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FILE NUMBER: 35814-00001

DELIVERED BY EMAIL

Toronto East York Community Council
City of Toronto, City Hall
100 Queen Street West
Toronto, ON, M5H 2N2

Dear Councillors:

**Re: Agenda Item TE29.19- 767-773 Yonge Street
City File No.: 16 118667 ST27 OZ (the "Proposed Development")**

We act on behalf of Brookfield Property Partners LP ("**Brookfield**"), which, along with its subsidiaries, own, lease and manage the majority of the block located at the northeast quadrant of Yonge-Bloor, immediately to the south of the Proposed Development.

Brookfield and its consulting team have made numerous written submissions to the City setting out its concerns with, and opposition to the Proposed Development which has been inaccurately described as a "settlement proposal" representing a "modest" increase above the as-of-right zoning. In reality, it represents a significant increase of 33% over the permitted height and close to double the permitted density. The Proposed Development is not consistent with the City's current policy approach to tall building design and placement and as such represents poor urban design, resulting in significant negative impacts to the surrounding properties.

This is a rezoning application and as such, should be viewed in its totality against all current City planning policy and development guidelines. A proper evaluation of a request to amend a zoning by-law is not to look at what is requested beyond what is permitted today, but should assess the proposed zoning against all in-force Official Plan policies and Council adopted resolutions, policies and by-laws. The test for a rezoning is not simply the marginal impact of the extra height or density but, rather, whether the Proposed Development in its totality is appropriate for the site given the current in force and adopted policy context.

Our client's fundamental concerns can be summarised as follows:

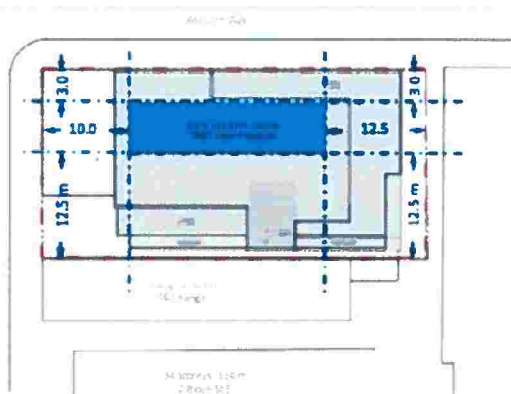
A - Proposed Development does not meet Council approved, City Urban Design and Planning Policies:

Despite many attempts by the Proposed Development team to address outstanding issues, our submission illustrates that the site is simply too small for a tall building at the scale that is being proposed and fails the "small site test" developed by the City in its Tall Building Design Guidelines.

The specific Tall Building Design Guideline setbacks of 12.5 m, and minimum tower separation distance of 25 m are reflected in OPA 352, and By-law 1107-2016, which have been approved by City Council and are intended to be applied across the entire downtown city core. The Proposed Development's proposed setbacks to the south property line of only 1m, and tower separation distance of only 11 m completely ignore the Council approved, City Policy and sets a bad precedent for the relative importance of these policies going forward, with serious implications not only for this location, but across the broader downtown city core.

Brookfield's urban design consultant, Freedman Urban Solutions Ltd. has carried out this small site test exercise in a separate report sent to City Planning staff, and it is clear that the site fails as demonstrated in the graphics below. This issue has not been addressed in the Request for Direction Report dated January 9, 2018.

Implementation Of Tower Separation Distances: SMALL SITES – TBDG 3.2.3



The Tall Building Design Guidelines - Section 3.2.3 – "Small Site Test" - applied to the Subject Site results in an extremely small building floorplate (blue).



