



PLANNING AND URBAN DESIGN

3 December 2025

North York Community Council  
5100 Yonge Street  
Toronto ON M2N 5V7

**Attention: Matthew Green**  
**Community Council Administrator**

Dear Chair Pasternak and Members of Community Council:

**RE: Item 2025.NY28.14 - 36-40 Avondale Avenue - Official Plan Amendment and Zoning By-law Amendment – Decision Report - Refusal (Applications No. 25 153994 NNY 18 OZ and 25 153975 NNY 18 SA)**  
WND File No.: 24.557

We act on behalf of 1001081495 Ontario Inc. and 1001081493 Ontario Inc. (the “Applicant”), the registered owners of the lands municipally known as 36, 38 and 40 Avondale Avenue (the “Subject Site”), located on the north side of Avondale Avenue, approximately 50 metres east of Bales Avenue. The Applicant proposes to develop a 49-storey residential building (the “Proposed Development”) on the Subject Site.

The Official Plan Amendment, Zoning By-law Amendment and Site Plan Approval applications were submitted on May 2, 2025. The applications were deemed complete on June 3, 2025. City staff issued a Decision Report dated November 19, 2025, which recommends the refusal of the Applications. Our client filed a Notice of Appeal on November 28 on the basis that City Council failed to make a decision within the timeframe required under the Planning Act.

We respectfully disagree with Staff’s recommendation for refusal of the Proposed Development in the Staff Report dated November 19, 2025. As outlined throughout the application materials, we maintain that the Proposed Development is consistent with the 2024 Provincial Planning Statement, conforms to and implements the relevant policies of the City of Toronto’s Official Plan, and appropriately considers applicable non-statutory design guidelines.

We respectfully request Community Council to support the Proposed Development in its current form recognizing that it delivers much-needed housing in a location appropriate for intensification within an approved Protected Major Transit Station Area and that any remaining matters can be addressed through the OLT process.

## Background

The Proposed Development includes the demolition of the existing buildings on the Subject Site to facilitate the construction of a new residential building with a height of 49 storeys, comprised of a five-storey podium element and a 44-storey tower element, containing a total of 504 residential units.

The Proposed Development accommodates a 3.44-metre road widening along Avondale Avenue, which exceeds the planned right-of-way widening requirement under the Official Plan. The Subject Site has an area of 1,261.8 square metres. A net site area of 1,141.2 square metres is proposed when considering the staff-requested 120.56 square metre road widening conveyance along Avondale Avenue.

The Proposed Development has a total residential gross floor area (“GFA”) of 32,731 square metres and the Floor Space Index (FSI) is 25.9 times the gross lot area (net FSI of 28.6). A total of 70 parking spaces are proposed in four levels of below-grade parking with 7 visitor parking spaces and 2 pick-up/drop-off parking spaces at the ground floor.

A total of 190 bicycle parking spaces are proposed, of which 18 short-term bicycle parking spaces will be provided within the ground floor and a total of 172 long term bicycle parking spaces are provided within the mezzanine level, along with 10 additional short-term spaces at-grade within the right-of-way to meet Toronto Green Standard (TGS) requirements.

One of each Type “G” and Type “C” loading spaces are proposed to be located and screened within the ground floor. The primary residential entrance and vehicular site access are provided from Avondale Avenue

## Staff Comments

Staff have commented that the Proposed Development is not consistent with the 2024 Provincial Planning Statement (PPS) on the basis that the proposed built form is not appropriate for the local context. However, the Subject Site is located within a *Centre* and the approved Sheppard–Yonge Transit Station Area (PMTSA) under SASP No. 725, as introduced through OPA 570, both of which are identified as strategic growth areas intended to accommodate significant intensification.

Staff note that while OPA 570 establishes a minimum density of 3.5 FSI for the Subject Site, the proposed 28.7 FSI is considered excessive for the lot size and results in a building that does not comply with Official Plan and North York Centre Secondary Plan built form policies, including required tower separation, stepbacks, and setbacks.

As further outlined in this letter, the height and density proposed is aligned with the City’s emerging vision for the area based on its updated Secondary Plan, responds to the evolving urban context, and is physically compatible with its surroundings, with no impacts on any low rise Neighbourhoods or parks.

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Staff have commented that the Proposed Development does not align with the in-force North York Centre Secondary Plan (NYCSP) permissions, including the 3.5 FSI density limit and an approximate height of 65 metres (approximately 20 storeys).

It is critical to note that these policies reflect a planning framework that staff themselves have acknowledged is outdated. The City is currently undertaking a comprehensive review of the NYCSP through the *North York at the Centre: Directions Report* (scheduled for Planning and Housing Committee consideration on December 3, 2025). The Directions Report identifies the Subject Site within Tall Building Area 3 with a height range of 15 to 45 storeys (46–136 metres), directly supporting heights and densities well above the currently in-force permissions. Furthermore, the existing and planned context demonstrates that heights above 20 storeys are both established and appropriate in this area. The recently approved three towers at 45, 39, and 26 storeys, at 48, 50, 56, 58, and 60 Avondale Avenue; 17 and 19 Bales Avenue, and 25-63 Glendora Avenue, as well as the recent Council approval of the settlement for 4696 Yonge Street (gas station) at 45 storeys, provide the context for buildings that are taller than 20 storeys and reinforces that the heights above 20 storeys are appropriate in this area, which is explicitly planned for intensification and growth through both Provincial and municipal policy frameworks.

Furthermore, Chapter 8 of the Official Plan, introduced through the Minister's approval of the MTTSA/PMTSA framework, establishes that policies supporting greater density take precedence in transit station areas. Chapter 8 requires the City to update its zoning by-law to allow higher Floor Space Index (FSI) in certain areas. Specifically, lands within an MTTSA or PMTTSA that are designated as *Apartment Neighbourhoods*, *Mixed Use Areas*, or *Regeneration Areas* and within 200-500 metres of a transit station shall have a FSI of 6.0 or more through that zoning exercise.

