

22 May 2018

Sent via E-mail (clerk@toronto.ca)

Mayor and Members of Council
12th floor, West Tower, City Hall
100 Queen Street West
Toronto, ON M5H 2N2

Attention: Ms. Marilyn Toft

Dear Mayor and Members of Council:

**Re: TOcore: Downtown Plan Official Plan Amendment
Council Meeting, 22 May 2018, Item PG29.4
Submissions by Morguard Investments Limited**

We are counsel to Morguard Investments Limited (“Morguard”), which owns and/or operates a number of properties that are subject to the proposed TOcore: Downtown Official Plan Amendment (the “Draft Downtown Plan”). We understand that the Draft Downtown Plan will be considered by Council at its meeting on 22 May 2018.

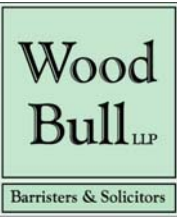
Further to our letter of 1 May 2018, on behalf of Morguard, we attach a letter prepared by Bousfields dated 22 May 2018 outlining their planning concerns with the Draft Downtown Plan for Council’s consideration.

We also offer the following additional submissions for Council’s consideration:

Section 26

As set out in our 1 May 2018 letter, we have a serious concern with staff’s position that the Draft Downtown Plan is a Section 26 amendment. It is clear from the public record that the Draft Downtown Plan was not presented as a Section 26 amendment (or as part of a five year review process) at the outset of the municipal approvals process in 2014. Although references to the plan possibly being a Section 26 amendment appeared in August 2017 (after Bill 139 was released), it was only in March 2018 that the plan was conclusively characterized as a Section 26 amendment. As you know, the implications of this re-characterization under the post Bill 139 *Planning Act* is very significant for landowners - appeal rights are restricted.

With respect, it is not appropriate for the City to change the nature of an amendment mid-way through a process, particularly where the change will be seriously prejudicial to stakeholders and landowners



22 May 2018

(restrict appeal rights). On behalf of Morguard, we again request that the City reconsider its position that the Downtown Plan is a Section 26 amendment.

More Consultation Required

We urge City Council to defer its decision on the Draft Downtown Plan in order that the above and attached issues can be discussed and potentially resolved. It is imperative, particularly in the context of the post Bill 139 legislative scheme, that all members of the public are given a meaningful opportunity to consult and respond to a plan prior to City Council making a decision.

Yours very truly,

Wood Bull LLP

A handwritten signature in blue ink that reads "Jshapira". The signature is written in a cursive, flowing style.

Johanna R. Shapira

JRS

Encls.

c. Client

May 22, 2018

City Council
Toronto City Hall
100 Queen Street West
Toronto, ON, M5H 2N2

Dear Chair and Members Council:

**Re: *Proposed Official Plan Amendment – Downtown Plan*
50 Bloor Street West, 60 Bloor Street West, 77 Bloor Street West, and
131 Bloor Street West**

We are the planning consultants for Morguard Investments Limited (“Morguard”) in connection with the above listed sites (the “subject properties”). On behalf of our client, we have reviewed the proposed Downtown Plan and proposed Official Plan Amendment No. 406, which was tabled at the Planning and Growth Committee on May 1, 2018 (the “Downtown Plan”). We have also reviewed the additional proposed amendments to the Downtown Plan as contained in the City’s Supplementary Report dated 14 May 2018 re TOCore: Downtown Plan Official Plan Amendment.

The subject properties are located within the Bloor Street West corridor, east of Queens Park and west of Yonge Street. The subject properties consist of premier office and retail spaces well known in the City, they include:

- 50 Bloor Street West: The Holt Renfrew Centre is a 4-storey, 25,457 square metre flagship commercial retail building that has acted as an anchor to the *Mink Mile*;
- 60 Bloor Street West: a 15-storey, 23,892 square metre office building, containing retail at grade;
- 77 Bloor Street West: a 21-storey, 36,493 square metre office building, also containing retail at grade; and
- 131 Bloor Street West: The Colonnade is a 12-storey, 6,645 square metre commercial retail building containing prestigious luxury retailers

The subject properties play an important role as regional retail destinations and premier retail spaces within the Bloor Street West Corridor. Our client considers these properties as important assets in their portfolio.

Based on our review of the Downtown Plan in general and in the context of the subject properties, we respectfully request Council's consideration of the following:

Complete Community Assessment

Policy 5.3 requires the submission of a Complete Community Assessment to address how development will achieve the goals of complete communities within the existing and planned context. It is not clear from the Downtown Plan what scale of change would trigger this requirement. We recommend providing clear direction in the Plan regarding this and in particular the analysis should differ between smaller-scale infill development and larger-scale new development. We have concerns regarding the onerous undertaking placed on any potential development, lacking clear parameters.

