

June 9, 2016

Chair Mike Layton &
Members of the Toronto and East York Community Council
City of Toronto
100 Queen Street West
Toronto, Ontario
M5H 2N2

Dear Chair Layton and Members of the Toronto East York Community Council,

RE: Request for deferral – Agenda Item TE17.14 TOcore: Updating Tall Building Setbacks in the Downtown – City-initiated Official Plan Amendment and Zoning By-law Amendments – Final Report

We understand that on June 14th the Toronto and East York Community Council will consider a report entitled *TOcore: Updating Tall Building Setbacks in the Downtown – City-initiated Official Plan Amendment and Zoning By-law Amendments – Final Report*. The staff proposal suggests amendments to the required front, side and rear lot line setbacks for tall buildings in the Downtown.

INDUSTRY RECOMMENDATION:

On behalf of the Building Industry and Land Development Association (BILD) and NAIOP – Commercial Real Estate Development Association, we are requesting a deferral of the proposed amendments to the City's Official Plan and Zoning By-law scheduled to be heard at Community Council on June 14th.

We are committed to working collaboratively with staff to shape the proposed planning instruments. In principle, we greatly support the intent of the TOcore project and we recognize what the City is trying to achieve through this proposal. We appreciate the opportunity that City Planning has provided to discuss the Official Plan Amendment, however our members did not have an opportunity to review and consult with City staff on the proposed Zoning By-law, as this information was not available beyond the metrics provided in the public meeting notice at the time of writing this letter.

We strongly believe that the two policy instruments need to be reviewed together in their complete draft form. Providing only half the information limits our members' ability to fully understand the unforeseen and significant potential impacts of this proposal on their respective development projects. We do not see these amendments as a simple matter and it is important to understand the ramifications of the total package. As such, our members believe that the proposal has been brought before Community Council expeditiously and prematurely. We would like to be aligned with City staff with the return of this report, if Community Council agrees with our position. However, for

Community Council to proceed at this stage leaves our members with no option by to challenge the merits of the proposal.

BACKGROUND:

As part of the broader TOcore project the industry created a working group of active developers and technical consultants. This working group met with City staff on two occasions prior to this report being brought forward to Community Council. During these working group meetings, we discussed a number of themes related to the proposed amendments such as recognition for site context, exception mechanisms and transition. However, without the benefit of being able to review the proposed Zoning By-law Amendments, we are unclear as to the City's intention with respect to a number of these themes.

With the release of the staff report on June 6th, further comments were raised by our membership. Our members believe that passing these amendments will further limit their ability to be in compliance with as-of-right zoning by-law standards and they may trigger additional variance and re-zoning applications than required. This results in added time and complexity to the current planning approval process. Further, questions were also raised about the need for differentiation between residential and non-residential developments with respect to the proposed setback requirements. We understand that historically there has been some recognition for the different land use types and that they have different requirements based on the types of users, which is often reflected in the building design.

As highlighted in the staff report, approximately two thirds of recent applications do not comply with the proposed standards, notwithstanding that most of these projects were approved by Council or the Ontario Municipal Board on the basis of good planning reasons. 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 stated in the preamble of section 3.1 *Built Environment* in the City's Official Plan:

“The City and the private sector should work together as partners in creating a great city and achieving Toronto's architectural and urban design potential. The City can play its part by organizing, designing, maintaining and improving the streets, parks and public buildings. The private sector can do its part by building the structures and landscapes that define and support these public places. This Plan demands that both the public and private sectors commit to high quality architecture, landscape architecture and urban design, consistent with energy efficiency standards.”

In the spirit of partnership, we are committed to meeting with staff over the summer and resolving the uncertainties that exist with this proposal. We also understand that there is a TOcore Leadership group that may be interested in reviewing this proposal prior to its adoption.

We thank the Toronto and East York Community Council for the opportunity to submit these comments. If you have any questions or concerns, please do not hesitate to contact the undersigned.

Sincerely,

A handwritten signature in black ink, appearing to be 'EB', with a long horizontal flourish extending to the right.

Emma Barron, BURPI
Planning Coordinator, BILD

Cc: *Paula J. Tenuta, BILD, Vice President, Policy & Government Relations*
Gary Switzer, BILD Toronto Chapter Chair
Jeremy Wedgbury, President of NAIOP Greater Toronto
Gregg Lintern, Director of Community Planning, Toronto and East York District, City of Toronto
BILD Toronto Chapter