

Sherman♦Brown

BARRISTERS & SOLICITORS

February 19, 2016

Our File No.: 00-1716

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

Attention: Ms. Ros Dyers, Secretariat

Dear Chair and Members of the Committee:

Re: NOTICE OF OBJECTION to the proposed Historic Yonge Heritage Conservation District as it affects the properties municipally known as 760 and 762 YONGE STREET

And Re: Request for Receipt of any and all future reports in respect of the proposed Historic Yonge Heritage Conservation District

And Re: Request for Notification of any meetings of Council, Committees of Council, Community Council and/or Public Meetings and/or Community Information Meetings where the Historic Yonge Heritage Conservation District is to be considered

And Re: Request for Notification of the passage the proposed Historic Yonge Heritage Conservation District

Toronto Preservation Board Item No.: PB12.1

Toronto and East York Community Council Item No.: TE14.4

We are the solicitors for Mizrahi Development Group (The One) Inc., the owners of the properties municipally known as 1, 9 & 11 Bloor Street West and 760, 762, 768, 770, 774, 774½, 776, 778, 780, 782 & 784 Yonge Street (the "Site") in the City of Toronto. The properties are located on the south-west corner of Yonge and Bloor, and area within the City recognized as a "Centre" and a "Mixed Use Area" pursuant to the City of Toronto Official Plan, which area is recognized by the Provincial and Local City of Toronto Official Plan policies as one where the greatest height and densities are intended to be realized. City of Toronto Staff and Council have acknowledged the importance of these aforementioned policies by approving some of the

most significant densities and height within the immediate surroundings, to the north, east, west and south.

Our client retained a “world class” team of architects and consultants to develop a landmark building that would attract significant international retail tenants on one of the most important intersections in the City of Toronto. On February 10-11, 2015, City Council adopted By-law 277-2015 in order to effectively “freeze” demolition along Yonge Street from Davenport Street to College Street, while the area was being studied as a potential Heritage Conservation District. Given that our client and its consultants had done an extensive review of the Site prior to our client purchasing it, given that our client attended extensive meetings with City Staff including senior staff members where heritage was never raised as an issue, and given the fact that the by-law was passed without any prior notice, our client appealed the passage of By-law 277-2015.

On March 31, 2015, as a settlement of our client’s appeal of By-law No. 277-2015, our client entered into Minutes of Settlement with the City and City Council passed By-law number 393-2015, which by-law exempted our client’s Site from By-law 277-2015 and any future Heritage Conservation District that would arise from the study. At the time of this settlement, our client’s Site did not include the property municipally known as 760 and 762 Yonge Street. Our client purchased 760 and 762 Yonge Street and included the property in its formal resubmission of its rezoning application on December 18, 2015, which was a request made to our client by City Staff.

Our client has worked cooperatively with City Staff, attending various meetings and revising its plans to address all planning, urban design, and heritage related comments received on our client’s application on the understanding that our client’s Site would not be encumbered by a Heritage Conservation District and heritage related issues. The proposed Historic Yonge Heritage Conservation District boundary includes the property at 760 and 762 Yonge Street, despite that property forming part of our client’s rezoning application. We would respectfully request that the boundary of the proposed Heritage Conservation District be revised to exclude the property at 760 and 762 Yonge Street to reflect the intent of the settlement that was reached with the City last year.

In light of the significant efforts and funds invested by our client to date, we hereby formally request that the writer, as well as our client (Mizrahi Development Group (The One) Inc., 126 Hazelton Avenue, Toronto, ON, M5R 2E5) be provided with notice of any meetings of Council, Committees of Council, Community Council or Public Meetings/Community Consultation Meetings where reports related to the proposed Heritage Conservation District, are to be considered. We also respectfully request that both our client and the writer be forwarded copies of any future reports and/or proposed by-laws related to the proposed Heritage Conservation District. Finally, we would respectfully request that both the writer and our client be notified of the City’s passage of the proposed Heritage Conservation District.

Should you have any questions, please do not hesitate to contact the writer, or Jessica Smuskowitz, a lawyer in our office.

Yours very truly,



Adam J. Brown
Encls.

Cc: Councillor Kristyn Wong-Tam
Ms. Sherry Pederson, Heritage Preservation Services
Mr. Sam Mizrahi (Mizrahi Development Group (The One) Inc.)