

October 16, 2017

Delivered 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 solicitors for 2332356 Ontario Inc., hereinafter referred to as The Society of Energy Professionals (“**the Society**”), the owner of the property municipally known as 2239 Yonge Street (“**2239**”) located on the east side of Yonge Street immediately south of the Jencel Property at 2245 Yonge Street, and situate one building south of the above-captioned 1 Eglinton Avenue East.

Our client’s property comprises of a 5-storey office building which is fully tenanted and includes, on three levels, the offices of the Society who are the principals of 2239.

Together with the owner of 2245 Yonge Street, the “**Jencel Property**”, we have participated in the future re-development of our client’s property at 2239 Yonge Street and the Jencel Property adjoining it to the north.

Our client has been following the Application for the re-development of the lands situate at 1 Eglinton Avenue East for a high-rise, mixed-use building (the “**Development Property**”). We understand that the present proposal for re-development is to provide for a 65-storey building with a 9-storey podium which will provide employment uses and the balance of the 56 storeys will be condominium apartments.

For the record, we want to confirm that our clients have instructed us to join in and adopt the reasoning and the arguments contained in the Overland LLP letter to you of October 13, 2017 on behalf of the owner of the Jencel Property.

Our clients are greatly dissatisfied with the recommendation made in the Final Report prepared by your Planning Staff and dated September 29, 2017 recommending approval of the Application (the "**Staff Report**").

From our examination of the Staff Report, we have observed that the comments on the description of the built form, height and massing fails to give effect to the Tall Building Design Guidelines which were adopted by Council in May of 2013 (the "**Guidelines**").

As we have pointed out in our earlier letter to you of August 18, 2016, the Guidelines require a minimum of 12.5 metre tower setback from a side or rear lot line.

Our client's own property is located within 6 metres of the southerly boundary of the Development Property and is materially affected by the absence of consideration being given to the Guidelines.

The current limited setback of the podium and tower from Cowbell Lane is a reduced setback of 5 metres, whereas the first submission provided for a setback of 7 metres. The practical effect of the reduction in the setback is to require that the fundamental access to the Development Property will be affected from Cowbell Lane.

Cowbell Lane, from our client's observations, is slanted downward from Eglinton Avenue East, which is the northerly boundary of the Development Property and the incline, accompanied by the laneway width makes the entrance, the access for vehicles and there will be many bearing in mind that the building is to house approximately 108,000 sq.ft. of new offices, difficult to use and threatening to pedestrian safety and vehicular traffic on Cowbell Lane.

The design of the building must be reoriented in a manner that is similar to that which has been used at the Minto Property to the south and the Towerhill Developments at 2221 Yonge Street, which will allow for the heavy vehicles that provide services to the office building to gain access on to the Development Property in a manner that will make it function with safety and security.

We have examined the Transportation Study prepared for the Development Property and we find that the data that has been provided by the transportation consultant is at least 5 years old and does not in any manner reflect the current and anticipated uses of Cowbell Lane.

In addition, there is a further 58-storey building being built at 2221 Yonge Street which is a short distance from the Development Property.

Our client has joined with the Jencel Property owner in a re-development proposal that has been initiated with your Staff and is in the phase which will permit the design and the transportation study to be shared with your Staff in the coming weeks.

It is our respectful submission that the Staff Report should not be accepted at this time and should be deferred in order to allow the proposals of our client, the Society and the Jencel Property owner to be considered.

Reference is being made in the Staff Report with respect to a Limiting Distance Agreement which exists between our client and its neighbour to the south.

We underline the importance of you being advised that this Agreement does not limit the development potential of 2239 Yonge Street in a manner that would allow the current development to proceed without the existence of a further Limiting Distance Agreement or some further recognition of the importance of the use of the Guidelines to consider current development.

Section 3.2.3, which is headed "Separation Distances in the Guidelines, makes it clear that if tall buildings are constructed too close together, the following negative impacts may occur:

- excessive shadowing of surrounding streets, parks, open space, and properties;
- diminished sky views for pedestrians;
- heightened street level wind effects;
- loss of privacy for residents; and
- limited interior daylighting.

In our letter to you of August 18, 2016 we made reference to the proposition contained in the Guidelines that the separation between the balconies of the various properties must be at least 25 metres in accordance with these Guidelines. It does not appear that this will occur as it relates to the Jencel Property, our client's property or 2221 Yonge Street.

We respectfully request that you defer the current application in order to give effect to the concerns of our client and the owner of the Jencel Property with respect to particularly the absence of the setback provisions which have been referred to in both of our submissions.

We are asking that Staff be given an opportunity to consider any future development potential for the Jencel Property and our client's property.

Our client has been working with the owner of the Jencel Property throughout the period during which discussions with your staff have taken place and has given its support to these discussions.

Our client is, as well, participating with the owner of the Jencel Property in the planned re-development of both of these property sites.

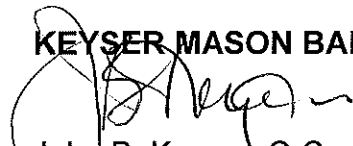
We are requesting your careful consideration of the current development proposal relationship to our clients' property, the Jencel Property and the effect on the community.

We are respectfully requesting notice of your decision and any further public meetings which take place in order for these discussions and the application proceeding.

All of which is respectfully submitted.

Yours truly,

KEYSER MASON BALL, LLP



John B. Keyser, Q.C.
JBK:am