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October 5, 2016

Via Email and Courier

Mayor and Members of Council
Toronto City Hall,
10th Floor, West Tower
100 Queen Street West
Toronto, ON M5H 2N2

Your Worship and Members of Council:

Re: "TOcore"
File No. 16-103066 SPS 00 OZ
Community Council Item TE 18.7

And Re: Meeting of City Council commencing October 5, 2016

We are the solicitors for the Building Industry and Land Development Association ("BILD") with respect to the above-captioned matter. Our client has participated in the process leading to the various reports and their attendant recommendations (including draft official plan and zoning by-law amendments), and has provided written submissions to Toronto East York Community Council and to the Director, Community Planning, Toronto and East York District in conjunction with the NAIOP Commercial Real Estate Development Association. We attach a copy hereto a copy of the letter to the Director, Community Planning Toronto and East District which letter forms part of this submission as it articulates part of the rationale therefor. We write to express BILD concern with the official plan and zoning by-law amendments as are currently being proposed.

BILD's distinct preference, as was set out in the correspondence referred to above, is that the matter of tower separation continue to be guided through the application of the Tall Building Guidelines. BILD submits that the application of such guidelines has proven to be effective. Accordingly, should the draft official plan and zoning by-law amendments be adopted by Council as proposed in the reports considered by Community Council, BILD would object to such in their entirety.

Notwithstanding its preference, BILD would be prepared for a further dialogue respecting refinements to the proposed official plan and zoning by-law amendments to ameliorate its concerns with a view to removing its objections. BILD's concerns in this respect, in addition to those set out in the attached letter, include but are not limited to:

- (a) that the analysis leading to directions for tower separation should account for the use of the buildings;

- (b) that any analysis of the surrounding context of proposed new tower(s), including the public realm, account for the predominant use of the precinct;
- (c) that the area to which any new policy applies be defined clearly;
- (d) That "numerical standards" be clarified to refer to tower separation, not any development standard;
- (e) That skyview should be from the pedestrian public realm only and analysed in its built-form and use context; and
- (f) That "development potential" should be clarified so that it is assessed based on objective standards.

BILD views the foregoing as resolvable in a manner which is consistent with its understanding of the objectives which city staff appear to be seeking to implement, and so we submit that a further dialogue prior to adopting the proposed official plan or zoning by-law may well lead to the removal of BILD's objection. However, unless such matters are addressed BILD will continue to object.

Please notify us of any Council decision or subsequent decision by any Committee of Council or Toronto and East York Community Council should you have any questions with respect to the foregoing please do not hesitate to contact us. Thank you for your consideration.

Yours truly,



John A.R. Dawson

JARD/sc



BUILDING A GREATER GTA
Building Industry and Land
Development Association



August 15, 2016

Gregg Lintern
Director of Community Planning, Toronto and East York District
City of Toronto
100 Queen Street West
Toronto, Ontario
M5H 2N2

Dear Mr. Lintern,

RE: Updating Tall Building Setbacks in the Downtown – City-initiated Official Plan Amendment and Zoning By-law Amendments

The BILD TOcore Working Group offers the following comments and recommendations recognizing that a meeting between BILD representatives, City Staff and the Urban Land Institute has been scheduled for August 17th. The recommendations put forth in this letter do not restrict the outcomes of the August 17th meeting and the solutions that may be proposed.

The Building Industry and Land Development Association (BILD) and NAIOP - the Commercial Real Estate Development Association would like to thank you and your staff for hosting a meeting on July 22nd to discuss the proposed amendments to the City's Official Plan and Zoning By-laws 438-86 and 569-2013 that introduce requirements for tall buildings. We appreciate the opportunity for additional consultation on this very important topic.

The associations note that at the July 22nd meeting, our members were presented with copies of the proposed draft Zoning By-law amendments for the first time. Following further consultation of the BILD TOcore working group, BILD and NAIOP members, we offer the following comments.

Firstly, although our associations appreciate that the City chose not to include metrics associated with separation distances in the proposed Official Plan Amendment, we continue to have concerns with the application and rationale of these metrics being entrenched in zoning by-law regulations. Our preference is that the tall building separation distances remain as design criteria under the *Tall Building Design Guidelines*.

