

NY3.5.1

North York Community Council

From: Barnet Kussner <BKUSSNER@weirfoulds.com>
Sent: February 12, 2019 1:30 PM
To: North York Community Council
Cc: mgoldberg@goldberggroup.ca; 'Jack Greenberg'; Leslie M. Klein; Paul Chronis
Subject: My comments for 2019.NY3.5 on February 14, 2019 North York Community Council
Attachments: 1332_001.pdf

To the City Clerk:

Please add my comments to the agenda for the February 14, 2019 North York Community Council meeting on item 2019.NY3.5, Request for Directions Report - Official Plan Amendment and Zoning By-law Amendment Applications - 2600 Don Mills Road.

I understand that my comments and the personal information in this email will form part of the public record and that my name will be listed as a correspondent on agendas and minutes of City Council or its committees. Also, I understand that agendas and minutes are posted online and my name may be indexed by search engines like Google.

Comments:

Dear Ms. Adamo:

Please see our attached letter of today's date. Please confirm receipt and ensure it is circulated to the Chair and Members of Community Council

Please also add our client's planning consultant, Michael Goldberg of The Goldberg Group to the list of speakers for this item (if necessary).

Thanks and much appreciated,

B./

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February 12, 2019

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VIA E-MAIL

File 18886.00001

Chair James Pasternak and Members
North York Community Council
North York Civic Centre
Main Floor, 5100 Yonge Street
Toronto, ON M2N 5V7

Attn: Francine Adamo, Community Council Secretariat

Dear Chair Pasternak and Members:

**Re: NYCC Agenda Item NY3.5
Request for Directions Report - Official Plan Amendment and Zoning By-law
Amendment Applications - 2600 Don Mills Road**

We act as counsel for Hunters Lodge Apts. Inc., owner of the property known as 2600 Don Mills Road (the "Site") and applicant on the above-noted applications.

We have had an opportunity to review the Staff Request for Directions Report dated February 6, 2019 (the "Report"). We are writing to provide our brief written submissions in response to that Report. Please also note that Michael Goldberg of The Goldberg Group is retained as our client's planning consultant and will be in attendance at the NYCC meeting this Thursday, February 13th to speak to the matter in the event it is necessary.

Submissions

As noted in the Report, these applications consist of a proposed Official Plan amendment (OPA) and a proposed Zoning By-law amendment (ZBA) to facilitate the proposed development on the Site of a residential building originally proposed at 39 storeys, containing 364 units and a four-storey underground garage containing 329 parking spaces, at 2600 Don Mills Road. As part of the development proposal. The existing 19-storey rental apartment building containing 149 units located on the Site would be retained. Vehicular access to the proposed new residential building would be via a new east-west public street from Don Mills Road. In addition, a new 1,345 m2 public park is proposed at the southern property limit of the Site.

The Site is an ideal candidate for residential intensification at a prominent nodal location within the northwest quadrant of Don Mills Road and Sheppard Avenue East (the "Quadrant"). The existing building on the Site is in a "tower in the park" format typical of its era, resulting in an underutilization of a large site at such a prominent nodal location. The Site is less than a 4 minute walk from the Don Mills TTC subway station which is the eastern terminus of Line 4 (Sheppard). This represents a distance of less than 200 metres measured in a linear direction from the southeast corner of the Site to the subway station entrance. The front door of the proposed new building on the Site is located approximately 350 metres from that entrance.

The Site is currently designated "Apartment Neighbourhoods" in the City's Official Plan. As such, there is no need for an OPA to re-designate the site in order to allow the proposed development. Rather, as Staff noted in the Report, the OPA was originally required "in order to identify the site as a Key Development Area within the Sheppard East Subway Corridor Secondary Plan and to permit the proposed density of approximately 3.84 FSI on lands where a density has not been prescribed by the Plan".

On March 20, 2018, our client's ZBA application was appealed to the then-Ontario Municipal Board (now LPAT, or the "Tribunal") as a "legacy" appeal from a non-decision by City Council. However, the accompanying OPA application for the Site was not appealed to the Tribunal for the reasons set out below.

The Site is one of a number of lands within the same Quadrant that are proposed for redevelopment. In addition to this Site, applications for OPA and ZBA were also made by the owners of the site at 1650 Sheppard Ave. East ("1650 Sheppard") to allow the construction of a second residential building on their lands. The OPA and ZBA applications for the 1650 Sheppard site are also currently under appeal before the Tribunal.

On both applications (2600 Don Mills and 1650 Sheppard), the City identified the need for a Context Plan as a coordinated and comprehensive planning policy framework to guide the future redevelopment of all lands within the Quadrant. Through the principles for the Context Plan, the City effectively "joined everyone at the hip" within the Quadrant. On that basis, the Tribunal determined that the optimal approach would be for the Tribunal to deal with the Context Plan for the entire Quadrant on a comprehensive basis within the context of the 1650 Sheppard appeal process. In order to do that, the Tribunal (with the City's concurrence) directed that the proposed OPA for 1650 be expanded to include all of the lands in the Quadrant – including our client's Site - and that notice of the expanded OPA be given to all stakeholders within the Quadrant.

Accordingly, the Context Plan process superseded the need for our client to proceed further with its own proposed OPA for the 2600 Site, or to appeal that OPA to the Tribunal. We therefore anticipate instructions from our client to withdraw its own OPA application once the ongoing Context Plan process before the Tribunal (as set out below) has run its course.

In coordination with City Staff, three of the four landowners within the Quadrant (1650, 2600 and 25 Leith Hill Drive) and their respective consultant teams prepared a Context Plan and related Official Plan policies for the 3.94 hectares of land within the Quadrant to which the Context Plan applies. In addition to those three lands, the Context Plan also includes the lands at 2500 Don Mills Road (currently an Esso service station / car wash and associated convenience store), although the owner of those lands has not been a participant in the Context Plan process – only the current tenant.

The proposed Context Plan was presented at a Community Consultation meeting held by City Staff within the local community in late November 2018, and further refinements were made thereafter. A further public meeting is scheduled for later this month.

Moreover, the proposed Context Plan and its related OPA for the entire Quadrant are currently the subject of an ongoing mediation process before the Tribunal. It is anticipated that the Context Plan, once finalized, will set out the planning framework to guide all redevelopment within the Quadrant, including: the layout, configuration massing, density and maximum heights of new buildings; the road network and connectivity to roads outside the Quadrant, and other services; and a central park block to be dedicated to the City as a condition of redevelopment of lands within the Context Plan.

Summary

Through the ongoing Context Plan and related OPA process described above, our client continues to work with City Staff and other community stakeholders on revisions to the original development proposal for this Site in order to address Staff's issues and concerns, as well as those of the broader community.

We confirm our client has no issue with the requested parkland dedication at the central location and configuration identified in the Report, and that our client and is prepared to engage in discussions with Staff to accommodate the City's preferences for above-base park improvements as part of a Section 37 contribution by our client.

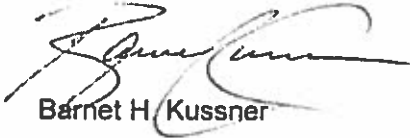
With respect to the other Staff and community issues and concerns discussed in the Report, we remain hopeful that we will likewise be able to satisfy those concerns through the ongoing

consultation process and through further consequential revisions to the original redevelopment proposal for the Site.

Thank you for your consideration of these submissions.

Yours truly,

WeirFoulds LLP



Barnett H. Kussner

BHK/ew

c: Client
M. Goldberg, The Goldberg Group

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