

Reply to the Attention of	Mary Flynn-Guglietti
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Our File No.	236856
Date	July 3, 2018

**E-MAIL (CLERK@TORONTO.CA)**

Toronto City Council  
13th floor, West Tower, City Hall  
100 Queen Street West  
Toronto, ON  
M5H 2N2

**Attention: Ms. Ulli S. Watkiss, City Clerk**

Dear Mayor and Members of Council:

**Re: City of Toronto  
Official Plan Amendment 405 No.: Yonge-Eglinton Secondary Plan  
2401 & 2409 Yonge Street, Toronto  
The Torgan Group  
Item No. PG31.7 of the Toronto Planning and Growth  
Management Committee Meeting of July 5, 2018**

We are the solicitors retained on behalf of The Torgan Group (“**Torgan**”), owners of the properties municipally known as 2401 & 2409 Yonge Street (the “**Properties**”), in the City of Toronto (the “**City**”). The lands at 2401 & 2409 Yonge Street are located on the east side of Yonge Street, between Broadway Avenue and Erskine Avenue. The Properties are located in what is known as the Yonge-Eglinton area. A 5-storey mixed-use building is located at 2401 Yonge Street, and a 3-storey mixed use building is located at 2409 Yonge Street.

We write this letter to express concerns on behalf of our client in response to the proposed adoption of a new comprehensive planning framework for the Yonge-Eglinton area in Midtown Toronto, being amendments to the City of Toronto Official Plan and adoption of a new Yonge-Eglinton Secondary Plan. In particular, and as described in greater detail below, our client has serious concerns regarding the development limitations that will be placed on their Properties should the new Yonge-Eglinton Secondary Plan be adopted. In particular, we have significant concerns regarding the height limitations detailed in section 5.4 and the impact to the redevelopment potential of 2409 Yonge Street.

Background

The Properties are designated as a **Mixed Use Area** under the City of Toronto’s Official Plan (the “**OP**”), and directly abut lands designated Apartment Neighbourhoods Area to the rear/east (see OP Map 17 Excerpt, attached hereto as Exhibit “**A**”). The Properties are also

subject to the Yonge Eglinton Secondary Plan (the “YESP”), which identifies the Properties as being within the Yonge-Eglinton Centre (see YESP Map 21-1, attached hereto as Exhibit “B”).

The Properties, located in close proximity to the intersection of Yonge and Eglinton, are within an area which has experienced rapid intensification and change over the past two decades. In response to this increased development, the City initiated a number of reviews and studies, including a 2015 study called “Midtown in Focus: Growth, Built Form and Infrastructure Review.” As part of this 2015 review, City Staff have brought forward proposed amendments to the YESP.

In the “Report from the Chief Planner and Executive Director, City Planning” dated May 24, 2018, the Chief Planner and Executive Director of City Planning recommended that City Council amend the OP and adopt a new YESP in accordance with Official Plan Amendment (“OPA”) No. 405,<sup>1</sup> and recommended that City Council give authorization to seek approval of the Minister of Municipal Affairs of Ontario of OPA 405.

Amongst other things, the proposed new YESP would impose different height restrictions than currently apply to the Property. Under the current YESP, development on the Properties are permitted to be built up to “12 storeys with retail uses at-grade.” (current YESP 5.5). In contrast, pursuant to Map 21-12 of the proposed new YESP, attached hereto as Exhibit “C”, the maximum height of 2401 Yonge Street would be restricted to 7 storeys,<sup>2</sup> and the maximum permitted height of 2409 Yonge Street would be 8 storeys.

### Concerns

We respectfully submit that this decrease by 5 and 4 stories is not consistent with the Provincial Policy Statement (2014) nor does it conform with the Growth Plan for the Greater Golden Horseshoe (2017), and does not conform to the purpose and intentions of the OP and does not represent good planning. By restricting any future development on these Properties to 7 and 8 storeys, respectively, the new height restrictions on the Properties will effectively limit the potential for full and effective use of the Properties which exist in an area identified for intense concentration.