Perspective view looking southeast showing the Proposed Building in grey and the TBDG Section 3.2.3 – "Small Site Test" massing in blue (Image by KPMB)

B - Proposed Development does not meet Council approved, City Downtown Economic Growth Plan Policies:

The office tower at 2 Bloor St. E. is one of the City's premier office addresses and is part of a mixed-use complex that employs over 2,000 people and provides the City with over \$16M in annual property tax and land lease revenue. Ignoring City policy in the way that the Proposed Development does diminishes the desirability and value of the office space, impacting long-term economic vitality and City revenues. The Proposed Development also works against City policy for the Bloor Bay Office Corridor that gives priority to office employment uses over new residential uses. These concerns are supported in the memorandum issued by the City's Economic Development department and work against City policy developed specifically to ensure that it is able to accommodate future job growth and protect its economic competitiveness. Failing to apply such City policies which embed an urban

planning vision, particularly in a key node, undermines the significance, and the City's commitment, to such policies, and will set a bad precedent for the future development in the Bloor Bay Office Corridor and downtown City core. This issue has not been addressed in the Request for Direction Report dated January 9, 2018.

Conclusions and Requested Action

It is our respectful opinion that it is premature for the Toronto and East York Community Council to adopt the recommendations contained in the Request for Direction Report dated January 9, 2018. There still remains significant issues that have not been properly examined or addressed that will negatively impact Brookfield's office operations in the future at 2 Bloor Street East, restrict comprehensive planning of this area and represent significant negative precedent for the City's downtown core.

Accordingly, we request that the Toronto and East York Community Council refuse City Planning Staff's recommendation at this time and put forth a revised motion recommending that:

City Council direct the City Solicitor and other appropriate staff to attend at the Ontario Municipal Board in opposition to the settlement proposal.

Sincerely,
DLA Piper (Canada) LLP
Per:

A handwritten signature in blue ink, appearing to read 'CB', written over a light blue circular stamp.

Chris Barnett
CMB/sxo

cc: Kristyn Wong-Tam, Councillor Ward 27
Sharon Haniford, City of Toronto
Pino DiMascio, Urban Strategies
Robert Freedman
Client

Rebecca Condon, MCIP, RPP
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Date: February 10, 2017

To: Oren Tamir, Senior Planner

From: Rebecca Condon, MCIP, RPP
Senior Business Development Officer

cc: George Spezza, Director, Business Growth Services
John Alderdice, Manager, Business Retention and Expansion
Rob Krauss, Economic Development Officer

Re: EDC Comments – 771 Yonge Street-16 118667 STE 27 OZ

Economic Development & Culture-Business Growth Services has the following comment on the Zoning By-law Amendment application for 771 Yonge Street submitted by Adam Brown on behalf of Menkes 771 Yonge Inc.

The application seeks to amend the Zoning By-law to support development of a new 49-storey mixed use building incorporating a 3-storey heritage building at Yonge Street and Asquith Avenue. A total of 322 residential units are proposed.

There is an adjacent 34-storey ~500,000 square foot office tower located at 2 Bloor Street East (Brookfield) that supports approximately 2,000 jobs. In addition to the 2,000 jobs located within that building those employees and the associated businesses create an additional economic "spinoff" and impact not only in the immediate area but in supporting the overall economic vitality of the city.

The City's Tall Building Guidelines recommend establishing appropriate setbacks from neighbouring properties so as to reduce visual and physical impacts of a proposed tall building.

Office developments are key to the City's economic development, competitiveness and assessment growth. The Council adopted new Official Plan policies (OPA 231) emphasize the importance of office employment in creating a strong competitive local economy. The office sector plays an important role in promoting and sustaining wealth creating economic growth in the City. A large amount of the City's existing employment is in offices and a correspondingly large amount of its employment growth will also be in offices. Because of this, *maintaining* and increasing the supply of office space in the City is of key importance. Offices adjacent to higher ordered transit (in this instance two subway lines) is of even greater importance. Office space generates considerably more

transit ridership than the same amount of residential floor space and provides a better return on investment in transit infrastructure.

With the proposed height and limited setbacks of the new development and the potential impact on the existing light and privacy at 2 Bloor Street East, we would ask that you consider in your review of this application the impact on the viability of the adjacent office building at 2 Bloor Street East. Economic Development and Culture is concerned about the potential impact the proposed development may have on the ability of this office building to attract and retain commercial tenants.