
AIRD & BERLIS LLP

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December 13, 2016

Our File No.: 134507

BY EMAIL

Ms. Ulli Watkiss
City Clerk
City of Toronto
City Hall, 100 Queen Street West
13th Floor, West Tower
Toronto, Ontario
M5H 2N2

Dear Ms. Watkiss:

**Re: TE20.5 – Ward 19, 20
Final Report – Bathurst – Bloor Four Corners Study – Official Plan
Amendment and Zoning By-law Amendment**

This letter is further to our correspondence dated November 14, 2016 and on behalf of our client, 2538779 Ontario Inc.

A copy of our prior correspondence is attached.

As of 8:00 p.m. on the evening of December 12, 2016, the evening prior to Council's consideration of this matter, the staff report was not yet posted on the City's website. Accordingly, we are unable to review any proposed amendments to the instruments before they are given to Council for consideration and, possible approval.

In our respectful submission, this does not amount to proper notice nor consultation as these matters are contemplated in the *Planning Act*. Additionally, given the short timeframe for Council to consider the staff report, once released, we question how any regard could be given to Council's decision and the material upon which Council makes its decision, as per section 2.1 of the *Planning Act*.

We respectfully request that sufficient time be provided to consider the contents of the staff report, once released, and for submissions to be made on that report to Toronto and East York Community Council, prior to any material being put in front of Council for approval.

December 13, 2016

Page 2

In the interim, and without the benefit of the new staff report, we commend the comments in our prior correspondence to Council for its review and consideration.

Yours truly,

AIRD & BERLIS LLP



Eileen P. K. Costello

EPKC/lm

Encl.

c: Client

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Toronto and East York Community Council

City Clerk's Office
Toronto City Hall
2nd Floor, West Tower
100 Queen Street West
Toronto, ON M5H 2N2

Attention: Ellen Devlin, Toronto East York Community Council Administration

**Re: TEYCC Agenda Item 20.5
Bathurst-Bloor Four Corners Study – Official Plan Amendment and Zoning
By-law Amendment**

We represent 2538779 Ontario Inc., the owner of property located at 570-576 Bloor Street West, on the north side of Bloor Street, between Markham Street and Bathurst Street (the "**Property**") within the Bathurst-Bloor Character Area.

We are writing to share our client's general concerns with respect to the City's proposed Official Plan Amendment ("**OPA**") and Zoning By-law Amendment ("**ZBA**") for the Bathurst-Bloor Character Area.

Our client attended the City's community consultation meetings on November 28, 2015 and February 2, 2016 and we have now reviewed the staff report and proposed OPA and ZBA dated November 2, 2016. We offer the following comments on behalf of our client.

As a preliminary matter, we note that the Staff Report including the proposed planning instruments was not attached to the Toronto and East York Community Council meeting agenda for this item until November 10, 2016, which was the Thursday before Tuesday's Community Council meeting. As a result, there has been insufficient time to fully review the proposed OPA and ZBA. Additionally, there has been no consultation with the community on the actual draft policies.

In our client's submission, this does not constitute appropriate notice and consultation by the City. Any consideration of these proposed instruments should be deferred until such time as actual consultation with the community has taken place.

By way of overview, our client's concerns include but are not limited to: the OPA's proposed height restrictions, the mandatory setbacks and proposed restriction of development below a 45 degree angular plane from properties designated *Neighbourhoods*.

The proposed height restriction of 7-8 storeys along the north west side of Bloor Street West inappropriately restricts development along a strip where intensification should be encouraged given the area's close proximity to transit and the Downtown, as well as the intersection of Bloor Street West and Bathurst Street, both identified as *Avenues* in the City's Official Plan.

The proposed 45 degree angular plane to the adjacent *Neighbourhoods* fails to take into account the reality of the actual lands use in the area. For example, our client's lands are adjacent to lands designated *Neighbourhoods*. However, those lands are used for TTC related uses (Bathurst Station exit) and large community uses (St. Peter's Church), not residential uses. As such, the matters intended to be addressed by the application of a 45 degree angular plane (overlook, privacy, shadow, built form transition) are not engaged in the actual land use relationship. If the proposed 45 degree angular plane were applied from the closest residential property within the *Neighbourhoods* designation, significantly greater heights would be permitted on the Property than what is contemplated in the OPA. These greater heights would be consistent with the *Mixed Use Areas* designation, the Property's location on a subway line and proximity to a subway station and could be achieved without impacting the *Neighbourhoods* to the north.

Our client is also concerned about the proposed ZBA's overly restrictive policies with respect to retail space and storefront width. Again, these policies are not responsive to the location of these lands within the overall planned framework of the City.

In our client's opinion, the proposed OPA and ZBA do not represent good planning. We request that the Toronto and East York Community Council decline to support the staff recommendation to adopt the OPA and ZBA in their current form, and instead direct staff to undertake further consultation prior to amending the draft instruments to address the concerns stated here.

Should you have any questions or require any further information, please do not hesitate to contact the undersigned.

Yours truly,

AIRD & BERLIS LLP

Eileen P. K. Costello

EPKC/MTB

c: Client

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