

July 19, 2018

VIA EMAIL

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

Attention: City Clerk

Your Worship and Members of Council:

RE: 1 Eglinton Avenue East – Clarification of Section 37 Benefits Secured – Item CC44.11

AND RE: 1 Eglinton Avenue East – Final Staff Report – Item TE27.4

AND RE: Midtown in Focus: Final Report – Item PG31.7

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 actively participated in the consideration of the 1 Eglinton Avenue East Zoning By-law Amendment application for a 65-storey mixed use building located immediately adjacent and minimally setback from the Jencel Property. We have made our issues and concerns with the proposed 1 Eglinton development known in numerous forums through oral submissions and written correspondence. Although approved in principle in 2017, the City has not yet amended its Zoning By-law in respect of this development and the planning process for this site is not yet concluded.

Together with our client, we have also actively participated through written and oral submissions and attendance at various workshops and presentations in other related planning processes in the Yonge-Eglinton area. Specifically, we have actively participated in the Midtown in Focus studies that resulted in Official Plan Amendment 289 (“**OPA 289**”), which was recently approved by the Local Planning Appeal Tribunal, and in the current Yonge-Eglinton Secondary Plan process, which is now before City Council, but which we understand is intended to be sent to the Ministry for approval under Section 26 of the *Planning Act*.

In cooperation with 2332356 Ontario Inc. and the Society of United Professionals, the owners of 2239 Yonge Street (the “**Society’s Property**”), we have also met with City Staff on two occasions, in June 2017 and at a formal Pre-Application Consultation meeting on June 19, 2018, to discuss a proposed redevelopment of the Jencel Property/Society’s Property for a 14-storey office/medical office complex of approximately 100,000 square feet.

We do not intend to repeat our submissions in this letter, but instead are attaching the record of the written correspondence to ensure that it is before City Council in a consolidated form when it makes its decisions on the above noted matters (Items TE27.4, CC44.11, and PG31.7). The following pieces of correspondence are attached:

- Letter dated May 13, 2015 from Overland LLP re OPA 289
- Letter dated July 14, 2015 from Overland LLP re appeal of OPA 289
- Letter dated April 20, 2016 from Overland LLP re 1 Eglinton
- Email dated December 9, 2016 from Jencel Properties re Midtown in Focus
- Letter dated February 28, 2017 from Overland LLP re 1 Eglinton
- Letter dated October 13, 2017 from Overland LLP re 1 Eglinton
- Letter dated November 13, 2017 from Overland LLP re Yonge-Eglinton Secondary Plan
- Letter dated February 23, 2018 from Overland LLP re Yonge-Eglinton Secondary Plan
- Letter dated March 29, 2018 from Overland LLP re 1 Eglinton
- Letter dated June 6, 2018 from Overland LLP re Yonge-Eglinton Secondary Plan
- Letter dated June 29, 2018 from Overland LLP re Yonge-Eglinton Secondary Plan

In short, we do not consider that our submissions, nor numerous submissions of the Society of United Professionals, have been seriously considered or given appropriate regard by the developer of 1 Eglinton, City Planning Staff, Toronto and East York Community Council, the Planning and Growth Management Committee, or – to this point – City Council.

We believe that the decisions made to date and the recommendations that are currently before City Council could very well sterilize the future development of the Jencel Property and the Society’s Property, and make it practically impossible to deliver a badly-needed 100,000 square-foot office/medical office complex at a prime location atop two subway lines at the heart of Yonge and Eglinton. This cannot be a desirable outcome. This is the opposite of the forward-thinking planning that is required by all the relevant planning documents, including the Provincial Policy Statement, the Growth Plan, the City’s Official Plan, OPA 289, and even the proposed policies of the Yonge-Eglinton Secondary Plan itself. These documents contain policies and directives to facilitate intensification in appropriate locations and create opportunities for compatible, coordinated development that makes efficient use of existing infrastructure.

We submit that the decisions made to date and the recommendations that are currently before City Council are predicated on the inappropriate and indefensible proposition that the Jencel Property bears the responsibility for providing the setbacks necessary to accommodate the 65-storey tower of the 1 Eglinton development. These decisions and recommendations do not stand up to scrutiny, do not represent good planning, are not consistent with the Provincial Policy Statement, and do not conform with the Growth Plan or the City’s own Official Plan

framework. The decisions made to date and the recommendations that are currently before City Council violate the very basic proposition that tall buildings, like the proposed tower at 1 Eglinton, must have larger civic responsibilities and obligations than other buildings – a policy that has been fundamentally ignored throughout this process in relation to the Jencel Property.

We urge City Council to review the record of our client's involvement and past submissions before making final decisions on these matters. In any event, we intend that these submissions form part of the public record in each of these matters.

Please provide us with written notice of all decisions and any further consideration of these matters. Our contact information is provided above and below.

Yours truly,
Overland LLP



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



Overland LLP
Christopher J. Tanzola
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Direct: (416) 730-0645
Email: ctanzola@overlandllp.ca

May 13, 2015

VIA EMAIL

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

Attention: City Clerk

**Attention: Nancy Martins, Administrator
Planning and Growth Management Committee
100 Queen Street West, 10th Floor, West Tower
Toronto, ON M5H 2N2**

Your Worship and Members of Council:

**RE: City-Initiated Proposal to Amend the Official Plan for the Yonge-Eglinton
Secondary Plan Area
Official Plan Amendment No. 289
City File No. 15 124713 SPS 00 OZ**

We are the lawyers for Jencel Properties Inc. ("**Jencel**"), the owner of the property municipally known as 2245 Yonge Street, which is located south of Eglinton Avenue and within the area affected by the proposed Official Plan Amendment No. 289 ("**OPA 289**").

We are in receipt of the Notice of Public Meeting for OPA 289 and wish to provide the Planning and Growth Management Committee and City Council with the following written submissions for consideration.

The Jencel property is located on a portion of Yonge Street which has seen recent site-specific proposals for intense forms of development – in particular proposals for development at 2221 Yonge Street and at 1 Eglinton Avenue East. Jencel generally supports the direction in OPA 289 requiring in appropriate circumstances, as part of the development review and approvals process, that opportunities for coordinating development be considered, including by the submission of context plans. Although the proposed policies refer specifically to the achievement of public realm enhancements, other aspects of coordination should also be considered including issues of building placement and the development potential of neighbouring sites.

Jencel also has concerns regarding the impact of development activity on the use of Cowbell Lane, which provides access to the Jencel property and other sites within the block between

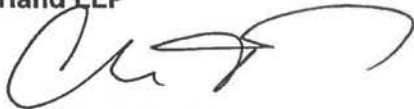
Eglinton Avenue and Soudan Avenue. Jencel generally supports the direction in OPA 289 requiring an examination of the impact of vehicular, loading, and servicing activities on the public realm, including transportation and traffic impacts from significant new developments.

In general, Jencel submits that attention should be paid to the use and function of Cowbell Lane. Development proposals should provide for improvements in pedestrian and vehicular safety and traffic operations along Cowbell Lane, and opportunities for enhancements and upgrades to the public realm and streetscape along the lane as well as at its intersections with the adjacent road network.

Public realm and streetscape considerations regarding Cowbell Lane are also connected to OPA 289's policies regarding the "Eglinton Green Line" and the "Yonge and Eglinton Crossroads". The design, configuration, and layout of these public space initiatives should be carefully considered in assessing development activity in this location.

Please provide us with notice of the Planning and Growth Management Committee's deliberations and decisions in respect of OPA 289, as well as the deliberations and decisions of any other committee of Council and City Council. Our contact information is set out in this correspondence.

Yours truly,
Overland LLP



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



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July 14, 2015

VIA COURIER

City Clerk
Attention: Ms. Nancy Martins, Administrator
Planning and Growth Management Committee
City Hall, 10th Floor, West Tower
100 Queen Street West
Toronto, ON M5H2N2

**RE: Appeal of Proposed Official Plan Amendment No. 289 ("OPA 289") (By-law No. 641-2015)
by Jencel Properties Inc.
City File No. 15 124713 SPS 00 OZ**

We are the lawyers for Jencel Properties Inc. ("**Jencel**"), the owner of the property municipally known as 2245 Yonge Street, which is located south of Eglinton Avenue and within the area affected by the proposed Official Plan Amendment No. 289 ("**OPA 289**").

