

TE34.23.5

2 July 2018



204 High Park (northwest corner of High Park & Humberside) by photographer, John Huzil (1995)

The Junction Heritage Conservation District

The Junction HCD Board

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Councillor Wong Tam, Chair
Toronto & East York Community Council
Toronto City Hall
2nd floor, West Tower
100 Queen Street West
Toronto, ON M5H 2N2

Re: Zoning Amendment for 2706-2730 Dundas Street West – TE34.23

Dear Toronto & East York Community Council members,

It is my pleasure to write on behalf of The Junction Heritage Conservation District (HCD) Board regarding the Zoning By-law Amendment for 2720 Dundas Street West. This subject site is an assembly of five properties on the northeast corner of Watkinson Avenue.

We concur with a rejecting approval of this application, because in-force policies have been ignored and the proposed building does not conform to retain the heritage character of the Junction streetscape, which then condone exceptions that will set precedent for other redevelopment applications.

On July 4th The Junction HCD has another mega-redevelopment project on the Toronto & East York Community Council meeting agenda, and concurrently on the Etobicoke York Community council meeting agenda is a third assembled, multi-property redevelopment project.

Attached is a series of three coloured maps that illustrate the cumulative effect of six redevelopment projects scattered throughout our impending heritage district. Any one of these projects establishes an incompatible precedent for other applications, and each has the potential to undermine the character and value of The Junction as a heritage district. Together, these redevelopment projects are catastrophic, if implemented as proposed.

As you may know, this subject property is within The Junction heritage conservation district; a nomination that was approved by two Community Councils in 2014, and a Phase One Study Area was approved in January 2018.

On 13 May 2014 Etobicoke York Community Council nominated several areas, including the Junction Area, for consideration as Heritage Conservation Districts. Community Council directed Planning staff to review the nominations against the criteria for the determination of cultural heritage value and bring forward study authorization reports and consider for prioritization

those areas that meet the criteria. The decision is available at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.EY33.39>

It was concurrently approved by the Toronto & East York Community Council on 13 May 2014.

The decision is available at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.TE32.87>

At the 31 January 2018 meeting City Council officially approved The Junction HCD Phase One Study. The HPS report and decision are available at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.PG25.4>

Moreover, The Junction was “identified” as a potential heritage district many years before the nomination application was prepared, according to multiple references in city documents and reports. In fact, interest in The Junction as a significant heritage area was noted prior to the mega-city amalgamation. The West Toronto Junction Historical Society (WTJHS) was established in 1980 after the mysterious demolition of the Junction’s historic train platform.

A colour map of The Junction HCD and Phase One Study area within the former West Toronto city boundaries is attached.

The Junction HCD is intended to be a microcosm of the former West Toronto city that amalgamated with the city of Toronto in 1909. Our vision is to conserve the core of that former city (at the heart of the original village and town), which includes all aspects of society with industrial, commercial and public buildings, and residential properties from the mansions of the gentry (on High Park Avenue) to the houses of professionals and merchants (who lived on St. John’s Road and other neighbourhood streets) and homes of the working class (rail and factory labourers, et al).

To achieve that vision, The Junction HCD (former Committee and current Board) has been consistent in its analysis of every redevelopment project within its proposed boundaries, and specifically to adherence of the mid-rise performance standards on our contiguous collection of authentic, fine-grain, heritage (landmark, designated and listed properties) and chorus main street buildings.

Our main street ‘Avenue’ is a twenty-metre road width in a designated Character Area; therefore the applicable maximum height is 0.8 of the right-of-way road width, or sixteen-metres (and not one millimetre more) of total height. Planning & Growth Management concluded their consideration of this matter on 11 May 2016; a process that began in 2015 with a review of the mid-rise performance standards, which revealed several unintended consequences created by this built form on the smallest, twenty-metre ‘Avenue’ width. Council approved this and other essential changes to the mid-rise performance standards on 7 June 2016.

Incidentally, the original *Avenues & Mid-Rise Building Study* approved by Council in June 2010, established applicable heights for various Avenue widths, and specifically for our twenty-metre Avenue was five or six storeys. Since applicants are expected to use this document as a framework to develop their plans for a property and planning staff use it to evaluate the applicant's proposal, then the community should be able to rely on the accuracy of information published in it too. Please refer to the attached excerpt from the Mid-Rise Study performance standards, which was part of an analysis report shared by The Junction HCD with various planning staff.

The 2010 in-force policy for any mid-rise built building on a twenty-metre Avenue was always five or six storeys, regardless of a Character Area designation qualifier.

Furthermore, the profile of this new building should fit with our typical streetscape patterns of two and three storey buildings. As proposed at 2720 Dundas Street West, there is no cornice or datum line at the third floor with a corresponding step-back, which is also applicable in our Character Area. Instead the proposed building incorrectly selected a cornice line at the fifth floor that does not consider the appropriate heritage cornice lines in The Junction. A five plus storey sheer wall will dominate the nominated heritage buildings across the street, and the fine-grain main street inset doorways are also missing.

