

Our clients, as part of both this application and the application filed with respect to the Phase 1 Lands, have had consistent regard to the City and Waterfront Toronto's broader municipal initiatives respecting this Precinct. Moreover, in recognition of these initiatives being incomplete, our clients' applications have proposed the use of a "H" holding designation such that a hold would be imposed on any approved site specific zoning by-laws pending the completion of, for example, the implementation of the flood mitigation measures.

We submit that it is not appropriate that our clients' applications be isolated from other Central Waterfront initiatives and accordingly, do not agree that the subject application is

premature. Our clients have waited patiently for the completion of the Port Lands Framework Plan and the Villiers Island Precinct Plan Process but it is unreasonable for our clients to be precluded from advancing its applications any longer. There is no reason why Council couldn't consider our clients' applications (both for Phase 1 and Phase 2) concurrent with the Port Lands Framework Plan and the Villiers Island Precinct Plan Process and not lag behind that process.

We look forward to a process that would advance our clients' applications in a timely manner and to working collaboratively with staff to that end.

Finally, we also formally request that the undersigned be provided with notice of any meetings of Council, Community Council or any Community Consultation Meetings where reports related to this application are to be considered and request that the undersigned be notified of any decision of City Council (or its Committees) respecting this matter.

Yours very truly,

AIRD & BERLIS LLP



NJP/SJL

per

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c.c. Client
Daniel Woolfson, City Planning

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