We are in receipt of the Notice of Adoption of OPA 289. Please be advised that, on behalf of Jencel, we hereby appeal OPA 289 to the Ontario Municipal Board pursuant to Section 17(24) of the *Planning Act*, R.S.O. 1990, c. P.13 as amended. The reasons for appeal are set out below.

The Jencel property is located on a portion of Yonge Street which has seen recent site-specific proposals for intense forms of development – in particular proposals for development at 2221 Yonge Street and at 1 Eglinton Avenue East. Jencel generally supports the direction in OPA 289 requiring in appropriate circumstances, as part of the development review and approvals process, that opportunities for coordinating development be considered, including by the submission of context plans. Although the proposed policies refer specifically to the achievement of public realm enhancements, other aspects of coordination should also be considered including issues of building placement and the development potential of neighbouring sites.

Jencel also has concerns regarding the impact of development activity on the use of Cowbell Lane, which provides access to the Jencel property and other sites within the block between Eglinton Avenue and Soudan Avenue. Jencel generally supports the direction in OPA 289 requiring an examination of the impact of vehicular, loading, and servicing activities on the public realm, including transportation and traffic impacts from significant new developments.

In general, Jencel submits that attention should be paid to the use and function of Cowbell Lane. Development proposals should provide for improvements in pedestrian and vehicular safety and traffic operations along Cowbell Lane, and opportunities for enhancements and

upgrades to the public realm and streetscape along the lane as well as at its intersections with the adjacent road network.

Public realm and streetscape considerations regarding Cowbell Lane are also connected to OPA 289's policies regarding the "Eglinton Green Line" and the "Yonge and Eglinton Crossroads". The design, configuration, and layout of these public space initiatives should be carefully considered in assessing development activity in this location.

Appeal

It is anticipated that there will be numerous appeals of OPA 289 by various parties. Given the interests and concerns identified above and the significant development activity occurring in proximity to Jencel's property, Jencel has determined to appeal OPA 289 in order to ensure that it has the full rights afforded to an appellant in the Ontario Municipal Board's proceeding. In light of the concerns outlined above, Jencel's appeal of OPA 289 is particularly concerned with the following policies on both an area-wide and site-specific basis:

- Policy 2.16
- Policy 2.17
- Policy 2.18
- Policy 2.19
- Policy 2.23
- Policy 6.3
- Policy 6.4
- Policy 6.5
- Map 21-3
- Map 21-4
- Map 21-5

We formulated the above list of OPA 289 policies that are of concern to Jencel without the benefit of knowing the policies/designations that are in dispute with respect to other appeals, some of which may affect Jencel's interests. As a result, we reserve the right to add the OPA 289 policies/designations that are of concern to Jencel as may be raised by other appellants to this proceeding.

Similarly, it is not possible to estimate the number of hearing days needed for this appeal or the number and expertise of potential witnesses. In order to canvass the parties and the issues, we suggest that a prehearing conference would be beneficial in this matter.

In respect of this appeal, please find enclosed the following:

- Appellant Form A1; and
- Cheque in the amount of \$125 made payable to the Minister of Finance.

Should you require any other information or document in order to constitute this appeal to the Board, please contact the undersigned, or in his absence, Christie Gibson (cgibson@overlandllp.ca; 416-730-1529).

Yours truly,

Overland LLP



Per: Christopher J. Tanzola
Partner

Encl.

c. *via email*
A. Dharamshi (Jencel)



Overland LLP
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April 20, 2016

VIA EMAIL

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

Attention: City Clerk

**Attention: Giulio Cescato, Senior Planner
Community Planning, Toronto and East York District**

Your Worship and Members of Council:

**RE: 1 Eglinton Avenue East – Zoning Amendment Application
City File No. 14 266776 STE 22 OZ**

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 application at 1 Eglinton Avenue East for a high-rise mixed use building at the southeast corner of Yonge and Eglinton (the “**Development Property**”). We understand that the proposal was originally for 68 storeys, but that it has been reduced as of November 2015 to 65 storeys, including a 9-storey podium adjacent to the Jencel Property. Furthermore, we understand that the development proposal takes all of its vehicular access from Cowbell Lane, a north-south lane that abuts the east side of the Development Property and the Jencel Property.

Jencel was represented at the Community Meeting held on May 12, 2015 and made a deputation regarding its concerns, which include:

- the setback of the podium and the tower from the Jencel Property to the South, Yonge Street, Eglinton Avenue, and Cowbell Lane and properties on the east side of Cowbell Lane;
- the intensity of use proposed for Cowbell Lane and physical constraints related to the lane, as well as concerns with the function and design of vehicular and pedestrian access to the Development Property;

- the impact of the proposed development on the Jencel Property, including its ability to be redeveloped in the future either on its own or as part of a comprehensive development scheme. Jencel has made efforts to cooperate with the owner of the Development Property in this regard, and is willing to continue those efforts.

Upon examination of the revised drawings and site plan for the proposed development, it is not clear to us that any of these concerns have been addressed. In fact, whereas the tower portion of the development was originally positioned approximately 10.7 metres from the common property line to the south, it appears to have been shifted so that the tower now sits at only 6.8 metres from the property line. Similarly, the relationship of the development proposal to Cowbell Lane does not appear to have been improved. The original 7-metre setback of the tower has been reduced to 5 metres. Vehicular and pedestrian movement along the inclined lane remains constrained, especially at the corner of Cowbell Lane and Eglinton and at the boundary of the Development Property and the Jencel Property, where the loading and parking ramp activity are proposed to occur.

The proposal was presented to the City of Toronto's Design Review Panel on March 10, 2016. Representatives from Jencel were in attendance to hear the deliberations of the panel regarding the proposed development. The panel members in particular expressed concerns with substandard access to the TTC and the lack of a below grade connection to developments to the south, the setback of the proposed development from the public realm and the need to create more public space at this important corner, and potential conflicts along Cowbell Lane. Ultimately, the panel members recommended that the proposal be redesigned to address their concerns.

Jencel agrees with the concerns expressed by the panel members and would echo them in its list of concerns with the proposed development.

In addition to the issues raised above, Jencel also has a number of immediate concerns with how the proposed development can be constructed and accommodated on the Development Property. For example, is the developer proposing to shut down Cowbell Lane, or Eglinton Avenue, or Yonge Street, or some combination during construction? If Cowbell Lane is to remain open during construction, will it be used by construction vehicles for access? In either scenario, what is the impact on the planned function (including access and operations) of the properties to the south, including the Jencel Property? What consideration has been given to EMS access and garbage pick-up along Cowbell Lane, both during construction and once the development is completed? These types of issues can be considered in the planning process through a requirement for the developer to provide a detailed construction management plan for review and approval and secured in agreements with the City. Neighbouring and nearby owners should have the opportunity to provide input into such a plan.

We trust that our concerns will be considered in the evaluation and assessment of the development proposal, in any recommendations made by City of Toronto Staff, and in any decision made by City Council. 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 the critical junction of the Yonge Subway line and the Eglinton Crosstown LRT. In our view, this would require careful consideration of a proposed development's relationship to both the public realm and also to abutting properties, including the development potential of such properties.

Please provide us with notice of any further public meetings, public reports, or other consideration of this matter by the Toronto and East York Community Council, City Council, or any other committee of Council. Our contact information is set out above and below.

Yours truly,

Overland LLP



Per: Christopher J. Tanzola
Partner

c. Jencel Properties

Christopher Tanzola

From: Arif Dharamshi <arifd@rogers.com>
Sent: Friday, December 09, 2016 4:13 PM
To: Paul Farish; Cassidy Ritz; glintern@toronto.ca
Cc: Giulio Cescato; Councillor Matlow; Christopher Tanzola; Kelly Oksenberg
Subject: MIDTOWN IN FOCUS: GROWTH, BUILT FORM AND INFRASTRUCTURE REVIEW - LANDOWNER / DEVELOPER MEETING 14/11/16.

On behalf of Jencel Properties Inc., the owner of 2245 Yonge Street, I attend the Midtown in Focus presentation on November 14, 2016. I am writing now to provide the following comments for consideration in the City's ongoing review:

Tall Buildings Setbacks.

TO Core is a comprehensive city initiated study relating to the Tall Building setbacks in the downtown core. City Council adopted OPA 352 and passed Zoning By-Law 1106-2016 and 1107-2016 on Nov 9, 2016.

Specifically, Tall Building Setback requirements of:

- 1) 12.5 m from lot line with no abutting street or lane
- 2) 12.5 m from the center line of an abutting lane
- 3) 3 m from a lot line that abuts a street or 12.5 m from the center line of that abutting street, whichever is greater
- 4) 25 m separation of towers.