For example, the OP does not intend for the areas in which the Properties are situate to consist of low-to-mid-rise buildings. For example, the OPA proposes to amend the text at Section 2.2.2 Centres to say the following, in part:

Yonge-Eglinton Centre will continue to prosper as a dynamic live-work district. The Centre will be marked by tall buildings and an intense concentration of office, retail, institutional and residential uses at the Yonge-Eglinton intersection. [emphasis added]

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<sup>1</sup> Agenda. Item PG31.7.

<http://app.toronto.ca/tmmis/viewPublishedReport.do?function=getAgendaReport&meetingId=13073>

<sup>2</sup> Which, as indicated by an asterisk, is the height of the approved/construction building, pursuant to 5.4.8.

Therefore, pursuant to the proposed amendment to the OP, the very character of the area in which the Properties are located is “marked by tall buildings”.

In particular, while our clients appreciate and accept the intention of preserving the character of the development at street-level along Yonge Street, their property at 2409 Yonge Street is different in character to the neighbour lots as it is much greater in depth. As noted above, the lands to the rear/east of the Properties are designated Apartment Neighbourhoods and some of which, under the proposed new YESP, are permitted a height of up to 26 storeys. As a result, a redevelopment of 2409 Yonge Street which maintains the proposed height requirements on the front/west portion of the lot, but which steps-back to be higher at the rear/east portion of the lot, would conform with the streetscape along Yonge Street while providing for a transition to the abutting designation with greater permitted heights.

Our client has spoken to the local councillor and attended the Consultation Meeting for the YESP held on June 21, 2018..

#### Section 26

We understand that, despite initially proceeding with the planning exercises relating to the Yonge-Eglinton Secondary Plan under Section 17 of the *Planning Act* for three years, the City has recently chosen to continue their exercise under Section 26 of the *Planning Act*. In so doing, the City has effectively and unfairly eliminated any rights of appeal of landowners. Despite the City’s indications of its intentions to proceed under Section 26, the City will be required to continue under Section 17 in the event that the Ministry of Municipal Affairs indicates that proceeding under Section 26 is not appropriate.

In light of the above, we are writing to preserve our client’s appeal rights in the event that the matter continues under Section 17.

#### Submission

We therefore respectfully submit that the height restriction on the Properties is not appropriate, and particularly for 2409 Yonge Street which has a deeper lot than neighbouring properties. Such a restriction unnecessarily restricts the potential for future residential intensification. Thus, for the reasons described above, we submit that the Properties, especially 2409 Yonge Street, should be permitted to build to a similar height to those buildings that the Properties back onto, or at the very least, that they be permitted to built to the heights currently permitted under the YESP.

We thank you for your consideration and kindly ask that we be given notice of any decisions or recommendations made by Council going forward.

