

July 6, 2022

By E-Mail to *nycc@toronto.ca*

North York Community Council
City of Toronto
Toronto City Hall
100 Queen Street West
Toronto, Ontario
M5H 2N2

Attention: Julie Amoroso, Committee Secretariat

Dear Ms. Amoroso:

**Re: Yonge Street North Planning Study – City-Initiated Official Plan Amendment
Proposed Yonge Street North Secondary Plan (OPA 615)
Agenda Item: NY34.5**

Introduction

We are counsel to W Mandel Developments Limited and Mandross Holdings Inc., the owners of lands municipally known as 6114 and 6355 Yonge Street, Toronto. Both of these properties are located within the area subject to the City-initiated Yonge Street North Planning Study as well as the draft Official Plan Amendment No. 615 (“OPA 615”) and the proposed Yonge Street North Secondary Plan (the “Secondary Plan”).

6114 Yonge Street is located on the west side of Yonge Street, between Goulding Avenue and Homewood Avenue, whereas 6355 Yonge Street is located on the east side of Yonge Street, between Nipigon Avenue and Abitibi Avenue.

We have reviewed the Final Report of the Director, Community Planning, North York District regarding the Yonge Street North Planning Study, dated June 27, 2022, together with the draft OPA 615, including the proposed Secondary Plan, appended to the report.

We are writing to advise that our clients do not support the proposed Secondary Plan in its current form and have a number of concerns with the document that should be addressed prior to adoption of OPA 615.

Map 49-2 Character Areas and Map 49-5 Building Types and Heights

First, with respect to the delineation of the proposed Character Areas on Map 49-2, we submit that the boundaries of the proposed “Steeles Transit Station Area” should align with the boundaries of the proposed Yonge-Steeles Protected Major Transit Station Area (“Yonge-Steeles PMTSA”), for lands within the Secondary Plan area, as reflected in the proposed Site and Area Specific Policy (SASP) 760 that is recommended by City Planning staff and was endorsed by the City’s Planning and Housing Committee at its meeting on July 5, 2022. At a minimum, the proposed “Steeles Transit Station Area” should align with the boundaries of the proposed Yonge-Steeles PMTSA along the Yonge Street corridor, extending south to Homewood Avenue on the west side of Yonge Street and Centre Avenue on the east side of Yonge Street.

Second, with respect to Map 49-5, we submit that the lands on the east side of Yonge Street between Steeles Avenue East and Athabaska Avenue, and the lands on both sides of Yonge Street between Athabaska Avenue and Homewood Avenue / Centre Avenue, should not be limited to “mid-rise buildings”. Rather, these lands should be identified for a mix of both tall buildings and mid-rise buildings, particularly in recognition of their location along a higher order transit corridor, within a major transit station area, and in an area where the existing and planned built form context includes tall buildings.

Proposed Secondary Plan Policies

Regarding the proposed Secondary Plan policies, our clients have a number of concerns, including: 1) restrictions on building types along Yonge Street; 2) excessive setbacks and restrictions on cantilevering; 3) requirements for street-related retail at grade along Yonge Street and limits on other uses; 4) requirements for new/modified lanes east of Yonge Street; 5) prescriptive requirements for residential units; 6) restrictive built form requirements; and 7) excessive sustainability requirements.

Restrictions on Building Types Along Yonge Street

As recommended above, the lands along both sides of Yonge Street north of Homewood Avenue / Centre Avenue should be included within the Steeles Transit Station Area. However, if these lands remain in the proposed Yonge Main Street Character Area, Policies 2.10, 8.3 and 8.28 should recognize the potential for both tall buildings and mid-rise buildings on these lands.

Excessive Setbacks and Restrictions on Cantilevering

The proposed Secondary Plan would require excessive setbacks, both along Yonge Street and along other secondary streets, as reflected in Policies 3.7, 3.16 and 3.17. Further, these proposed policies would unnecessarily restrict any cantilevering of buildings within the proposed setback areas. Cantilevering of buildings within a setback

area can produce an appropriate built form that provides for additional density and can create permanent weather protection for pedestrians at grade.

Requirements for Street-Related Retail at Grade Along Yonge Street and Limits on Other Uses

Proposed Policy 3.21 would impose inappropriate requirements for street-related retail uses at grade along Yonge Street. While retail uses should certainly be permitted, and even encouraged, along Yonge Street, the broader objective should be to attract a wide range of active uses at grade. In this regard, we submit that it is inappropriate to discourage various uses from locating in these areas, as contemplated in proposed Policy 3.25 a).

Requirements for New/Modified Lanes East of Yonge Street

There are existing lanes at the rear of properties fronting the east side of Yonge Street, which may be less than the desired minimum width of 6 metres. Proposed policy 5.17 stipulates that these lanes will be public, although it is unclear how this is to be achieved, particularly on an interim basis. In addition, clarity is required regarding the statement that existing lanes will be “modified to achieve the minimum required width” through the development application review process, particularly where there is opportunity to obtain land for any required widening from both sides of the lane. Similarly, the intention of proposed Policy 9.4 should be clarified in relation to the potential widening of existing lanes.

Prescriptive Requirements for Residential Units

Proposed Policy 6.1 would prescribe minimum percentages of certain residential unit types. In our view, if this policy is to remain, it would be appropriate to provide some level of flexibility, rather than dictating the provision of these unit types. Further, while proposed Policy 6.3 reasonably seeks to achieve a balanced mix of housing, clarity should be provided to note that these objectives are intended to be achieved over the Secondary Plan area and not necessarily on any individual property, particularly as it pertains to a “range of tenures”.

Restrictive Built Form Requirements

The Secondary Plan proposes a number of unnecessarily restrictive built form requirements, which have the potential to stifle architectural creativity, and many of which are more appropriately addressed through urban design guideline documents in any event. Examples include Policies 8.7, 8.9, 8.10, 8.11, 8.18, 8.19, 8.29, 8.30 and 8.31.

Excessive Sustainability Requirements

Although policy objectives to achieve greater sustainability and climate resilience through new development are recognized, our clients are concerned that the proposed Policy 8.15 is excessive and could be seen to require new buildings to achieve sustainability levels that may not be reasonable or viable. We also note that whereas the opening phrase of Policy 8.15 seems to imply that the policy is intended to be aspirational with the use of the term “should”, it then appears to be directory through the use of the term “will”. As a result, clarity is required to identify the actual policy intent.

Given these concerns, we request that Community Council not endorse the Secondary Plan and, instead, direct staff to work with our client and its consultants to attempt to resolve the concerns through modifications to the proposed Secondary Plan.

Kindly ensure that we receive notice of any decision(s) made by Community Council and/or City Council regarding this matter.

Yours truly,
DAVIES HOWE LLP



Mark R. Flowers
Professional Corporation

copy: Clients
David McKay, MHBC