

December 2, 2022

Toronto Preservation Board
Toronto City Hall
100 Queen Street West
Toronto ON M5H 2N2

Attention: Ms. Ellen Devlin, Secretariat

Dear Ms. Devlin:

Re: NOTICE OF OBJECTION to City Council's Intention to Designate under Part IV, Section 29 of the Ontario Heritage Act, the property at 94 ISABELLA STREET (the "Site") in the City of Toronto

Item No: PB1.3

We are the solicitors for 90 Isabella Corporation, the owner of the properties municipally known as 90, 90A, 92 and 94 Isabella Street (the "Development Site") in the City of Toronto. The Site is located within an area of the city commonly referred to as "The Village," in the area east of Yonge Street and south of Bloor Street East. More specifically, the Site is located on the north side of Isabella Street, mid-block between Church Street and Jarvis Street. The Site is generally resembling an "L" in shape with 43.38 metres of frontage along Isabella Street and a varying depth of 26.64 metres to 63.34 metres, with a total area of 2520 square metres. Currently, the Site is comprised of three buildings ranging from 3 to 3 ½ storeys along Isabella Street which include residential and commercial uses, with a row of 8 townhomes in the rear of the property where the additional length of the "L" is located. The properties at 90A and 92 Isabella are designated under Part IV Section 29 of the *Ontario Heritage Act*, while the Site has been listed on the City's heritage register since 1981 and since that time the City has not proceeded to designate it.

Our client submitted Zoning By-law Amendment and Site Plan Approval applications in May 2022 to develop the Development Site with an elegant 69-storey tower (222.1 metres to the top of the mechanical penthouse) inclusive of a 12-storey podium. The ground floor has been carefully planned to provide animation along Isabella Street with the incorporation of the existing heritage facades at 90A and 92 Isabella and the façade of 94 Isabella even though it was not designated heritage. At grade, the building is defined by the retention of the existing facades, which facades have been sensitively incorporated into the design of the building. The building lobby is located behind the existing façade of 92 Isabella, which façade is being conserved and is setback 5.8 metres from Isabella Street. Similarly, indoor amenity is proposed to be incorporated behind the existing façade of 94 Isabella, which is setback a similar distance, providing for an expansive public realm across the Site's frontage along Isabella Street. The podium above the street wall

height at the 4th storey is set back 6 metres from the facades to provide for a clear 'reveal' and separation of the heritage structures at 90A and 92 Isabella and tower above. Special attention has been paid to the design of the podium above the street wall with a series of successive tiers stepping back towards Isabella Street in 2 metres intervals up to the 10th floor, where the tower begins with a 7.78 metres setback from Isabella Street

On October 24, 2022, our client received combined planning, urban design and heritage comments on its application. Since that time our client has met with Heritage Planning and has been working cooperatively with Heritage Planning Staff to address their comments through revisions to the design of the proposal. Our client was surprised to learn that Heritage Planning Staff were moving forward to designate the Site on a rushed basis, given the cooperative dialogue that has taken place to date and our client's willingness to make revisions to its proposal to address comments from Heritage Planning.

By proceeding with a rushed designation, the exercise of the City's powers under the Ontario Heritage Act seems to be premature in light of the cooperative discussions that have taken place between our client and City Staff. This rushed designation will also prevent the alteration of the property on the Site in a sensitive way. It is our client's respectful submission that given the positive dialogue that has taken place to date the recommendation to designate the Site should not be adopted by Council.

Should you have any questions, please do not hesitate to contact the writer, or Jessica Smuskowitz, a lawyer in our office.

Yours very truly,



Adam J. Brown
Encl.

Cc: Ms. Georgia Kuich, Heritage Planning