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File No. 703112

February 23, 2016

By E-Mail Only to teycc@toronto.ca

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

Attention: Ms. Ros Dyers, Secreteriat

Dear Chair and Members of the Committee:

**Re: Draft Historic Yonge Street Heritage Conservation District (“HCD”) Plan
615-617 Yonge Street**

We are counsel to Oberon Development Corporation (“Oberon”). Oberon is the owner of the lands known municipally as 615-617 Yonge Street (the “Site”), which is identified as a contributing building within the Historic Yonge Street Character Area of the proposed Historic Yonge Street HCD Plan (the “Plan”).

Oberon provided its initial comments on the Plan by way of letter from its previous counsel, Blake, Cassels & Graydon LLP, dated January 20, 2016, to Mr. Michael Vidoni, Heritage Planner with the City of Toronto Heritage Preservation Services. A copy of this letter is attached hereto. In addition to the contents of that letter, Oberon has the following additional concerns regarding the Plan:

1. The Plan contains both policies and guidelines that constitute an inappropriately prescriptive method of conserving and protecting heritage resources. Further, the language of the proposed guidelines suggests that they are mandatory. This “one-size-fits-all” solution deprives the City of any flexibility in preserving heritage resources while also facilitating urban development in an area where the greatest degree of intensification is mandated in both Provincial and City planning policies.
2. The restrictive nature of the Plan renders it a tool for development control as opposed to heritage protection. It will likely impact the ongoing preservation of and investment in heritage properties in the HCD area, and will stifle new development along Yonge Street. In this sense, the Plan fails to appropriately



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balance the objectives of growth and heritage conservation required by Provincial and City planning policy.

3. The Plan is said to be guided by the *Standards and Guidelines for the Conservation of Historic Places in Canada* (the “Standards”), which is recognized as a clear, consistent and fair benchmark for heritage preservation. Indeed, the *Standards* recognize the flexibility needed to protect heritage resources, and the variety of mechanisms that can be applied to do so. They do not provide for compulsory measures as the draft Plan does. Oberon submits that the Plan should conform to the values-based framework of the *Standards*.

The application of the policies and guidelines in the Plan as written would effectively freeze the potential for any development on small sites like Oberon’s. They would preclude even a one or two storey addition on the Site, which may promote the greater usability of the Site, even where such an addition would have no meaningful impact on the heritage value of the Site and would in fact constitute a reinvestment in a heritage resource.

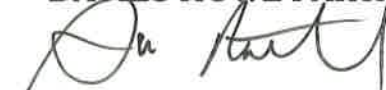
There are many small sites within the HCD area. Each provides an opportunity for the City to respond to evolving economic realities by leveraging existing heritage resources.

Oberon requests that the Plan be referred back to City staff for amendment to allow the City further flexibility in preserving heritage resources, while also encouraging the evolution of the HCD area in a manner consistent with Provincial and City planning objectives.

Thank you for your consideration of this matter.

Yours sincerely,

DAVIES HOWE PARTNERS LLP



Susan Rosenthal
Professional Corporation

SR:kaf
encl.

copy: Philip Evans, ERA Architects Inc.
Client



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January 20, 2016

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RE: Historic Yonge Street Heritage Conservation District (HCD) Plan - Draft
Re: 615-617 Yonge Street

Dear Mr. Vidoni:

We are legal counsel to Oberon Development Corporation (Oberon). Oberon is the owner of the property municipally known as 615-617 Yonge Street, which is a contributing building within the Historic Yonge Street Character Area of the proposed Historic Yonge Street HCD Plan, and as such we have been asked to write to you in connection with the proposed plan.

Oberon has retained the services of a professional heritage architecture consulting firm in connection with the above draft plan whose professional views were provided to us, and these views are reflected in the comments below.

While Oberon acknowledges that developmental potential is critical to the City of Toronto's ability to negotiate long-term stewardship of its heritage resources, and appreciates the benefits of maintaining a legible and appropriately-scaled streetwall within the HCD, it has serious concerns with the 10-metre stepback and 75-degree angular plane proposed in the draft plan. Application of the proposed 10-metre stepback and 75-degree angular plane to small sites like 615-617 Yonge Street renders future redevelopment of these sites infeasible.

The stepback and angular plane restrictions noted above may be appropriate for large-scale residential towers, but they foreclose the possibility of increasing density on a smaller scale for office or other uses. There are a number of opportunity sites for this type of redevelopment within the proposed HCD. They are sites that allow for the City to respond to evolving economic realities by leveraging heritage resources. The universal stepback and angular plane proposed in the draft HCD plan will effectively

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remove all flexibility from these sites and inhibit the capacity of valuable heritage resources in the HCD to meet future needs.

Oberon therefore proposes an alternative, case-by-case approach to vertical additions. Such an approach would allow for a reasoned appraisal of development applications as they come forward, rather than imposing strict requirements that hinder City staff's ability to respond to change.

We trust that the foregoing will be given due consideration.

Yours truly,

Iris Antonios

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