



NY30.26.2

York Condominium Corporation # 24

59 Capella Starway, North York, Ontario M2J 1N3

February 20, 2014

To whom it may concern:

**APPLICATION # 13 267996 NNY 33 OZ
REQUEST BY ELAD TO AMEND ZONING BY-LAW**

WRITTEN COMMENTS SUBMITTED ON BEHALF OF YCC #24.

York Condominium Corporation No. 24 consists of the residential developments located at 1-9 Capella Starway being the odd #s, 31-93 Capella Starway being the odd #s, 1-36 Nebula Starway, 1-20 Lepus Starway and 1-25 Cetus Starway being the odd #s, Willowdale, and these premises and associated lands and appurtenances thereon comprise all of the common elements of York Condominium Corporation No. 24.

We are in receipt of a Notice of Public Meeting February 25th in regard to above zoning matter.

I (James Lucey, P.Eng President YCC #24) have read the Final City Planning Report (Feb 6 2014) pertaining to Elad's request to amend the "H-2" symbol and, on behalf of YCC #24, I offer the following written comments relating to the above described application to amend the Zoning By-law.

We understand the reasons for Elad's zoning change application to be as follows:

- A) An amendment to the zoning by-law is required to amend the pre-condition to be fulfilled for removing the "H-2" holding symbol from the lands. The by-law states, as a pre-condition to the removal of the "H-2" symbol, the owner must have implemented the recommendations
- B) An amendment is required to amend the development or phasing restriction that applies to the "H-2" symbol in order to construct up to 1,677 units. Currently 1,210 units are allowed.

- C) Planning staff have consulted with appropriate City Divisions on the request to amend the development or phasing restrictions and the criteria to be fulfilled for the removal of the "H-2" holding symbol.
- D) The intent of the holding symbol system is to ensure development occurs incrementally and there is a mechanism in place to provide the necessary transportation improvements and community services and facilities in a timely manner as the new resident population moves into the area.

CAUSE FOR CONCERN

The applicant may also be requesting an amendment to the maximum number of permitted dwelling units that can be constructed to be increased to 1,677 units to facilitate the first phase of condominium development on the Block B lands (Building B1) and a rental apartment building and townhouse block on the Block D lands (Buildings D2 and D4). The building on the Block D lands was originally proposed as a condominium and planned to be the last building on the master plan.

CAUSE FOR REASSURANCE

The planning report (Feb 6 2014) reviews and recommends approval of the request to amend the criteria or preconditions to be fulfilled for the removal of the "H-2" symbol from the zoning of the lands however, as we at YCC #24 read it, staff is certainly not recommending the proposed amendment to the development restrictions associated with the symbol [i.e., increasing the number of dwelling units that may be constructed after removal of the symbol(s)].

YCC #24 Conclusions & Recommendation.

POSITION

On the basis of the Final Report (February 6th 2014), YCC #24 has no major objection to the request for amendment provided that the City only allows for altering the phasing of the number of permitted dwelling units in the overall development, particularly the mechanism that enables phases and permitted units to be constructed.

YCC #24 would however take strong exception to any acceptance by the City to some (direct or indirect) expectation that the applicant may have towards increasing the number of dwelling units that can be constructed after removing the "H-2" now or any other H symbol later and would therefore appeal to City personnel (both elected & administrative) acting in good faith to assure us that this will not be permitted.

YCC #24 is also sharing this correspondence with our local representative Ward 33 Councillor Shelley Carroll.

Sincerely,
James F. Lucey

James F. Lucey P.Eng.