



Oxford Properties Group
 Royal Bank Plaza, North Tower
 200 Bay Street, Suite 900
 Toronto, ON M5J 2J2

T/ 416-865-8300
 F/ 416-868-0701
 www.oxfordproperties.com

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By Courier and email: clerk@toronto.ca

City Council
 City of Toronto, City Clerk
 100 Queen Street West, 2nd Floor West
 Toronto, ON M5H 2N2

Attention: Your Worship and Council

By Email teycc@toronto.ca

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

Attention: Ellen Devlin, Council
 Administrator

Dear Mayor Tory, Council Members, and Community Council Members

Re: TE18.7 - Final Report - TOcore: Updating Tall Building Setbacks in the Downtown City-Initiated Official Plan Amendment and Zoning By-law Amendments

Oxford Properties Group Comments on Proposed Official Plan Amendment No. 352 (the "OPA 352") and proposed amendments to Zoning By-laws 438-86 and 569-2013 to implement the OPA 352 (the "Proposed Zoning Amendments")

Oxford Properties Group ("Oxford") owns and manages on behalf of the Ontario Municipal Employees Pension System ("OMERS") either for OMERS alone or, in the case of certain properties, together with various other pension fund/institutional investor co-owners (collectively with OMERS, the "Owners") a number of significant properties within the boundaries of the area affected by the OPA 352 and the Proposed Zoning Amendments, including:

- the Park Hyatt,
- 1 University Avenue,
- Royal Bank Plaza,
- 1 Adelaide Street East/85 Yonge Street and 20 Victoria Street,
- Richmond Adelaide Centre (100, 120, 130 Adelaide Street West, 85 and 111 Richmond Street West, and 165 York Street)
- MetroCentre (excluding the City owned building),
- 123 Front Street West,
- the Intercontinental Hotel and Metro Toronto Convention Centre¹,
- 315/325 Front Street West, and
- Waterpark Place (10 Bay Street, 20 Bay Street, and 88 Queen's Quay).

(collectively, the "Properties")

¹ Ownership is a combination of fee simple ownership and long term ground lease.



We are writing on behalf of ourselves and the other Owners of the Properties to express our concerns that the OPA 352 and Proposed Zoning Amendments will unnecessarily restrain design flexibility and will adversely impact the City's ability to achieve the growth and density planned for Downtown Toronto. Moreover, the OPA 352 and the Proposed Zoning Amendments will, by indirectly reducing available density and hence supply, inevitably drive the cost of housing in the City higher, making it less affordable.

While additional policy dealing specifically with tall building separation may have some merit, modifications to OPA 352 and the Proposed Zoning Amendments are required to ensure that these negative consequences are mitigated. Set out below are our initial thoughts in this regard. As these proposals were only recently brought to our attention, we reserve the right to provide further comments upon a more detailed review of their implications.

Proposed OPA 352 Should Recognize Alternative Means to Achieve the Policy Objectives

We support Staff's recommendation to provide clarity as to what objectives are to be pursued through tower separation distances as set out in OPA 352, Site and Area Specific Policy No. 517, Policy B)j). We also agree that the policy objectives in B)j) are rationally connected to tower separation, and support Staff's recommendation not to include any numeric standards in Proposed OPA 352 and instead rely upon numerical standards to be established in the Zoning By-laws. However we believe that these policy objectives are best achieved through methods other than the imposition of rigid zoning standards.

We are concerned that there is no policy recognition that reduced tower separation distance, while appropriate in some instances, is not appropriate in all situations and for all categories of development. This concern is particularly acute given Policy B)ii) states that tall buildings that do not meet the intent of policy B)j) "are not considered suitable for tall building development". An absolute directive such as this unnecessarily reduces design flexibility and can have the additional impact of rendering certain properties entirely unsuitable for development, negatively impacting the tax basis for the City, the availability of a sufficient supply of housing and commercial space and, ultimately, the affordability of living and working in the City of Toronto.

It has been our experience as the manager, developer, and owner of tall buildings that developments with less than the proposed 25m tower separation can be appropriate, effectively respond to the policy objectives outlined in OPA 352, and provide a positive contribution to the City's urban fabric. Oxford's most recent development at 100 Adelaide Street West is an excellent example of tall tower development where site configuration, local context, and good architecture allowed for the development of a tall building (40+ Stories) with less than the recommended minimum 25m tower separation (<15m to the closest tower).

In contrast to the existing mix of buildings in the City, the Proposed Zoning Amendments prescribe a homogenous separation requirement that may not be necessary or appropriate in all instances, and OPA 352 does not include any policy recognizing the benefits of or appropriateness of diversity in design, including tower separation. This uniform approach to tower separation is inconsistent with the design flexibility that has allowed Toronto to develop into vibrant world class city that it is today, and is in fact



contrary to City staff's recognition that many tall towers with lesser separation distances have been developed and "approved on the basis of good planning reasons".

We recommend that OPA 352 be amended to allow for flexibility in tower separation distances. For example, Policy B)ii) can be amended, or a new policy introduced, to recognize that reduced setbacks and tower separation distances are acceptable where the intent of policy B)i) can be met through other means such as site configuration, local context, design or in order to achieve other objectives of the Official Plan.

The Application and Implementation of OPA 352 and the Proposed Zoning Amendments is Unclear

OPA 352 and the Proposed Zoning Amendments have the potential to significantly impact the development of Toronto, the diversity of building design and the affordability of the City. In order to minimize the impact to existing buildings when carrying out renovations and restorations, and to support flexibility in design of new buildings, OPA 352 and the Proposed Zoning Amendments need to be clear and explicit in terms of, among other things:

- the extent to which existing buildings and in process developments will be expected to comply with these requirements,
- what projections and encroachments are permitted within the tower separation,
- what existing in-force by-laws will prevail over the Proposed Zoning Amendments, and
- whether the proposed setback above 24m will be relaxed for mid-rise buildings or buildings that have a podium (base) taller than 24m as a result of topography, site design, or to achieve another objective.

As it currently stands, OPA 352 and the Proposed Zoning Amendments are either unclear or inflexible on these matters so as to raise uncertainty for owners and developers.

Please provide Oxford and the other Owners with notice of meetings of Council, Community Council, or any other consultation meetings in respect of these matters, and notice any decisions with respect to OPA 352 and the Proposed Zoning Amendments at:

c/o Oxford Properties Group
Royal Bank Plaza, North Tower
Suite 900, 200 Bay Street
Toronto, ON, M5J 2J2

Attn: Cory Estrela
Director, Corporate Legal



We appreciate your taking the time to consider our comments, and hope that you will direct staff to work through the matters raised in this letter prior to OPA 352 being adopted and the Proposed Zoning Amendments enacted.

Regards,

Oxford Properties Group

A handwritten signature in blue ink, appearing to read "Jeffrey Hess".

Jeffrey Hess

Senior Vice President, Development