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Our File No.: 144918

BY EMAIL

Planning and Growth Management Committee
10th floor, West Tower, City Hall
100 Queen Street West
Toronto, ON M5H 2N2

Attn: Nancy Martins

Dear Committee Members:

**Re: PG30.4 – Midtown in Focus: Final Report
95-131 and 155 Balliol Street
Amelin Properties**

Aird & Berlis LLP acts for Amelin Properties, the owner of the property municipally known as 95-131 and 155 Balliol Street (the “Subject Lands”), located within the proposed Yonge-Eglinton Secondary Plan (the “Secondary Plan”) area.

Our client’s initial concerns with the proposed Secondary Plan, dated November 2017, as they pertain to the Subject Lands were identified in a February 22, 2018 letter to City Planning from its Planners, David McKay and Edwin Li of MHBC.

We have reviewed the latest version of the proposed Secondary Plan attached to the May 24, 2018 Midtown in Focus: Final Report in relation to the Subject Lands and note that our client continues to have significant concerns regarding the impact of the proposed Secondary Plan on the future development of the Subject Lands.

1) Height Limits and Height Bonusing

Our client’s primary concern with the proposed Secondary Plan relates to its placement of the Subject Lands within a 17-19 storey infill area (see Map 21-14) as well as the specific language contained within the proposed Secondary Plan which permits the provision of public benefits for increased density but not for additional height (see Policy 9.4.1 c) and 9.4.7 b)).

Our client and its planners continue to be of the opinion that 23 to 25 storeys would be a more appropriate maximum height for the Subject Lands. The Subject Lands are located wholly within the B4 Davisville Apartment Neighbourhood. Existing and new residential buildings immediately to the north of the Subject Lands are of 28 to 30 storeys in height. The requested maximum height range of 23 to 25 storeys would provide a better balance between intensification and a transition of heights towards the E4 Davisville Community Street and E5 Merton Street character areas to the north and south respectively. On behalf of our client, we therefore request that the maximum height range for the Subject Lands as shown on Map 21-14: Permitted Building Types and Height Limits to be increased to 23 to 25 storeys.

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Our client further submits that height bonusing should be permitted where, as here, it is reasonable and appropriate to go beyond the Secondary Plan's height limit.

2) Inconsistent Mapping

In addition to the above, our client takes issue with the designation on Map 21-14 of the western portion of the Subject Lands (155 Balliol Street) as "Midtown Infill Apartment Neighbourhood Building" with its height capped at 18 floors. Given the unity of ownership of the Subject Lands and the existing building's footprint, our client submits that the entirety of the Subject Lands should be included within the area designated as "Midtown Tall Buildings" on Map 21-14.

3) Lack of Provisions to Cap Parkland Dedication or Equivalent Cash-In-Lieu

The proposed Secondary Plan's Policy 3.3.18 provides in part that the City will adopt by by-law for the Secondary Plan area an alternative requirement for parkland dedication at rates commensurate with the intensity of development. For certainty, our client requests that the Secondary Plan provisions with respect to parkland dedication mirror the provisions contained in Chapter 415 of the Toronto Municipal Code.

4) Overly Restrictive Building Design Policies

Policies in section 5.3 of the proposed Secondary Plan continue to contain a set of strong urban design policies for "Midtown Tall Buildings" and "Midtown Infill Apartment Neighbourhood Buildings". We believe that policies should allow for flexibility in design while encouraging sky view and sufficient access to sunlight and open spaces for residents in existing and future developments in the Apartment Neighbourhood.

On behalf of our client, we therefore request that Policies in section 5.3 of the proposed Secondary Plan be revised to align with the permitted Tall Building Design Guidelines standards.

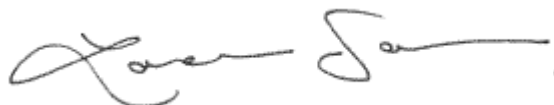
5) Process

In addition to the concerns elaborated above, we object to the process currently being followed by the City for the adoption of the proposed Secondary Plan. In our opinion, the proposed Secondary Plan should proceed to City Council for approval rather than the Minister.

Thank you for your consideration of the above concerns. Should you have any questions, please do not hesitate to contact the undersigned.

Yours truly,

AIRD & BERLIS LLP



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