

TE34.93.1

RECEIVED
CITY CLERK'S OFFICE
SECRETARIAT 2ND FLOOR

Christel Higgs
T 416-367-6312
F 416-361-2563
chiggs@blg.com

Borden Ladner Gervais LLP
Scotia Plaza, 40 King Street West
Toronto, ON, Canada M5H 1Y4
T 416.367.6000
F 416.367.6749
blg.com

2014 AUG 11 PM 4:50



File No. 030303/000001

August 11, 2014

Delivered by Email

Members of the Planning Committee
c/o Ros Dyers
Toronto and East York Community Council
2nd floor, West Tower, City Hall
100 Queen Street West
Toronto, ON M5H 2N2

Dear Members:

**Re: East of Bay Planning Framework
Properties: 874, 876, 878 Yonge Street**

We are the lawyers for the owners of property located at 874, 876 and 878 Yonge Street with respect to the East of Bay Planning Framework. While we understand this document to be interim, it nevertheless is intended to form Official Plan policy and, as such, our clients wish to express their concerns at this time. Further submissions have been sent by our clients to Mr. Oren Tamir on August 8 and August 11, 2014.

The Properties

The Subject Properties are located on the southwest corner of Yonge Street and Scollard/Davenport Road, which is one of the most important intersections within the Bloor-Yorkville Area. The three properties are owned by 8349509 Canada Inc., 2117979 Ontario Ltd., and 916506 Ontario Ltd., respectively.

Height Restrictions

Based off the research of past City of Toronto studies and current ongoing studies of the Bloor-Yorkville Midtown Area, our clients seek to have the Subject Properties included in Section 5.4 Potential Opportunities for Tall Buildings in the East of Bay Planning Framework. The intersection of Yonge and Davenport is a significant intersection within the Bloor-Yorkville Mid-Block. The Subject Properties occupy one of the last opportunities for development and are perfectly situated to serve as a Gateway into the Bloor-Yorkville area.

Several factors militate in favour of height at the Subject Properties beyond the 12 storey limit identified. The Tall Building Design Guidelines, whose continued use was adopted by City Council, identifies the Subject Properties within its Downtown Vision Height Map and

specifically recommends an “as of right” height of 77 metres (20 storeys) and a maximum of 107 metres (or 35 storeys). Further, the Subject Properties are only a short distance from the height peak identified at the intersection of Yonge and Bloor Street.

The Toronto Urban Design Guidelines Bloor-Yorkville/North Midtown by the City of Toronto also supports the notion that the intersection of Yonge Street and Scollard/Davenport Road should be viewed as a Gateway Site/Area. Page 6 (Figure 5) of the mentioned guideline identifies the Yonge Street and Scollard/Davenport Road intersection as an “Area-Wide Gateway” and Page 41 (Figure 19) of the mentioned guideline specifically identifies the subject property as a “Precinct Gateway Treatment” site.

The ongoing study commissioned by the BIA and ABC titled the Bloor-Yorkville/North Midtown Planning Framework lends further support to increased height at the Subject Properties. Maps 3 and 4 in the Bloor-Yorkville/North Midtown Planning Framework identifies the Subject Properties as a “Primary Development Area” and within the “Urban Core”. These two identifications allow for the highest density and building height within the Bloor-Yorkville area. Indeed, buildings within the “Urban Core” can have a “maximum building height of 50 storeys or 180 meters, whichever is less” according to Page 16 of the Planning Framework study mentioned.

On Map 6 of the Bloor-Yorkville/North Midtown Planning Framework, 874, 876 and 878 Yonge Street is identified as a “Landmark Site”, and the intersection of Yonge Street and Scollard/Davenport Road as a “Gateway Site”. As a landmark site, the height limit may be taller than 50story/180 meters given that the proposal adds to the pedestrian realm and helps define the Bloor-Yorkville area.

Generally speaking, the increased height and density potential for the Subject Properties fits squarely within the pattern of heights in this area and is entirely consistent with the site as a prime gateway to the Bloor-Yorkville area for those travelling south down Yonge Street and west on Davenport Road.

The Pedestrian Experience

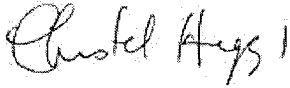
The Subject Properties also provide for a wonderful opportunity with respect to the pedestrian experience and pedestrian walkways. The development of the Subject Properties would utilize the Frank Stollery Parkette, completing a pedestrian connection from Bloor Street to Davenport Road. Preserving the connection from Town Hall Square to Frank Stollery Parkette, along with revisiting the design of the Parkette, would be important components of the development of the subject Properties.

Additional Concerns

Our clients generally express concern on three items within the East of Bay Planning Framework. The first is the Open Space Walkway System as identified on the Subject Properties within diagrams/plan on pages 2 and 11 of the report. The owners ask that this map be amended to avoid confusion that the properties have been expropriated for a public purpose. Secondly, our clients feel that based on past and ongoing studies that the Subject Properties should be included within “Section 5.4 Potential Opportunities for Tall Buildings” (Page 10), and thirdly the subject

property should be identified on Map 1 as a “Potential Tall Building Site” on Page 11 as per other identified potential sites.

Yours very truly,
BORDEN LADNER GERVAIS LLP



Christel Higgs
CH:ed

cc. Councillor Kristyn Wong-Tam
Catherine Bray

TOR01: 5676761: v4