

April 14, 2015

Toronto and East York Community Council
Toronto City Hall
100 Queen Street West - 2nd Floor, West Tower
Toronto, ON M5H 2N2

Attention: Ros Dyers, Secretariat Contact
Toronto and East York Community Council

**Re: Item No. TE5.79 (Scheduled for 10:30 am April 14, 2015)
Request for Direction Report - 175-191 Dundas Street East and 235
Jarvis Street ("Dundas Residences Inc.")**

To Members of Council:

My name is Joe Lobko and I am an architect and urban designer with the firm DTAH. I'm here on behalf of Amexon Development, the owners of 225 Jarvis, the Grand Hotel site located adjacent to and immediately south of 175-191 Dundas St East.

I am here to recommend that council **not** support the staff recommendation to attend the OMB hearing in support of this application because it will not only have a negative impact on my client and the area of Dundas and Jarvis – but more importantly – it will set a very bad precedent for tall buildings across the city. Let me explain why.

A. Impact on my client:

- My client, the owner of the larger Grand Hotel site has proposed a development that conforms to Council approved built form policy for Tall Buildings.
- The owner of the small corner site at the SE corner of Dundas and Jarvis has proposed a development plan that does not.
- For reasons that remain unexplained, (except possibly in reference to a Section 37 negotiation), planning staff have recommended that this application that does **not** conform to council approved tall building policy be approved.
- Planning staff have also suggested that the recommended tall building guideline tower separation distance of 25 m can be provided, as long as my client pushes his proposed building further away from the property line. (to a distance of 20 m rather than the council approved 12.5m)
- This is clearly unfair to my client whose property is large enough to support a tall building that conforms to City policy and good planning principles, while providing a substantial multi-million dollar density bonus to the owner of the corner site, whose property is not large enough to comply with council approved policy.
- There has been no meaningful rationale provided by city staff for why they believe that the corner site should be redeveloped as a tower site, nor has any visual exploration been provided to help explain why such an outcome would be desirable on such a 'small site', as described in some detail within the council approved Tall Building Guidelines. Nor have they indicated why the developer of the small corner site deserves to be exempted from the most important provisions of the tall building guidelines.
- In my opinion, this staff recommendation will result in poor planning outcomes for the neighbourhood as a whole and most particularly for the Grand Hotel site.

B. Citywide Impacts:

- Not only is this unfair to my client, but most importantly this will become a critical precedent that will **substantially undermine** efforts across the city to provide some rationality to the planning for tower sites.
- Our City is under tremendous and increasing pressure to accommodate new and larger tower buildings all the time.

- Tower position in relation to one another and their collective impacts on neighbourhoods is of grave concern.
- The City has invested a **huge amount of effort and expense in developing tall building guidelines** in order to instill some rational planning discipline into the process of review and approval.
- This staff recommendation opens the door to a proliferation of tower applications for very small sites.
- This will encourage owners of small sites across the city to demand that staff and councilors prioritize their sites and allow them to be excluded from the most important provisions of the tall building guidelines.
- And to further ask that staff require neighbouring landowners to substantially modify their good planning efforts to make up for the deficiencies of their undersized sites.
- This amounts to expropriation without compensation, undermining one the chief characteristics of the current policy, a fundamental aspect of fairness and reciprocity, which exists in both the spirit and intent of the Tall Building Guidelines, which currently requires adjacent landowners to behave **equally** with respect to tall building placement and setbacks from interior lot lines, in the interest of the city at large. Pitting one landowner's interests against another is **not** the answer to our tall building challenge.

Conclusion

- Council support of this application at the OMB, as now recommended by staff, will essentially render certain key provisions of the Tall Building Guidelines meaningless, substantially undermine their effectiveness going forward, and open up the city to a confusing mess, as well as numerous law suits. Any councilors here with tall building pressure in their wards - beware - if you support this recommendation, I fear that your effort in trying to balance desirable growth with appropriate built form is about to get much more difficult. I would urge you to direct staff to focus their efforts to uphold existing policy.

Yours truly,



Joe Lobko OAA FRAIC LEED AP BD + C,
Partner DTAH