

December 2, 2024

By E-Mail to nycc@toronto.ca

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

Attention: Matthew Green, Committee Administrator

Dear Chair Pasternak and Members of Community Council:

**Re: 2346 Yonge Street - Official Plan Amendment and Zoning Amendment
Application - Decision Report – Refusal
Agenda Item: NY19.8**

We are counsel to 297506 Ontario Ltd. (“297”), the owner of the lands municipally known as 2346 Yonge Street, located at the northwest corner of the intersection of Yonge Street and Orchard View Boulevard (the “Lands”). The Lands are currently occupied by a two-storey commercial building, representing a substantial underutilization of the site given its location and the planning policy context.

297 partnered with DiamondCorp to submit Official Plan and Zoning By-law Amendment applications (the “Applications”) to permit the redevelopment of the Lands for a 56-storey mixed-use building containing approximately 407 residential units and 272 square metres of commercial space at-grade (the “Proposed Development”). The City Planning Division confirmed that the Applications were complete as of September 3, 2024.

It is the goal of DiamondCorp, on behalf of 297, to collaborate with City staff, Councillor Colle, and the community to create a high-quality development that provides additional housing on an underutilized site in walking distance from higher-order transit. It has been our experience that the achievement of such outcomes often requires multiple meetings and submissions to fully explore the comments and concerns of City staff, the Councillor, and the community. This dialogue provides the opportunity to respond and revise the project accordingly. In that regard, despite the staff recommendation to refuse the Applications, we are encouraged by the comment that “Staff will continue discussions with the applicant in an effort to resolve outstanding issues”.

We have reviewed the report of the Director, Community Planning, North York District, dated November 18, 2024 (the “Staff Report”), which will be considered by North York Community Council at its meeting on December 3, 2024. The Staff Report recommends that the Applications be refused for the reasons identified in the report.

For the reasons set out in this submission (focussed on key issues), we maintain that the reasoning identified in the Staff Report for the recommended refusal of the Applications is flawed. Accordingly, we urge Community Council to not adopt the recommendations in the Staff Report and, instead, to confirm its support for the Applications and direct Community Planning staff to bring forward draft Official Plan and Zoning By-law Amendments to permit the Proposed Development for consideration by City Council at its meeting on December 17-19, 2024.

First, the Staff Report claims that the Applications are not consistent with the 2024 Provincial Planning Statement (“PPS”) because the Proposed Development exceeds the Yonge-Eglinton Secondary Plan (the “Secondary Plan”) character area height, does not meet specific development standards, and “...does not provide a mix of housing envisioned through the Secondary Plan, nor does it provide affordable housing”.

In fact, when evaluating a planning application, the PPS is to be considered independent of approved municipal Official Plans, including Secondary Plans. Indeed, despite generally referring to section 6.1 of the PPS, staff neglected to note the following statement in policy 6.1.5: “The policies of the Provincial Planning Statement continue to apply after adoption and approval of an official plan”. The PPS also directs municipalities to ensure their Official Plans are up to-date and consistent with the current version of the PPS – in this instance, the PPS came into effect on October 20, 2024, and the Staff Report acknowledges that the Secondary Plan has not yet been updated to be consistent with the PPS.

As a result, consistency with the PPS is not reliant on conforming with the Official Plan or the Secondary Plan. Rather, a review of the Proposed Development in relation to the PPS clearly demonstrates consistency. The PPS provides a policy framework to support the achievement of complete communities, including permitting and facilitating residential intensification on underutilized sites within settlement areas, and particularly in locations well served by higher-order public transit, such as the Lands. The Lands are located within a strategic growth area and a major transit station area, where the PPS directs significant levels of growth. As such, the Proposed Development contributes to the achievement of complete communities, a compact built form, a more optimal level of development, and towards the minimum density target. With respect to housing, the Proposed Development does, indeed, provide a mix of housing with a range of 1-bedroom, 2-bedroom and 3-bedroom units of varying sizes, and there is currently no requirement to provide affordable housing within the Proposed Development. Further, although the proposed Official Plan Amendment would permit a minor reduction in the required percentage of 3-bedroom units, the Proposed Development would still provide a wide range of unit types and sizes,

with smaller units being intrinsically more affordable, and the proposed amendment is in keeping with similar reductions for 3-bedroom units approved elsewhere. As such, the Proposed Development is clearly consistent with the PPS.

Second, with respect to land use, the Staff Report asserts that the amount of commercial space being proposed is “inadequate”. Notably, the Lands are designated *Mixed Use Areas* in the City’s Official Plan, where a broad range of residential and commercial uses are permitted, including in either single use or mixed-use buildings. Further, there is no applicable requirement in the Secondary Plan for a minimum amount of non-residential uses in mixed-use buildings.

Notwithstanding the above, the Proposed Development currently proposes 272 square metres of commercial space along the entire Yonge Street frontage and wrapping around the corner along the Orchard View Boulevard frontage, spanning approximately an additional 20 metres in length. As such, the Proposed Development has thoughtfully allocated much of the available street frontage for commercial uses, creating a more complete community and activating the public realm at-grade. It is also common within the Secondary Plan area that only ground floor retail and service commercial space is provided.