The fundamental planning issues and solutions relating to Tall Buildings in the downtown core are relevant and should be considered in other high density nodes, specifically the Yonge Eglinton Secondary Plan area where significant tall building development is occurring. Accordingly, for good planning and consistency, these Tall Building Setbacks should be considered as part of the Yonge-Eglinton Secondary Plan Amendment. Incorporating these principles and defined parameters will encourage comprehensive planning in this important and growing part of the City. Like the downtown core, the Yonge Eglinton Secondary Plan area should have a set of clearly defined planning principles and an accompanying set of development standards to avoid piecemeal planning, to promote land assembly of smaller sites, and to protect potential future development sites.

Setback of Tall Buildings from Eglinton Avenue and Yonge Street.

Midtown in Focus: Parks, Open Spaces and Streetscape Plan (2014) is an extensive city initiated study that has resulted in OPA 289.

An important aspect is the building setbacks from Eglinton Avenue East and the development of public squares at the Yonge and Eglinton crossroads, including at the southeast corner where an entrance to the new Eglinton Crosstown is proposed, permitting safe and comfortable pedestrian circulation and realizing civic place-making opportunities.

Mid-Block Connections.

The Midtown in Focus: Growth, Built Form and Infrastructure Review – Status Report (25/05/2016) elaborates on the proposed 15,000 new dwellings and 24,000-29,000 new residents in the Yonge Eglinton Secondary Plan Area with the vast majority in the YE Centre. Mid-block connections are public lanes, not private service driveways and are vital for both pedestrian and vehicular circulation. In the South-East quadrant, Cowbell Lane is the only North-South Mid-Block connection. It is imperative that significant intensification projects, specifically the 1 Eglinton Avenue East proposal on the west side of Cowbell Lane at Eglinton, internalize as much as possible all servicing, access, pick-up/drop-off, delivery, loading, and parking facilities adequately in order to prevent obstruction of Cowbell Lane with spillover effects onto Eglinton Ave. East resulting in compromised pedestrian safety and impacts on surrounding property owners.

Inadequacies in site design and their spillover effect on these mid-block connections can also negatively impact the ability of EMS to respond in the event of emergencies. Delays in resuscitation and extrication of patients with resultant high mortality rates in tall buildings is well documented in the medical literature.

Yonge-Eglinton (Midtown) Community Infrastructure

There have been some 50 Rezoning Applications over the last 10 years in the Yonge Eglinton Secondary Plan area, mostly for Residential Condo Developments. Yonge-Eglinton is rapidly developing into a high density urban residential neighborhood. In contrast, in support of these residents there has been no new Health Care Building / Facility, Design Built Child Care Facility or School. Adhering to sound planning principles including in matters of building placement and site design will encourage an approach that goes beyond the development of individual sites and promotes comprehensive development with supporting community infrastructure.

Arif Dharamshi
Jencel Properties Inc.
47 Chiltern Hill
Richmond Hill, ON
L4B 3B8



Overland LLP
Christopher J. Tanzola
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February 28, 2017

VIA EMAIL

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

Attention: City Clerk

Attention: Mr. David Driedger, Planner

Your Worship and Members of Council:

**RE: 1 Eglinton Avenue East
Zoning By-law Amendment Resubmission
City File No. 14 266776 STE OZ**

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**").

We previously provided correspondence in respect of this matter on April 20, 2016. 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 are aware of a recent resubmission of materials on behalf of One Eglinton East Inc. (the "**Applicant**"), in support of the Zoning By-law Amendment application for 1 Eglinton East (the "**Development Property**"). The Applicant seeks the approval of a 65-storey building on the Development Property. We have reviewed some of the materials on the City's Application Information Centre website; however, it appears that not all of the most recently submitted material is available online.

As we attempt to review the most recent information in respect of the Development Property, we wish to correct the record regarding certain information provided by the Applicant to the City in a previous Comment Response Matrix.

In response to City Staff's comment that opportunities should be explored to purchase the Jencel Property so that the proposed building could be shifted south to expand the pedestrian realm on Eglinton Avenue, the Applicant responded that "Our client has reached out to the owner of the building to the south [i.e., Jencel] on a number of occasions, and an agreement was not achieved in order to purchase the lands." While one informal meeting did occur

between representatives of Jencel and representatives of the Applicant, no formal offer to purchase the Jencel Property resulted from the meeting. The Applicant has not since reached out to our client for further discussion. Our client continues to be concerned about the placement of the building on the Development Property, including the potential for detrimental impacts on the Jencel Property and in particular the tower setback at only 6.8 metres from the Jencel Property.

We also wish to voice ongoing concern over the proposed treatment of Cowbell Lane by the Applicant. Renderings of Cowbell Lane provided by the Applicant do not accurately portray that Cowbell Lane is sloped at a 30 degree incline. The renderings do not reflect what would be the obstructed sightlines of motorists and pedestrians utilizing the laneway. Notwithstanding the Applicant's removal of the proposed staircase on the northeast corner of the proposed building, our client continues to have concerns 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. The Applicant's proposed driveway configuration does not provide adequate room for vehicle maneuvering and does not sufficiently consider emergency vehicle access and garbage pick-up along Cowbell Lane.

We trust that our concerns will be considered in the evaluation and assessment of the development proposal.

Yours truly,
Overland LLP



Per: Christopher J. Tanzola
Partner

Encl.

c. A. Dharamshi (client)



Overland LLP
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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 /er: Christopher J. Tanzola
Partner
c. A. Dharamshi (Jencel Properties)



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November 13, 2017

VIA EMAIL

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

**Attention: Nancy Martins,
Planning and Growth Management Committee Administrator**

Your Worship and Members of Council:

**RE: Midtown in Focus: Proposals Report (the "Report")
Item PG24.10**

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 is located at the heart of the Midtown study area and at the Yonge-Eglinton Centre crossroads – at "the geographic centre of the City" as stated in the above-noted Report; the Jencel Property currently contains a two-storey commercial building with a Tim Horton's restaurant at grade and a hair salon above, as well as a single residential apartment unit at the rear of the second storey.

Together with our client, we have been actively engaged in the ongoing planning processes surrounding the Midtown Study Area and the Yonge-Eglinton Centre. Most recently, we wrote to and appeared before Toronto and East York Community Council to express our concerns with the approval of the 1 Eglinton Avenue East development (City File No. 14 266776 STE 22 OZ) ("**1 Eglinton**"). A copy of our correspondence is attached.

Our client has been a vocal and persistent advocate of comprehensive and coordinated development of the south east corner of the Yonge-Eglinton Crossroads, the intersection of these "two great streets" as described in the Report.

For that reason, we are exceedingly disappointed with the Report and with what seems to be City Planning's indifference to the future of both the Jencel Property and the long term comprehensive and coordinated planning of the southeast corner of these "two great streets".

Given one of the recommendations in the Report is for City Planning staff to undertake stakeholder and local property owner consultation, **we are specifically requesting that City Planning meet with our client to discuss the future of the Jencel Property in light of recent planning approvals in the area and in light of the directions set out in the Report**

and the draft Yonge-Eglinton Secondary Plan. We are requesting this specific consultation so that we might understand City Planning's vision for the long term development of the southeast corner of the Yonge Eglinton Crossroads.

In addition, we are also requesting that City Planning be specifically directed to report back to the Planning and Growth Management Committee regarding opportunities for development of the Jencel Property in light of the foregoing.

