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KLM File: P-3478

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July 5, 2024

North York Community Council
North York Civic Centre
5100 Yonge Street
Toronto, Ontario, M2N 5V7

- and -

Toronto City Hall
100 Queen Street West
2nd Floor, West Tower
Toronto Ontario, M5H 2N2

**Attention: City Clerk & Matthew Green, Administrator, North York Community Council
- and -
Members of the North York Community Council**

**RE: Written Communication & Request for Deputation
North York Community Council Meeting – July 9, 2024 at 9:30 AM
ITEM – 2024.NY15.17**

**Applications: Official Plan Amendment & Zoning By-law Amendment
Owner: 5925 Yonge Street Inc.
Site Address: 10 Elmwood Avenue, North York, Toronto
General Location: North Side of Elmwood Avenue, Just East of Yonge Street
City OPA & ZBA Files: 19 199383 NNY 18 OZ
Related City Site Plan File: 19 199394 NNY 18 SA**

Dear City Clerk, Administrator, and Members of North York Community Council:

KLM Planning Partners Inc. ("KLM") is the land use planning firm representing 5925 Yonge Street Inc., Owner of the Subject Lands located at 10 Elmwood Avenue in North York, in the City of Toronto. We are writing to advise of our concerns with City Planning staff's draft zoning by-law that is being considered at the July 9th North York Community Council Meeting and appended as Attachment 7 to their decision report dated June 19, 2024.

On July 5, 2024, KLM had a brief telephone conversation with Guy Matthews, Manager of Planning who appeared to understand our concerns regarding the inaccurate and missing details in the City's draft zoning by-law, which we have identified in this letter. Mr. Matthews has asked that KLM submit this written correspondence to the North York Community Council and copy City Planning staff so that they can review and address our concerns prior to the July 9th meeting.

I will also be registering with the City Clerk by way of this letter to address the Members of the North York Community Council in-person to share the concerns raised in this letter. If City staff can satisfactorily address my concerns in a new revised draft by-law prior to the July 9th meeting, or can

confirm in writing that my concerns will be included in a new revised draft by-law that will proceed to the July Council meeting, there will be no need for me to speak on deputation.

Our Concerns with the City's Draft Zoning By-law

We thank City Planning staff for advancing the OPA and ZBA applications to the July 9th North York Community Council Meeting. We have no objections to the staff report and draft OPA but have concerns with the City's draft zoning by-law (Attachment 7 to the City's Decision report) that contains incorrect and missing details, which we would like corrected in a revised draft by-law.

Our concerns with the City's draft zoning by-law are as follows:

1. *Setbacks – e): Despite regulation 6(22)(c), the rear Outdoor Cafe is permitted within the required rear yard setback of 7.5 metres and within the required east yard setback of 1.8 metres.*

KLM Response: The site plan drawing that City staff reviewed shows an Outdoor Patio Area 1 (along the south side of the proposed building) and an Outdoor Patio Area 2 (in the rear yard), whereas the City's draft zoning by-law only references the rear outdoor café/patio. **It will be necessary for City staff to amend the draft zoning by-law to also permit the southerly front outdoor café/patio within the required front yard setback of 3.0 m. Similar to the discussion below in Item 2, it will be necessary to recognize a 0.0 m setback from the new front (south) lot line (see discussion in Item 3 below) for the southerly outdoor café/patio.**

2. *Setbacks – f): The rear yard Outdoor Cafe is permitted with a 0.0 metre setback from the east lot line and a 6.1 metre setback from the north lot line.*

KLM Response: The site plan drawing that City staff reviewed shows a 6.0 m setback from the rear (north) property line to the north side of the rear outdoor café/patio, whereas the City's draft zoning by-law requires a 6.1 m setback. The rear outdoor café/patio would not comply to this requirement as it would encroach 0.1 m into the rear yard setback. **It will be necessary for City staff to amend the draft zoning by-law to correctly reference a 6.0 m setback from the north lot line for the rear outdoor café/patio.**

3. *Setbacks – g): Despite regulation 23.2.2(b), the front yard setback will be 7.5 metres.*

KLM Response: The site plan drawing that City staff reviewed shows a 7.33 m setback from the current property line along Elmwood Avenue to the front face of the proposed building. When the required 4.33 m road widening is conveyed to the City as part of the future site plan approvals process, the resulting front yard setback will be 3.0 m. **It will be necessary for City staff to amend the draft zoning by-law to correctly reference a 3.0 m front yard setback to the building.**

4. *Permitted Uses: The following uses shall be permitted: Restaurant.*

KLM Response: KLM formally submitted the OPA and ZBA applications to the City of Toronto on August 2, 2019, which was accompanied by a Planning Justification Report and a draft zoning by-law that proposed and provided justification for an Eating Establishment (i.e. Restaurant) and other additional compatible uses to be permitted on the Subject Lands that would be permitted by the City's Official Plan and North York Centre Secondary Plan for *Mixed Use* designations and that had a same or lower parking rate as a Restaurant use:

- Amusement arcade;
- Artist studio;

- Cabaret;
- Eating establishment; (ie. Restaurant)
- Grocery store;
- Personal service shop;
- Retail store;
- Retail service;
- Service shop;

KLM's draft zoning by-law also proposed to include the following definitions for City staff's review and understanding:

Amusement Arcade shall mean premises where more than 2 amusement devices are provided for patron use on the premises.

Cabaret shall mean premises used to provide entertainment such as a dinner theatre or comedy club, where patrons are seated at tables and where food or beverages may be offered for sale. An adult entertainment use, an eating establishment, a nightclub, or an entertainment place of assembly is not a cabaret.

Eating Establishment shall mean premises where food or beverages are prepared and offered for sale to patrons for immediate consumption on the premises while they are seated, and which may include an incidental take-out service.

Outdoor Patio shall mean an outdoor patron area that is ancillary to a non-residential use.

Retail Service shall mean premises in which photocopying, printing, postal, or courier services are sold or provided.

KLM has consistently identified these proposed uses throughout the processing of the OPA and ZBA applications. There has not been any communication from City Planning staff that only a Restaurant use would be permitted on the Subject Lands as identified in their recent draft zoning by-law. **We ask that City staff include all of the additional proposed uses identified above that will allow the Owner of the property to have various options to lease the proposed building for more than just a restaurant use given the current state of the economy.**

Summary

Based on KLM's recent discussion with Guy Matthews of the City Planning Department, we feel that the concerns raised in this letter can be satisfactorily addressed prior to the July 9th North York Community Council meeting or prior to the end of July Council meeting. We look forward to a positive outcome and will make ourselves available to work with City Planning staff. I ask that the City Clerk register my name so that I have an opportunity to speak on deputation, if needed.

In addition, I would like to be notified of the decision of the City of Toronto on the proposed Official Plan Amendment and the passing of the proposed Zoning By-law Amendment.

If you have any questions, please feel free to contact me at guyeyama@klmplanning.com.

Yours truly,
KLM PLANNING PARTNERS INC.

A handwritten signature in black ink that reads "Grant Uyeyama". The script is cursive and fluid.

Grant Uyeyama, BAA, MCIP, RPP
Principal Planner

Copy to: Roger Battista and Bruno Battista, 5925 Yonge Street Inc. - Owner
David Sit, Director of Planning – North York
Guy Matthew, Manager of Planning - North York
Kelly Snow, Planner - North York
Mark Yarranton, President, KLM Planning Partners Inc.
Lauren Dynes, Intermediate Planner II, KLM Planning Partners Inc.