This intensification project is not incremental and it will 'diminish and detract from the character, history, cultural heritage values and integrity of the district' and has the potential to establish precedents that were effectively curtailed by Council decisions to mitigate the unintended consequences from reoccurring on the smallest twenty-metre Avenue road width in Character Areas. Failure to protect a known Character Area and future HCD also contravenes the policies of the *Official Plan*, and the *Provincial Policy Statement*. It also disregards the revised *Places to Grow* (effective 1 July 2017), policy 1 in Section 4.2.7, which states:

*Cultural heritage resources will be conserved in order to foster a sense of place and benefit communities, particularly in strategic growth areas.*¹

Moreover, to ensure the contribution of every existing, renovated and new building to complement and enhance the predominant architectural heritage character of the Junction streetscapes, the design attributes and choice of materials is paramount to The Junction HCD and the community we serve. Therefore, The Junction HCD requests inclusion in the Site-Plan process along with the WTJHS.

Unfortunately the size and shape of the building is determined at the zoning amendment stage, and unintended consequences that are embedded cannot be undone by the selection of brick colours and other choices relevant to the site-plan issues.

¹ *Growth Plan for the Greater Golden Horseshoe*, May 2017, page 48 (print version) or 56 (online version).

For more than 100 years the Junction's heritage architecture was conserved and remained intact, until recently, when the hyper-intensification virus unleashed in Toronto has spread to infect our historic Junction neighbourhood and now threatens the existence of our HCD. Our expectation of sensible, "moderate" and respectful, "context sensitive" intensification has been proven to be false, due to the implementation failure of the mid-rise performance standards, which is an ongoing impediment to our success.

We are doing our part to ensure that the provincial policy statement and growth plan, city's official plan and policies, and mid-rise performance standards are being applied consistently and equitably, we need staff and council members to also ensure that all development applications are held accountable to these same exemplary standards as they have been published and approved.

Today "the Junction possesses a small-town charm that is rare in a city as large a Toronto."² The Junction is one of a few places that existed and evolved as a complete town, and most of its original heritage fabric remains intact. Inappropriate intensification at this critical juncture undermines the heritage value of the district, and provides an opportunity to establish precedent for other development applications.

An excerpt from the *Official Plan*, Section 3.1.5, affirms that:

Our cultural heritage includes both the tangible and intangible values and attributes of the distinct towns, villages, and cities that have come together to create the Toronto we know today.

Cultural Heritage is an important component of sustainable development and place making. The preservation of our cultural heritage is essential to the character of this urban and liveable city that can contribute to other social cultural, economic and environmental goals of the City.

Conservation of cultural heritage resources not only enriches our lives, it is an important shared responsibility and a prominent civic legacy that we must leave for future generations.³

The value and contribution of the Junction streetscape as a heritage asset is undeniable. We hope you will deny the applicant approval to proceed with their redevelopment proposal until it complies with the six-storey height maximum and other invaluable performance standards that are applicable in our Character Area.

² Ryerson University School of Urban and Regional Planning, April 2018, Heritage Conservation Study: The Junction, page 7.

³ Toronto City Planning, (22 June 2015), *Official Plan*, pages 67-68. Retrieved on 27 July 2016 from <http://www1.toronto.ca/planning/chapters1-5.pdf#page=13>.

Ideally, our Phase One Heritage Study should be expedited, because it will provide the context and policies that are necessary to evaluate all redevelopment applications on our historic main street. The Junction HCD is deeply concerned about these development applications proceeding prior to our heritage study, plan and policies to appropriately inform approvals.

As well, The Junction HCD objects to and disagrees with any exceptions in this circumstance and as a normal course of action, because exceptions should be reserved for truly exceptional situations. If T&EYCC members proceed with approval for this redevelopment project, then they are acknowledging that exceptions are being granted for the in-force height standard on a twenty-metre Avenue and other performance standards are also being ignored.

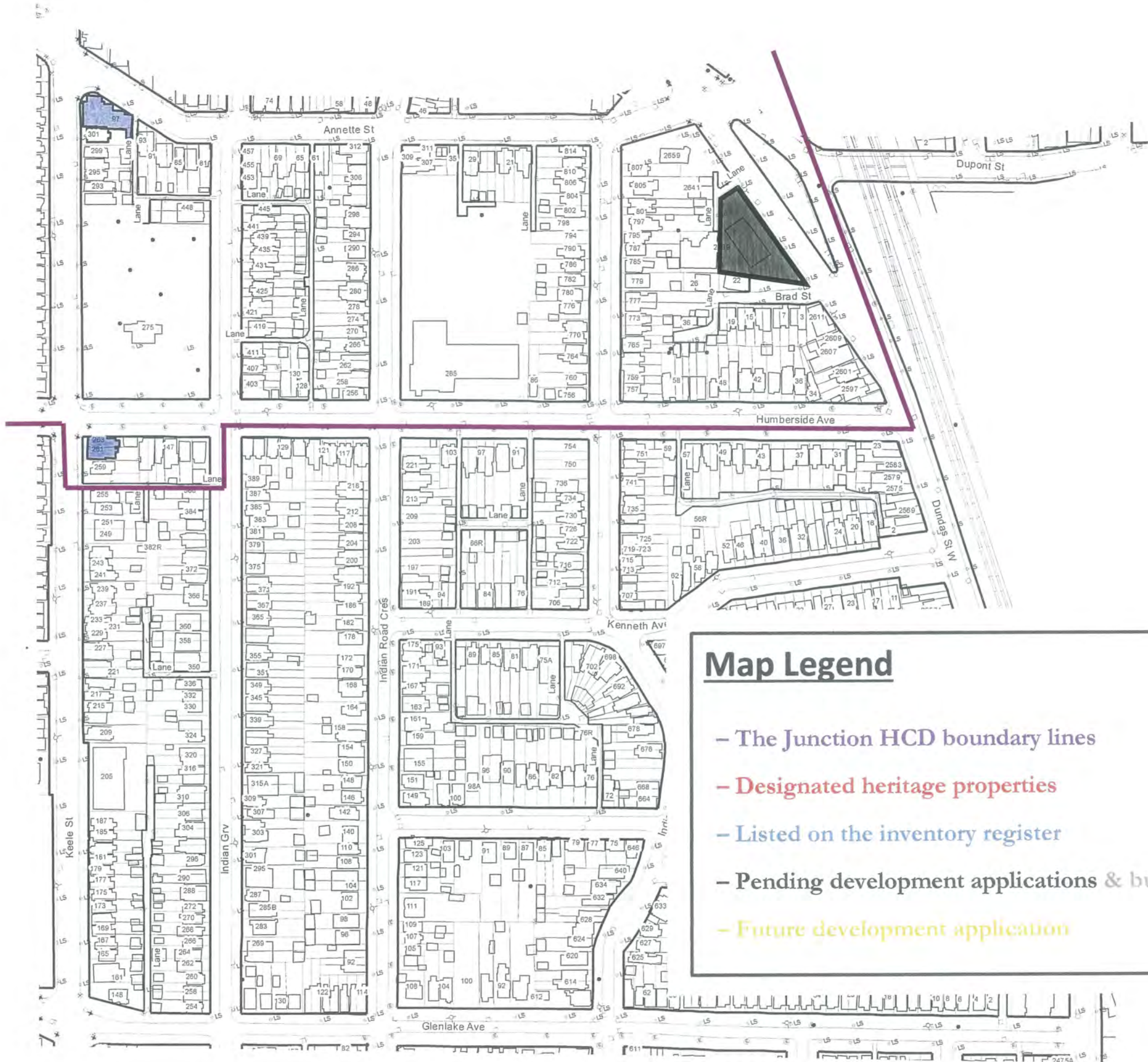
The Junction HCD looks forward to joining the city at the OMB pre-hearing scheduled on 2 October 2018.