We are very familiar with the requirement for the completion of Avenue Segment Studies, which have prescribed Terms of Reference and agreed upon study areas. The manner in which a Complete Community Assessment is described may involve a level of analysis which is exponentially greater than Avenue Segment Study.

Bloor-Bay Office Corridor

Policy 6.6 would require the provision of a net gain in office space GFA and no net loss of other non-residential GFA. It is our opinion that this provision could be revised to allow for flexibility on a case by case basis. Our concerns are that this policy may significantly impact the redevelopment potential of 60 Bloor Street West and 77 Bloor Street West. Policy 3.10 further prioritizes non-residential uses but without taking into consideration site and area specific opportunities and constraints. While 6.7 allows some flexibility regarding location of non-residential development, the timing requirements are too onerous.

It is our opinion that these proposed policies, are not consistent with Provincial Policy (Provincial Policy Statement (PPS), 2014) nor does it conform to the Growth Plan (2017), to the extent that they could potentially hinder intensification on appropriate sites. Specifically, the proposed policies are not consistent with Policies 1.1.3.2 and 1.1.3.3., as described more fully below.

Mixed Use Areas 1 – Growth

Policy 6.24 provides that development in this designation will provide a high proportion of non-residential uses within new mixed-use developments (our

emphasis added). Clarification is required regarding the interpretation of the qualification of “high-proportion”.

Mixed Use Areas 2 – Intermediate (applies to 131 Bloor Street West)

Policy 6.25 provides that development in this designation will include low-rise, mid-rise and some tall buildings (our emphasis added). Clarification is required regarding the quantification of ‘some’.

Policy 6.26 provides that the scale and massing of buildings will respect and reinforce the existing and planned context of the neighbourhood, including the prevailing heights, massing, scale, density and building type (our emphasis). In an area such as Yorkville, the existing and planned context varies – from the low-rise Yorkville Village neighbourhood and University of Toronto Campus to existing and proposed high-rise mixed use buildings in the Bloor Street corridor. It is our opinion that language should be included that takes into consideration this condition in many areas of the City, which are diverse in nature. All contexts are unique, therefore contextual appropriateness should be the measure to evaluate appropriate infill development.

It is our opinion that this proposed policy is not consistent with Provincial Policy including the PPS (2014) nor does it conform to the Growth Plan (2017). In particular, Policy 1.1.3.2 of the PPS supports densities and a mix of land uses which efficiently use land, resources, infrastructure and public service facilities, and which are transit supportive where transit is planned, exists or may be developed. Policy 1.1.3.3 provides that planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment, where this can be accommodated, taking into account existing building stock or areas and the availability of suitable existing or planned infrastructure and public service facilities.

The Growth Plan policies have been strengthened as they apply to the integration of land use and infrastructure planning, and the importance of “optimizing” the use of the land supply and infrastructure. In this respect, the Growth Plan has been revised by adding more detail about the objectives of a “complete community” and requiring minimum density targets for major transit station areas along priority transit corridors and existing subways.

The subject properties are within two Major Transit Station Areas as per the Growth Plan (Museum and Bay subway stations), and therefore is in an area where growth should be optimized.

Cultural Corridors

Policy 12.8 is limited to cultural spaces that support the culture sector and creative industry. It is our opinion that the recognition of the role that destination retail plays in the cultural landscape should be considered, particularly when considering the role and significance of the subject properties as a regional destination and a Major Trip Generator as defined by the Growth Plan.

Community Services and Facilities

We observe that Section 10 of the proposed Downtown Plan deals with many issues associated with community services and facilities but does not recognize and acknowledge that these matters can be incorporated into a Section 37 contribution.

Based on the foregoing, it is our opinion that the proposed amendments should not be adopted in their current form. In our opinion, the proposed policies as they stand would not allow the use of the subject properties to be optimized in a manner that is consistent with the Provincial Policy Statement (2014) and in conformity with the Growth Plan for the Greater Golden Horseshoe (2017).

If you have any questions, please do not hesitate to contact the undersigned or Ashley Varajão of our office at (416) 947-9744.

Yours truly,

Bousfields Inc.



Tony Volpentesta, MCIP RPP

cc. ! *Morguard Investments Limited*
Raj Kehar, Wood Bull LLP