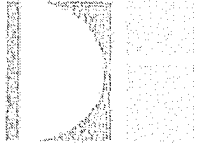


TE27.3.16



Davies
Howe
Partners
LLP

Lawyers

The Fifth Floor
99 Spadina Ave
Toronto, Ontario
M5V 3P8

T 416.977.7088
F 416.977.8931
davieshowe.com

CITY CLERK
REGISTRAR

2013 OCT 16 P 3:41

Please refer to: **Susan Rosenthal**
e-mail: susanr@davieshowe.com
direct line: 416.263.4518
File No. 800202

October 16, 2013

By E-Mail Only to clerk@toronto.ca

Ms. Ulli S. Watkiss
Clerk, City of Toronto
Toronto City Hall
13th Floor, West Tower, 100 Queen Street West
Toronto, Ontario
M5H 2N2

Dear Ms. Watkiss:

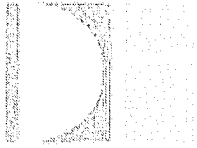
**Re: Zoning By-law Amendment Application
501-521 Yonge Street, 6-8 Alexander Street and 23 Maitland
Street (the "Subject Lands")
Municipal File No.: 11 187996 STE 27 OZ**

We are counsel to Metropolitan Toronto Condominium No. 755 ("our Client"), the owner of the lands at 25 Maitland Street, which are immediately east of the Subject Lands.

We are writing in advance of the Public Meeting scheduled for October 17, 2013, in order to advise the Toronto and East York Community Council (the "Community Council") of our Client's interest and concerns with the abovementioned application.

Our Client has reviewed the revised proposal that was submitted by the applicant on March 25, 2013, the subsequent changes to the podium and tower design, as well as the 2nd addendum to the Planning Rationale and Community Services and Facilities Study, prepared by Bousfields Inc. In short, notwithstanding the changes to the design, the development proposal still does not satisfactorily address the resultant negative impacts on the surrounding area, including those on our Client's existing building immediately east of the Subject Lands, many of which were raised with Community Council in our previous letter dated June 22, 2011 (copy attached).

We would note that despite our Client's expressed interest in this matter and our request that reports and other documents be circulated to us in connection with the proposed development, the first we, or our Client, learned of the revised submission, which appears to have been made in March, 2013, is when we were notified of the public meeting. Subsequent to the conclusion of the Working

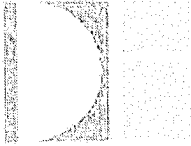


Davies
Howe
Partners
LLP

Group, no attempt was made by the applicant or its consultants to meet with our Client despite the close proximity of the development site to our Client's land, and the impacts the development could and do have on its existing building.

Despite the fact that we have only had a very short time to review the circulated material, our review thus far has disclosed a large number of concerns including, but not limited to, the following:

1. **Height and massing of the towers and podium:** Despite the reduction in the height proposed, particularly on the North Tower, the mass and building envelope of the south tower has inappropriately expanded. Furthermore, the wrap-around balconies on both buildings add unnecessary mass to each. In any case, these buildings still are not consistent with the City's tall buildings criteria;
2. **Tower set-backs:** The proposal should properly implement a 25 metre separation between the towers themselves and the tower to the building on our Client's lands, when properly measured. This is particularly critical given the design of our Client's Lands which has windows on all four facades from ground to roof. As proposed, the separation of the edge of the proposed building to our Client's building is as little as 11 metres, an unacceptable condition. Furthermore, the setbacks from Yonge Street, Maitland Street, Alexander Street, and Maitland Terrace are inadequate;
3. **Shadow impacts, light penetration, sky view, adjacent residential privacy and wind mitigation:** For example, our Client is concerned about the proximity of the 4th and 5th floor apartments and blank wall of the above ground parking of the proposed development to 25 Maitland Street;
4. **Laneway impacts:** Including impacts during construction, during which time, it appears that the applicant proposes to close the existing laneway. Our Client strongly objects to any closure of this laneway, however temporary, as it is the sole access for garbage pickup and delivery to my Client's building;
5. **Parking Insufficiency:** Including amount, location/façade/access to above grade parking structure;
6. **Delivery, loading issues and waste management concerns:** For example, staging area for pick-up deliveries and handicapped parking is inadequate, resulting in significant traffic safety issues on Alexander Street and Maitland Street;
7. **Appropriateness of Community Benefits:** Including the direction with respect to improved park facilities in the area. For example, our client



Davies
Howe
Partners
LLP

objects to the use of funds to acquire or improve proposed parkland on the former opera house lands, which we understand is also owned by the applicant or a sister company. Any acquisition and improvement of parkland on that site should be obtained solely as a condition of the proposed redevelopment of the opera house lands;

8. The **positioning of the lobby and staging on Maitland Terrace** is inappropriate;
9. **Inadequacy of the fire route plan**; and
10. **Overall traffic impact** on Maitland Street and Alexander Street.

