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Matter No. D214-01

July 6, 2022

VIA EMAIL nycc@toronto.ca

North York Community Council
c/o Julie Amoroso, Secretariat
Toronto City Hall
100 Queen Street West
Toronto, ON M5H 2N2

Dear Chair James Pasternak and Members of Community Council:

**RE: Yonge Street North Planning Study - City-Initiated Official Plan Amendment -
Final Report
Item No. NY34.5
Letter of Objection for 18-28 Athabaska Avenue**

Please be advised that we are the solicitors for Delmar Development Corp. the owner of lands known municipally as 18-28 Athabaska Avenue in the City of Toronto (the “**Site**”). The Site is within the boundaries of the Yonge Street North Planning Study and is included as part of the lands subject to the related City-initiated Official Plan Amendment which encompasses the Yonge Street North Secondary Plan (the “**Proposed Plan**”). It should be noted that our client is in the process of preparing and filing OPA, rezoning and site plan applications for the Site which our client intends to file shortly with the City.

Under the Proposed Plan, all of the Site is proposed to be redesignated as Mixed-Use Areas (previously designated as Neighbourhoods and Mixed Use Areas). The Site will also be included in the Steeles Transit Station Area (“STSA”). Although the proposed redesignation and inclusion in the STSA is acceptable to our client, there are a number of policies in the Proposed Plan which concern our client as they are too rigid and will unduly limit appropriate intensification and development on the Site. Specifically, the concerns are as follows:

1. Policy 2.6 – The second sentence of this policy states that “Heights and densities will generally step down as development moves further away from the intersection and transition in scale to the south, east and west to areas of different heights and intensity in the Steeles Transit Station Area.” The Proposed Plan envisions 14 storeys on Yonge Street but would permit a tall building up to 50 storeys on the Site as it is shown as

within Area A on Map 49-5 Building Types and Heights. In our opinion, this policy is contradictory as it relates to the redevelopment of the Site and it should be made clear this policy only applies in appropriate circumstances which would not include the Site;

2. Policy 3.26 – We have concern with the requirement of a 3 metre building setback from adjacent streets in all cases. In many circumstances, it would be appropriate to have a lesser setback. To permit some flexibility in the application of this policy we suggest it should be rephrased to read “where required boulevard width cannot be met, all new buildings shall be setback sufficiently to accommodate the required boulevard setback to curb”. It also identifies “no cantilevering of buildings will be permitted within the setback area”. In appropriate circumstances, cantilevering should be permitted and has been accepted by City staff on numerous projects throughout the City. This policy should be amended to allow for cantilevering in appropriate circumstances;
3. Policy 3.35 – This policy identifies a 5m-wide landscape space on both sides of a “walkway” which if a 3m wide walkway was provided, then it would become 13m wide area which would be unreasonable;
4. Policy 5.9 – This policy states mid-block connections “will be of a generous width”. We would request that it be revised to read “will be of an appropriate width”;
5. Policy 6.1 – We feel the minimum requirement of 40 percent of units to be 2BR and 3 BR is too high and that this threshold should be lowered to 35 percent which is generally what is required in other areas of the City;
6. Policies 8.1/8.2/8.16/8.17 – The 5-storey transition from the nodes isn’t clear as to whether the City expects that for every street/block and these policies could be interpreted that as one moves away from an intersection, a 5 storey reduction is required for each step away from the intersection. This could significantly and without proper planning justification reduce the height of buildings as one moves away from an intersection; and
7. Policies 9.10 c) – The first sentence should be revised to read “If the off-site required improvements within the Development Area are not **secured** or constructed...”.

We would respectfully request that the Proposed Plan be amended to reflect the concerns outlined above. We would be pleased to meet with City staff to discuss these concerns. Please also accept this letter as our request to be provided with notice for all future meetings and decisions relating to this matter.

If you have any questions regarding the above, please do not hesitate to contact me at 416.645.4572 or by email at jason.park@devinepark.com. Thank you.

Yours very truly,
Devine Park LLP



Jason Park
JIP/ss

Enclosure

cc: Guy Matthew, City of Toronto Planning
Delmar Development Corp.