

Reply Attention of	Mary Flynn-Guglietti
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Our File No.	223354
Date	November 14, 2016

**DELIVERED BY E-MAIL TEYCC@TORONTO.CA**

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

**Attention: Ms. Rosalind Dyers**  
**Committee Administrator**

Dear Ms. Dyers:

**Re: Item No. TE20.5 (Scheduled for 10:00 am, November 15, 2016)**  
**Final Report: Bathurst-Bloor Four Corners Study (Official Plan 349 and Zoning By-law Amendment)**

We are the solicitors retained on behalf of 844 Bathurst Holdings Inc., (“**Torgan**”) owners of the property municipally known as 844 Bathurst Street (the “**Property**”) situated on the west side of Bathurst, south of London Street and north of Bloor Street. The Property is located within the Bathurst-Bloor Four Corners Study (the “**Four Corners Study**”) area. Our clients have attended various open houses and Committee meetings concerning the Study, including various meetings related to the Better Bathurst Study. My clients, through our office have provided its concerns regarding the Study and its impacts on its property in the hopes that our concerns would be addressed. We have had an opportunity to review the November 2, 2016 staff report, together with the draft Official Plan amendment (“**OPA 349**”) and draft amending Zoning By-law (“**ZBA**”) and regretfully our clients’ concerns have not been properly addressed and therefore we wish to formally notify members of the Toronto and East York Community Council (“**TEYCC**”) of our strong objections to OPA 349 and draft zoning by-law.

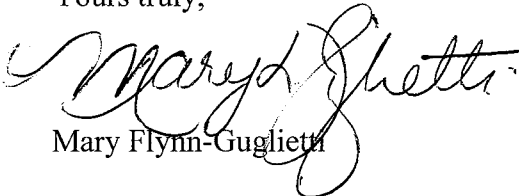
By way of a letter dated April 13, 2015 we wrote to the TEYCC regarding our clients’ concerns related to the Bathurst-Bloor Four Corners Study – Principles Report. We are enclosing a copy of our April 13, 2016 correspondence for ease of reference. In our letter we once again raised the issue regarding the recent removal of the “Avenue” designation from our clients’ Property. The removal of the “Avenue” Designation directed intensification away from the Seaton Village-West Annex Character and our clients’ Property without a proper and justifiable planning rationale. In our April 13, 2016 correspondence we submitted to the TEYCC that the Bathurst-Bloor Four Corners Study presented an ideal opportunity to re-examine many of the assumptions and decision of the Better Bathurst Study and in particular the lifting of the “Avenues” designation. Regretfully this was not to be the case.

OPA 349, in its present form, substantially increases the development rights of Westbank Developments (owners of the Mirvish Village proposal) while reducing or limiting development rights on lands within the remaining quadrants of the Four Corners Study area without sufficient planning rationale. The sole rationale provided in the November 2, 2016 staff report is that “the assembly of the majority of the lots under one ownership (currently Westbank) provides an opportunity for a scale of development that is greater in the southwest quadrant than in the other three quadrants in the Character Area”. It should also be noted that the Westbank property is farther from the transit hub than many other properties within the Four Corners Study area, including our client’s Property.

This would appear to run contrary to many substantial developments in the City of Toronto where the greatest intensification is located at the major arterial roads such as Yonge and Bloor, Yonge and Eglinton and Yonge and St. Clair. By contrast, OPA 349 would permit a 29 storey building on the south west corner of the Character Area, together with substantial additional redevelopment intensification in much of the south/west quadrant, whereas the redevelopment of the remaining corners, in closer proximity to the subway station are reduced to 8 to 9 stories. As well it would appear that OPA 349 would permit development within the south/west quadrant to penetrate the angular plan restrictions whereas no such permissions are provided to properties in the other quadrants.

As noted in many of our letters to date, prior to the enactment of OPA 246 (eliminating the Avenues designation) our client’s Property could have been redeveloped with a building up to 20 metres in conformity with the City’s midrise guideline, however OPA 246 resulted in a reduced maximum height of only 13 metres and only 10 metres at the street wall. This Property’s potential for redevelopment has been significantly reduced and Westbank’s height and density will be significantly increased with the enactment of OPA 349 without any justifiable land use planning rationale. Kindly ensure that we are provided with Notice of the TEYCC’s and Council’s actions regarding this matter.

Yours truly,



Mary Flynn-Guglietti

Cc: Eli Swirsky, Torgan  
George Wheeler, Torgan  
Councillor Mike Layton  
Amanda Hill, City of Toronto Legal Department



*Reply to the Attention of* Mary Flynn-Guglietti  
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*Email Address* mary.flynn@mcmillan.ca  
*Our File No.* 223354  
*Date* April 13, 2015

**Delivered via e-mail to [teycc@toronto.ca](mailto:teycc@toronto.ca) and [clerk@toronto.ca](mailto:clerk@toronto.ca)**

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Toronto and East York Community Council  
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**Attention: Ros Dyers, Secretariat Contact  
Toronto and East York Community Council**

Dear Chair and Members of the Toronto and East York Community Council:

**Re: Item No. TE5.8 (Scheduled for 10:00 am, April 14, 2015)  
Principles Report – Bathurst-Bloor Four Corners Study OPA  
844 Bathurst Holdings Inc.**

We are the solicitors retained on behalf of 844 Bathurst Holdings Inc., (“**Torgan**”) owners of the property municipally known as 844 Bathurst Street (**the “Property”**) situated on the west side of Bathurst Street, south of London Street and north of Bloor Street. The Property is located within the Bathurst-Bloor Four Corners Study (**the “Study”**) area. Kindly accept this letter as our client’s formal comments regarding the Bathurst-Bloor Four Corners Study – Principles Report.

