Goodmans LLP

Barristers & Solicitors

Bay Adelaide Centre
333 Bay Street, Suite 3400
Toronto, Ontario M5H 2S7

Telephone: 416.979.2211
Facsimile: 416.979.1234
goodmans.ca

Direct Line: 416.597.4299
dbronskill@goodmans.ca

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Our File No.: 151253

Via Email

Planning and Growth Management Committee
10th Floor, West Tower, City Hall
Toronto, ON
M5H 2N2

Attention: Nancy Martins, Secretariat

Dear Sirs/Mesdames:

Re: PG Item 4.2 – Midtown in Focus
117-127 Broadway Avenue, City of Toronto

We are solicitors for the owner of the property known municipally as 117-127 Broadway Avenue in the City of Toronto. We are in receipt of the draft official plan amendment (the "Draft OPA") and have reviewed the document with our client and its planning consultants.

While our client is supportive of a comprehensive public realm plan for the Midtown area, our client does have concerns regarding the Draft OPA. As a general comment, many policies use mandatory language to require certain matters, regardless of the context or feasibility. We are also unclear as to how the City intends to secure certain public realm improvements on private lands. Further clarity should be provided in the Draft OPA regarding the intended mechanism to secure these improvements.

More specific policy concerns include:

1. The Draft OPA outlines potential mid-block connections on Map 21-5, although it is difficult to determine whether a potential mid-block connection is shown on our client's property.

2. The Draft OPA does not provide appropriate guidance regarding the treatment, width, ownership or timing for the creation of such mid-block connections.

3. The Draft OPA would require any development to achieve the improvement and expansion of existing parks and the creation of new parks and open spaces. It is unclear how this policy can be satisfied on an individual development parcel.

4. Policy 2.20 would set a policy standard of "no new shadows" on certain parks in the Midtown area. Not only is this policy inconsistent with the policies of the Official Plan but also it provides no guidance as to how to determine what constitutes a "new shadow" on these parks.

5. The Draft OPA provides a specific policy direction for uses on Redpath Avenue that may not be feasible or viable.

6. The Draft OPA would require a minimum setback of 7.5 metres on Broadway Avenue. The inclusion of specific performance standards in the Official Plan is not the preferred approach because, as noted above, context or feasibility on any given site should be taken into account. Further, the Draft OPA would require this setback for the entire height of any building, which would eliminate any ability for design innovation.

Our client is in the process of preparing a rezoning application and would welcome a deferral of the item to enable discussions with City staff regarding modifications to the Draft OPA to address our client's concerns and avoid any need to appeal the Draft OPA. In the meantime, we would appreciate this letter being included as part of the materials considered by Planning & Growth Management Committee and City Council regarding the Draft OPA.

Please also accept this letter as a request for notice of any decision made by City Council

Yours truly,

Goodmans LLP

David Bronskill
DJB/
cc: Client