

February 22, 2016

**BY EMAIL**

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

Attention: City Clerk

Dear Members of Council:

**Re: Item TE14.4 – Draft Historic Yonge Street Heritage Conservation District Plan**

We are solicitors for the owner of land known municipally as 675 Yonge Street in the City of Toronto (the “**Site**”). The Site is located on the northeast corner of Yonge Street and Charles Street and is located within the Historic Yonge Street Heritage Conservation District (the “**HCD**”). On behalf of our client, we are writing in respect of the draft Historic Yonge Street HCD Plan (the “**Plan**”) to express a number of concerns with the content of the Plan, which identifies the Site as a ‘contributing property’ and a ‘key view site’.

10 Metre Stepback

The Plan contains a guideline for a minimum stepback of 10 metres from all elevations of contributing properties that are adjacent to a street, including Yonge Street and all streets intersecting with it (policy 5.8.1). A “street” is defined by the Plan to include traffic lanes and sidewalks along a public right-of-way, as well as public lanes.

The Plan states that the purpose of the 10 metre stepback is to preserve the main street character of Yonge Street and the legibility of the three-dimensional quality of buildings in the HCD. The Plan, however, does not provide any justification for why a rigid 10 metre stepback requirement from all streets and public lanes is appropriate to achieve these objectives, and provides no explanation for the departure from the policies of City of Toronto Official Plan Amendment 183 (“**OPA 183**”), which mandates a 10 metre stepback from Yonge Street only. In our view, the 10 metre stepback requirement is overly restrictive and arbitrary.

A 10 metre stepback from all streets and public lanes would freeze any intensification of the Site, even intensification that would otherwise conserve the cultural heritage value and attributes of the Site and surrounding area. The Site, which fronts Yonge Street to the west, Charles Street to the south, and a public lane to the east, could not accommodate any addition (even 1 storey in

height) and simultaneously comply with this policy which would push the massing of any addition to the centre of the building from three separate directions.

## 75 Degree Angular Plane

The Plan contains a guideline for a 75 degree angular plane for new development, additions or alterations to contributing properties (policy 5.8.2). Within the Historic Yonge Street Character Area, the 75 degree angular plane is to be measured from all building elevations adjacent to and parallel with all streets and public lanes starting at a height of 12 metres. Similar to the concerns expressed above, this policy is overly restrictive and there is no justification for why this policy is appropriate or necessary to achieve the Plan's heritage objectives. A rigid requirement for a 75 degree angular plane, if approved, would need to be observed from the west, east and south of the Site. This would prevent any intensification of the Site without any consideration to the specifics of the addition or alteration being proposed.

Furthermore, the 75 degree angular requirement is inconsistent with OPA 183. While OPA 183 imposes the 75 degree angular plane from Yonge Street only, the Plan requires that the 75 degree angular plane be achieved from all streets and public lanes. In addition, contrary to OPA 183, which directs that the angular plane be measured from a height of 18 metres, policy 5.8.2 of the Plan requires that the angular plane be measured from a height of 12 metres. No explanation for the departures from OPA 183 is provided for in the Plan.

## Key View Site

The Site is identified as a key view site under section 5.16 of the Plan. This guideline would require key view sites to be held to the highest standard of conservation (policy 5.16.1) and that any additions and alterations are to be physically and visually compatible with, subordinate to, and distinguishable from the contributing property (policy 5.16.2).

Our client has concerns over the language proposed in policies 5.16.1 and 5.16.2. In particular, it is unclear what the "highest standard of conservation" entails and how this term of art will be applied to the Site. Furthermore, the requirement that any addition or alteration be "subordinate to" the contributing property is problematic and unnecessary. The term is problematic as it appears to suggest that additional massing restrictions may apply to the Site, without providing any explanation of what those restrictions may be. The term is unnecessary because any addition or alteration which is physically and visually compatible with, and distinguishable from, the Site should be more than sufficient to achieve the heritage objectives of this section, which is to preserve prominent buildings and the views towards them.

## General Comments

The Heritage Act provides that council of a municipality shall not carry out any public work or pass a by-law for any purpose that is contrary to the objectives set out in a heritage conservation district plan. That said, the Plan, as drafted, contains objectives, policies and guidelines for

properties within the HCD. Based on the structure of the Plan, it is unclear what status will be applied to the policies and guidelines, as well as other section of the Plan, and how this will be reconciled with the statutory direction of the Heritage Act.

## Conclusion

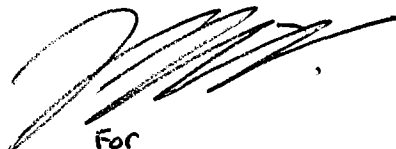
The Plan, as currently proposed, imposes a number of overly restrictive requirements, which go above and beyond what is necessary and appropriate to conserve the cultural heritage values and attributes of the HCD. By imposing excessively strict prescriptive measures, the purpose of the Plan appears to be a planning tool to control development, rather than a means to preserve heritage character, and ultimately prohibits appropriate investment along this part of Yonge Street, including appropriate investment in heritage properties.

Accordingly, on behalf of our client, we request that that Council recommend that the Plan be revised to reflect our client's above-noted concerns. In particular, we request that policy 5.8.1 and policy 5.8.2 of the Plan (10 metre stepback and 75 degree angular plane) be replaced with more appropriate policies that allows for flexibility to evaluate any development proposal against the objectives of the Plan on a site-by-site basis. In addition, we request changes to section 5.16 (key view sites) so that the policies do not impose additional massing restrictions to the Site that are unrelated to the purpose of the section to maintain and conserve key views within the HCD. Lastly, we request clarification respecting the status of the policies and guidelines contained in the Plan.

We thank you for your consideration of this matter.

Yours truly,

**Goodmans LLP**



For  
David Bronskill  
DJB/JBH

cc: Client