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July 14, 2016

VIA EMAIL

Ulli S. Watkiss
City Clerk
City Hall, 13th Floor, West Tower
100 Queen Street West
Toronto, ON M5H 2N2

Dear Madam Clerk,

**RE: City File No. 16-103066 SPS 00 OZ
PROPOSED OFFICIAL PLAN AMENDMENT 352 AND PROPOSED ZONING BY-LAW
AMENDMENT FOR TALL DOWNTOWN BUILDINGS
NORTH AMERICAN DEVELOPMENT GROUP
OUR FILE: Y378CK**

We understand that the City of Toronto has released a proposed Official Plan amendment (OPA 352) to further restrict tall building setbacks and tower separation distances in downtown Toronto. In addition, a Zoning By-law Amendment (ZBA) to both Zoning By-law 438-86 and Zoning By-law 569-2016 has been proposed to implement OPA 352. The proposed OPA and ZBA will entrench current standards in the guidelines for all properties located on land generally bounded by Bathurst Street, Lake Ontario, the Don River, Rosedale Valley Road and the CPR tracks.

On behalf of our client, North American Development Group, we are submitting this letter to comment on the proposed OPA and ZBA for Tall Downtown Buildings regarding the general area of Queen Street East & Parliament Street.

CURRENT TALL BUILDING DESIGN GUIDANCE

The current planning process for tall buildings in the Downtown is guided by the *Tall Building Design Guidelines* as well as the *Downtown Tall Buildings: Vision and Supplementary Design Guidelines*. Both sets of guidelines provide guidance on how new tall buildings should be designed to ensure that tall buildings fit within their context and minimize local impact. These guidelines provide a level of flexibility that does not dictate where tall buildings should be located or how tall they should be on a specific site.

The *Downtown Tall Buildings: Vision and Supplementary Design Guidelines* provides a set of guidelines that identifies which streets tall buildings should be located on, and the height and built-form typologies that these buildings should adhere to. Together, both guidelines provide performance standards to enhance the pedestrian environment, minimize shadowing of public spaces, and protect landmarks in the Downtown area.

The intent of both guidelines is to provide a level of flexibility to tall building design, acknowledging that building design can be subjective and vary depending on development locations. In the past, City staff has acknowledged and promoted the use of guidelines is preferable as they provide the appropriate level of flexibility for implementation. For example, the City of Toronto Staff Report dated June 11, 2012 (City File No. 10 134830 CPS 00 TM) stated following:

The Downtown Tall Buildings Vision and Performance Standards are being brought forward as design guidelines and as such are intended to provide a degree of certainty and clarity of common interpretation. However, as guidelines, they are also afforded some flexibility in application, particularly when looked at cumulatively. The guidelines are not intended to be applied or interpreted independently of each other. Rather, the performance standards will work together to determine whether a tall building development application has successfully met the overall intent of the guidelines.

In addition, the *Tall Building Guidelines* states it is "intended to provide a degree of certainty and clarity of common interpretation, however, as guidelines, they should also be afforded some flexibility in application, particularly when looked at cumulatively."

CONCERNS RELATED TO PROPOSED OPA AND ZBA

Subjective Standards

The expressed intent of the proposed OPA 352 is the same as the previous guidelines; however, it is imposing, in our opinion, an unnecessary level of restriction on the development of tall buildings. The proposed OPA imposes a number of subjective standards as Official Plan policy, such as "high-quality, comfortable public realm", "reasonable level of privacy", "pedestrian-level views of the sky between the towers" and "uncomfortable wind conditions".

Furthermore, the proposed OPA will require tall building developments to "respect and reinforce a pedestrian scale and the existing and/or planned street wall height context of the block in which the tall building proposal is situated." Since street wall conditions vary across Downtown, the proposed provision will be prone to subjective implementation and evaluation.

Entrenching the Tower and Podium Built Form

The proposed OPA and ZBA further entrenches and codifies the tower and podium built form, limiting architectural expressions and potentials in Downtown Toronto. While the proposed OPA also does not refer to any specific numerical standards, it states that sites where proposed tall buildings do not meet these standards will not be considered suitable for tall building development. This will be implemented by the proposed ZBA, which will restrict built form variation through minimum numerical standards.

The proposed ZBA defines the tower as "any portion of a building enclosing a storey higher than 24.0 metres above average grade." This requirement to treat portions of buildings above 24 metres as the tower will create a conflict with the design of mid-rise building in Downtown Toronto. Certain mid-rise built-forms within Downtown Toronto that would meet the objectives of *the Avenues and Mid-Rise Buildings Study* would not be permitted.

Given the restrictive nature of the proposed ZBA, it is likely that new mid-rise development proposals in Downtown Toronto will require unnecessary amendments in the application process. This may

push more developments to have the tower and podium form and discourage mid-rise developments in Downtown Toronto.

Restrictive Zoning Provisions

The proposed ZBA's definition of "tower" is also problematic for streetwall conditions. The standard of 24 metres is arbitrary and will not be appropriate for all streets. In the case of University Avenue that has a R.O.W. of 55 metres, a 24 metre podium will not help the City with achieving its objectives of maintaining a well-proportioned streetwall relative to the width of the street.

We understand the propose setback and separation distance requirements in the ZBA, including provisions (1)(A), (1)(B), and (1)(C), intend to ensure a minimum tower separation distance of 25 metres and provide appropriate setback of the tower portion from the streetline. However, the restrictive nature of the ZBA relative to the design guidelines will limit the development potential of sites and architectural innovations that the City cannot foresee.

Architectural expression will also be restricted by the ZBA provision (1)(D) that prevents encroachment into the building setbacks. This is a departure from the Tall Building Design Guideline, where balconies and other architectural elements were not restricted. The proposed provisions regulate and restrict building design beyond what is currently in the tall building design guidelines.

SUMMARY

Both of the proposed OPA and the ZBA will unduly restrict the development potential of our client's lands. Entrenching numerical standards in the ZBAs will reduce flexibility and the ability to respond to local context and increase the number of zoning by-law amendments. The current system of design guidelines afford our clients with the ability to consider tall building design comprehensively. The implementation of design standards through zoning by-law will remove the flexibility to evaluate building design cumulatively.

Our understanding is that the current performance standards in the *Tall Building Design Guidelines* and the *Downtown Tall Buildings: Vision and Supplementary Design Guidelines* were intended to be reflected in the proposed ZBA. However, the provisions within the ZBA go beyond performance standards of the design guidelines. Both the proposed OPA and ZBA are entrenching design restrictions and unduly limit the development potential of land in an unforeseen way.

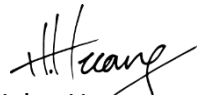
Thank you.

Yours truly,

MHBC



Oz Kemal
BES, MCIP, RPP
Partner



Helen Huang
BA(arch), MScPI
Planner

cc. G.Pantazi, Planner, City of Toronto
P.Rovazzi,
P.Manzi