

Cassels

July 14, 2020

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Toronto and East York Community Council
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Attn: Ellen Devlin, Administrator

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File: 54080-1

Dear Ms. Devlin:

**Re: Item TE16.7 - Request for Deferral
Official Plan and Zoning By-law Amendment Applications
335 Yonge Street, Toronto
Municipal File Number: 19 249699 STE 13 OZ**

We are the lawyers for 2160943 Ontario Limited (the “**Applicant**”), the owner of property municipally known as 335 Yonge Street (the “**Subject Site**”), located at the corner of Yonge and Gould Streets at the gateway to Ryerson University and proximate to Yonge-Dundas Square. Following approximately 10 years of planning and consultation, the Applicant filed the above-noted Official Plan Amendment Application and Zoning By-law Amendment Application (the “**Application**”) on November 15, 2019 for redevelopment of the Subject Site. The Application was deemed complete as of March 5, 2020. We have reviewed the staff report dated June 24, 2020 (the “**Staff Report**”) wherein staff recommend refusal of the Application. We are writing to ask that you not adopt staff’s recommendation and continue to process the Application.

The Application seeks permission to develop a 30-storey mixed-use building on the Subject Site, comprised of a residential tower atop a 4-storey podium which contains, among other things, approximately 2,096 square meters of commercial/retail space on the first three levels and first level below grade (the “**Proposed Development**”). A total of 165 residential dwelling units are proposed, including 26 studio units, 70 one-bedroom units, 52 two-bedroom units, and 17 three-bedroom units. The Proposed Development is intended to provide rental accommodation geared towards graduate students and young professionals, offering unique amenity space and addressing community needs arising from the close proximity to Ryerson University and the building’s location in Downtown Toronto. It will also feature active and engaging retail uses and dynamic flex space, to bolster the area’s already vibrant pedestrianized environment.

No vehicular parking spaces are proposed, nor would this be appropriate, given the Proposed Development's prime location at Yonge and Dundas Streets, directly above the Dundas Subway Station. The Proposed Development will create opportunity for a long sought-after second entrance to the Dundas Subway Station, and establish a residential community providing much-needed housing proximate to Ryerson University on an otherwise underutilized parcel next to one of Downtown Toronto's most well-known and pedestrian-frequented areas, Yonge-Dundas Square.

Background and Neighbour Support

The Proposed Development has been the subject of significant neighbour engagement and iterative planning over the past decade in an effort to ensure the Application is appropriate for the Subject Site and responsive to its environs. Contrary to the Staff Report, all surrounding neighbours have expressed their support or non-objection to the Application and proposed block plan, which will ensure the orderly development of the block. In particular, the Application and block plan has the support of the Downtown Yonge Business Improvement Area, Ryerson University, and Bentall (the owners of property municipally known as 10 Dundas Street East). Consultation has also occurred with the yongeTOMorrow project team, who have been supportive of the Proposed Development.

Proposed TTC Entrance

Unique to the Subject Site is the potential for integration of a new north entrance/exit to the Toronto Transit Commission's Dundas Station (the "**TTC Connection**"). The Applicant is enthusiastic about accommodating the TTC Connection at the Subject Site and sees the Application's facilitation of the TTC Connection as providing significant public benefit, bringing improved transit connectivity to the area, including providing direct subway access to the Ryerson University campus. Especially in light of the current proposals for yongeTOMorrow, which discourage the use of private vehicles on Yonge Street from Queen to Gerrard, that the Subject Site will be well served by transit obviates any potential need for vehicle parking. The City has previously approved significant tall buildings with no parking on the basis of subway connectivity in the Downtown. Similarly, in the event any parking were needed on an occasional basis at the Proposed Development, there is an abundance of nearby public parking to meet this need.

The Staff Report notes that the Application provides insufficient parking to support the Proposed Development and recommends refusal on this basis. This position fails to consider current and emerging provincial and municipal policy, or local context. Furthermore, discussions with City Staff, the Ward Councillor, Ryerson University, and the TTC regarding the TTC Connection have been positive and are ongoing.

Appropriateness of Subject Site for a Tall Building

The Staff Report also concludes that the Subject Site "is not appropriate for tower development as the site is too small. The proposed development cannot achieve appropriate tower setbacks nor stepbacks because the site is too small for tower development." City policy and guidelines provide that tall building sites provide half of the required separation distance to nearby sites to allow for adjacent tall building development. However, the Applicant has developed a block plan, supported by its neighbours, that demonstrates that a tower can be located on the Subject

Site with appropriate tower setbacks. While the City's tower separation requirements in OPA 352 are under appeal for the Subject Site, the thoughtful and comprehensive planning of the block ensures compliance with the purpose and intent of the City's tall building separation requirements and that adequate light, view, and privacy objectives, all stated as concerns in the Staff Report, are met.

At 30 storeys, the Proposed Development is modest in comparison to surrounding heights approved or applied for in the area, particularly given its prime location in the Downtown. To suggest that this is not an appropriate location for a tall building is contrary to provincial and City planning policies.

Other City Concerns

While the Staff Report includes a laundry list of concerns, these are minor technical comments that can easily be resolved through the continued processing of the Application.

The Proposed Development provides a unique opportunity to enhance this gateway area, reflecting years of discussion with the Downtown Yonge Business Improvement Area, Ryerson University and the TTC, among others, and directs growth to an Urban Growth Centre with Higher Order Transit, consistent with the Provincial Policy Statement, 2020, and in conformity with A Place To Grow, Growth Plan for the Greater Golden Horseshoe.

Request for Continued Processing and Notice

This Item is being presented to the Toronto and East York Community Council prematurely. With an opportunity for TTC Connection discussions with interested parties to conclude over the next few months, we ask that Council not adopt staff recommendations and that the processing of the Application continue, with opportunity for further public consultation and comment.

Please provide written notice to the undersigned of all decisions regarding this Item.

Yours truly,

Cassels Brock & Blackwell LLP

A handwritten signature in blue ink, appearing to read 'Signe Leisk', written in a cursive style.

Signe Leisk
Partner

SL/CG/cm