

May 21, 2019

Our File No.: 180554

**Via Email**

Toronto and East York Community Council  
2<sup>nd</sup> Floor, West Tower, Toronto City Hall  
100 Queen Street West  
Toronto, ON M5H 2N2

**Attention: Ellen Devlin, Secretariat**

Dear Sirs/Mesdames:

**Re: TEYCC Item No. TE6.12 – 210 Bloor Street West – Refusal Report**

We are solicitors for Tribute (Bloor Street) Limited, who are the owners of the property known municipally as 210 Bloor Street West (the “**Property**”). On November 9, 2018, our client filed a rezoning application in respect of the Property (the “**Application**”) to permit a 29-storey mixed use building containing 42 residential units and 116 square metres of at-grade commercial space (the “**Proposal**”). Since submission of the Application, our client has met with City planning staff, attended a community consultation meeting and held meetings with other stakeholders, including the local resident association and an adjacent condominium corporation.

We are in receipt of the staff report dated May 3, 2019 (the “**Staff Report**”), which recommends refusal of the Application. We are writing on behalf of our client to request that Toronto and East York Community Council (“**TEYCC**”) defer consideration of the Staff Report to enable further dialogue with all of the above-noted stakeholders and potentially to avoid an appeal to the Local Planning Appeal Tribunal or at least narrow the scope of any such appeal.

In reviewing the Staff Report with our client and its consultants, we note the acknowledgement of City staff that the existing zoning is out-of-date and not in conformity with the Growth Plan or the City of Official Plan. As part of this acknowledgement, City staff indicate support for a building on the Property with a height of 62 metres. The disagreement between staff and our client’s consultants is therefore over the degree of intensification that is appropriate for the Property. Our client would welcome further discussions with all stakeholders regarding this issue, particularly since the concern of staff does not appear to be related to the maximum height but appears to be related to achieving appropriate tower separation within this block of Bloor Street West.

To that end, the Staff Report acknowledges that the Proposal does not have any shadow impacts on parks, open spaces, natural areas or other shadow sensitive areas. The Staff Report does note there are some late-day shadows on the amenity space at Museum House, but we believe such shadowing is permitted in accordance with the Official Plan. Further, City staff do not take meaningful issue with such shadowing and did not have concerns with shadows cast on this space by other approved buildings on Bloor Street West.

In terms of tower setbacks, the Staff Report acknowledges that City staff supported, and City Council approved, a similar building just to the east of the Property (now constructed and known as "Exhibit"). However, the Staff Report appears to suggest that this support was provided before the Downtown Tall Building Guidelines and, as such, should be qualified by the introduction of these guidelines. This qualification is questionable because nothing has changed in the policy regime while the applicable guidelines at that time did promote a 12.5 metre tower setback from a property line.<sup>1</sup> If anything, and contrary to the suggestion in the Staff Report, the Downtown Tall Building Guidelines introduced a more permissive approach to High Streets with canyon form buildings.

Given the consistency of the Proposal with an approved development in the same block that was deemed by City staff and City Council to conform to the Official Plan, it would seem appropriate to engage in further discussions rather than proceed to an appeal. If those discussions do not result in resolution, it still remains open for TEYCC to consider the Staff Report and provide a recommendation to City Council for a decision.

We also understand that there may be concerns related to the use of the lane and existing easements for access. These concerns are title matters, not planning matters, and are not relevant to the Application.

Please also consider this letter as a request for notice of any decision made by TEYCC or City Council in respect of this matter:

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<sup>1</sup> We note the reliance in the Staff Report on Official Plan Amendment No. 352 and Official Plan Amendment No. 406. Neither document has been approved as of the date of this letter. In any event, we believe the Application meets the intent of both documents, including policies that encourage a block approach to tower placement.

Yours truly,

**Goodmans LLP**



David Bronskill

DJB/

cc: Client

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