For the above reasons, we submit that unless and until the above mentioned issues have been adequately addressed, the proposal as currently designed should be refused.

By copy of this letter to Ms. Rosalind Dyers, we respectfully request notice of any reports, meetings, resolutions, actions, decisions, *etc.*, relating to the abovementioned development proposal for the Subject Lands. Also, we request that our Client be listed as a deputant at the Public Meeting, and be given the opportunity to make a presentation.

Please feel free to contact the undersigned should you have any questions or comments.

Yours sincerely,

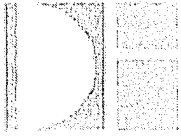
DAVIES HOWE PARTNERS LLP

Per:

Susan Rosenthal
Professional Corporation

SR:md
encl.

copy Ms. Rosalind Dyers, Administrator, Community Council (via e-mail only)
Client (via e-mail only)



Davies
Howe
Partners
LLP

Lawyers

The Fifth Floor
99 Spadina Ave.
Toronto, Ontario
M5V 1P8

T 416.977.7088
F 416.977.8931
davieshowe.com

Please refer to: **Susan Rosenthal**
e-mail: susanr@davieshowe.com

June 22, 2011

By E-Mail Only to teycc@toronto.ca

Toronto and East York Community Council
2nd floor, West Tower, City Hall
100 Queen Street West
Toronto, Ontario
M5H 2N2

Attention: Rosalind Dyers, Committee Administrator

Dear Ms. Dyers:

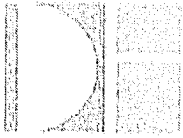
**Re: Toronto and East York Community Council – June 22, 2011
Zoning Amendment Application for 501-521 Yonge Street, 6-8
Alexander Street, and 23 Maitland Street (the "Subject Lands")
Item: TE8.40**

We are counsel to Metropolitan Toronto Condominium No. 755 ("our Client"), the owners of the lands at 25 Maitland Street, which are immediately east of the Subject Lands.

We are in receipt of the Preliminary Report from the Director of Community Planning, Toronto and East York District, dated May 30, 2011 (the "Staff Report") and have had an opportunity to review same. We have also very briefly reviewed some of the City's file with respect to this proposal (to the extent made available to us for review in the Planning Department), and our Client has recently met with both the developer of the property and the area's councillor.

On behalf of our Client, we are writing to advise Toronto and East York Community Council (the "Community Council") of our Client's interest in this matter and to notify you of their concerns with respect to approval of the application. In particular, we would note that the proposal in its current form does not properly address our Client's existing building and the many impacts the proposal has on it.

Our preliminary concerns about the proposal's impact mirror many of those of staff and include, but are not limited to, the following issues:



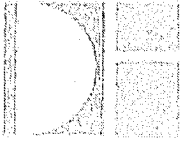
Davies
Howe
Partners
LLP

- Height of the towers and podium and consistency with the Design Criteria for Review of Tall Buildings Proposal;
- Density;
- Mix of unit types;
- Tower step-backs;
- Shadow impacts, light penetration, sky view, adjacent residential privacy and wind mitigation;
- Location/façade/access to above grade parking structure;
- Laneway and traffic impacts;
- Delivery and loading issues and waste management concerns;
- TTC tunnel issues, in connection with an easement in favour of the TTC; and
- Assessment of Community Benefits including improved park facilities in the area;

We share Staff's view noted on page 5 of the Staff Report that a better understanding of the evolving neighbourhood and planned context of this area of Yonge Street is required prior to making any decisions on this development application. We agree with their recommendation that a North Downtown Yonge Street Planning Framework Process be initiated involving community consultation and suggest that the proposal not be considered for approval until this process is completed. We respectfully request that as owners directly affected by this process, Community Council direct staff to formally include representatives of our Client as part of this process.

Furthermore, we would ask that Community Counsel direct staff to provide our Client with copies of the zoning amendment application in its entirety; including all supporting reports such as planning rationale reports, servicing reports, traffic reports, etc. to allow a thorough review by our Client and their consultants.

We would also suggest that the area impacted by this proposal extends well beyond the standard 120 metre notification zone. We would ask that staff be



DAVIES
HOWE
PARTNERS
LLP

directed to extend the notification area to include the Bay-Wellesley-Church-Grenville/Wood area.

Finally, we respectfully request that staff be directed to provide notice of any community consultation and/or statutory public meeting to our firm, as our Client is an impacted landowner in the vicinity.

We trust that this letter is satisfactory in expressing our Client's interests and initial concerns regarding the zoning amendment application on the Subject Lands. Please feel free to contact the undersigned should you have any questions or comments.

Yours sincerely,
DAVIES HOWE PARTNERS LLP

Pex:
Susan Rosenthal

SR: md

Copy: Client
S. Henstock, Senior Planner, City of Toronto