Thank you in advance for all your time and consideration.

Sincerely,

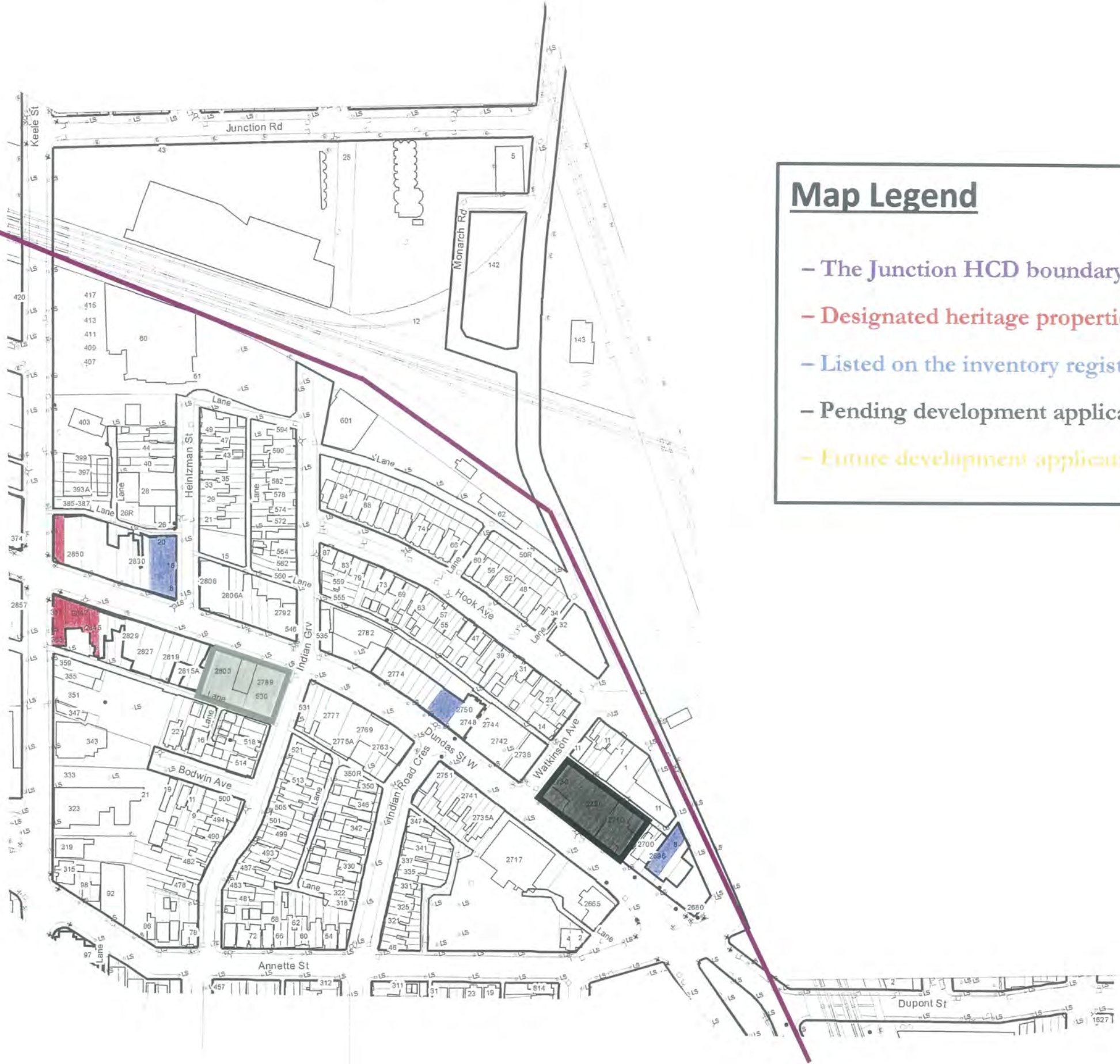


Tina Leslie
President, The Junction HCD



Map Legend

- The Junction HCD boundary lines
- Designated heritage properties
- Listed on the inventory register
- Pending development applications & built -
- Future development application

