

Reply Attention of Mary Flynn-Guglietti
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Our File No. 232575
Date April 13, 2015

Sent Via E-mail to teycc@toronto.ca and clerk@toronto.ca

Toronto and East York Community Council
Toronto City Hall
100 Queen Street West – 2nd Floor, West Tower
Toronto, ON M5H 2N2

**Attention: Ros Dyers, Secretariat Contact
Toronto and East York Community Council**

Dear Chair and Members of the Toronto and East York Community Council:

**Re: Item No. TE5.79 (Scheduled for 10:30 am April 14, 2015)
Request for Direction Report – 175-191 Dundas Street East and 235
Jarvis Street (“Dundas Residences Inc.”) – Zoning Amendment
Application Submissions on behalf of Amexon Development
Corporation (“Amexon”) owner of the 225 Jarvis Street**

We are the solicitors retained on behalf of Amexon, the owner of the lands municipally known as 225 Jarvis Street. Amexon’s land has frontage and access from both Jarvis Street and George Street and is located immediately to the north of the lands owned by Dundas Residences Inc. Amexon’s property is currently developed with a 13 storey building known as the Grand Hotel.

In March of 2015 our client filed an application with the City of Toronto to rezone its lands for a truly mixed use development. The redevelopment plans will see the evolution of the site from a homogeneous hotel use into a vibrant and attractive mixed use development. Amexon’s proposal will retain, re-use and improve the majority of the existing 13-storey hotel structure through a development program that re-configures and updates the existing hotel use while adding a 45-storey residential tower addition and a new podium element ranging from 2 to 6 storeys.

The Amexon proposal was reviewed and prepared within the context of the PPS 2014, the Growth Plan, the City of Toronto Official Plan, the 2013 City of Toronto Tall Building Design Guidelines (“**TBDG**”), the 2013 Downtown Tall Buildings Vision and Supplementary Design Guidelines, the City of Toronto Zoning By-Laws 438-86 and 569-2013 as well as the

emerging policy of the Downtown East Planning Study and Council approved Official Plan Amendment No 82 (“OPA 82”). We respectfully submit that the Amexon application meets all of the built form policies. In particular the Amexon proposal respects and complies with the tower separation standards and principles of the TBDG requirement of a 12.5 m setback from its property lines. As noted in the March 27, 2013 Staff Report regarding the updated City-wide TBDG at page 7, the issue of tower separation is one of the cornerstones of the TBDG:

“Tower Separation: The minimum tower separation distances are consistent with the previous city-wide and Downtown guidelines. This subject is noteworthy as space and privacy between buildings continues to be one of the most challenging and critical issues in tall building design. Of all measures contained within the Guidelines, tower setbacks, stepbacks and separation distances are perhaps the most crucial to the quality of living and working conditions within and around tall buildings and to the impact towers pose for sunlight/shadow, sky view and pedestrian-level wind on surrounding streets, parks, open space and neighbouring properties.

To reinforce the importance of tower separation, the updated guidelines for Small Sites focus on first establishing the required tower setbacks, stepbacks and separation distances, and then evaluating the resultant floor plate shape and size to determine whether a proposed tall building site is viable and appropriate”.

As discussed in our letter dated November 20th, 2014 to the City of Toronto Planning Department (copy attached) Amexon noted that the plans for the Dundas Residences Inc. development were not in keeping with the policies of the City of Toronto Official Plan and specifically do not meet the City of Toronto TBDG. As well the proposed location of the building tower as set out in the November 2014 plans was set back a mere 5.4 m from the north property line. We now note that the amended plans, considered in the April 9, 2015 Planning staff recommendation report (the “**Staff Report**”), show a smaller setback of 5.0m to our client’s property line. The inability to meet the setback requirements of the TBDG demonstrates that the Dundas Residences Inc. proposal and site is not a viable and appropriate typical tall building site. However, should a tall building be approved, the recommended 12.5m setback from the north property line should be provided in order to ensure an adequate separation distance to the neighbouring property and proposed tower.

