

NY 34.93.1

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BARRISTERS & SOLICITORS

August 8, 2014

Our File No.: 00-1443

Ms. Francine Adamo, Committee Administrator
North York Community Council
North York Civic Centre
5100 Yonge Street
Toronto, ON, M2N 5V7

Dear Ms. Adamo:

Re: 90 Eglinton Avenue West – Zoning By-Law Amendment Application - Preliminary Report Concerns over recommendation to consider the Eglinton Connects Report

And Re: Request that the Recommendations be modified to recognize that the site is a “tall building” site, not a “mid-rise” site based upon policies which are neither “applicable law” nor are such policies “in full force and effect”

North York Community Council Agenda Item: NY34.93

City Planning File Number: 14 145916 NNY

We are the solicitors for the applicant in respect of the above-noted matter, whose application for zoning by-law amendment was accepted as complete on May 28, 2014. At the time of our client’s submission of its application for rezoning, the “in force” official plan policies are those contained within the City of Toronto Official Plan and the related Yonge-Eglinton Secondary Plan for the Site and surrounding area.

Prior to the formal submission of our client’s application for rezoning, our client attended a public information meeting to review its original design which included a 36-storey tower. This meeting was held well before the April 23, 2014 submission of our client’s formal application for rezoning, with our client completely reconsidering its original proposal, which reconsideration, from the outset, demonstrated an “open and cooperative” stance to the planning process.

The formal application submission included substantive revisions to the original proposal, which revisions included the reduction in the proposed height from 36 to 29 storeys, despite the approval of a 39-storey building in the block to the east. The height proposed is similar to other heights approved in similar locations east, west, north and south of Eglinton Avenue. The

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PRACTISING IN ASSOCIATION

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THE INDIVIDUAL LAWYERS NAMED ABOVE PRACTICE IN ASSOCIATION WITH ALAN J. BROWN PROFESSIONAL CORPORATION.

importance of the recent approvals in the area is critical in understanding the basis of our concern about City Staff recommending a “mid-rise” building for the Site, which recommendation is based upon the application of the Eglinton Connects Planning Study, which Study specifically excluded our client’s Site, and which Study is not “in full force and effect”, and as such, is not legally applicable to the application filed by our client.

Our client also included numerous revisions to the podium design, including not only a reduced podium height, but which revisions also included the creation of a widened public realm along Eglinton Avenue, with an animated streetscape along both Eglinton Avenue and Henning Avenue. The podium was also redesigned to provide significant stepping down to the north, which also includes a “green wall” along its northerly boundary to provide a sensitive transition to the lower density area to the north.

In addition to attempting to apply policies which do not technically and/or legally apply to the Site, they have also referenced Official Plan Amendment 231 (“OPA 231”), also under appeal, which is not “in full force and effect”, as a basis for demanding the full replacement of office space on site. Our client filed its application, following a fulsome consultative process with the community and city staff, with a view to proceeding in an open and cooperative manner. When discussing the release of the preliminary evaluation report, our client was told that such report would be “typical”, simply recommending a continued open and consultative public process. When we reviewed the report now being placed before Community Council, it is neither typical nor is it the type of report that would lead our client to entertain any further consultation.


For a preliminary report to recommend that policies not in force and effect be applied to the Site, requiring no further processing without the submission of a “mid-rise” proposal, is a report that directs an applicant to no longer consult in an open and fair manner, and instead, invites an appeal given the clear predisposition to a “mid-rise” form on the Site. Unless the recommendations are amended to direct Staff to consider the proposal in light of the clear merit of such proposal proceeding as a “tall building”, our client will have no choice but to appeal the application directly to the Ontario Municipal Board, which is completely contrary to the manner in which our client had approached this consultative process.

It is not reasonable for City Staff to apply policies that are not “applicable law” as the basis for suggesting the resubmission of a “mid-rise” design. It is not reasonable for City Staff to state that the Eglinton Connects policies apply to the subject site, when such policies specifically exclude the subject site. For City Staff to suggest that the application would not continue to be processed unless our client file a “mid-rise” design for the Site, ignores not only the myriad of recent approvals of tall buildings within the immediate area, it ignores the locational attributes of the Site, it ignores the approval of a 39-storey building on the block to the east (whereas we are proposing only 29-storeys), it ignores the mobility hub policies, all of which clearly support the Site being developed as a “tall building”. The Site is not a “mid-rise” Site, nor would our client even consider further consultation if City Staff’s recommendations are adopted.

We urge Community Council to amend the recommendations to acknowledge the Site is one where a tall building can be considered, directing City Staff to continue a positive consultation

process with a view to arriving at an appropriate design for a “tall building”, not a “mid-rise” building, on the subject site.

Yours very truly,



Adam J. Brown

cc: Councillor Karen Stinz
Ms. Susan McAlpine, Senior Planner, City of Toronto
Ms. Niomie Massey, Project Manager, Madison Group
Mr. Robert Dragicevic, Senior Principal, Walker, Nott, Dragicevic Associates Limited
Mr. Russell Fleischer, Turner Fleischer Architects