Third, with respect to height and massing, the Staff Report claims that the Proposed Development does not conform to the Secondary Plan as it does not “respect the established urban structure and does not provide a gradual transition from the Yonge-Eglinton Centre”.

The Lands are located at the boundary of the Yonge-Eglinton Centre, within approximately 165 metres, or an approximate 2-minute walk, of the Yonge-Eglinton Transit Hub and Major Transit Station, where a significant amount of population growth is targeted. Moreover, the immediate area has been evolving with increasing heights and intensities of redevelopment. The Secondary Plan specifically directs that an Official Plan Amendment is not required to achieve heights greater than the range set out for any Character Area, including the Montgomery Square Character Area. Further, the proposed 56-storey height is appropriate for this very central location and is in keeping with other recently approved and proposed building heights within the broader Secondary Plan area, including in locations subject to similar height ranges.

At 56-storeys, the Proposed Development would also reflect an appropriate transition in heights from the even taller buildings planned for the adjacent Yonge-Eglinton Centre and to tall buildings with lower heights further from the Centre. The latter includes the existing Whitehaus Condos building at the southwest corner of Yonge Street and Helendale Avenue at 31 storeys, which is already taller than the upper-end of the height range for the Montgomery Square Character Area.

Fourth, the Staff Report contends that the Proposed Development and the current proposal for the adjacent lands at 2350-2352 Yonge Street forms a “combined tower floor plate of approximately 1,179 square metres”, asserting that it has not been demonstrated that the Lands can accommodate a tall building.

To be clear, the Proposed Development and the proposal for the adjacent lands at 2350-2352 Yonge Street are independent buildings, so there is no “combined tower floor plate”. That said, we acknowledge that, given the minimal tower setbacks from the mutual property line that are proposed on both sites (we are assuming that the application for 2350-2352 Yonge Street will be revised to eliminate all south facing windows), the two proposed buildings may give the appearance of one massing. However, it is important to recognize that the recommended maximum tower floorplate of 750 sm is embodied in the City’s Tall Building Design Guidelines (“TBDG”), which has been used elsewhere by City staff, City Council and the Ontario Land Tribunal with appropriate discretion and flexibility, as is appropriate for a “guideline” document. Moreover, the Planning Report prepared by our client’s land use planning consultant, Goldberg Group, and filed with the Applications provides many examples in the Secondary Plan area and other parts of the City where tower floorplate sizes well exceed the TBDG’s recommended maximum tower floorplate size.

Goldberg Group also concludes that the lot line relationship with the adjacent 2350-2352 Yonge Street proposal will result in a built form that has similarly been approved in the Secondary Plan area. Moreover, such development will have no adverse planning and urban design impacts (including shadow impacts) arising from these two proposed adjacent towers. Additionally, should the proposal at 2350-2352 Yonge Street not proceed, the Proposed Development’s individual tower floorplate size of 646.4 sm (GCA) is well below the TBDG’s recommended maximum floorplate size. In that circumstance, a suitably attractive north facing wall can be designed to present as a conventional windowed façade. Accordingly, it is evident that the Lands can appropriately accommodate a tall building of the scale proposed, whether or not the current proposal for 2350-2352 Yonge Street proceeds.

Fifth, with respect to the public realm, the Staff Report acknowledges that the proposed pedestrian clearway of 7.3 metres from the Yonge Street curb to the building face would be consistent with other applications along Yonge Street but then goes on to state as follows: “Additional setbacks should be provided on the Orchard View Boulevard frontage. Opportunities for improvement to the public realm should be investigated, with measures such as the creation of expanded public realm, privately-owned publicly accessible spaces (POPs), the provision of additional street trees, and the provision of public art. Furthermore, the corner at the Yonge Street and Orchard View Boulevard [intersection] should be further reviewed to allow for expanded pedestrian and retail activity”.

The rationale for requesting further expansion to the public realm along Orchard View Boulevard, and particularly “additional setbacks”, is unclear and unfounded, particularly given the generous public realm improvements currently proposed. Notably, the Proposed Development also incorporates a 3 m wide mid-block pedestrian connection at the west limit of the Lands along Orchard View Boulevard, intended to connect to Helendale Avenue to the north, and with opportunity to significantly improve the open space area located on the adjacent Toronto Public Library site.

Sixth, the Staff Report states that the City’s Engineering Services would require that a ‘Holding’ symbol be placed on the Lands until servicing capacity can be confirmed and any identified improvements that would need to be implemented have been secured.

However, our client’s civil engineer has already determined that there is available capacity within the existing municipal infrastructure (sanitary, water and stormwater) to support the Proposed Development, based on the City’s basement flooding model and following the City’s engineering design criteria.

For these reasons, and more, we maintain that the Proposed Development is appropriate and constitutes good planning, and that approval of the Applications would therefore be in the public interest. Accordingly, as noted above, we request that Community Council not adopt the recommendations in the Staff Report and, instead, confirm its support for the Applications.

We thank you in advance for your consideration of this submission. 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

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