In terms of specific commentary on the draft Secondary Plan presented via the Report, we note the following:

- The Secondary Plan incorporates tall building performance measures such as maximum 750-square-metre floorplates (Policy 3.3.14) and 12.5-metre setbacks from property lines (Policy 3.3.15), and increased separation requirement above 30 storeys (Policy 3.3.15). The plan also says that City of Toronto urban design guidelines will be used in the review of development proposals (Policy 3.3.32). These requirements and guidelines were not observed in City Council's recent approval of the 1 Eglinton Proposal,¹ with the effect that a tall building of nearly 70 storeys in excess of the 750-square-metre floorplate is to be positioned only 6.8 metres from the boundary of the Jencel Property. City Planning's review of the development proposal actually resulted in the tower being moved *closer* to the property line than originally proposed.
- The Secondary Plan appears to identify the Jencel Property as having no additional development potential on Map 21-5 ("sites at development capacity") and Map 21-8 ("no tall building potential or infill potential") adjacent to a proposed height limit of 70 storeys. Firstly, this ignores the zoned height limit for the Jencel Property of 61 metres. Secondly, if approved, this would appear to crystallize an intention that a 2-storey retail frontage remain at the heart of the Yonge-Eglinton Crossroads past the planning horizon for these lands. This is contrary to Policy 4.4.1, which states the under-utilized sites in the Midtown Cores will be developed to foster transit supportive densities. This is also contrary to the policies regarding the Yonge-Eglinton Crossroads which speak to high quality architecture and design (Policy 4.4.3.1) and a unifying and comprehensive design at the corners of the intersection (Policy 4.4.3.3).
- If, contrary to indication, the intention is that the Jencel Property retains some development potential, the recent approval of the 1 Eglinton proposal is contrary to the intent of the draft Secondary Plan since it leaves the Jencel Property essentially an orphan to be developed on its own:
 - Policy 3.2.11 calls for co-ordinated and shared access and servicing areas between properties;
 - Policy 3.3.12 requires a consideration of the development potential of neighbouring sites;

¹ The 1 Eglinton proposal was approved by City Council at its meeting of November 7, 8, and 9, 2018, but the necessary Zoning By-law Amendment has not yet been enacted.

- Policy 3.7.4 speaks to improved connectivity and requiring consolidated site access;
- Policy 5.2 is a specific policy requiring context plans in order to achieve coordinated and orderly development (Policy 5.2.1(d)). Specific reference is made to site circulation, servicing, and loading (Policy 5.2.2).

Taken together, these policies coupled with the recent recommendation for approval of the 1 Eglinton proposal, indicate to us that, at present, City Planning does not have a coherent vision for the development of the Jencel Property beyond the current two-storey Tim Hortons and hair salon. It is not clear how the principles espoused in the Report or the directions set out in the draft Yonge-Eglinton Secondary Plan are intended to be implemented on this property given these circumstances.

Please provide us with notice of the decision of the Planning and Growth Management Committee, as well as notice of further reports and consideration of this matter by City Planning, the Planning and Growth Management Committee, City Council, and other committees of Council. Our contact information is provided above and below.

Thank you for your attention to this matter.

Yours truly,
Overland LLP



Per. Christopher J. Tanzola
Partner

Encl.
c. A. Dharamshi (Jencel Properties)



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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)



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February 23, 2018

VIA EMAIL

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

Attention: City Clerk

Attention: Mr. Paul Farish, Senior Planner, Strategic Initiatives

Your Worship and Members of Council:

**RE: Midtown in Focus – Yonge-Eglinton Secondary Plan
Jencel Properties Inc.**

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**”).

Both ourselves and our client have actively participated in the Midtown in Focus planning process. Our client was in attendance at the February 1, 2018 Landowners and Developers Consultation meeting and we have reviewed the presentation materials.

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. Our client has been considering the ability to redevelop the Jencel Property in light of the City’s ongoing studies in the area, the site-specific development applications at 1 Eglinton Avenue East, and planning policies encouraging complete communities in an area of significant growth pressure.

The proposed draft Yonge-Eglinton Secondary Plan (the “**Secondary Plan**”) speaks to fostering transit-supportive densities through the development of underutilized sites in the Midtown’s core areas and incorporates tall building performance standards to achieve more comprehensive design. Our client has persistently advocated for the need for highly urban sites to be comprehensively planned as part of a City-building exercise in order to optimize land use results on the whole, especially at a critical junction such the Yonge Subway line and the Eglinton Crosstown LRT. Given the intent and vision of the Secondary Plan, stronger policy direction should be given to ensuring appropriate opportunities for under-utilized properties to develop.

In a similar vein, given the policy direction that consideration should be given to the development potential of neighbouring sites, the Secondary Plan should not be used to remove

development rights from one property in order to accommodate another property, in particular in the absence of appropriate coordination or sufficient planning thought given to the eventual build-out of blocks during the planning horizon.

With respect to our comments on the Secondary Plan as it applies to Jencel Property, we attach our previous correspondence dated November 13, 2017 to Planning and Growth Management Committee which includes specific commentary on the draft Secondary Plan policies. In addition to those comments we note the following: Map 21.5 ("sites at development capacity") and Map 21.8 ("no tall building potential or infill potential") appear to identify the Jencel Property as having no additional development potential, while Map 21-11 ("office priority areas") appears to indicate the Jencel Property as an office priority area. The inconsistency in the identification of the Jencel Property as having no additional development potential despite being located in an office priority area highlights our previously expressed concern that it is not clear how the directions set out in the draft Secondary Plan are intended to be implemented on the Jencel Property and at this corner of Yonge-Eglinton generally.

Thank you for your attention to this matter.

Yours truly,
Overland LLP



Per: Christopher J. Tanzola
Partner

Encl.
c. A. Dharamshi (client)



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November 13, 2017

VIA EMAIL

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

**Attention: Nancy Martins,
Planning and Growth Management Committee Administrator**

Your Worship and Members of Council:

**RE: Midtown in Focus: Proposals Report (the "Report")
Item PG24.10**

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 is located at the heart of the Midtown study area and at the Yonge-Eglinton Centre crossroads – at "the geographic centre of the City" as stated in the above-noted Report; the Jencel Property currently contains a two-storey commercial building with a Tim Horton's restaurant at grade and a hair salon above, as well as a single residential apartment unit at the rear of the second storey.

Together with our client, we have been actively engaged in the ongoing planning processes surrounding the Midtown Study Area and the Yonge-Eglinton Centre. Most recently, we wrote to and appeared before Toronto and East York Community Council to express our concerns with the approval of the 1 Eglinton Avenue East development (City File No. 14 266776 STE 22 OZ) ("**1 Eglinton**"). A copy of our correspondence is attached.

Our client has been a vocal and persistent advocate of comprehensive and coordinated development of the south east corner of the Yonge-Eglinton Crossroads, the intersection of these "two great streets" as described in the Report.

For that reason, we are exceedingly disappointed with the Report and with what seems to be City Planning's indifference to the future of both the Jencel Property and the long term comprehensive and coordinated planning of the southeast corner of these "two great streets".

Given one of the recommendations in the Report is for City Planning staff to undertake stakeholder and local property owner consultation, **we are specifically requesting that City Planning meet with our client to discuss the future of the Jencel Property in light of recent planning approvals in the area and in light of the directions set out in the Report**

and the draft Yonge-Eglinton Secondary Plan. We are requesting this specific consultation so that we might understand City Planning's vision for the long term development of the southeast corner of the Yonge Eglinton Crossroads.

In addition, we are also requesting that City Planning be specifically directed to report back to the Planning and Growth Management Committee regarding opportunities for development of the Jencel Property in light of the foregoing.

In terms of specific commentary on the draft Secondary Plan presented via the Report, we note the following:

- The Secondary Plan incorporates tall building performance measures such as maximum 750-square-metre floorplates (Policy 3.3.14) and 12.5-metre setbacks from property lines (Policy 3.3.15), and increased separation requirement above 30 storeys (Policy 3.3.15). The plan also says that City of Toronto urban design guidelines will be used in the review of development proposals (Policy 3.3.32). These requirements and guidelines were not observed in City Council's recent approval of the 1 Eglinton Proposal,¹ with the effect that a tall building of nearly 70 storeys in excess of the 750-square-metre floorplate is to be positioned only 6.8 metres from the boundary of the Jencel Property. City Planning's review of the development proposal actually resulted in the tower being moved *closer* to the property line than originally proposed.
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¹ The 1 Eglinton proposal was approved by City Council at its meeting of November 7, 8, and 9, 2018, but the necessary Zoning By-law Amendment has not yet been enacted.

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Taken together, these policies coupled with the recent recommendation for approval of the 1 Eglinton proposal, indicate to us that, at present, City Planning does not have a coherent vision for the development of the Jencel Property beyond the current two-storey Tim Hortons and hair salon. It is not clear how the principles espoused in the Report or the directions set out in the draft Yonge-Eglinton Secondary Plan are intended to be implemented on this property given these circumstances.

Please provide us with notice of the decision of the Planning and Growth Management Committee, as well as notice of further reports and consideration of this matter by City Planning, the Planning and Growth Management Committee, City Council, and other committees of Council. Our contact information is provided above and below.

Thank you for your attention to this matter.

