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January 24, 2023

VIA EMAIL

Mayor John Tory and Members of City Council
Toronto City Hall
100 Queen Street West
Toronto, ON M5H 2N2

Attention: Toronto and East York Community Council

Dear Sirs/Mesdames:

**RE: 399-405 Yonge Street – Zoning By-law Amendment Application – Appeal Report
(City File No. 22 162248 STE 13 OZ)
Item 2023.TE2.14**

We are the lawyers for Jencel 407 Yonge Street Inc. (“**Jencel**”), the owner of the property at 407 Yonge Street, located immediately north of the property at 399-405 Yonge Street that is the subject of the above-noted application (the “**399 Yonge Property**”).

Jencel is a party to the Ontario Land Tribunal (“**OLT**”) appeal by the owner of the 399 Yonge Property (“**399Y Corporation**”). Jencel opposes the development proposed by 399Y Corporation.

For review by the members of Toronto and East York Community Council (and members of City Council) and for those of the public who have an interest in the matter, we set out below the reasons for Jencel’s opposition.

The 399Y Corporation proposal leaves many questions either unanswered or answered unsatisfactorily. The development proposal represents piecemeal planning and overdevelopment which attempts to shoe-horn a 75-storey, 828-unit tower with a density of 60.18 FSI onto a property which cannot properly accommodate the scale of development proposed. As a result, the proposed development seeks to sacrifice some of the most basic of elements of good planning: setbacks from adjacent properties; adequate parking and loading; a site plan with appropriate access points to the adjacent public street and lane network; and integration with all other properties in the block, including the property owned by Jencel and the site of the new 67-storey tower proposed to the north at 415 Yonge Street.

Problematic aspects of the 399Y Corporation proposal include:

- No tower setback to Yonge Street, inconsistent with the vision for Yonge Street as per the yongeTOMorrow study as adopted by City Council in 2021;

- No tower setback to Gerrard Street;
- Inappropriate interface with the heritage building located on the 399 Yonge Property;
- No tower setback (0-metre) to Jencel's property at 407 Yonge Street, including residential units with windows immediately on the property line, and no legal arrangements with Jencel for limiting distance, maintenance, access, construction, or otherwise;
- No integration with the public lane network that exists in the rear of Jencel's property and the rear of the redevelopment property at 415 Yonge Street. As a result, all traffic associated with the nearly 1000-unit development is confined to a substandard pick-up/drop-off area with barely room for one (1) car, in immediate proximity to the Yonge-Gerard intersection;
- Inadequate loading/unloading and garbage facilities, with little to no room for City-standard sized vehicles to complete turning movements on-site. It should be noted that these compromised service vehicle movements occur in the same location where the inadequate pick-up/drop-off facility is proposed, mere metres from the Yonge-Gerard intersection. Like other vehicular traffic, there is no provision to integrate this service vehicle activity with the existing public lane network;
- No parking spaces provided for the 75-storey residential tower.¹ This includes no parking for visitors and no accessible parking spaces, limiting housing options for those with mobility concerns and the elderly, among others;
- An *ad hoc* Official Plan Amendment advanced for the purpose of establishing tower permissions on the Covenant House site, without a supporting planning rationale, a heritage study, or any other technical reports;
- A failure to comprehensively plan the block at the northeast corner of Yonge and Gerrard which will effectively leave Jencel's 407 Yonge Street property orphaned between two supertall buildings at 399 Yonge and 415 Yonge, notwithstanding Jencel's willingness to be part of a blockwide planning process that would address a number of the problems identified above.

We direct the attention of the members of Community Council (and City Council) to the problems and issues identified above in considering 399Y Corporation's proposed development. We trust that the members will be as concerned as our client is that a 75-storey tower with

¹ Although minimum residential parking requirements have recently been eliminated by By-law 89-2022, this same by-law still requires a set amount of accessible parking to be provided, as well as an appropriate (though reduced) amount of visitor parking. The proposal seeks to eliminate all parking entirely.

nearly 1000-units is being proposed on a site that cannot accommodate numerous fundamental planning relationships.

While we are given to understand that 399Y Corporation and its neighbour Covenant House have reached agreements to provide for redevelopment of the historic property at 20 Gerrard Street East with a further tall building in the future,² such arrangements should not be at the expense of, or to the exclusion of, a comprehensive block planning exercise for all properties at the northeast corner of Yonge and Gerard.

The site and its surroundings at the northeast corner of Yonge and Gerrard (including the future redevelopment of Covenant House) deserve a more comprehensively planned solution than what is currently being proposed. The proposed development exports its planning, transportation, and urban design problems on to the City, the public, and its neighbours, in exchange for maximizing its building footprint and square footage on its own site. For that reason, we support the recommendations of City Staff in opposition to the proposed development and we trust that Community Council and City Council will do likewise until the applicant can better answer the concerns outlined above.

Yours truly,

Overland LLP



Per: Christopher J. Tanzola
Partner

- c. Cllr. B. Bradford (Vice-Chair)
- Cllr. A. Bravo
- Cllr. P. Fletcher
- Cllr. A. Malik
- Cllr. J. Matlow
- Cllr. C. Moise
- Cllr. G. Perks (Chair)
- Cllr. D. Saxe
- Mayor J. Tory

² In the OLT proceeding, no details have been provided about the future tall building on the Covenant House site.