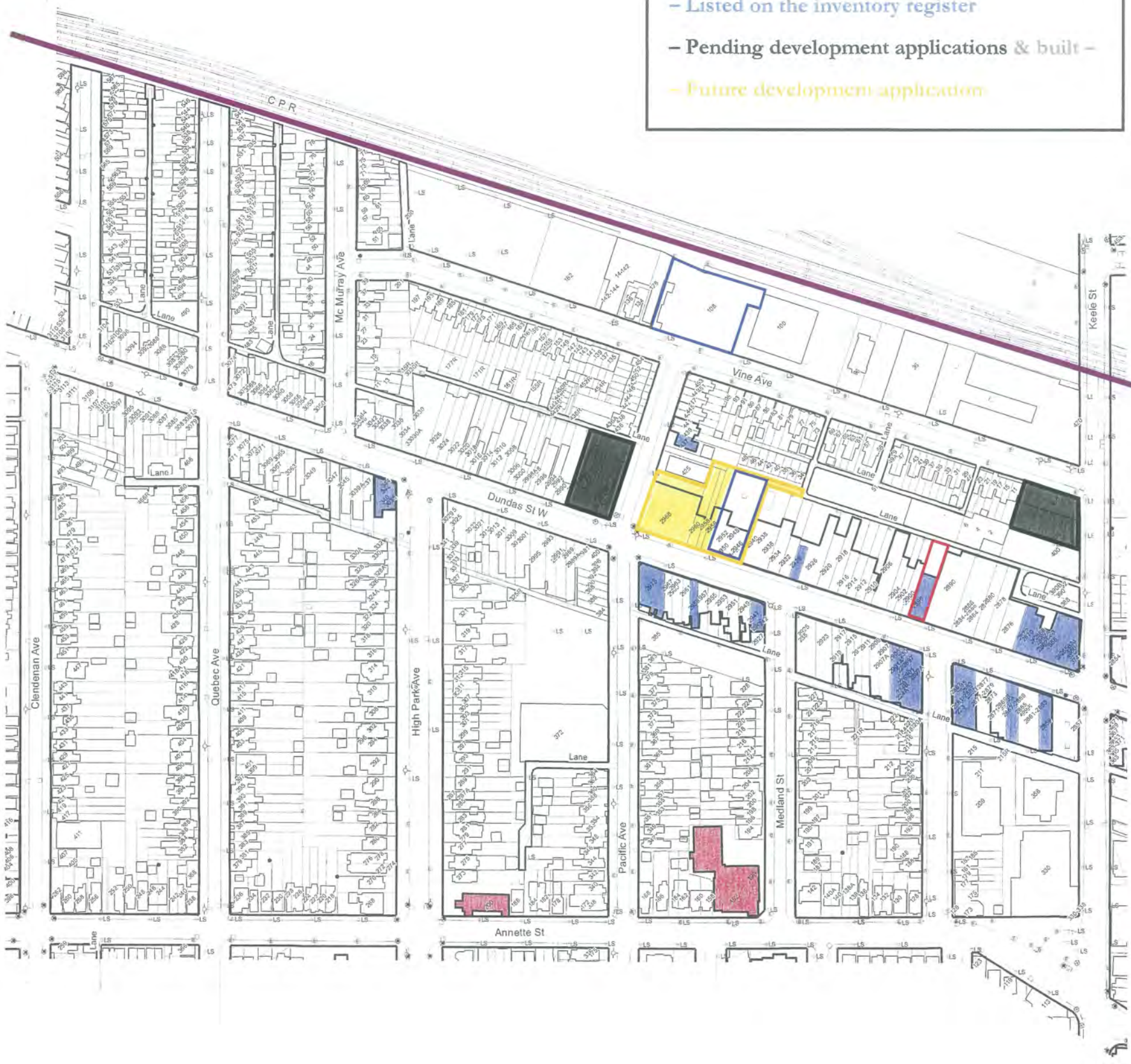


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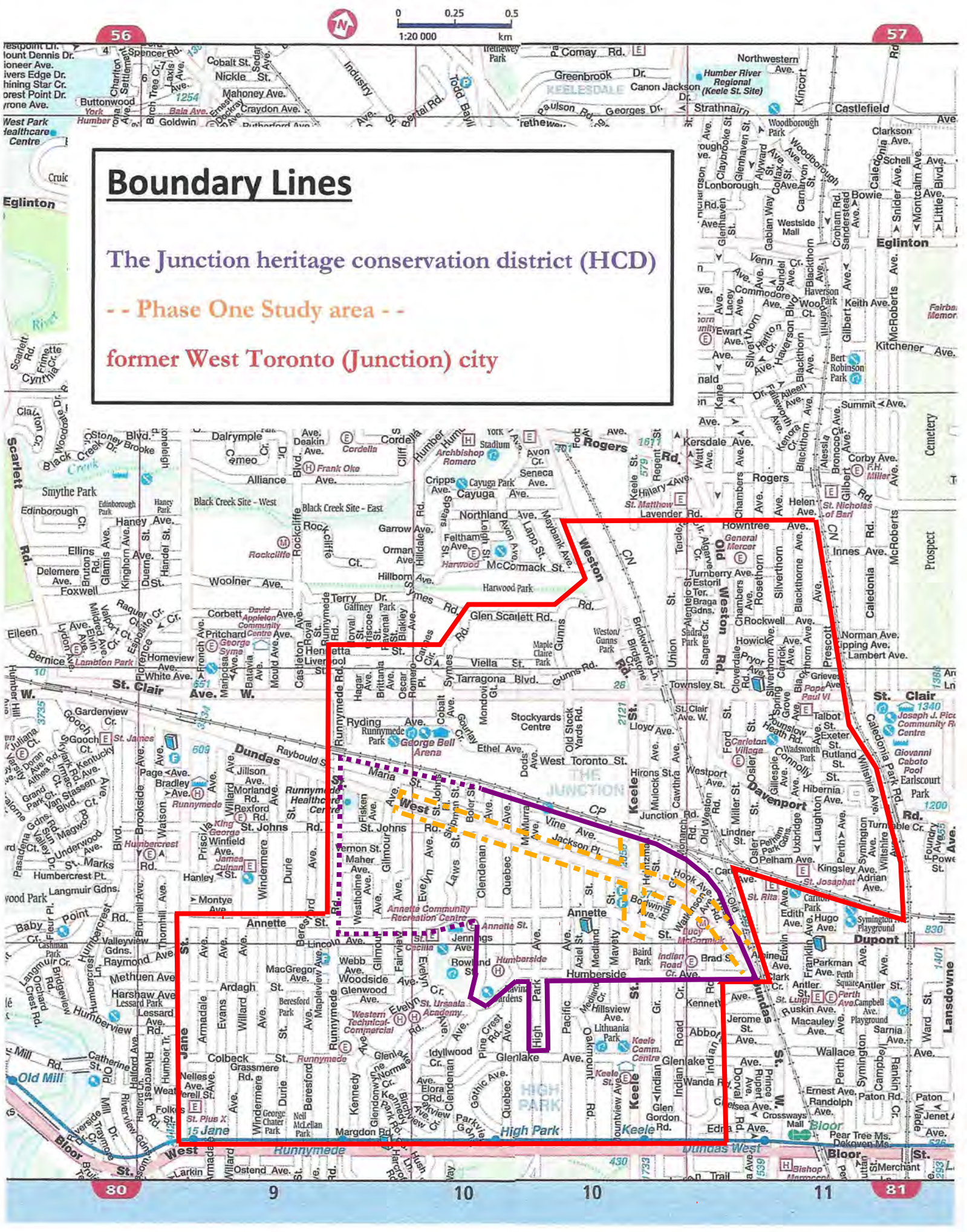
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48J-21

