

May 1, 2018

Planning and Growth Management Committee
10th floor, West Tower, City Hall
100 Queen Street West
Toronto, ON M5H 2N2

Attention: Ms. Nancy Martins, Committee Administrator

Dear Chair and Members of the Planning and Growth Management Committee:

Re: NOTICE OF CONCERN with the proposed City Initiated TO Core: Downtown Plan Official Plan Amendment as it affects the properties identified in Schedule "A"

And Re: REQUEST FOR DEFERRAL in respect of the City Initiated TO Core: Downtown Plan Official Plan Amendment as it affects the properties identified in Schedule "A"

And Re: REQUEST FOR RECEIPT OF ANY AND ALL FUTURE REPORTS in respect of the City Initiated TO Core: Downtown Plan Official Plan Amendment

And Re: REQUEST FOR NOTICIFICATION of any meetings of Council, Committees of Council, Community Council and/or Public Meetings and/or Community Information Meetings where the City Initiated TO Core: Downtown Plan Official Plan Amendment is to be considered

And Re: REQUEST FOR NOTIFICATION of the passage of the City Initiated TO Core: Downtown Plan Official Plan Amendment

Planning and Growth Management Committee Item Number: PG29.4

We are the solicitors for a number of property owners (attached as Schedule "A" to this letter) who have acquired sites which are located within the boundaries of the above-referenced official plan amendment. Many of the above noted property owners have either obtained or are in the process of obtaining final approvals in respect of applications for an Official Plan Amendment, Zoning By-law Amendment, Site Plan Approval, Committee of Adjustment approval and/or building permit approval, which properties were acquired in reliance upon the "in force" policies of the City of Toronto Official Plan. Other property owners included in our list have purchased their property, after conducting their due diligence, reviewing the various permissions contained in the "in force" policies and relied on these policies in purchasing their property.

All of the properties in question, without the inclusion of a “grandfathering clause” to recognize pre-existing approvals and/or applications which are currently being processed, will be significantly impacted by the passage of the proposed official plan amendment. Many of the property owners in question either had no idea that such overarching changes were intended to be introduced as part of the Official Plan given the significant time which has passed since the acquisition of such properties, with other property owners having conducted an exhaustive review of the “in force” policies, who again, relied upon those “in force” policies prior to making a significant investment into their respective properties.

We have attempted to provide an initial list of our clients’ concerns, with our clients’ sincere hope that such concerns can be fully addressed prior to Council proceeding to consider the passage of any implementing amendments. The following sets out our clients’ current concerns:

Lack of consultation

With the recent changes to the Planning Act, the City has been given extraordinary powers to pass Official Plan amendments like the proposed City Initiated TO Core: Downtown Plan Official Plan Amendment (the “TO Core OPA”) without any right of appeal for those affected by the amendments. The proposed TO Core OPA was released to the public on April 17th, only two weeks before the Planning and Growth Management Committee meeting. Additionally, the statutory public meeting on the proposed TO Core OPA, was scheduled for one week prior to the meeting of the Planning and Growth Management Committee. Our clients ought to have been provided with an opportunity to properly review the proposed TO Core OPA and to meaningfully consult with City Staff on our concerns with the draft policies.

The City’s Official Plan, in its section on “Building a Successful City” states that “the City and the private sector should work together as partners in creating a great city and achieving Toronto’s architectural and urban design potential”. In the case of this proposed Official Plan Amendment, there has been no meaningful consultation with many private landowners on the proposed policy changes.

Attempt to restrict residential development in the downtown core

The proposed TO Core OPA seeks to restrict residential development in the downtown core by allowing only new non-residential development in the Financial District and Health Sciences District and by requiring a minimum amount of non-residential space in other areas of the downtown. These policies, in our respectful submission, are in direct conflict with the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe, which set minimum density targets to encourage residential intensification in centres, including the downtown area of the City.

The application of such policies to our clients’ lands will discourage true, viable, mixed-use developments with a variety of commercial uses including retail, personal services, as well as office.

Concern with “No New Net Shadow” on Parks and Open Space

The proposed TO Core OPA seeks to protect parks and open spaces from any new net shadow from 10:18-4:18. This new policy will restrict intensification in areas of the City that are targeted for growth by imposing such a strict standard. The City’s Official Plan and the recent Tall Building Guidelines OPA, already seek to adequately protect parks and open spaces by controlling the floorplate size of towers to ensure that any new shadows on parks and open spaces are adequately minimized. In our respectful submission, this new proposed policy in the TO Core OPA will have the effect of rendering developments in the center of the City unfeasible.

Concern with new amenity space policies

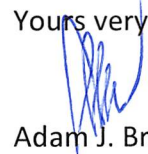
The proposed draft TO Core OPA attempts to regulate the design and location of indoor amenity space in a residential or non-residential development. For example, new policies have been introduced to require that indoor amenity space be located at or above-grade. In our respectful submission, the location and design of indoor amenity space within a building ought to be left to the developer and its architect to determine the best program and location of the amenity space within the building.

While we have attempted to explain a few of our clients’ concerns with the TO Core OPA, this is not an exhaustive list, our clients continue to have concerns with the draft TO Core OPA as a whole. We respectfully request that at the very least, the draft TO Core OPA be amended to address the above concerns before it is passed, so that our clients’ current Sites will not be prejudiced by the proposed new Official Plan policies.

We also formally request that the writer, as well as every owner listed in Schedule “A”, be provided with notice of any meetings of Council, Committees of Council, Community Council or Public Meetings/Community Consultation Meetings where reports related to the City Initiated TO Core OPA, are to be considered. We also respectfully request that both our clients and the writer be forwarded copies of any future reports and/or proposed by-laws affecting our clients’ lands. Finally, we would respectfully request that both the writer and our clients be notified of the City’s passage of any by-law affecting the Sites.

