

June 5, 2018

Delivered Via Email

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

**Attention: Ms. Nancy Martins Administratrix
Planning and Growth Management Committee**

Your Worship and Members of Council:

**Re: Item PG30.4 – Midtown in Focus: Final Report
Planning and Growth Management Committee Meeting
Thursday, June 7, 2018**

**And: Proposed City-Initiated Official Plan Amendment re:
Yonge-Eglinton Secondary Plan
(Official Plan Amendment Application No. 17 254453 NNY 25 OZ)**

We wish to confirm with you that we are the solicitors for The Society of United Professionals (the “**Society**”), the principals of 2332356 Ontario Inc., which is the owner of the property municipally known as 2239 Yonge Street (“**2239**”) located on the east side of Yonge Street immediately south of 2245 Yonge Street (the “**Jencel Property**”), and situate two buildings south of 1 Eglinton Avenue East. Our client’s property is comprised of a 5-storey office building which is fully tenanted and includes, on three levels, the offices of the Society.

Our client has joined forces with Jencel Properties Inc., the owner of the Jencel Property, who have collaboratively formed a Concept Plan for the joint development of the two properties, namely 2239 and 2245 Yonge Street (“**2239 and 2245**”).

The Society, and Jencel Properties Inc., are respectfully requesting a deferral of the current Amendment No. 405 to the Official Plan to permit your staff to craft the policies in a manner that will allow the building of mid-rise buildings in concert with the tall buildings that are described in the policies. The purpose of the Amendment will be to preserve and to facilitate expanded employment – office development within the Yonge-Eglinton Crossroads and surrounding area.

By letter dated February 23, 2018 to you, our client expressed its sincere disappointment with the Proposed Yonge-Eglinton Secondary Plan Update - November 2017 for we find the report by City Staff provides confusion and misunderstanding about the two properties.

We have respectfully requested, on our client's behalf, an opportunity to meet with your staff to describe our client's concerns and objections to the current study and policies and to present a Concept Plan for the combined development of the two properties.

Together with the owner of the Jencel Property, our client has participated in the future re-development of 2239 and 2245.

Schedule "III" to Amendment No. 405

The description in Amendment No. 405 on page 2, paragraph 1, begins with:

Section 2.2.2 Centres: Vital Mixed Use Communities of the Official Plan is amended by deleting the non-statutory text related to the *Yonge-Eglinton Centre* and replacing it with the following:

The second paragraph begins with:

Yonge-Eglinton Centre will continue to prosper as a dynamic live-work district. The Centre will be marked by tall buildings and an intense concentration of office, retail, institutional and residential uses at the Yonge-Eglinton intersection.

Schedule "III" to Amendment No. 405 refers to the vision of the Urban Growth Centre and the Land Use component in Section 2.5, and I direct your attention to Section 2.5.3:

Mixed Use Areas "A" are [to be the] Midtown's premier locations for major office and other employment uses.

In Section 5.3, the Permitted Building Types and Urban Design Standards, the Midtown Mid-rise buildings are described in Section 5.3.18 as follows:

Midtown Mid-rise Buildings are buildings with a range of maximum permitted building heights of between five to ten storeys depending on the Character Area.

Further references to Midtown infill development and the character area makes no reference, whatever, to the preservation of the employment-office uses which are to dominate in the Yonge-Secondary Plan Area which is absolutely essential in order to provide an economic basis for the live-work combination which is to be the feature of this magnificent Midtown area in which our clients have their offices.

The membership of the Society numbers 8,400 and our clients are quite capable of attracting an enormous number of like professionals to occupy their building and their neighbours' in order to provide the services and the skills to which this community is entitled.

By reference to Map 21-12, the elements associated with the future development potential of our client's property and that of Jencel has been taken away and an 8-storey limitation has been imposed.

It was clear from reading Schedule 21-12 of the Secondary Plan that the 8-storey limit merely reflects the podium level which is characteristic of the buildings fronting on Yonge Street and Eglinton Avenue. It has no bearing, whatever, on the prospective offices which are to be attracted to this area.

Our client's objection is that the Plan and its policies speak clearly to the residential element, an element that is extremely important for the purpose of providing housing and is absolutely silent with respect to encouraging employment and office uses which, again, are essential in order to provide the community with the sound economic base that is necessary in order to provide the income arising from real property taxes in order to fund the continued operation of the business of the City of Toronto.

In substance, our clients are suggesting that the plan be deferred from current consideration with a strong request from you to Staff to now proceed to provide the background that is necessary in order to contemplate the commercial, employment and office uses which presently dominate in the block in which the 2239 and 2245 properties are located and make certain that the City is speaking strongly to the support that is necessary to attract employers to this area.

We refer you to Schedule "III" to Amendment No. 405, reference to the vision and the goals in Section 1.2.1(d) headed Prosperous:

Midtown's offices, health and social services and institution clusters close to the area's transit stations are conveniently accessed by a large segment of Torontonians. Midtown will continue to prosper by maintaining and expanding major offices, retail and *community service facilities*.

The area is the Crossroads of Yonge and Eglinton and is truly a world-class core area which is described again as a part of the Midtown cores in Section 1.3.5(a):

The Yonge-Eglinton Crossroads Character Area is the center of activity in Midtown with office, retail and high-rise residential development focused around this key intersection. A cluster of landmark tall buildings at are distinctive in form and detail when viewed close-up.... Destination retail and major office buildings will continue to shape the character of the area...

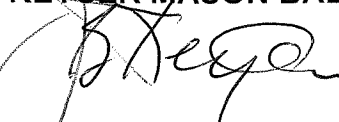
With a strong endorsement of this nature, the question then becomes "Why have you failed in the description of this major centre of economic activity to provide for a more real concentration of existing and new office and employment buildings?" (Section 2.3.1(a)).

We are seeking from you a deferral of the review of Amendment No. 405 to the Official Plan of the City of Toronto to permit you to receive and review a comprehensive study of the impact of the preservation of the office and employment initiatives to the Study Area.

All of which is respectfully submitted.

Yours truly,

KEYSER MASON BALL, LLP



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