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October 13, 2017

**VIA EMAIL**

Mayor John Tory and Members of Council  
Toronto City Hall  
100 Queen Street West  
Toronto, ON M5H 2N2

**Attention: Ellen Devlin**  
**Secretariat, Toronto and East York Community Council**

Your Worship and Members of Council:

**RE: 1 Eglinton Avenue East – Zoning Amendment Application**  
**City File No. 14 266776 STE 22 OZ**  
**Final Staff Report - Item TE27.4**

We are the lawyers for Jencel Properties Inc. ("**Jencel**"), the owner of the property municipally known as 2245 Yonge Street, which is located on the east side of Yonge Street, just south of Eglinton Avenue (the "**Jencel Property**"). The Jencel Property contains a two-storey commercial building with a Tim Horton's restaurant at grade and a hair salon above, as well as a residential apartment unit at the rear of the second storey.

Together with our client, we have been following the progress of the Zoning By-law Amendment application (the "**Application**") for the property at 1 Eglinton Avenue East which is generally located at the southeast corner of Yonge and Eglinton (the "**Development Property**"). The Application seeks approval of a 65-storey mixed use building on the Development Property (the "**Development Proposal**").

We previously provided correspondence in respect of this matter on April 20, 2016 and February 28, 2017. In addition, we have been in attendance at a Community Consultation meeting held on May 12, 2015 and a Design Review Panel presentation on March 10, 2016. Our client made a deputation at the Community Consultation meeting in May 2015. Both ourselves and our client have also actively participated in the Midtown in Focus planning process.

We have reviewed the Final Report, prepared by Planning Staff, dated September 29, 2017, recommending approval of the Application (the "**Staff Report**"). We are disappointed to observe that, despite our client's involvement in and input into the review process for the Application, it does not appear that any of our client's ongoing concerns with the Development Proposal have been addressed. Rather, it appears that our client's concerns have been minimized in the Staff Report.

Our client is concerned with the potential impacts of the Development Proposal on the Jencel Property, particularly the placement of the proposed building and its significant tower element on the Development Property relative to the Jencel Property. By way of background, the tower element of the development was originally positioned approximately 10.7 metres from the common property line to the south. We expressed concern at the time that the siting of the tower element, then at 68 storeys, did not properly relate to the Jencel Property and had significant impacts for the redevelopment potential of both the Jencel Property and the comprehensive development of the southeast quadrant of Yonge and Eglinton. Rather than address this concern in further iterations of the proposal, however, the building's tower element (now reduced to 65 storeys) has since been shifted *closer* to the Jencel Property, so that the proposed tower now sits at only 6.8 metres from the south property line.

The proposed separation distance from the Jencel Site is well below the minimum 12.5 metres setback identified in the Tall Building Design Guidelines and does not provide for an appropriate relationship between the abutting properties. The Staff Report notes that a limiting distance agreement was entered into with the owners of 2239 Yonge Street to allow for the redevelopment of the nearby site at 2221 Yonge Street with a 58-storey tower. However staff's analysis of the appropriateness of the proposed 6.8-metre setback in its context seemingly ignores that the applicant has not secured limiting distance or air rights over the Jencel Property. As noted in our earlier correspondence, there have been no formal discussions between the applicant and our client with respect to securing such rights.

Absent any such arrangements, it is our view that the Staff Report is lacking in its discussion and analysis of why it is appropriate for the proposed development to be excused from the application of the City's Tall Building Urban Design Guidelines with respect to both tower separation and tower floorplate size.

In the same vein, the Staff Report also appears to disregard any future developmental potential for the Jencel Site on its own or as part of a comprehensive development scheme, notwithstanding that it occupies a central location at a major intersection in one of the City's fastest growing nodes, and has a permitted zoned height of 61 metres. Approval of the Application without proper consideration of the development potential of the Jencel Property, brings with it the risk that this important corner will not be developed comprehensively. This would not be good planning. It is important that highly urban sites be comprehensively planned as part of a City-building exercise in order to optimize land use results on the whole, especially at this critical junction of the Yonge Subway line and the Eglinton Crosstown LRT.

Our client met with Planning Staff on June 1, 2017 to discuss the development potential of the Jencel Property. At the meeting, our client shared a preliminary development concept for the Jencel Property. Since that time our client has been working with its consultants in anticipation of a future development application submission. Despite this, the Staff Report fails to adequately consider the matter of the development of the Jencel Property.

Our client also has concerns, consistently expressed as part of the public process to date, with the relationship of the Development Proposal to Cowbell Lane. In particular, our client is concerned with the function and design of vehicular and pedestrian access to the Development

Property given the intensity of use proposed for Cowbell Lane and physical constraints related to the lane. We note that Section 37 funds have been secured for certain unspecified upgrades to Cowbell Lane; however the details of such upgrades have been left to the site plan approval process, which in the normal course has limited scope for the involvement of the general public and neighbouring landowners. The design and function of Cowbell Lane affects all abutting owners and the broader community at Yonge and Eglinton. In our submission, the concerns with Cowbell Lane have not been adequately addressed in the Staff Report, and our previous comments in this regard remain unaddressed.

Notwithstanding the recommendations of the Staff Report, we ask that Toronto and East York Community Council and City Council consider our concerns in the assessment of the Development Proposal and in any decision resulting therefrom. In our view, this would require careful consideration of the Development Proposal's relationship to both the public realm and also to abutting properties, including the Jencel Property, and the implications on the development potential of such properties.

Please provide us with notice of any decision made by the Toronto and East York Community Council, City Council, or any other committee of Council with respect to this matter. Our contact information is set out above and below. We intend to be present to make a deputation at the Public Meeting in this matter.

Yours truly,  
**Overland LLP**



FOR ~~Per~~: Christopher J. Tanzola  
Partner  
c. A. Dharamshi (Jencel Properties)