Yours truly,
Overland LLP



Per. Christopher J. Tanzola
Partner

Encl.

c. A. Dharamshi (Jencel Properties)



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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)



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March 29, 2018

VIA EMAIL & COURIER

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

Attention: City Clerk

Your Worship and Members of Council:

**RE: 1 Eglinton Avenue East – Zoning By-law Amendment Application
City File No. 14 266766 STE 22 OZ
Cowbell Lane Operations**

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**”).

We have written to the City on numerous occasions regarding the 1 Eglinton Avenue East rezoning application referred to above, including correspondence to the City Council via the City Clerk on October 13, 2017, April 20, 2016, and February 28, 2017. Both Ourselves and our client have actively participated in the planning process for 1 Eglinton Avenue East and in a number of related planning initiatives in the Yonge-Eglinton area.

As noted in our October 2017 correspondence, it does not appear that our client’s ongoing concerns with the development proposal for 1 Eglinton Avenue East have been addressed by City Staff or City Council in its assessment of the project. These concerns include: the absence of a comprehensive approach to development at the southeast corner of Yonge and Eglinton, with the result that certain properties, like the Jencel Property, risk being orphaned or unable to develop to their full potential; the disregard for the City’s Urban Design Guidelines, particularly with respect to tower placement and setbacks; and the inappropriate and overburdening use of Cowbell Lane that is required to serve the 1 Eglinton Avenue East project without regard for adjacent properties, existing and future traffic circulation, or pedestrian safety.

We are aware that City Council approved the recommendations of City Staff in support of the proposed development of 1 Eglinton Avenue East at its meeting on November 7, 2017. We are also aware that the City has not yet passed the required amendments to former City of Toronto By-law No. 438-86 and City-wide By-law No. 569-2013 in respect of this development.

Two of the recommendations approved by City Council on November 7, 2017 concern Cowbell Lane, the north-south public lane at the east boundary of the 1 Eglinton Avenue East Site that provides access to a number of Yonge Street properties, including the immediately abutting

Jencel Property. Recommendation 5(a)(i)(b) requires the applicant to enter into a Section 37 Agreement to secure, among other matters, \$418,348.00 in upgrades to Cowbell Lane. Recommendation 5(b)(ii) requires the applicant to construct a public pedestrian walkway on the east portion of the subject property adjacent to Cowbell Lane, and to provide an easement over such walkway.

In this context, and prior to Council passing the required zoning by-law amendments for this project, we wish to submit for the public record an assessment of current and future operations on Cowbell Lane prepared for Jencel by WSP Canada Group Limited and dated March 27, 2018 (the "**WSP Report**").

We hope that these comments may inform City Council of the difficulties posed by the development with respect to Cowbell Lane and properties that make use of it. Furthermore, we trust that this submission and WSP Report, along with our numerous other submissions and depositions already made in this matter, will form part of the municipality's record to be forwarded to the Local Planning and Appeal Tribunal in the event of an appeal.

Thank you for your consideration of these matters.

Thank you for your attention to this matter.

Yours truly,
Overland LLP



Per: Christopher J. Tanzola
Partner

Encl.

- c. A. Dharamshi (client) – via email
- A. Teixeira (City Planning) – via email



March 27, 2018

Arif Dharamshi
Jencel Properties Inc.

**Subject: Transportation Operations Letter
Proposed Redevelopment of 1 Eglinton Avenue East
City of Toronto**

Dear Mr. Dharamshi,

WSP is pleased to present this Transportation Operations Letter with respect to the proposed redevelopment of the site at 1 Eglinton Avenue East, in the City of Toronto. The intent of this letter is to document the redevelopment's impact to the traffic operations and safety conditions of Cowbell Lane.

EXISTING COWBELL LANE OPERATIONS

There are a number of new and proposed developments that rely on Cowbell Lane for auto, pedestrian and loading purposes. It is therefore critical to consider the ongoing traffic operations along Cowbell Lane and the potential for improvements to take place. Cowbell Lane has a pavement width of less than 6m, which is less than the typical driveway width of 6m required by the City for two-way operations.

For context, many of the existing residential and commercial developments on the west side of Cowbell Lane have garage entrances provided off of Cowbell Lane. For example, the Quantum North 54-storey and the Quantum South 31-storey residential buildings at 2181 and 2191 Yonge Street, as well as the 58-storey residential building under construction at 2221 Yonge Street have their garage entrances off of Cowbell Lane. Most of the garage access to the uses on the east side of Cowbell Lane are served off of Holly Street.

From a pedestrian's perspective, there are currently no formal/continuous sidewalks along Cowbell Lane. There is minimal to no space for snow storage. There are also a number of opportunities to improve the illumination along Cowbell Lane, which would improve both pedestrian and motorist visibility. These factors increase the importance of carefully examining the potential adverse impacts of the development at 1 Eglinton Avenue East on operations along Cowbell Lane.

It is also worth noting that access from Cowbell Lane to the Holly Street Toronto Parking Authority (TPA) underground parking facility poses a potential issue for pedestrians. As shown in **Figures 1 and 2**, there is no sightline triangle to the north for pedestrians coming out of the TPA parking facility. In less than desirable lighting conditions, it may be difficult for pedestrians and motorists to see one another.

Figure 1 – View along Cowbell Lane (Looking south) – with the TPA Access on the east side



Figure 2 – View along Cowbell Lane (Looking north) – with the TPA Access on the east side



1 EGLINTON AVENUE EAST REDEVELOPMENT REVIEW

As part of our evaluation, we have reviewed the BA Group transportation study, dated December 22, 2014, for the 1 Eglinton Avenue East development. Given the proximity of the 1 Eglinton Avenue East development to the intersection of Eglinton Avenue East and Cowbell Lane, inadequate design of pick-up/drop-off and loading facilities would result in negative impact to the traffic operations and safety of Cowbell Lane. Through our review, we have identified the following key issues with the proposed development concept for 1 Eglinton Avenue East:

- 1) The BA Group transportation study notes that five pick-up / drop-off spaces are available as shown in **Figure 3**. In practical operations, this requires cars to be double parked and therefore blocking access to both the loading area, and the underground parking ramp. Based on this assumption and layout, vehicles may queue back towards the intersection of Cowbell Lane and Eglinton Avenue. This is particularly a concern whenever there is loading or garbage collection activities, which would block the egress movement for the pick-up / drop-off vehicles. Under this circumstance, the potential queue back onto Cowbell Lane and Eglinton Avenue East from the north would negatively impact traffic flow on Cowbell Lane. This congestion near Cowbell Lane and Eglinton Avenue East is further exacerbated by the grades of Cowbell Lane approaching Eglinton Avenue East as shown in **Figures 4 and 5**. The grades are noticeably higher at Eglinton Avenue East, which constrains the sightline of motorists.

