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City Clerk's Office
Toronto and East York Community Council
City Hall, 2nd Floor
100 Queen Street West
Toronto, Ontario M5H 2N2

Attn: Ellen Devlin, Administrator, Toronto and East York Community Council

Dear Ms. Devlin:

**Re: City-Initiated Request to Amend the Official Plan and Zoning By-Law Nos. 438-86 and 569-2013
1315 and 1319-1324 Bay Street, and 50, 54-54A, 56 and 58 Scollard Street, City of Toronto**

We are solicitors for BRL Realty Limited, the owner of the above-noted lands in the City of Toronto (the "**Property**"). In November of 2015, our client filed a rezoning application in respect of the Property to permit a 43-storey mixed-use development with 112 residential units. City staff are processing the application.

The Property is within the area to which the above-noted proposed Official Plan and zoning by-law amendments (the "**Proposed Amendments**"), if enacted, would apply. Among other things, the Proposed Amendments take setback standards that currently reside in a set of guidelines (the "**Guidelines**") and import them into the City's zoning by-laws, with some modifications.

We write to express our client's concerns regarding the Proposed Amendments and request that Community Council defer its consideration of this matter.

In our client's view, Community Council's consideration of the Proposed Amendments is premature at this time. The Proposed Amendments would, if adopted, have significant implications for all tall building development sites in the *Downtown* area. Despite the significant impact of the Proposed Amendments, our client has not had an opportunity to review them in detail. Specifically, while the proposed Official Plan amendments have been available for some time, the accompanying zoning by-law amendments that are designed to implement these Official Plan policies were made available only days before the scheduled public meeting. With such limited access to the amendments under consideration, our client has not had an opportunity to

understand the full extent of their implications. Likewise, the City has not had an opportunity to engage in meaningful consultation on the content of the proposed zoning by-law amendments. In these circumstances, deferring consideration of the Proposed Amendments is the most appropriate course.

Based on the information currently available, our client has the following concerns with the Proposed Amendments:

- The Proposed Amendments would introduce unnecessary rigidity into downtown Toronto's planning framework. Building strong, healthy communities in downtown Toronto requires a flexible approach that recognizes the unique characteristics of each site. Maintaining the setback standards in the Guidelines is the best way to ensure that planning for tall buildings appropriately accounts for site-specific considerations.
- The staff report addressing the Proposed Amendments (dated May 27, 2016) notes that the zoning by-law amendments will include transition provisions for projects currently in the development pipeline and that such projects will be considered on a case-by-case basis. However, the details of this transition mechanism are currently unknown. Accordingly, it is unclear how the Proposed Amendments will affect previously-filed applications such as our client's rezoning application.
- Although the Proposed Amendments purport to apply the exact same standards as currently applicable in the Guidelines, they in fact require greater setbacks in certain circumstances. For example, the Proposed Amendments require a greater setback from undersized streets such as Scollard Street, which abuts the south side of the Property, than currently indicated under the Guidelines. This enhanced setback could have a significant impact on the development potential of the Property.

Proper consideration of the Proposed Amendments at this time is not feasible in light of the limited information made available to the public, including our client. Accordingly, on behalf of our client, we hereby object to the Proposed Amendments and request that Community Council defer its consideration of this matter.

We would appreciate receiving notice of any decision regarding the Proposed Amendments.

Yours very truly,

GOODMANS LLP



David Bronskill
DJB/