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January 10, 2020

Via Email

Our File No: 154108

Mayor and Members of City Council
City of Toronto
100 Queen Street West
Toronto ON
M5H 2N2

Attn: Ulli Watkiss, City Clerk

Dear Ms. Watkiss:

**Re: Yonge-St. Clair Planning Framework – Final Report
Item TE12.30 For Consideration by City Council on January 29-30, 2020**

We have recently been retained by Calpor Holdings Inc., the owner of the properties municipally known as 1406-1428 Yonge Street (the "Site"). We are writing with respect to the proposed Yonge-St. Clair Planning Framework dated December 2019 which will be considered by City Council at its meeting on January 29-30, 2020.

On July 4, 2017 City Council adopted a motion from Councillor Matlow calling for a review of the built form policies within Mixed Use Areas A and B of the Yonge-St. Clair Secondary Plan. These are the areas with the Secondary Plan with the greatest concentration of existing and anticipated tall buildings, focused around the St. Clair Subway Station. The Site is located in Mixed Use Area B.

At its meeting on January 8, 2020, Toronto East York Community Council recommended adoption of the Yonge-St. Clair Planning Framework (December 2019). TEYCC recommended that staff be directed to review all current and future development applications against the Framework.

We note that Community Planning Staff have not recommended any amendments to the Secondary Plan. The Framework is therefore not intended to have the force of Official Plan policy, and as such, is not subject to appeal. Nevertheless, please accept this letter as confirmation that our client objects to certain aspects of the recommended non-statutory Framework. We would expect that any planning application submitted in respect of the Site will ultimately be formulated in the context of applicable in force policy.

Our client's principal concern is as follows:

Map 2 within the Framework identifies certain areas as being within a Height Peak and others within a Transition Zone. Section 5.1 of the Framework states that areas outside the Height Peak and Transition Zone are not appropriate for tall buildings.

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The Framework does not define "tall buildings" but if the Tall Buildings Design Guidelines definition is applied, the effect of this section would be to suggest a 20m height limit (the right-of-way width of Yonge Street) on our client's Site, whereas the Site is currently zoned with a height permission of 30m and is located on Yonge Street, immediately adjacent to a "tall building" with a height of 42m and one block from St. Clair Station. As you can appreciate, this suggestion is of significant concern to our client.

Over the past year our client, including prospective partners/purchasers of the Site, have been examining development options for the Site and discussions have taken place with Community Planning Staff. That work will progress in 2020. We are writing to request that the Framework not be adopted by Council, at least in respect of the Site, until our client's concerns have been addressed. Thank-you for your consideration of this request.

Yours truly,

AIRD & BERLIS LLP



Kim M. Kovar
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cc. Oren Tamir, Manager, City of Toronto
cc. client

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