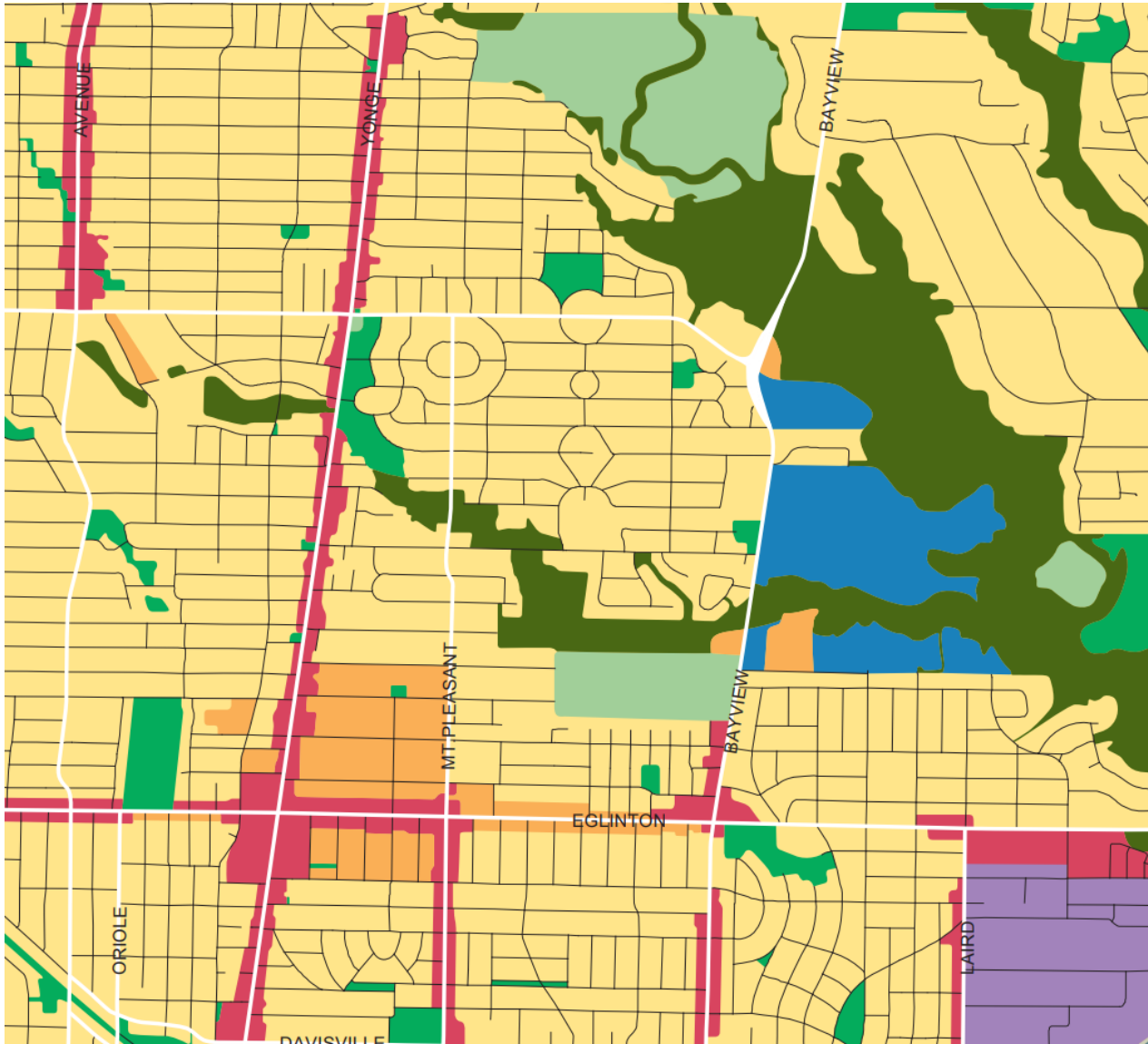
Yours truly,



Mary Flynn Guglietti

CC: The Torgan Group  
(Attn: Ornella Richichi)  
Office of Councillor Jaye Robinson, Ward 25