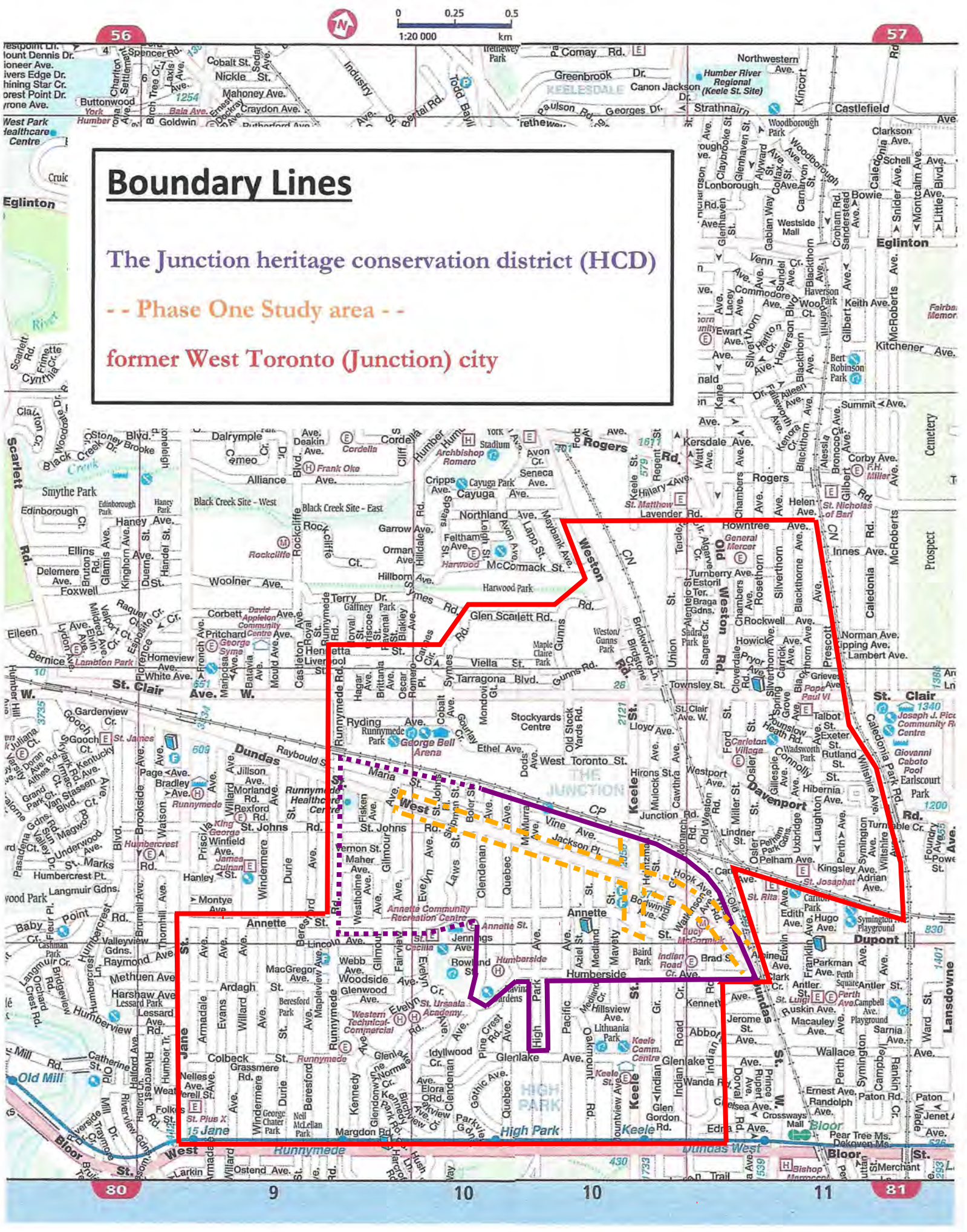


Boundary Lines

The Junction heritage conservation district (HCD)

-- Phase One Study area --

former West Toronto (Junction) city



Mid-Rise Performance Standards

Mid-Rise Performance Standards stem from the ‘Avenue’ designation, and Section 3.1 of the *Avenues & Mid-Rise Building Study*, explains

The Performance Standards are guided by the objective to create healthy, livable and vibrant main streets while protecting the stability and integrity of adjacent neighbourhoods. To this end, built form controls embedded in these standards will ensure that the Avenues develop in **an appropriate and context-sensitive manner**.

Key provisions are as follows:

- Buildings are **moderate in height** - no taller than the R.O.W. is wide;
- Buildings provide **an appropriate transition in scale** to adjacent neighbourhoods;
- Mid-rise development sites located within Existing HCDs, HCDs Under Study, areas that warrant further heritage analysis, and Character Areas (see Section 2.3.1), **should reflect local conditions and reference additional design guidelines that promote “context sensitive” intensification**.¹

As well:

Key Considerations are provided to give users of this [*Avenues & Mid-Rise Building Study*] document a step-by-step guide to determining which Performance Standards to use, and how they will apply in a site-specific manner.²

In the Introduction of the *Avenues & Mid-Rise Building Study*, the third paragraph sets the tone about:

Creating a new regulatory framework (i.e. Zoning By-laws and urban design guidelines) that creates certainty for development, with a degree of design flexibility, while continuing **to provide the broader community with a level of comfort about the character and form of future development**.³

¹ Brook McIlroy Planning + Urban Design/Pace Architects, (May 2010), *Avenues & Mid-Rise Building Study*, Section 3, Part 1 of 2, page 2. Retrieved on 27 July 2016 from [http://www1.toronto.ca/City%20Of%20Toronto/City%20Planning/Urban%20Design/Mid-rise/midrise-FinalReport-Section3-Part1\(2\).pdf](http://www1.toronto.ca/City%20Of%20Toronto/City%20Planning/Urban%20Design/Mid-rise/midrise-FinalReport-Section3-Part1(2).pdf)