Figure 3 - 1 Eglinton Development Proposed Site Plan

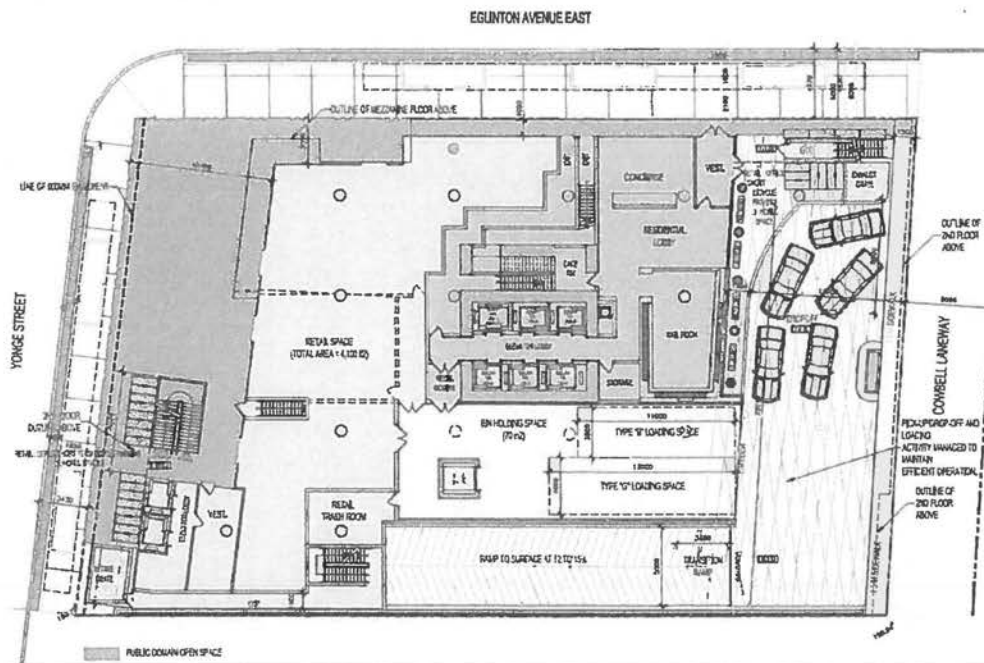
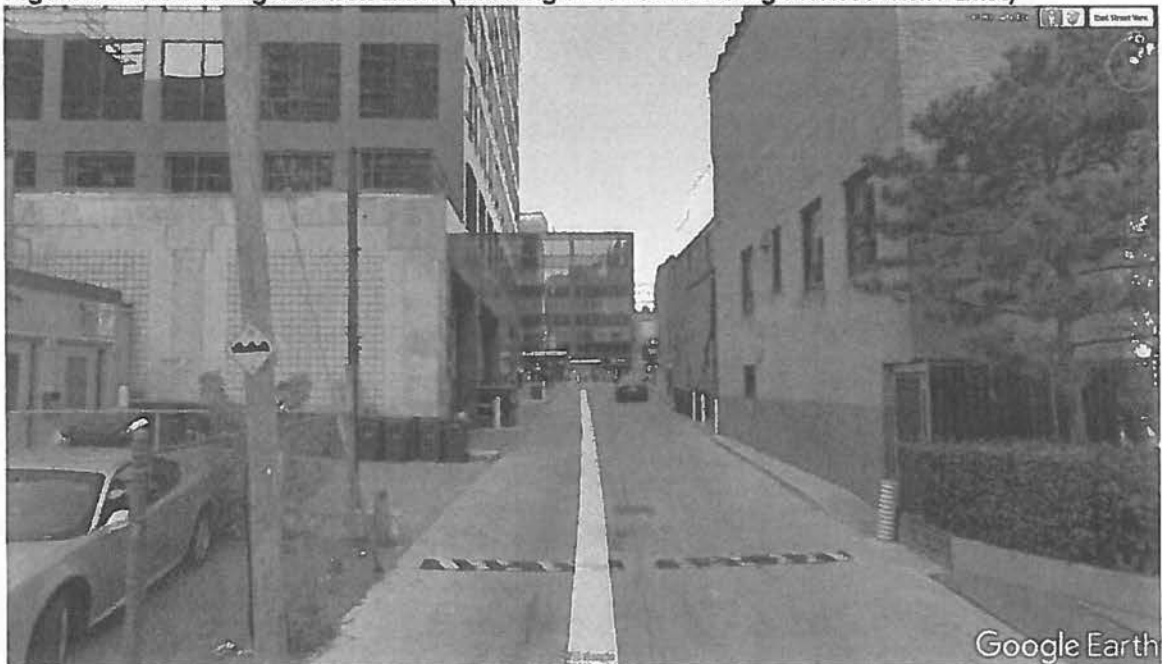


Figure 4 – View along Cowbell Lane (Looking north towards Eglinton Avenue East)



Figure 5 – View along Cowbell Lane (Looking north towards Eglinton Avenue East)





- 2) In BA Group's transportation study, the proposed Type 'G' and 'B' loading bays were tested with a City of Toronto front loading garbage truck and a single unit truck as shown in **Figures 6 and 7**, respectively. The BA Group turning manoeuvre diagrams show that with cars queued up for pick-up / drop-off activities, the garbage truck would be required to reverse onto Cowbell Lane in order to exit from the Type 'G' loading bay. Similarly, a single unit truck would have to reverse starting from Cowbell Lane into the Type 'B' loading bay. Both of these heavy manoeuvres would have negative impacts on the traffic flow on Cowbell Lane.

As the trucks are making the manoeuvres, traffic on Cowbell Lane (including those from the proposed site at 2239 and 2245 Yonge Street) would have to wait and queue back either onto Eglinton Avenue or on Cowbell Lane. For example, a motorist wanting to enter the parking ramp for 1 Eglinton Avenue East could not proceed until the truck manoeuvre is complete. The BA Group transportation study forecasts that the 1 Eglinton Avenue East redevelopment will generate 145 and 130 new auto trips during the morning and afternoon peak hours, respectively. Given the magnitude of trips and the context of Cowbell Lane, there is a high likelihood for queues to spill back onto Cowbell Lane and Eglinton Avenue East.

Figure 6 - 1 Eglinton Development Garbage Truck

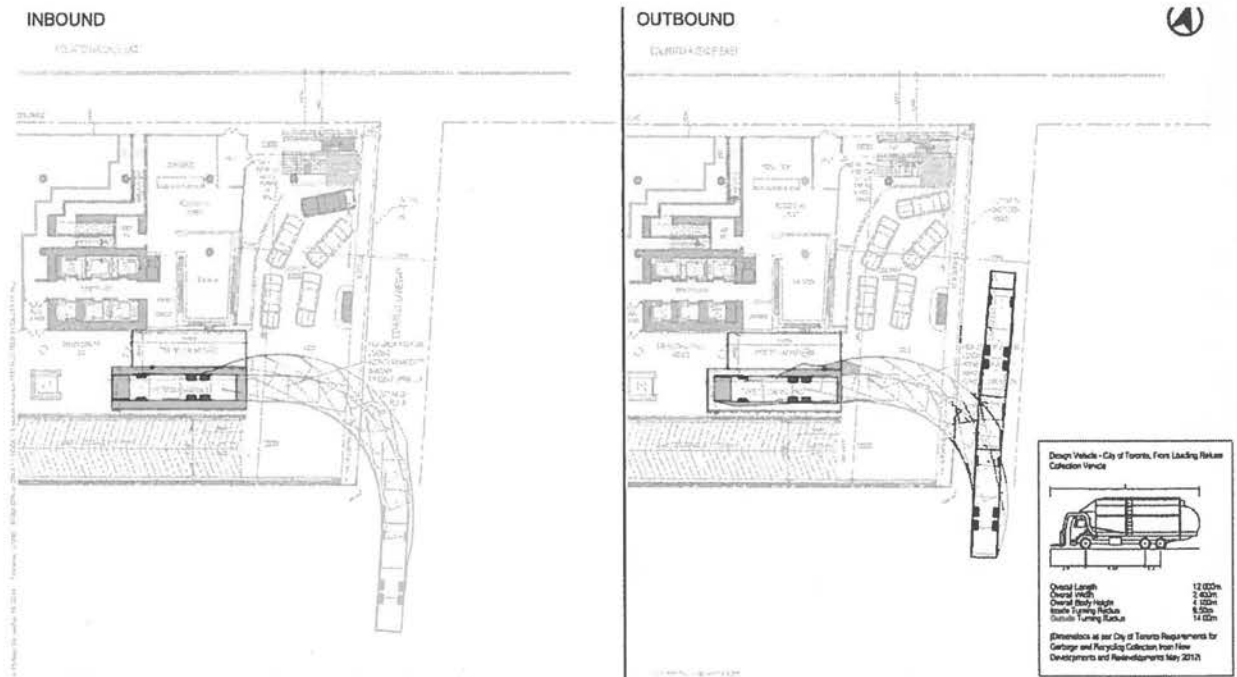
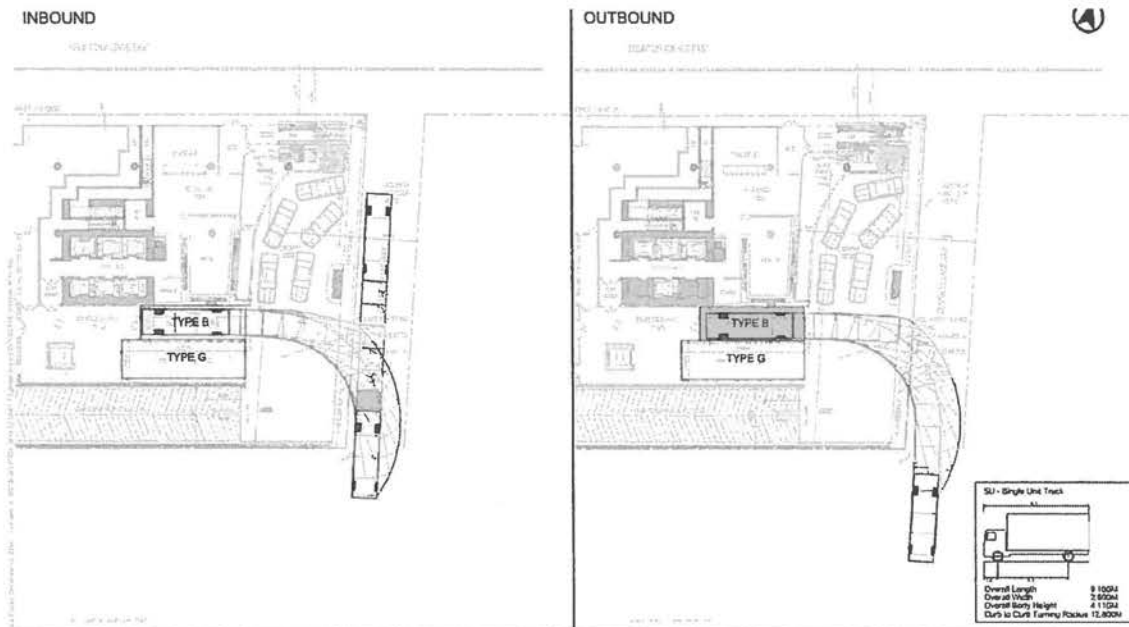




