

NY31.3.1

North York Community Council

From: Jason Park | Devine Park LLP <jason.park@devinepark.com>
Sent: June 5, 2018 1:23 PM
To: North York Community Council
Subject: Agenda Item NY31.3
Attachments: Letter re NY31.3.pdf

Good afternoon,

Please refer to the attached correspondence regarding NY31.3, filed on behalf of our client, 5300 Yonge GP Ltd.

Regards,

Jason

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Matter No. D202-05

June 5, 2018

DELIVERED BY EMAIL (nycc@toronto.ca)

North York Community Council
North York Civic Centre
Main Floor, 5100 Yonge Street
Toronto, ON M2N 5V7

Attention: Ms. Francine Adamo, Administrator

Dear Ms. Adamo:

RE: North York Community Council Meeting of June 6, 2018
- **Agenda Item NY31.3 – Request for Directions Report – Official Plan Amendment and Zoning Amendment Applications – 5294-5304 & 5306 Yonge Street**
- **Letter filed on behalf of 5300 Yonge GP Ltd.**

Please be advised that we are the solicitors for 5300 Yonge GP Ltd., the owner of lands known municipally as 5294 to 5304 and 5306 Yonge Street in the City of Toronto (the "**Property**"), which is the subject of the above-noted Official Plan Amendment and Zoning By-law Amendment applications (the "**Applications**"). The Zoning By-law Amendment application was appealed to the Local Planning Appeal Tribunal on December 18, 2017 and the Official Plan Amendment application was appealed on February 14, 2018. As such, they are considered to be "legacy appeals" at the Local Planning Appeal Tribunal.

We have now had the opportunity to review the Request for Direction Report with respect to the Applications from the Director, Community Planning, and North York District to the North York Community Council, dated May 30, 2018 (the "**Report**"). Overall, our client disagrees with the recommendations and opinions contained in the Report and some key comments in the Report are addressed below. Nonetheless, our client is willing to continue engaging in productive dialogue with the City with respect to the Applications and the issues outlined in the Report.

Firstly, we disagree with the Report's suggestion that a Block Plan between Churchill Avenue and Ellerslie Avenue should be prepared. It is our opinion, as supported by the Planning & Urban Design Rationale dated August 2017 and prepared by our client's land use planning consultant, Bousfields Inc. (the "**Planning Rationale**"), that the proposed development has been sited and massed in a manner that is appropriate for the Property and complements and contributes to the surrounding context. We disagree that a consolidation of land is required for appropriate development on the Property. Notwithstanding our opinion that a consolidation of

land is not required, the adjacent sites to north that City Staff have indicated could be consolidated with the Property are small parcels, with small lot frontages, owned by individual landowners. As a result, any land assembly would be unlikely and cost-prohibitive.

Secondly, with respect to the statement in the Report that an on-site public park is to be provided on the northern portion of the Property with frontage onto Yonge Street, in comments from Parks, Forestry and Recreation dated October 10, 2017, City Staff advised that they were amenable to exploring the option of an off-site parkland dedication. No reasons have been provided as to why this option was left out of the Report and there have been no discussions with our client about the nature of the parkland dedication. Our client respectfully requests meaningful opportunity to discuss and collaborate with the City on whether the public park dedication is to be provided on-site or off-site, and, if it is determined to be provided on-site, the appropriate location and configuration of the park.

Finally, we disagree with the opinion in the Report that the proposed height and density are not appropriate and represent an overdevelopment of the Property. As noted in the Planning Rationale, it is our opinion that, given the surrounding context and the lack of adverse impacts, the proposed height and density are appropriate for the Property. Furthermore, it is our opinion that the density limits set out in the North York Centre Secondary Plan are outdated and do not reflect the current policy context. In this regard, it is our opinion that the proposed development, including the height and density proposed contributes to achieving numerous policy directions, and is consistent with the Provincial Policy Statement, 2014 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2017.


Notwithstanding the above, our client is prepared and pleased to continue to engage in discussions with the Ward Councillor and City Staff with respect to the Applications in order to determine whether outstanding issues can be addressed, including the settlement of an appropriate Section 37 package. Our client is also prepared to consider, through additional negotiations with the City, providing an affordable housing component within the proposed development.

Given the above, we respectfully request that Community Council amend City Staff's recommendations to City Council to require that staff continue discussions with the Applicant in order to come to an agreement on a satisfactory development proposal for the Property.

If you have any questions, please do not hesitate to contact me or my colleague, Samantha Lampert, at 416.645.4532 or samantha.lampert@devinepark.com.

Yours very truly,

Devine Park LLP


Jason Park
JIP/SHL

cc: 5300 Yonge GP Ltd.