² Brook McIlroy Planning + Urban Design/Pace Architects, [Section 3, Part 1 of 2], page 5.

³ Brook McIlroy Planning + Urban Design/Pace Architects, (May 2010), *Avenues & Mid-Rise Building Study*, Section 1, page 2. Retrieved on 27 July 2016 from

Based on this opening statement, it was expected that these Mid-Rise Performance Standards would ‘create certainty’ about development and provide ‘a level of comfort’ for the community, which has NOT happened.

If approved as proposed, not only do these three redevelopment applications continue to contravene the Mid-Rise Performance Standards, it also validates the perception of a meaningless framework that does not provide clarity for the community.

Mid-Rise Heights: Performance Standard #1

On the former main webpage for the *Avenues & Mid-Rise Building Study*, was the following statement: “In Toronto, on the narrower 20 metre wide streets in the downtown, a mid-rise is 5 or 6 stories [sic] high.”⁴

As well, the original *Avenues & Mid-Rise Building Study* approved by Council in July 2010, promised in Section 3.1 that:

The community **will be offered a greater degree of assurance that the standards controlling building heights and massing will be adhered to.**⁵

In addition, the printed version provides several finite examples:

For instance, an Avenue right-of-way width of 20 metres would result in a mid-rise/mixed-use building of **up to 20 metres in height or 6 storeys.**⁶

And, on the very next page of the document is the following chart:

How Mid-Rise Building Heights are Determined⁷

Table 2

R.O.W. Width ¹	Mixed Use		Commercial	
	storeys	height (m) ²	storeys	height (m) ³
20m	6	19.5	5	18.9
27m	8	25.5	7	26.1
30m	9	28.5	8	29.7
36m	11	34.5	9	33.3

Assumptions

1 - R.O.W. widths as identified in Official Plan Map 3

2 - Mixed Use heights assume 4.5m for ground floor and 3.0m for all floors above

3 - Commercial heights assume 4.5m for ground floor and 3.6m for all floors above

Three (3) copies of this exact same chart are published in the *Avenues & Mid-Rise Building Study*. Please refer to:

⁴ City of Toronto website, *Avenues & Mid-Rise Buildings Study* webpage. Retrieved on 15 August 2016 from <http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=7238036318061410VgnVCM10000071d60f89RCRD>.

