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June 17, 2013

Via Email and Courier

Mayor and Members of Council
c/o North York Community Council
City of North York
5100 Yonge Street
North York ON
M2N 5V7

Attention: Francine Adamo

Dear Sirs/Mesdames:

**Re: Reference Number: File No. 11 191325 NPS 00 TM
Yonge Street North Planning Study
Final Consultant's Report and
Next Steps on Implementing Official Plan Amendments**

We are the solicitors for Silvercore Inc. ("Silvercore"), the owners of the Newtonbrook Plaza on the southeast corner of Yonge Street and Cummer Avenue. Our client also has an agreement of purchase and sale with Newtonbrook United Church, and owns two abutting properties on Averill Crescent. On behalf of our client we would like to take this opportunity to provide preliminary comments on the above-captioned report.

Our client appreciates that it has had the opportunity to participate in the Yonge Street North Planning Study. Very generally, Silvercore supports some of the basic principles set out therein, such as intensification generally, a nodes-focussed structure and directions for future infrastructure.

However, our client believes that some of the details in the Final Consultant's Report remain inappropriate, and implementation details which are not yet available may well be critical. In this regard, enclosed please find a copy of our correspondence dated May 24, 2013.

Silvercore submits that any future process should provide for the opportunity for its concerns to be addressed prior to bringing forward any draft official plan amendment. That said, it has been concerned with the slow pace at which this matter proceeded for many months now and respectfully suggests that a significantly expedited approach is merited.

We look forward to future communication with City officials on this very important matter. Please provide us with notice of any future consideration of this matter by Council, Community Council, or any Committee.

Thank you for your attention in this regard.

Yours truly,

McCarthy Tétrault LLP

Per:

John A.R. Dawson

JARD:sc/



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May 24, 2013

Via Email and Courier

City of Toronto
c/o Community Planning, North District
North York Civic Centre
5100 Yonge Street, Ground Floor
Toronto, Ontario
M2N 5V7

Attn: Mr. Robert Gibson

Dear Sirs/Mesdames:

Re: Yonge Street North Planning Study (the "Study")

We are the solicitors for Silvercore Inc., the owner of Newtonbrook Plaza and adjacent lands. Our client also has entered into an agreement of purchase and sale respecting the property to the east currently occupied by the Newtownbrook United Church and Lester B. Pearson Housing Complex. We have had the opportunity of attending the public consultation program of the North Yonge Street Study and heard the presentation of the City's consultants respecting a preferred option for future land uses within the study area (the "Preferred Option"). We would like to take this opportunity to provide some preliminary comments thereon.

Silvercore generally supports the overall thrust of the Preferred Option, being the direction for a general intensification of the Yonge Street corridor with a particular emphasis on the identified nodes. However, a number of concerns remain for our client, particularly with respect to its property and environs.

At the outset, our client generally supports the nodal structure proposed and the principle of intensification, subject to finalizing appropriate densities. That said, Silvercore is concerned with the particular structure proposed on and adjacent its land. Our client strongly objects to the proposed down designation of the lands of the Newtonbrook United Church and the eastern part of the Newtonbrook Plaza, ostensibly in order to create a structural "buffer" to less intense land uses to the east. The current density of 2.2 X FSI, which may be increased through the use of a density bonus pursuant to secondary plan policies permitting the use of section 37 of the *Planning Act*, is proposed to be decreased to 2 X FSI inclusive of bonuses. Our client submits that there is no basis for this. From the high level perspective of the Growth Plan for the Greater Golden Horseshoe and the Provincial Policy Statement, each promoting intensification proximate to transit, the location of these lands in a Mobility Hub as per Metrolinx guidelines supports greater density today, even prior to the introduction of new transit infrastructure. The

case for intensification is only stronger when the planned subway station for the Yonge/Cummer intersection forms part of the analysis.

Furthermore, the internal logic of the Preferred Option supports a higher assignment of density to these lands. At each of the two nodes, higher density is ascribed to greater distances from the proposed new subway station than is the case in this quadrant. We note that the assignment of density does not determine the built-form of these lands nor their ability to serve as the site of transitional building forms: as they are all under application by Silvercore the additional density we are proposing can be utilized elsewhere on the site.

Another issue is the fact that the Preferred Option proposes that two properties, located at the far southeast of Silvercore's holdings, should not be included as part of any redevelopment scenario. Again, we note that this is not consistent with either the overall thrust of the Preferred Option for intensification nor with its internal logic of targeting lands proximate to transportation infrastructure.

We note that the consultant's presentation addressed both existing and planned infrastructure, including transit infrastructure. Based on the presentation, we are concerned that the comments on the effect of the planned infrastructure may not have adequately considered all the implications thereof. We would request that we be provided with the particulars of the traffic analysis, including the methodology and all calculations. In any event, particularly in the context where planned transit is explicitly referenced, we submit that the overall density ascribed to Silvercore's lands in their entirety is too low.

With respect to built-form, we respectfully submit that these lands have sufficiently different characteristics that they should not be subject to the "one size fits all" regime otherwise applicable to the "nodes". This site is atypically large and has an exceptional amount of frontage on Yonge Street, and therefore additional flexibility for the deployment of density in achieving urban design desiderata. At this size the site will patently be the subject of a multi-building redevelopment. Silvercore has proposed point towers (angular planes are typically only applicable to base buildings or "slab-style" taller forms) so height is less relevant to built relationships and the pedestrian environment. Therefore, we submit that the height limits proposed in the Preferred Option should not apply to these lands. At a later stage it may prove to be the case that greater heights may provide additional, and desirable, design options. Furthermore, as the site is located at the northeast edge of the Centre and adjacent to a future subway station, a signature building of greater height and massing should be provided for. [NTD: removed reference to urban design as location vis-à-vis transit, while relevant to density, has no simple relationship to design].

In any event, at this juncture, it is not possible to provide anything more than preliminary comments. The question of the implementation of the Preferred Option remains unaddressed. The manner of implementation may significantly affect the overall planning implications of the Preferred Alternative, so until information is provided in that respect our client must reserve further comment. Of course, our client reserves final comments until the position of the City and of any other interested parties are known.

Our client maintains that its applications continue to represent good planning as it relates to its lands. We look forward to a timely dialogue in this regard.

Yours truly,

✓ John A.R. Dawson

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