The Subject Site, designated *Mixed Use Areas*, is located within 500 metres of Sheppard–Yonge Station and approximately 300 metres from the nearest secondary subway entrance. As such, a minimum density of at least 6.0 FSI will apply to the Site once zoning conformity is completed. Given the Site's transit-oriented location and alignment with the intent of the Minister's decision, a higher density is appropriate and should guide both the ongoing Secondary Plan review and the evaluation of the Proposed Development.

The Staff Report notes that additional information was requested to confirm whether any rental dwelling units exist on the site and to determine applicability of the Rental Housing Demolition and Conversion By-law. It states that conformity with the Official Plan cannot be determined in the absence of this information.

To clarify, the applicant has not received any comments or follow-up requests from Staff regarding this matter. Further, the submission package for the OPA and ZBA applications includes a completed and signed Rental Housing Demolition and Conversion Declaration of Use and Screening Form. This confirms that the Proposed Development does not result in the loss of six or more rental dwelling units and therefore Section 3.2.1.6 of the Official Plan is not applicable.

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The Report states that the proposal has not demonstrated that a tall building can be appropriately accommodated on the site, noting that the lot size contributes to tower setbacks that do not meet the minimum recommendations of the Tall Building Guidelines.

The Proposed Development incorporates tower setbacks on all sides in response to the existing and planned context and applies a tower-and-podium form that minimizes shadow and privacy impacts consistent with Policy 5.6.6 of the OP.

The tower is set back 7.5 metres from the north lot line, delivering a 20-metre tower separation to the approved 39- and 45-storey towers to the north. Moreover, because only one-third of the north façade faces the adjacent tower (Tower B) and no balconies are provided on this elevation, privacy and shadow impacts are well-mitigated.

The tower separation distance of less than the typical guideline of 25 metres has been accepted in a number of recently approved developments across the city; moreover, examples of towers that are separated by less than 25 metres exist within the Subject Site's immediate context at 12 Harrison Garden Boulevard, which is a development that consists of two towers with a corner-to-corner separation distance of approximately 12.5 metres. This example is a demonstration of a tower arrangement that can achieve appropriate light, view and privacy outcomes despite a separation that is less than current guideline recommendation, which is a principle that also applies relative to the Proposed Development given its orientation relative to the surrounding existing and approved towers.

To the east, a 1.5-metre tower setback provides a 30-metre separation to the approved 26-storey tower at 48 Avondale Avenue. Redevelopment of 44–46 Avondale Avenue for a tall building is not feasible due to lot size, meaning this interface is appropriate and stable. City Staff have acknowledged this in the Refusal Report.

To the west, a 1.5-metre setback results in a 16.5-metre separation from the 11-storey building to the west (FLO Condos at 28 Avondale Avenue). Notably, 28 Avondale includes insets along its eastern façade, providing a larger setback at both the northern and southern corners. At the tower reveal on the sixth and seventh floor, the proposed building is set back an additional 1.5 metres increasing the separation to 18.0 metres at these levels. FLO Condos is an existing stratified development that City Staff have acknowledged as already built out in the Refusal Report, therefore, redevelopment of that property for additional height or density is not feasible. The proposed separation therefore provides appropriate light, view, and privacy for both buildings. No primary windows or balconies are proposed on the east or west façades, avoiding overlook and ensuring privacy.

The proposed tower is set back 1.5 metres from the south (front) lot line which, together with the existing boulevard and any future road widening, provides an appropriate tower-to-street relationship that aligns with expectations for a transit-oriented Centre.

In our opinion, the proposed setbacks and setbacks are appropriate and allow for adequate light, view, and privacy for the Proposed Development and its neighbouring properties.

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Staff state that the proposed base building height of 24.15 metres along Avondale Avenue is too tall relative to the 20-metre right-of-way and, combined with minimal setbacks, does not adequately respect the existing scale and proportion of the street.

To clarify, the Proposed Development's podium height is five storeys (24.5 metres) along the Avondale Avenue frontage which represents an appropriate streetwall height given the planned right-of-way width of 27 metres. Once the right-of-way is widened on both sides, Avondale Avenue's actual road width will measure approximately 28.8 metres, resulting in a streetwall height that is 85% of the right-of-way width.

With respect to the shadow impacts on Glendora Avenue and the outdoor amenity space of the existing residential building to the north, as raised by Staff, the net new shadows from the Proposed Development will be minimal and will predominantly overlap with those generated by the approved adjacent development. While some additional shadowing occurs during the spring and fall equinoxes, these impacts are appropriate within the context of a *Centre* and an approved PMTSA. These lands designated *Mixed Use Areas* within a *Centre* and an approved PMTSA are planned to accommodate further growth and intensification and are therefore less sensitive to incremental shadow effects than areas designated as "stable" neighbourhoods outside of MTSA's.

Staff comments related to Toronto Green Standards, soil volume, servicing, and transportation matters can be appropriately addressed through future resubmissions, as is standard practice for development applications across the City.

### Conclusion

In conclusion, the Staff Report fails to appropriately consider the existing and planned context unique to this site, including the City's own preferred option for the secondary plan update which would facilitate 45 storeys on the site. Given the foregoing, we respectfully request Community Council to support the Proposed Development in its current form, through the OLT process, given the recently submitted appeal.

Please feel free to contact the undersigned should you have any questions or require further information. We ask that you please provide us with notice of all consideration of and decisions related to this matter.

Yours very truly,

**WND associates**  
planning + urban design



Andrew Ferancik, MCIP, RPP  
Principal and President

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