Figure 7 - 1 Eglinton Development Single Unit Truck



- 3) From a safety perspective, the width of the curb cut for the driveways to the 1 Eglinton Avenue East loading, parking ramp and drop-off / pick-up area appears to be very significant. It is not immediately clear what extent of the frontage onto Cowbell Lane is accessible for only pedestrians and what portion is a curb cut. In the 1 Eglinton Avenue East traffic study, the path of the truck manoeuvre is tested crossing the sidewalk on the west side of Cowbell Lane. This manoeuvre is also directly west of the future Eglinton LRT station access. The level of conflicting auto and truck traffic in the rear of 1 Eglinton Avenue East along Cowbell Lane poses a potential safety hazard to pedestrians.

It should also be noted that the directional control of the shallow pick-up / drop-off area for 1 Eglinton Avenue East has not been indicated. For example, there is potential for cars traveling northbound on Cowbell Lane to make a northbound left into the lay-by area, which would conflict with the outbound trips from the ramp, loading manoeuvres, and other pick-up / drop-off departures. Moreover, when there are vehicular layby activities along the drop-off/pick-up area as shown in Figure 3, it would impeded bi-directional traffic flow.



As detailed in this memo, the proposed redevelopment at 1 Eglinton Avenue East would use Cowbell Lane for its garage and loading access along with pick-up/drop-off and loading facilities. The potential redevelopment of the properties at 2239 and 2245 Yonge Street would utilize Cowbell Lane in a similar manner.

WSP Canada Group Limited

Peter Yu, P. Eng.
Senior Project Engineer
Planning and Advisory, Transportation

Jim Gough, P. Eng.
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Planning and Advisory, Transportation



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June 6, 2018

VIA EMAIL

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

**Attention: Nancy Martins, Planning and Growth Management Committee
Administrator**

Attention: City Clerk

Your Worship and Members of Council:

**RE: PG30.4 Midtown in Focus – Final Report
Jencel Properties Inc.**

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**").

Both ourselves and our client have actively participated throughout the Midtown in Focus planning process, including numerous written submissions and attendance at various public and stakeholder meetings.

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. Our client has been considering the ability to redevelop the Jencel Property in light of the City's ongoing studies in the area, the site-specific development applications at 1 Eglinton Avenue East, and planning policies encouraging complete communities in an area of significant growth pressure. A pre-application consultation meeting is scheduled with City Staff on June 19, 2018 to discuss a 14-storey commercial/office building on the Jencel Property and the abutting site at 2239 Yonge Street, owned by the Society of United Professions (Engineers) who have also submitted correspondence in respect of this matter (the "**Society**" and the "**Society's Property**").

We have had an opportunity to review some of the documents recently made public by the City in respect of the Midtown in Focus process, including a recently-revised draft of a new Yonge Eglinton Secondary Plan (the "**Secondary Plan**").

We have reviewed correspondence from other concerned parties and we echo many of the concerns expressed with respect to the Secondary Plan. In particular, we concur that **consideration of the Secondary Plan should be deferred in order to provide for a more appropriate period of review.**

Height and Built Form

We continue to be disappointed with the Secondary Plan's treatment of the Jencel Property and the Society's Property. In particular, the maximum permitted height for these lands is given as 8 stories on Map 21-12, despite their location at the heart of the Secondary Plan area and within the Yonge-Eglinton Crossroads Core Area and within the identified 250-metre radius of the Eglinton Subway Station.

The anomalous identification of these lands for a maximum height of 8 storeys, while all other lands within the immediately relevant context have "tall building" height permissions, including tower permissions of 65 storeys and 58 storeys immediately to the north and south, demonstrates a failure of the Secondary Plan to adequately plan and coordinate growth and development at this important intersection.

It appears that the Secondary Plan assumes that because the sites to the north and south of the Jencel Property/Society's Property have been proposed for tall buildings, that these remaining sites must bear the consequences and that the Jencel Property cannot even develop to its currently zoned height of 61 metres. This is a problem that we identified and attempted to raise with the City throughout the application process for 1 Eglinton Avenue East, the property north of the Jencel Property. Although City Council has endorsed the planning report for 1 Eglinton Avenue East, the amending by-laws for that site have not yet been adopted and the application process is not yet complete.

The 1 Eglinton Avenue East project was supported by the City with a very minimum tower separation of 6.8 metres from the Jencel Property's north property line, rather than the City's typical and commonly applied requirement of a 12.5-metre separation distance to a property line (a built form principle which is espoused within the current Secondary Plan, but which was breached in the approval of the 1 Eglinton Avenue East proposal).

The Secondary Plan should be revised to provide the Jencel Property and the Society's Property with the same "tall building" height permissions as all other properties within the southeast quadrant of the Yonge-Eglinton Crossroads Core Area. The deployment of a tall building on these lands should be determined in conjunction with a site-specific application, which, as noted above, will be the subject of a pre-application consultation meeting with City Staff on June 19, 2018.

Office Uses

The proposal for the combined Jencel Property/Society's Property is for office/medical office uses. These are the kinds of uses which are to be encouraged within the Secondary Plan area, particularly at the Yonge-Eglinton Crossroads.

The Secondary Plan envisions that the Core Areas will function as employment nodes with priority given to office uses, among other, in preference to residential intensification. This is particularly true of the Yonge-Eglinton Crossroads, which is at the heart of the Secondary Plan area.

Mixed Use Area "A", which is the proposed lands use designation for both the Jencel Property and the Society's Property, is to be the premier location for major office and other employment uses. Tall buildings are to provide for both new office and non-residential use and/or replacement of existing offices uses.

The proposal for a 14-storey office/medical office building, which will replace a 2-storey building containing a Tim Hortons, a hair salon, and a single residential unit, is entirely consistent with these policies and would contribute to the complete community otherwise envisioned by the Secondary Plan. However, the built form and height policies of the Secondary Plan work contrary to this objective and would effectively sterilize the site for any significant future development. This would be contrary to the Provincial Policy Statement, the Growth Plan, the City's Official Plan, the policies contained within the Secondary Plan itself, and good planning generally.

Coordinated Development Through Context Plans

The Secondary Plan contains a dedicated section highlighting the need for Context Plans to ensure coordinated development (Section 9.3). One of the identified goals of a Context Plan is to "coordinate building placement, separation distances and building heights; demonstrate how the pattern of development and built form will implement the policies of this Plan ..." And immediately following: "demonstrate the orderly development of the context area to the satisfaction of the City."

A coordinated exercise of the type described in Section 9.3 is precisely what Jencel had been asking the City to undertake in the development process for 1 Eglinton Avenue East. This did not take place, with the result that the development of 1 Eglinton Avenue East took place without any regard for coordination with the Jencel Property or the future development potential of the Jencel Property/Society's Property.

The Secondary Plan should not espouse these principles while at the same time they are ignored in practice.

Given the concerns identified, we are requesting that consideration of the Secondary Plan be deferred, in particular as regards the Jencel Property/Society's Property so that appropriate study can be given to the development potential for these lands for office uses at a proposed height in excess of 8 storeys and in light of the City's intention for a tall building at 1 Eglinton Avenue East in close proximity to the boundary of the Jencel Property.

