

July 3, 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: 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 formed an agreement 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 strongly requesting** an exception be made to the current Amendment No. 405, update to the Official Plan under Section 26 of the *Planning Act* that City Council amend the Yonge-Eglinton Secondary Plan in Attachment 1 attached to the report (May 24, 2018) from the Chief Planner and Executive Director, City Planning 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 have clearly pointed out to you that the provisions of Amendment 405 describe a significant portion of the purpose of the Yonge-Eglinton Centre update for the purpose of creating an intense concentration of office/retail/institutional and other uses within the Yonge-Eglinton Study Area.

We have repeatedly requested that you consider giving our client an opportunity to proceed with the Concept Design that has been presented to your staff for the renewal of the properties at 2239 and 2245 Yonge Street. We presented the Concept Design to staff on June 19, 2018.

We have not been successful in having staff respond favourably to the requested re-development of our client's property notwithstanding the fact that it has agreed upon the creation of additional medical offices and employment opportunities at this location as an appropriate usage of the property.

It appears that the handicap that is viewed by your staff is the contemplated approval of the re-development of 1 Eglinton Avenue East for a 65-storey residential building. The contemplated development is a tall building which fails to comply with the *Tall Building Guidelines*.

We have not been able to determine why the setback with respect to the contemplated building on the south side will not include the setback that is required for compliance with the *Tall Building Guidelines* nor is the location of the building with respect to the easterly portion fronting on Cowbell Lane.

In our view, the process that you are following will have the effect of expropriating the uses and the opportunities for the re-development of our client's property without any compensation.

The Schedule 21.12 of the Secondary Plan defines an 8-storey limit with respect to the property owned by our clients and its joint venture partner and reflects merely the podium level characteristic of the buildings that are located within the Yonge-Eglinton Study Area.

In the event that our client's properties formed a part of the contemplated development at 1 Eglinton Avenue, the compliance with the podium limits would be appropriate.

On the contrary our clients are the independent owners of the individual properties and want to preserve their development opportunities.

At the present time, neither 2239 nor 2245 Yonge Street has any agreement, whatever, with the owner of 1 Eglinton Avenue East and is free to proceed subject to obtaining your approval with the 61 m building. The contemplated concept plan includes medical offices which will fill a building of this nature.

We have respectfully directed your attention to the contemplated re-development of these properties in order to provide further employment uses within the area. Your staff has advised that there have not been any added employment developments for the past 25 or more years and apart from requiring that the current offices be replaced with substitutes, there is no contemplated addition to employment opportunities within this area.

Height Limits

We fundamentally disagree with the proposed Secondary Plan's approach to limiting the building development potential on specified sites across the proposed Secondary Plan Area without the benefit of more thorough planning and urban design analysis like that which would normally accompany a site specific development application. Our clients want to make such an application and have initiated the process with your staff.

With respect to our client's property, it is our opinion that the mid-town midrise identification and the 8-storey height limit described in Map 21-12 are inappropriately restrictive and that the height limit must be deleted or increased. Our client now can proceed with a building that includes a portion of 14 storeys.

There is no arrangement with 1 Eglinton Avenue East which would limit the height nor the capacity of our client's property.

Proposed Yonge-Eglinton Secondary Plan Update

It is our opinion that the Proposed Secondary Plan is currently drafted in a manner which is not consistent with the 2014 Provincial Policy Statement ("PPS") and does not conform with the 2017 Growth Plan, both of which contain a number of policies that promote intensification, compact built form and providing employment opportunities in an area well served by public transit.

In addition to the recommendations we are making, we recommend that Schedule 21-12 be changed by having the tall building development potential and maximum height determined through a combination of site specific analyses applying the applicable built form and design policies of the Zoning By-law and applicable guidelines.

To allow the current process to proceed would result in Section 26(9) of the *Planning Act* (as amended) requiring that no later than 3 years after revision under Section 26(1) or 26(8) comes into effect, that the Council of the City of Toronto must amend all Zoning By-Laws that are in effect in the Municipality to ensure that they conform with the Official Plan.

The result would be that our clients will lose their property's development potential. If you are to continue to permit the residential developments which extend throughout the Yonge-Eglinton Area and will permit perhaps 30-50,000 additional residents to live within these residences, there will not be any place for them to work.

The studies that have taken place clearly support the proposition that you must provide places for employment in order to have the community continue to proceed in an economically feasible basis (see attachment).

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 (see attachment).

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.

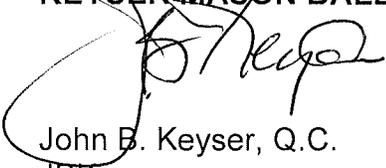
If you see fit to do so we are seeking to have City Council amend the Secondary Plan Attachment 1 as follows:

“Remove the height limit of 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.”

All of which is respectfully submitted.

Yours truly,

KEYSER MASON BALL, LLP



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

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.

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)).