Should you have any questions or require any additional information, please do not hesitate to contact the writer, or Jessica Smuskowitz, a lawyer in our office.

Yours very truly,



Adam J. Brown

cc: Property Owners Listed in Schedule ‘A’

Schedule "A"

| Site Address | Contact Information |
|---|--|
| 8-10 Elm Street | 8 Elm Park Properties Inc Attention: Mr. Ian MacLeod 50 Confederation Parkway Concord ON L4K 4T8 |
| 21 Avenue Road, 135 Yorkville Road, and 162 Cumberland Street | The Camrost Corporation Attention: Mr. David Feldman 95 St. Clair Avenue West Suite 1608 Toronto ON M4V 1N6 |
| 65-89 King Street East & 46 Colborne Street | Carttera Private Equities Attention: Mr. Jim Tadeson 20 Adelaide Street East Toronto ON M5C 2T6 |
| 300 & 328 Bayview Avenue | 1405768 Ontario Limited Attention: Mr. Sylvester Chuang 220 Steeles Avenue West Vaughan ON L4J 1A1 |
| 363-291 Yonge Street, 3 Gerrard Street East | YG Limited Partnership Attention: Mr. Ryan Millar 170 Merton Street Toronto ON M4S 1A1 |
| 45 Eastern Avenue | c/o Sherman Brown 5075 Yonge Street, Suite 900 Toronto, ON M2N 6C6 |
| 2 Bloor Street West | 2 Bloor Acquisition GP Inc. Attention: Mr. Tom Giancos Toronto-Dominion Centre TD Bank Tower 66 Wellington Street West, Suite 4400 PO Box 163 Toronto ON M5K 1H6 |
| 475 Yonge Street | CYM Toronto Holdings Inc. Attention: Mr. Tom Giancos Toronto-Dominion Centre TD Bank Tower 66 Wellington Street West, Suite 4400 PO Box 163 Toronto ON M5K 1H6 |
| 20 Edward Street | Lifetime Developments Ltd. Attention: Mr. Brian Brown 49 Jackes Avenue, Unit 200 Toronto ON M4T 1E2 |
| 591 Sherbourne Street | Medallion Developments Inc. Attention: Mr. Howie Paskowitz 970 Lawrence Avenue West Suite 304 |

| | |
|--|---|
| | Toronto ON M6A 3B6 |
| 219-231 Dundas Street East | Menkes Developments Ltd. Attention: Mr. Jude Tersigni 4711 Yonge Street, Suite 1400 Toronto ON M2N 7E4 |
| 2 Cooper Street, 15-53 Freeland Street, 55 & 95 Lakeshore Boulevard and 15 Queens Quay | Menkes Developments Ltd. Attention: Mr. Jude Tersigni 4711 Yonge Street, Suite 1400 Toronto ON M2N 7E4 |
| 81-87 Peter Street | Menkes Developments Ltd. Attention: Mr. Jude Tersigni 4711 Yonge Street, Suite 1400 Toronto ON M2N 7E4 |
| 155 Queens Quay East | Menkes Developments Ltd. Attention: Mr. Jude Tersigni 4711 Yonge Street, Suite 1400 Toronto ON M2N 7E4 |
| 60 Shuter Street & 189 Church Street | Menkes Developments Ltd. Attention: Mr. Jude Tersigni 4711 Yonge Street, Suite 1400 Toronto ON M2N 7E4 |
| 763-773 Yonge Street | Menkes Developments Ltd. Attention: Mr. Jude Tersigni 4711 Yonge Street, Suite 1400 Toronto ON M2N 7E4 |
| 126-128 Hazelton Avenue, 201-205 Davenport Road | Mizrahi Developments Attention: Mr. Sam Mizrahi 126 Hazelton Avenue Toronto ON M5R 2E5 |
| 1 Bloor Street West, 760-762 Yonge Street, 768-784 Yonge Street | Mizrahi Developments Attention: Mr. Sam Mizrahi 126 Hazelton Avenue Toronto ON M5R 2E5 |
| 483 Bay Street | Northam Realty Limited Attention: Mr. Craig Walters 2 Carlton Street Suite 909 Toronto ON M5B 1J3 |
| 82 Bloor Street West | Northam Realty Limited Attention: Mr. Craig Walters 2 Carlton Street Suite 909 Toronto ON M5B 1J3 |
| 2 Carlton Street | Northam Realty Limited Attention: Mr. Craig Walters 2 Carlton Street Suite 909 |

| | |
|--|---|
| | Toronto ON M5B 1J3 |
| 254, 256, 260, 266 King Street East, 427 & 435 Adelaide Street East, and 157 Princess Street | Northam Realty Limited Attention: Mr. Craig Walters 2 Carlton Street Suite 909 Toronto ON M5B 1J3 |
| 250 University Avenue | Northam Realty Limited Attention: Mr. Craig Walters 2 Carlton Street Suite 909 Toronto ON M5B 1J3 |
| 231-235 College Street & 171-189 Huron Street | Shiupong (231 College) Limited Attention: Mr. Henry Hung 131 Baldwin Street Toronto ON M5T 1L7 |
| 15-35 Mercer Street | 33 Mercer Limited Attention: Mr. Miguel Singer 369 Rimrock Road Toronto ON M3J 3G2 |
| 348-370 Yonge Street | c/o Sherman Brown 5075 Yonge Street, Suite 900 Toronto, ON M2N 6C6 |