Preserving these metrics in the *Tall Building Design Guidelines* would allow for more flexibility in achieving a livable City within the public and private realm on a site-by-site basis and the ability to appropriately plan for the site context. For example, retaining this flexibility would make it easier to deliver functional family sized units on a site-by-site basis, adding to the overall livability of the City. In its current state, the proposed arbitrary increase from 5.5 metre side separation to a 12.5 metre separation, does not account for the planning context of the site and its ability to achieve City objectives such as providing living space for families.

The proposed amendments further restrict the flexibility and performance of a site by reinforcing the status quo. Specifically, the requirement to “...respect and reinforce the pedestrian scale and the existing and/or planned streetwall height context of the block in which the tall building proposal is situated” places emphasis on maintaining the status quo. Effectively, this limits creativity on a site and contributes to a homogeneous public and private realm that does not promote a vibrant, livable City. Furthermore, it does not reflect changing circumstances and is backward looking.

Additionally, the proposed amendments do not differentiate between residential and non-residential developments. This ignores the varying factors that contribute to the performance of these two distinct uses. Therefore, residential and non-residential uses should have distinct separation distance requirements.

Furthermore, BILD and NAIOP maintain that the historical use of the proposed separation distances in the City's *Tall Building Design Guidelines* does not constitute sufficient justification for more rigorous application of these requirements across the City. To date, the City has not provided any data or further studies to support the justification for this change. Acknowledging that this proposal has a significant impact on livability within the City, this proposal should be accompanied with a further study that delivers a sound planning rationale. Without such a study, this proposal is being brought forward prematurely.

As highlighted in the staff report presented to the Toronto and East York Community Council on June 14th, approximately two thirds of recent approvals do not comply with the proposed standards, notwithstanding that most of these projects were recommended by staff and were approved by Council or the Ontario Municipal Board on the basis of good planning. Therefore, as presented today, our members believe that if the City of Toronto were to proceed with this proposal it would result in a systematic limitation of architectural creativity and innovation for building designs as well as the potential to sterilize building sites, if strictly adhered to.

Recommendation:

Moving forward in this process and in recognition of the further consultation and analysis that we believe is necessary prior to implementation of official plan and zoning amendments, we recommend the following:

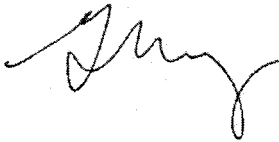
1. To address our concerns with an unknown planning rationale for this proposal, we request that the City provide the planning analysis undertaken by staff that helped to inform the decision of transforming these requirements from guidelines to zoning by-law regulations.
2. Our members recommend that the tall building requirements be applied at a more refined planning scale than what is being proposed. Specifically, BILD and NAIOP members recommend that the proposed policies be evaluated during the block planning phase. This approach will allow for the site specific context to be taken into consideration in a more meaningful way than applying these policies across the entire

Downtown area. It will introduce the flexibility needed to enhance site performance and creativity in order to help achieve additional City objectives.

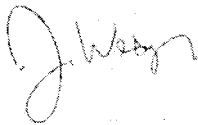
3. While BILD and NAIOP appreciate the City's efforts to provide transition, it does not go nearly far enough. We believe that complete applications should be exempt from this new proposal in order to avoid delays in the approvals process.

Thank you again for providing an opportunity to comment on the proposed Official Plan and Zoning By-law amendments for tower separation requirements. BILD and NAIOP remain committed to working with the City as partners in the building of a livable and great City. We look forward to a continued dialogue, but in the interim if you have any questions or concerns, please do not hesitate to contact the undersigned.

Sincerely,



Gary Switzer, BILD Toronto Chapter Chair



Jeremy Wedgbury, President, NAIOP Greater Toronto Chapter

Cc: *Paula J. Tenuta, BILD, Vice President, Policy & Government Relations*
Danielle Chin, Senior Manager, Policy & Government Relations
BILD Toronto Chapter