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January 24, 2020

By E-mail

Toronto City Council
12th floor, West Tower, City Hall
100 Queen Street West
Toronto, ON M5H 2N2

Attention: Marilyn Toft, Council Secretariat

Your Worship and Members of Council:

**Re: Yonge-St. Clair Planning Framework - Final Report
Item TE12.30**

We are the solicitors for Calpor Holdings Inc., the owner of the properties municipally known as 1406-1428 Yonge Street which is located west of Yonge directly east of St. Michael's Cemetery (the "**Site**").

We are writing to provide our client's concerns with respect to the proposed Yonge-St. Clair Planning Framework (December 19, 2019) (the "**Framework**") which is scheduled to be considered by City Council at its meeting on January 29-30, 2020.

At its meeting on January 8, 2020, Toronto East York Community Council ("**TEYCC**") adopted a recommendation that City Council endorse the proposed Yonge-St. Clair Planning Framework (December 2019) and direct staff to review all current and future development applications against the Framework.

By way of background, at its meeting on July 4, 2017, City Council adopted a motion calling for a review of the built form policies for *Mixed Use Areas A* and *Mixed Use Areas B* of the Yonge-St. Clair Secondary Plan (the "**Secondary Plan**"), being those areas within the Secondary Plan with the greatest concentration of existing and anticipated tall buildings and focused around the St. Clair Subway Station. The Site is designated *Mixed Use Areas B*.

We note that Planning Staff have not recommended any amendments to the Secondary Plan as part of the Framework process. The Framework is not intended to be treated or applied as policy, nor is it subject to appeal rights pursuant to the *Planning Act*. Our client expects that any planning application submitted in respect of the Site will ultimately be reviewed in the context of applicable and in-force policy.

In addition to our client's general concern regarding the application of the non-statutory Framework, our client notes an additional concern with Map 2 and Section 5.1. Map 2 identifies a 'Height Peak' and 'Transition Zones'. Section 5.1 of the Framework states that areas not within the 'Height Peak' or 'Transition Zones' are not appropriate for tall buildings.

The Framework does not define "tall buildings". Were the Tall Buildings Design Guidelines definition of "tall building" applied to Section 5.1, the Framework would suggest a 20 metres height limit (the right-of-way width of Yonge Street) for the Site, whereas the Site is currently zoned with a height permission of 30 metres. The Site is located along Yonge Street, immediately adjacent to a "tall building" with a height of

42 metres and one block from St. Clair Station. The Framework's arbitrary height exercise could potentially result in built forms contrary to both local and provincial policy.

Over the past year our client has been reviewing development options for the Site. This review is ongoing and continues to be informed by the numerous discussions that have taken place with Planning Staff.

We hereby request that Council defer adoption of the proposed Framework to provide our client with an opportunity to meet with staff and discuss our client's concerns with the Framework as it relates to the Site.

If you have any questions please do not hesitate to contact the undersigned or in my absence Kelly Oksenberg at 416-869-5645 or koksenberg@stikeman.com.

Yours truly,

Stikeman Elliott LLP



ROL Calvin Lantz
Partner

CWL/KO

cc. Kelly Oksenberg, *Stikeman Elliott LLP*
Client