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Our File No.: 124826

BY EMAIL: teycc@toronto.caToronto and East York Community Council
City Clerk's Office
2nd floor, West Tower, City Hall
100 Queen St. W.
Toronto, ON M5H 2N2Attn: Ellen Devlin, Committee Administrator

Dear Ms. Devlin:

**Re: TEYCC Agenda Item TE21.1
Bloor Corridor/Annex Block Planning Study**

We are writing on behalf of 316 Bloor West Toronto Developments Ltd., the owner of the lands at 316 Bloor Street West. This property is located at the northwest corner of Bloor Street West and Madison Avenue, between Spadina Avenue and Madison Avenue within the Bloor Corridor/Annex Block Planning Study area.

We are writing to object to the proposed amendments to Site and Area Specific Policy 334 ("SASP 334") and OPA No. 368 as recommended in the Bloor Corridor/Annex Block Planning Study. In particular, our client is concerned with the proposed height and transition policies, including the height limits of 20 and 25 storeys in this block, and the new view shed policy relating to 1 Spadina Crescent. Our client also objects to the proposed mandatory 25 metre separation distance between tall buildings irrespective of site context, and has filed appeals of By-laws 1106-2016 and 1107-2016 and OPA 352 relating to TOcore: Tall Buildings.

The subject site is located in an area where reinvestment and intensification is strongly encouraged by Provincial policy and by the policies of the City's Official Plan. In terms of Urban Structure, it is located in the Downtown and is designated Mixed Use Areas, as are the balance of the lands in the Study Area. The site is also located in a key multi-modal transit hub, being located in the same block and in immediate proximity to the Spadina interchange subway station on Lines 1 and 2 and grade-separated access to the 510 Spadina Streetcar.

On January 26, 2015, our client submitted an application for rezoning to permit the development of a 42 storey mixed-use building at 316 Bloor Street West. From a land use planning perspective, the proposal will support the achievement of numerous policy directions promoting intensification within built-up urban areas, particularly in locations that are well served by municipal infrastructure, including public transit. In this respect, the proposal will result in a desirable mixed-use development within the Downtown Toronto *Urban Growth Centre* and within a “major transit station area”. It will add to the range of housing choices in a location that enjoys excellent transit service and is adjacent to major institutional uses (the University of Toronto and affiliated institutions), retail stores, employment uses and other urban amenities.

From an urban form and design perspective, the proposal will create a high-quality addition to the Toronto skyline, which will be compatible with the surrounding built form context within the Downtown Area and the Bloor Corridor. The proposed tower will be well separated from the closest low-rise *Neighbourhoods* north of Lowther Avenue to the north, and on the north side of Washington Avenue to the south; accordingly, it will result in minimal and acceptable built form impacts.

The subject application was prepared and submitted in the context of Official Plan Policies in force at the time. Pursuant to well established case law, it will ultimately need to be determined based upon that policy regime, and not based upon subsequently approved policy, including OPA 199 and any amendments which may result from the Bloor Corridor/Annex Block Planning Study. Nevertheless, it is our submission that the above-noted view shed policy is not appropriate or necessary to protect the existing heritage attributes of 1 Spadina Crescent and the 20-25 storey height limit in particular imposes an unjustified constraint on the development potential of these ideally located lands.

It is apparent that the proposed amendment to SASP 334 and the proposed OPA No. 368 are being recommended at this time in response and in an attempt, to retroactively restrict our client’s development application. In our submission, the proposed amendments are inappropriate and ought not to be approved in their present form.

With respect to OPA No. 368, this amendment seeks to amend the City’s recently approved heritage policies contained in OPA 199. OPA 199 resulted from the City’s lengthy Municipal Comprehensive Review of its heritage policies. Following a series of appeals, and a process of mediation at the Ontario Municipal Board, OPA 199 was modified and approved by the Board on May 12, 2015. OPA 199, as modified and approved, incorporates a number of new view and view shed policies relating to heritage properties. While view shed policies were applied to the Legislative Assembly Building, City Hall and Old City Hall, the policy in relation to 1 Spadina Crescent was strictly a view protection policy, and did not restrict new buildings being constructed behind 1 Spadina Crescent, in the view shed looking north from College Street. Indeed, the recent addition to the 1 Spadina Crescent building itself would violate this newly proposed view shed policy.

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It is clear that at the time of Council's adoption of OPA 199 in April 2013 (and the Board's approval of same in 2015), the possibility of tall buildings on Bloor Street within the identified view shed was well known. The Downtown Tall Buildings: Vision and Supplementary Design Guidelines, which were adopted by City Council in July 2012, specifically contemplated tall buildings having heights of up to 35 storeys at the Bloor and Spadina node and OPA 199 did nothing to preclude that. To the extent that the reduced 20-25 storey height limit included in the proposed amendment to SASP 334 is intended to support this newly proposed view shed policy, it is, in our respectful submission, unjustified. In our submission, restricting tower heights in this block to 20 and 25 storeys is an arbitrary and inappropriate restriction on the appropriate intensification potential of this important block.

With respect to the proposed policy requiring a 25 metre separation distance between tall buildings, it is not clear how a tall building is being defined in this instance and, in any event, in our submission the proposed mandatory language is overly restrictive for an Official Plan policy. We note that Council's recently adopted OPA 352 relating to TOcore: Tall Buildings contains no such fixed numeric restriction.

Finally, we do not understand the rationale for the proposed mid-block connection running north from Bloor Street along the west property line of our client's site, as shown on Map 3 of the proposed amendment to SASP 334, or for the transition policies to other Mixed Use Areas designated lands and suggest that they are unnecessary and inappropriate.

We respectfully request that the undersigned be provided with notice of any further meetings of Council, Community Council or any Community Consultation Meetings where reports related to the Bloor Corridor/Annex Block Planning Study or SASP 334 are to be considered, and notice of adoption of any Official Plan Amendment arising therefrom.

Thank you very much.

Yours truly,

AIRD & BERLIS LLP



Kim M. Kovar
KMK/ly/mn

cc: Client
Peter Smith

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