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Delivered by Email

Toronto City Council
100 Queen Street West
Toronto, ON M5H 2N2

Dear Mayor and Members of City Council:

**Re: 1365-1375 Yonge Street (the “Subject Property”)
Official Plan and Zoning Bylaw Amendment
Planning Application Number: 23 154139 STE 12 OZ**

We are the solicitors to 1060582 Ontario Ltd. the owner of lands municipally known as 1391 and 1393 Yonge Street, which is situated to the north of the Subject Property and shares a common lot boundary and rear laneway access.

We have reviewed the proposed development for the Subject Property and the Staff Report dated February 2, 2024 (the “Staff Report”) recommending approval of the requested Official Plan and Zoning By-law Amendments. Our client does not oppose the development in principle but has concerns regarding the built form of the proposal that, in our client’s view, do not represent good planning for the reasons set out below.

North Elevation Wall

The new proposed development entails a base building (podium) of 5 storeys and an overall height of 50 storeys. The proposal includes residential units with windows starting at the 4th floor on the north elevation. Our client, having engaged in previous negotiations with the prior landowner, secured the inclusion of a blank wall along the north lot line in respect of the development proposal that was previously approved on the Subject Property. Regrettably, the current proposal deviates from this, incorporating north-facing windows.

The May 2023 Goldberg Group Planning Report submitted in support of the subject applications states “A tower is not anticipated on the property abutting the subject site to the north (1391-1393 Yonge Street), due to the size of this site. As such, a redevelopment of a tall building on that site is not feasible and therefore the setbacks to the north are adequate” ostensibly suggesting that there is no concern with the setback and the inclusion of residential units and windows at the lower levels of the building.

This assumption neglects to consider alternative forms of intensification and even midrise built form typologies that may develop in the future on the northern lands. Midrise buildings typically develop to the property line to allow for a continuous street wall along major thoroughfares. In light of these considerations, our client requests the previously established built form conditions be applied to the present development. We assert that the imposition of a blank wall along the north elevation of the Subject Property, where appropriate setbacks cannot be achieved, is essential to protect for the future development potential and the overall functionality of their property without adversely impacting the density of the proposed development.

Laneway Access, Circulation, and Loading

The Staff Report does not identify issues with respect to the function of laneway access, nor does it provide enough clarity on issues related to circulation. We anticipate that the City will defer further laneway considerations to the Site Plan Control. Our client is concerned that the deferral of any analysis of laneway function to the site plan stage is improper in this case given that the laneway serves several other properties with frontages on along Yonge Street, Pleasant Boulevard, and Rosehill Avenue. The proposed underground parking access and loading bays of the development are situated at the northeast corner of the Subject Property in proximity to the junction of the laneway. Our client believes that the proposed location of the loading bays and parking ingress will result in future access issues to adjacent properties that could not be remedied at the site plan approval stage. Our client notes that Official Plan Policy 3.1.2.2. requires that new development must assess adverse impacts on surrounding properties which may necessitate the use of shared service areas in the same development block:

New development will locate and organize vehicle parking, vehicular access, service areas and utilities to minimize their impact on the property and on surrounding properties and to improve the safety and attractiveness of adjacent streets, parks and open spaces by: using shared service areas where possible within development block(s) including public and private lanes, driveways and service courts; generally seeks to minimize the development of new vehicular access on public streets when laneway access is available.¹
[Emphasis Added]

The Staff Report contains no analysis demonstrating that the location of parking access would not frustrate the development of future vehicular access points for adjacent properties.

Summary

Our client does not oppose redevelopment of the Subject Property, but believes that the approval of the OPA/ZBA based on the current development proposal does not represent good planning given the inclusion of residential units and window openings staring at the 4th floor on the north elevation. Furthermore, it should be determined that the location of the ingress/egress points of the proposed development will not adversely impact existing and future ingress/egress and loading points to adjacent properties.

¹ Toronto Official Plan Policy 3.1.2.2.

Thank you for your consideration of our client's concerns regarding the proposed development. If you have any questions or comments, please do not hesitate to contact the undersigned.

Yours very truly,

BORDEN LADNER GERVAIS LLP

A handwritten signature in blue ink, appearing to read "Andrew Baker". The signature is fluid and cursive, with a long horizontal stroke at the end.

Andrew Baker