⁵ Brook McIlroy Planning + Urban Design/Pace Architects, [Section 3, Part 1 of 2], page 3.

⁶ Brook McIlroy Planning + Urban Design/Pace Architects, (May 2010), *Avenues & Mid-Rise Building Study*, Section 2, page 8. Retrieved on 27 July 2016 from <http://www1.toronto.ca/City%20of%20Toronto/City%20Planning/Urban%20Design/Mid-rise/midrise-FinalReport-Section2.pdf>.

⁷ Brook McIlroy Planning + Urban Design/Pace Architects, [Section 2], page 9.

- Section 2.2, Table 2, How Mid-Rise Building Heights Are Determined, page 9 [of the online version];
- Section 3.1.2, Table 3, Optimal Site Conditions, page 6; and
- Section 3, Table 5, Performance Standard #1, page 10 (which also echoes comparable language as cited above the chart).

The choice of language and these examples clearly indicate the ‘controlled’ total height maximum is ‘up to’ 20 metres; not 20 metres guaranteed with perhaps more than 20 metres. And, six storeys is appropriate for 20 metres; not eight storeys, which is appropriate for a 27 metre R.O.W.

Despite numerous text mentions about a fundamental relationship between the R.O.W. (right-of-way) road width to the height of the mid-rise building, in presumably explicit terms, and three of the same illustrative chart depicting a 20 metre R.O.W in a ‘Mixed Use’ zone as six-storeys and a height of 19.5 metres, we have three redevelopment projects that anticipate more than the specified six-storey maximum.

Eight storeys were never contemplated as the definitive height of mid-rise buildings on twenty-metre road widths, regardless of a Character Area designation.

Moreover, when the *Mid-Rise Building Performance Standards Monitoring* report was published on 28 August 2015, the evaluation revealed that, 68 percent of mid-rise buildings on a 20 metre right-of-way exceeded the height maximum.⁸ Incidentally, this assessment includes the Duke condo often referred to by developers as a rationale for their project. (Please refer to the grey coloured box on the series of three maps attached to this letter.)

‘The Duke’ condo was part of the 2015 evaluation of the mid-rise built form that reinforced need to reduce mid-rise building heights on twenty-metre roads, and recommended changes were approved by Council in June 2016. The performance standard was changed and is no longer valid as a comparison, and any exception invalidates Council’s intent to mitigate the unintended consequences especially on the smallest twenty-metre Avenues.

If these three redevelopment projects proceed as proposed, they will continue to substantiate that trend of mid-rise developments exceeding the maximum allowable height on 20 metre roads. Why are we continuing to perpetuate undesirable outcomes?

⁸ Chief Planner and Executive Director, City Planning, (28 August 2015), *Report on Mid-Rise Building Performance Standards Monitoring*, “Attachment 2: Data Summary,” page 5. Retrieved on 29 July 2016 from <http://www.toronto.ca/legdocs/mmis/2015/pg/bgrd/backgroundfile-83199.pdf>.

Based on numerous tangible declarations in the *Avenues & Mid-Rise Building Study*, it is absolutely unacceptable in 2018 that any redevelopment proposal can gain approval, when it blatantly violates Performance Standard #1 under the original or revised versions.

Performance Standards #19

These Performance Standards include:

- #19D ~ Fine Grain Retail Fabric

New mid-rise buildings in ~~Character~~ Areas that have a fine grain, main street fabric should **be designed to reflect a similar rhythm of entrances and multiple retail units.**⁹

- #19E ~ Consistent Cornice Line

Buildings ~~in a Character Area~~ should **maintain a consistent cornice line for the first step-back** by establishing a “datum line” or an average of the existing cornice line.⁹

- #19F ~ Vertical Additions

Additions to existing buildings is an alternative to redevelopment projects on the Avenues, and should be encouraged in areas with an existing urban fabric.⁹

- #19G ~ Other Considerations

Additional “**context sensitive**” design and **massing** guidelines should be considered for development ~~in Character Areas.~~⁹

In August 2015, the *Mid-Rise Building Performance Standards Monitoring* evaluation process acknowledged that these criteria were appropriate in non-Character Areas as well, and the Planning & Growth Management Committee subsequently endorsed the recommendation to:

Clarify that Performance Standard 19D-G should apply everywhere, not just in Character Areas.⁹

On 7 June 2016, City Council accepted that these previously deemed “special” performance standards for Character Areas should now **be applied to all mid-rise structures built anywhere in the city.**

⁹ Chief Planner and Executive Director, City Planning, (11 March 2016), *Report on Mid-Rise Building Performance Standards Monitoring*, “Attachment 1: Mid-Rise Building Performance Standards Addendum,” page 17. Retrieved on 29 July 2016 from <http://www.toronto.ca/legdocs/mmis/2016/pg/bgrd/backgroundfile-92709.pdf>.