**EXHIBIT "A" - Official Plan Excerpt, Map 17**

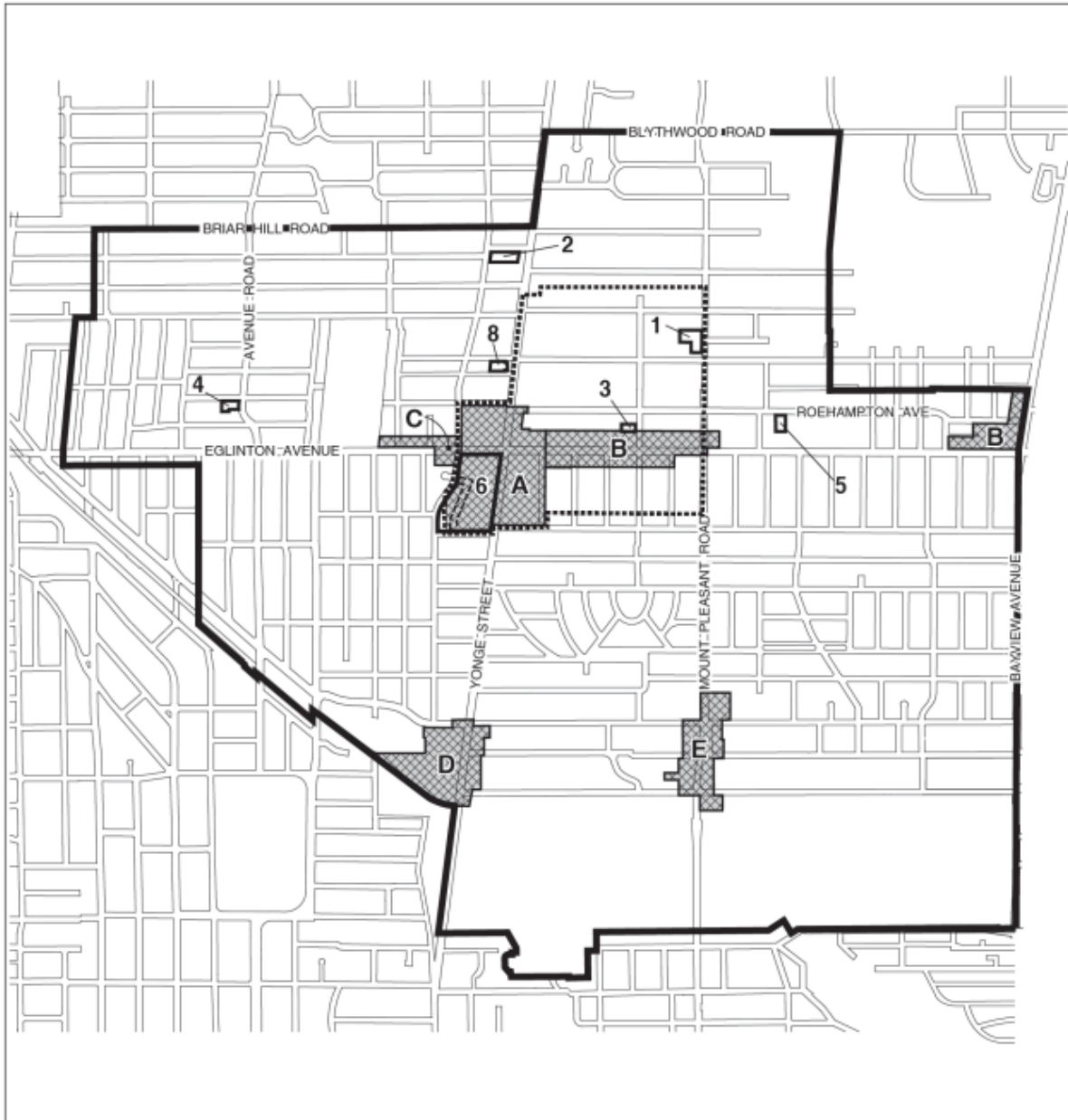


**MAP 17**  
**Land Use Plan**  
July 2015

**Land Use Designations**

-  Neighbourhoods
-  Apartment Neighbourhoods
-  Mixed Use Areas
-  Parks and Open Space Areas
-  Natural Areas
-  Parks
-  Other Open Space Areas  
(Including Golf Courses, Cemeteries, Public Utilities)
-  Institutional Areas
-  Regeneration Areas
-  Employment Areas
-  Utility Corridors

## EXHIBIT "B" – Yonge-Eglinton Secondary Map 21-1



**TORONTO** City Planning

**Yonge-Eglinton Secondary Plan**  
Map 21-1 Land Use Plan

- |   |   |
|---|---|
|  Secondary Plan Boundary |  Site and Area Specific Policies |
|  Yonge-Eglinton Centre   |  Proposed Road                   |
|  Mixed Use Areas         |   |

  
 Not to Scale  
 07/09/2014

EXHIBIT "C" – Yonge-Eglinton Secondary Plan Amendment, Map 21-12



**Yonge-Eglinton Secondary Plan**  
MAP 21-12 Permitted Building Types and Height Limits

- |   |   |   |
|---|---|---|
| Midtown Low-rise                        | Midtown Tall Buildings                          | No Additional Infill Capacity                     |
| Midtown Low-rise (Approved/Constructed) | Midtown Tall Buildings (Approved/Constructed)   | No Additional Storeys on Top of Existing Building |
| Midtown Mid-rise                        | Midtown Infill Apartment Neighbourhood Building | Special Study Areas                               |
| Midtown Mid-rise (Approved/Constructed) | Midtown Infill Apartment High Street Building   | Maximum Height Limits                             |

Not to Scale

April 18, 2018