

May 16, 2019

Our File No.: 191037

## VIA EMAIL

Community Planning, Toronto & East York District  
City of Toronto  
100 Queen Street West  
Toronto, ON M5H 2N2

Dear Sirs/Mesdames:

**Re: Elm Park Properties Inc.  
8 Elm Street, 348-356 Yonge Street  
Rezoning Application  
TEYCC Items: TE6.5 and TE6.9**

We are solicitors for Great Eagle Hotels (Canada) Limited (“**Great Eagle**”), the owner of the Chelsea Hotel site known municipally as 33 Gerrard Street West and 22 Elm Street in the City of Toronto (the “**Chelsea Site**”). At its meeting on May 22, 2018, City Council endorsed a settlement with Great Eagle to permit the redevelopment of the Chelsea Site for three towers and one 2-storey structure, featuring a public park and a mix of residential, hotel, office, retail, community service and open space uses (the “**Chelsea Redevelopment**”). On October 1, 2018, the Local Planning Appeal Tribunal approved the Chelsea Redevelopment in accordance with the terms of settlement reached with the City.

The rezoning application by 8 Elm Park Properties Inc. (“**8 Elm**”) now encompasses the lands known municipally as 8 Elm Street and 348 - 356 Yonge Street (the “**8 Elm Site**”). The 8 Elm Site is located immediately southeast of the Chelsea Site, and the 8 Elm rezoning appeal is before the Local Planning Appeal Tribunal. Great Eagle has reviewed the April 17, 2019 Request for Direction Report (the “**Report**”) in respect of the 8 Elm appeal, and has the following concerns:

1. The Site Plan found at page 46 of the Report shows a portion of the 8 Elm tower being located within 5 metres of the Chelsea Site’s south property line. This is inconsistent with and not in compliance with: (i) the agreement reached between 8 Elm and Great Eagle, which requires that 8 Elm’s tower be setback 10 metres from the south property lines of the Chelsea Site and the property immediately east of the Chelsea Site known municipally as 360 and 362 Yonge Street (the “**Swiss Chalet Site**”); (ii) 8 Elm’s May 3, 2019 with prejudice settlement offer to the City, which states that the tower setback from

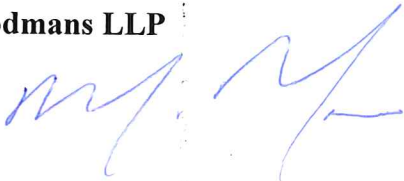
the north property line has been increased from 5 to 10 metres; and (iii) the Report itself, which provides that the tower is setback 10 metres from the north property line.

2. The following statement is made on page 26 of the Report: "The 84-storey Chelsea tower is setback 12.5 metres from the rear lot line of 8 Elm, resulting in a 22.5 metres tower separation. Neither tower would have projecting balconies." The second sentence is incorrect. The 8 Elm tower is not to have any projecting, north facing balconies (because it only has a 10 metre setback from its north property line). However, the Great Eagle tower has no restriction on projecting, south facing balconies (because it has a 12.5 metre setback from its south property line). Any implementing by-laws for the two projects should reflect this understanding.

Any settlement between the City and 8 Elm should require, as a condition of zoning approval, that 8 Elm's tower be setback 10 metres from the south property lines of the Chelsea Site and the Swiss Chalet Site, as provided in the Report, 8 Elm's settlement offer, and the agreement reached between 8 Elm and Great Eagle. If the 8 Elm plans are not revised accordingly, Great Eagle will be an objector at the hearing of 8 Elm's appeal before the Local Planning Appeal Tribunal, and we request that City Council direct City Legal and City Planning staff to attend the Local Planning Appeal Tribunal hearing in opposition to the 8 Elm appeal.

Yours truly,

**Goodmans LLP**



Mark Noskiewicz  
MRN

cc: Great Eagle  
Robert A. Robinson, City Legal  
Derek Waltho, City Planning  
Adam Brown, 8 Elm Counsel