The Staff Report at page 13 states that the TBDG “represents good planning principles and are valuable in evaluating tall building proposals on a site by site basis”. However staff then state, “[a]lthough the proposal does deviate from the TBDG, it is supported by the built form policies of the Garden District Site and Area Specific Policy [OPA 82]”. Closer examination of the recent Council approved built form policies of OPA 82 reveals that these policies do not support this conclusion. Both properties are located within the Hazelburn Character Area of the site specific policy wherein the Amexon lands are known as Block 4(B), and the Dundas Residences Inc. lands are known as Block 4(A). The original draft of the site

specific policy stated, “[i]f Block 4(A) develops singly or prior to Block 4(B) the tower on Block 4(A) shall be setback 3 metres from all property lines”.

While OPA 82 was considered and approved at Council during its meeting on March 31, 201, this policy was specifically amended to read that the Block 4(A) tower “**shall be set back 3 metres from Jarvis Street and Dundas Street**”. Therefore, in deleting the permission for a 3m setback of the Block 4(A) tower to the south property line it is reasonable to assume that Council intended that staff should be guided by the Council approved TBDG tower separation provisions. The Staff Report recommendations contradict this assumption without a justification to indicate why this small site should be exempted from Council approved policy.

Accordingly, we respectfully submit that the applicant be requested to amend its application to provide a setback of 12.5m from its south property line as established in the newly approved area specific policy approved by Council in OPA 82 and the TBDG. Should the applicant refuse to amend its application, Council should not support planning staff’s recommendation as it undermines well established Council approved policy.

Yours truly,



Mary Elynn-Guglietti

/jl
Encls.

Cc: Joe Azouri, Amexon Development Inc.
Joe Lobko, dtah
Michael Gagnon, Gagnon Law Urban Planners
Richard Domes, Gagnon Law Urban Planners

not and cannot meet the City of Toronto Tall Building Design Guidelines. The development proposal plans do not properly consider the Amexon property as a mixed use re-development site for the purposes of two (2) or more tall buildings. Amexon is a significant developer in the City of Toronto and has plans to file an application in 2015 for a mixed used development consisting of two tall buildings. The proposed redevelopment at 235 Jarvis Street and 175-191 Dundas Street East fails to provide the minimum separation distances recommended in Section 3.2.3 of the City's Tall Building Design Guidelines.

Section 3.2.3 provides that a minimum separation distance of 12.5 metres should be maintained between a proposed tower and the adjacent side/rear property lines. In fact the proposed location of the building tower would be less than 5.5 metres from the south lot line which is totally unacceptable and would negatively impact any future redevelopment potential on the Amexon lands. We also respectfully submit that the construction of tall buildings on sites that are too small to accommodate the minimum tower setbacks as provided in the City's Tall Building Design Guidelines may result in negative impacts on the quality of the public realm, neighbouring properties, the living conditions for building occupants and the overall liveability of the City, all of which is contrary to the policies of the Official Plan.

The development proposal shows separation distances of slightly less than 25 m to the existing Grand Hotel, however those setback dimensions are immaterial as it is our clients intentions to demolish and redevelop the Grand Hotel in the short term as indicated above.

Based on a review of the site and the plans submitted for 235 Jarvis Street and 175-191 Dundas Street East we believe that achieving a tall building tower on the site is simply an overdevelopment on the site when one concludes that the most basic aspects of the City's Tall Building Design Guidelines cannot be met. We strongly suggest that the development proposal be reviewed and that only one tower that can comply with the well accepted minimum setbacks set out in the City Tall Buildings Design Guidelines be considered.

We understand that a public meeting regarding the application has not yet been scheduled and we again ask that we be provided with Notice of any and all meetings related to this application. Should you have any questions or require clarification please do not hesitate to call me.

Yours truly,



Mary Flynn-Guglietti

/sb

cc: The Clerk of the City of Toronto
Dundas Residences Inc.
Amexon Holdings Inc.
Gagnon & Law Urban Planners LLP