Section 26 Approval by Ministry

We echo and support the submissions made by other legal counsel regarding the very recent determination that this Secondary Plan exercise will proceed by way of a *Planning Act*, section

26 approval to be submitted to the Minister of Municipal Affairs and Housing, and as a consequence being placed outside of the realm of appeals by affected landowners and others. This appears to be an opportunistic use of new statutory provisions resulting from the Bill 139 amendments to the *Planning Act* and does not appear to have been the manner in which this Secondary Plan was originally intended to be brought forward.

Please provide us with notice of the Planning and Growth Management Committee's decision in this matter, the decision of the City Council, and, subject to the comments above, the decision of the Minister of Municipal Affairs and Housing. Please also provide us with notice of any further consideration of this matter by this Committee, any other Committees of Council, and City Council. Our contact information is provided above and below.

Thank you for your attention to this matter.

Yours truly,
Overland LLP



Per: Christopher J. Tanzola
Partner

Encl.
c. A. Dharamshi (client)



Overland LLP
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June 29, 2018

VIA EMAIL

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

**Attention: Nancy Martins, Planning and Growth Management Committee
Administrator**

Attention: City Clerk

Your Worship and Members of Council:

**RE: PG31.7 Midtown in Focus – Final Report
Jencel Properties Inc.**

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**”).

Request to the Committee

For the reasons that are set out in detail below, we are requesting that Planning and Growth Management Committee amend the recommendations of City Planning Staff as follows:

- **“Remove the height limit on the properties known municipally as 2239 and 2245 Yonge Street to determine the height limits through site-specific analysis, applying built form and design policies, the existing zoning by-law heights, and applicable guidelines.”**

Background and History of Involvement

Both ourselves and our client have actively participated throughout the Midtown in Focus planning process, including numerous written submissions and attendance at various public and stakeholder meetings. Most recently, we wrote to the Planning and Growth Management Committee on June 6, 2018 in respect of the proposed Yonge Eglinton Secondary Plan (the “**Secondary Plan**”). Our client was in attendance at the previous Planning and Growth Management Committee meeting on June 7, 2018 and in attendance at the hastily-convened public meeting on June 21, 2018, at which an array of revisions to the Secondary Plan were summarily presented to the public.

Jencel has been acting in cooperation with the Society of United Professionals (the “**Society**”) and 2332356 Ontario Inc., which owns the property municipally known as 2239 Yonge Street (the “**Society’s Property**”) immediately adjacent to the Jencel Property.

Jencel has also been heavily and consistently involved in the site-specific development application for 1 Eglinton Avenue East, a 65-storey building that the City has seen fit to approve in principle even though it does not respect the City’s own guidelines for tall buildings, and even though its approval is directly reliant on air rights and setbacks from the Jencel Property, without any arrangements between the respective owners and without any regard for the City’s policies (including those contained in the proposed Secondary Plan) for organized and forward-thinking development of city blocks based on context plans. As the by-laws have not been passed by City Council, the planning process for 1 Eglinton Avenue East is not yet complete.

Recently, Jencel and the Society attended a pre-application consultation meeting with City of Toronto Planning Staff on June 19, 2018, to present a proposal to redevelop the Jencel Property and the Society’s Property jointly with a 14-storey office and medical office building (the “**Proposed Development**”). An iteration of the Proposed Development had been discussed with City Staff at a meeting a year earlier, on June 1, 2017, which was prior to Council’s consideration of the 1 Eglinton proposal.

Jencel also supported the City’s Official Plan Amendment No. 289 at the Local Planning Appeal Tribunal, which contains policies that specifically require context plans and coordinated, comprehensive development in this area in order to achieve, among other things, a unified public realm.

Jencel and the Society have attempted in utmost good faith to engage the planning process both at a site-specific and area-wide level. The experience has been extremely frustrating.

Ongoing Frustration and Concern with the Secondary Plan

The Secondary Plan continues to show a height of 8 storeys – and now 29 metres – for the Jencel Property/Society’s Property. This is entirely inappropriate given:

- The current zoning height for the property is 61 metres, which can accommodate a building in the range of 14-15 storeys. The Secondary Plan seeks to, in effect, downzone the properties;
- All other properties in the southeast quadrant of the Yonge-Eglinton Crossroads with Yonge Street frontage are designated for heights that would accommodate much taller buildings, and in some cases effectively upzoned;
- The Secondary Plan effectively assumes that the Jencel Property will serve as a podium for the development at 1 Eglinton Avenue East, including accommodating its tall building setback by eliminating development rights on the Jencel Property above the proposed 8 storey, 29-metre height. This assumption is made in the absence of any arrangements existing between the two owners and in the absence of any context plan exercise being

undertaken to demonstrate how the quadrant is intended to function as a whole *at the very heart of the Secondary Plan area.*

- The redesignation to a height of 8 storeys/29 metres is the manifestation of exactly the issue that Jencel had attempted to raise in the 1 Eglinton Avenue East process, but which fell on deaf ears at the City: the Jencel Property will be severely compromised and constrained in order to accommodate the tall building at 1 Eglinton, with no regard paid to the rights of Jencel or the development potential that could have been realized on the site. The approval of the Secondary Plan as currently proposed will reinforce this problem and will be prejudicial to the ultimate determination of the merits of the 1 Eglinton proposal.

The Secondary Plan therefore provides no opportunity, incentive, or feasible prospect for the Jencel Property and the Society's Property to redevelop beyond the currently existing two-storey Tim Hortons and hair salon on the Jencel Property and the five-storey office building on the Society's Property. In particular, this Secondary Plan makes impossible the Proposed Development, containing 14-storeys of new office employment, including critically-required new medical office complex to serve the growing population at Yonge and Eglinton, which would otherwise have provided essential services and job opportunities to the community at the very heart of the plan area and atop the intersection of the TTC's Line 1 and Eglinton Crosstown.

This result is shortsighted and is also contrary to the higher-order provincial policy documents, the Growth Plan and the Provincial Policy Statement, which support intensification in this location, employment opportunities as part of a genuine mix of uses, population-serving uses which are not auto dependent and which are transit supportive, coordinated and comprehensive development, and long-range planning for a vital urban growth centre.

Policies regarding Additional Height for Office Uses are Unclear

We acknowledge that certain new policies have been put forward post-June 21, 2018. These policies are mixed into the assorted height options which City Staff are now presenting to the Planning and Growth Management Committee after very limited time for study and consideration. These policies would seem to provide for an additional five storeys of potential height for office uses, but they are not clearly worded, appear to be equivocal in their application to the Jencel Property/Society's Property, and apparently may be negated by reference to other policies in the Secondary Plan. In short, we do not view these tacked-on policies as an appropriate response to the concerns that we have raised throughout this process. If they are intended to provide greater opportunities for real development on the Jencel Property/Society's Property, they should be clearly worded and made to apply directly to these lands.

In addition, the revisions to the Secondary Plan that were presented at the community meeting on June 21, 2018 and which are now before the Planning and Growth Management Committee do not provide for any additional office or employment opportunities for mid-rise building or any building typologies other than tall buildings. The Proposed Development at 14 storeys is best described as a hybrid building form that does not neatly fit into the City's limited building typology classifications.

We had hoped that as a result of direction given by Councillor Shiner at the June 7, 2018 Planning and Growth Management Committee meeting, we would have been able to have a substantive discussion with City Planning Staff regarding the Jencel Property, the Society's Property, and the Proposed Development at the June 19, 2018 pre-application consultation meeting, and at the June 21, 2018 community meeting. This did not occur. Notwithstanding our thorough preparation of plans, drawings, reports, and documentation for the pre-application meeting, and attendance and presentation by our team of professionals, including architect, land use planner, and transportation consultant, we were simply advised that City Planning Staff "stand by" their report on 1 Eglinton Avenue East and "stand by" their recommendations in the Secondary Plan. What has not been explained to us is how the Jencel Property/Society's Property can successfully redevelop under this proposed policy regime.


Therefore, we are requesting that the Planning and Growth Management Committee amend the recommendations of City Staff with a direction that is specific in its application to the Jencel Property/Society's Property, removing the designation of 8 storeys/29 metres from the height maps and providing an opportunity for specific study, as follows:

- **"Remove the height limit on the properties known municipally as 2239 and 2245 Yonge Street to determine the height limits through site-specific analysis, applying built form and design policies, the existing zoning by-law heights, and applicable guidelines."**

We rely on our previous submissions in this matter as well. Together with our client and the Society, we intend to be present at the Planning and Growth Management Committee meeting on July 5, 2018.

Thank you for your attention to this matter.

Yours truly,
Overland LLP


Per: Christopher J. Tanzola
Partner
c. A. Dharamshi (client)