As proposed at:

- 2639 Dundas Street West is a sheer four-storey front elevation above an under-cut main street retail floor that violates Performance Standard 19E, because there is no step-back to compliment the predominantly two or three storey, human-scale collection of heritage and chorus buildings in the Junction. A third-storey datum line and corresponding step-back has been ignored.
- 2720 Dundas Street West, there is no datum or cornice line at the third floor with a corresponding step-back, which is also applicable in our Character Area. Instead the proposed building incorrectly selected a datum line at the fifth floor that does not consider the appropriate heritage cornice lines in The Junction. A five plus storey sheer wall will dominate the nominated heritage buildings across the street, and the fine-grain main street inset doorways are also missing. The profile of this new building should conform to fit with our typical streetscape patterns of two and three storey buildings.
- 2978 Dundas Street West, the proposal includes a five-storey section of the building on the corner that continues along Pacific Avenue before stepping back, which does not conform to Performance Standard #19E with a third-storey cornice and step-back applicable in The Junction, and it's an inappropriate transition to the Neighbourhood.
- A concept presented to the community at a pre-application meeting on 5 April 2018, (please refer to the yellow coloured property on the series of three maps attached to this letter) also included a larger five-storey corner building before stepping-back. When the application is submitted it too must be rejected unless it complies with our third-storey “consistent cornice line for the first step-back.”

Similarly, the preceding arguments also substantiate violations of Performance Standard 19G. Additional ‘context sensitive’ design and massing guidelines are indispensable and required for all of these redevelopment projects to ensure their fit within the existing and future planned context of an HCD.

Authors of Appendix B also echo the concepts and language of performance standards in other sections of the *Avenues & Mid-Rise Building Study*. They too envision new retail developments will follow a set of key principles, including “Design elements **will** build a unique, noticeable character for a retail corridor,” and while the list of suggested features

refers to exterior streetscapes, it was expected that “**reinforcing the overall character and personality of the area**” was important.¹⁰ Their use of the word will is synonymous with must; these are not optional requirements. As well, they provide more evidence to support the perspective that new development in an established retail corridor must reinforce the overall character and personality of the area.

The charm and intrinsic value of the Junction’s main street is its contiguous collection of smaller, mixed-vintage buildings with fine-grain retail shops.

‘The Duke’ also has a single commercial shop on the main street, which is not in keeping with the fine grain retail fabric of our historic streetscape. And the one shop is an LCBO, which is ironic considering the 93 years of alcohol prohibition in the Junction that was repealed in 1997.

It is compliance with the essence of the mid-rise performance standards that truly matters.

¹⁰ Urban Marketing Collaborative, (May 2010), *Avenues & Mid-Rise Building Study*, “Appendix B: Retail Study,” page 6. Retrieved on 27 July 2016 from <http://www1.toronto.ca/City%20of%20Toronto/City%20Planning/Urban%20Design/Mid-rise/midrise-AppendixB.pdf>

Roofs & Roofscapes: Performance Standard #13

According to Section 3.1.2, the 2010 Performance Standard #13: Roofs & Roofscapes specifies:

Mechanical penthouses **may exceed** the maximum height limit by **up to 5 metres** but **may not penetrate any angular planes**.¹¹

The choice of language here is clear. First, a mechanical penthouse ‘may’ exceed, not must exceed the maximum height limit. Secondly, the measurement of excess for the mechanical penthouse is ‘up to’ five metres, not an automatic plus five metres. Thirdly, when the mechanical penthouse exceeds the maximum height it must fall within all angular planes.

According to a *Report on Mid-Rise Building Performance Standards Monitoring*, “Mechanical penthouses generally fit within the angular planes, except on the narrower (20m) ROWs.”¹²

The evaluation process also exposed that developers were frequently and habitually using the plus five metres for extra living spaces around the mechanical penthouse, which was another undesirable outcome. Consequently, the Planning & Growth Management (P&GM) Committee validated the need to enforce the original intent of Zoning By-Law 569-2013, at its 8 October 2015 meeting. The recommended amendment for Performance Standard #13: Roof and Roofscapes:

State that rooftop equipment and **mechanical penthouses are encouraged to be located within the specified right-of-way width to building height ratio**.

Consistent with the definition of *total building height* above and the intent of Zoning By-law 569-2013, reinforce that **dwelling units and habitable space wrapping rooftop equipment and mechanical penthouses above the maximum allowable height should not be permitted**.¹³

P&GM continued to endorse this recommendation at their Committee meetings until it was approved by City Council in June 2016.

¹¹ Brook McIlroy Planning + Urban Design/Pace Architects, (May 2010), *Avenues & Mid-Rise Building Study*, Section 3, Part 2 of 2, page 18. Retrieved on 27 July 2016 from <http://www1.toronto.ca/City%20Of%20Toronto/City%20Planning/Urban%20Design/Mid-rise/midrise-FinalReport-Section3-Part2.pdf>.

¹² Chief Planner and Executive Director, City Planning, [Data Summary], page 12.

¹³ Chief Planner and Executive Director, City Planning, [Attachment 1: Addendum], page 15.

Supplementary Report 7.1a: Council direct City staff to reinforce the intent of Zoning By-Law 569-2013 provisions by stating in the Mid-Rise Building Performance Standards that **habitable space is discouraged above the maximum allowable building height.**¹⁴

Hence mechanical penthouses are ‘encouraged to be located within the specified right-of-way width’ – of twenty metres; not in addition to the twenty metres – and amenity space wrapped around the mechanical penthouse, which was intended to be an unacceptable practise and is now prohibited.

The Junction HCD and its community supporters prefer green roofs for bees and butterflies, instead of patio spaces.

¹⁴ Chief Planner and Executive Director, City Planning, (27 October 2015), *Supplementary Report on Mid-Rise Building Performance Standards Monitoring*, page 1. Retrieved on 29 July 2016 from <http://www.toronto.ca/legdocs/mmis/2016/pg/bgrd/backgroundfile-92247.pdf>.