We understand that the Study is intended to achieve “*a vision and ultimately policy for the Bathurst-Bloor four corners area*”. Toronto City Council adopted the recently completed Better Bathurst Study, thereby removing the “Avenue” designation from the Seaton Village-West Annex Character Area which includes the Torgan Property. Removal of the “Avenue” designation would direct intensification away from the Seaton Village-West Annex Character Area and the Property. Additionally, our Property would become subject to general policies for the Bathurst Street corridor. Regarding this, on 8 September 2014 our solicitors, McMillan LLP, filed an appeal of OPA 246. In brief, we feel that the “Avenue” designation should be restored, that the Bathurst/Bloor Main Street Character Area should extend to London Street, and that the Bathurst-Bloor four corners should have significant intensification.

The Torgan appeal noted that, being near the intersection of Bloor Street West and Bathurst Street and in close proximity to the Bathurst Street subway station, the Property is located in an ideal location for intensification. The Property is also located south of London Street which would serve as a more appropriate boundary between the Seaton Village-West Annex Character Area to the north and the Bathurst-Bloor Character Area to the south. This is because development west of Bathurst Street and south of London Street is primarily mixed-use and more in keeping with the more intensive character of development at Bloor Street West and Bathurst Street. Also, there is sound planning rationale for intensification near the Bathurst Street subway, which has frequent north-south streetcar and bus service and is located only 25 metres from our Property.

One of the reasons cited for removing the “Avenues” designation in the Better Bathurst Study Report was to eliminate “confusion with respect to maximum building heights” (Table 2, page 47). Table 4, page 65 of the report notes that with the “Avenues” overlay, up to 20 metres, or 6-7 stories, would be permitted on the Property, whereas with removal of the “Avenues” overlay, only 13 metres maximum height would be permitted and only 10 metres at the street wall. In addition, the right of way width of 20 metres on Bathurst Street would indicate, under the City’s Official Plan Mid-Rise Building guidelines for a mixed-use building, a height of at least 19.5 metres should be permitted, with consideration for greater intensification given proximity to Bloor Street and Bathurst Street and the subway.

We respectfully submit that the Study initiated by the City Planning Division provides an important opportunity to re-examine some of the assumptions and decisions of the Better Bathurst Study. For example, under the City of Toronto Official Plan the Property was previously classified Mixed Use Area and as an Avenue. As a result, our Property was located within an area designated for growth and intensification.

The Study initiated by the Planning Division provides an important opportunity to revisit some of the decisions resulting from the Better Bathurst Study. As noted in our appeal, the Bathurst-Bloor Character Area should include properties up to London Street, which would serve as a distinct public right-of-way boundary between the Seaton Village-West Annex Character Area and the Bathurst-Bloor Character Area. Greater intensification is also intended within the Bathurst-Bloor Character Area in comparison to the Seaton Village-West Annex Character Area, which is appropriate for the reasons already cited in this letter. Finally, the mixed-use nature of land use from Bloor Street to London Street makes this area more similar in character to the Bathurst-Bloor Character Area.

We also support the broader neighbourhood aims of the Study to achieve improved public realm, pedestrian and cycling connections, improved use and access to public open space, new parks, and a full range of residential housing opportunities. To support transit-based intensification, policies permitting substantially reduced car parking requirements for new developments should be considered in the Study Area. Improved pedestrian amenities such as widened and less obstructed sidewalks, mid-block pedestrian routes, and pedestrian weather protection (canopies) would all enhance pedestrian and transit use.

However, an important component of the vision for Bathurst-Bloor should include restoration of the development rights reduced under the Better Bathurst Study and inclusion of

properties on the west side of Bathurst Street up to London Street in the Bathurst/Bloor Main Street Character Area. As well, the Bathurst-Bloor Special Study currently underway provides an important opportunity to examine greater intensification of the properties adjacent to the four corners, up to and including London Street on the north and Lennox Street on the south. Proximity of this node to the central area and the high capacity transit system provides strong rationale for this approach.

We ask that our comments regarding the Study be part of the consideration to inform staff's review.

Yours truly,

A handwritten signature in black ink, reading 'Mary L. Guglietti'.

Mary Flynn-Guglietti

/jl

Cc: George Wheeler, Torgan  
Moar Cohen, Torgan  
Councillor Mike Layton, City of Toronto  
Amanda Hill, Legal Department