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By E-Mail Only to teycc@toronto.ca

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

Attention: Ellen Devlin, Committee Secretariat

Dear Ms. Devlin:

**Re: Broadview Avenue Planning Study – City-Initiated Official Plan
Amendment, Urban Design Guidelines and Heritage Inventory
Agenda Item: TE16.5
Submissions on behalf of Gordian Foods Limited**

We are counsel to Gordian Foods Limited (“Gordian”). Gordian is the registered owner of lands municipally known as 995-1001 Broadview Avenue, which is located at the northeast corner of Broadview Avenue and Mortimer Avenue. Gordian is also the beneficial owner of various adjacent lands municipally known as 1003 Broadview Avenue, 1005 Broadview Avenue and 2 Mortimer Avenue. Collectively, all of the above lands are referred to herein as the “Lands”.

The Lands are currently occupied by a restaurant, other commercial businesses, a semi-detached dwelling and a surface parking lot associated with the restaurant. With the exception of the semi-detached dwelling at 2 Mortimer Avenue, all of the Lands are currently designated *Mixed Use Areas* and identified as an *Avenue* in the City’s Official Plan, and form part of the Study Area for the City-initiated Broadview Avenue Planning Study (“BAPS”).

We have reviewed the Final Report of the Director, Community Planning, Toronto and East York District, dated April 22, 2016, regarding the BAPS (the “Staff Report”), together with the related draft Broadview Avenue Urban Design Guidelines dated May 2016 (the “Urban Design Guidelines”). We understand that the Staff Report and Urban Design Guidelines will be considered by Toronto and East York Community Council at its meeting on May 10, 2016.



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We are writing to advise that Gordian has a number of significant concerns with the draft Official Plan Amendment (“OPA”) appended to the Staff Report, as well as the Urban Design Guidelines, particularly with respect to the manner in which the Lands are proposed to be dealt with in these draft documents.

First, there does not appear to be any planning justification for including the Lands within Character Area B, particularly where the Lands have a closer relationship with the adjacent lands in Character Area D, and where Mortimer Avenue would clearly represent a more logical boundary between the various Character Areas on the east side of Broadview Avenue.

Second, Gordian does not accept the proposed maximum building height of 5 storeys for the portion of the Lands within the Study Area, nor the maximum height of 4 storeys above which building stepbacks must occur, as proposed within Section 4 of the draft OPA. Among other things, these proposed height limitations effectively represent a confiscation of existing development permissions, as the *Mixed Use Areas* designation currently has no height restrictions, and recognizing that at 5 storeys the proposed height limit would be only one storey taller than the existing permission for 4 storeys within a *Neighbourhoods* designation.

Moreover, specifically in relation to the Lands, the proposed height limitations fail to properly recognize, among other things: (i) the prominent “gateway” location of the Lands at the intersection of two major streets; (ii) the inclusion of the Lands within an “intensification area”, as defined by the *Growth Plan for the Greater Golden Horseshoe*, given their identification as an *Avenue* within the City’s Urban Structure and their proximity to the Broadview Subway Station (i.e. less than a 10-minute walk); (iii) the existing built form context in the vicinity of the Lands, which includes a cluster of tall buildings surrounding the intersection of Broadview Avenue and Mortimer Avenue/Pottery Road, including the relatively recent 25-storey “Minto Sky” building immediately across the street; and (iv) the fact that even if one were to apply a number of the key standards from the City’s mid-rise building guidelines (which Gordian does not accept as determinative of the appropriate maximum height for the Lands), the Lands could accommodate a building taller than the proposed maximum building height of 5 storeys. For these reasons, Gordian maintains that there is no demonstrated need to include a maximum height restriction in the Official Plan, nor to limit new development to a “mid-rise” height in all locations; however, if it is ultimately determined that some height limitation is appropriate, it is our position that the proposed 4 and 5 storey height limitations are inappropriate and unnecessarily restrictive for the Lands.



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Third, in addition to the proposed height restrictions, the draft Urban Design Guidelines also include various other built form requirements and/or restrictions, including minimum setbacks and setbacks, that are overly restrictive and could limit appropriate redevelopment opportunities and architectural creativity. In addition, any reference to Urban Design Guidelines in the OPA should specifically reference the guidelines to a particular date, to ensure that the OPA is not requiring new development to have regard to guideline documents that could subsequently be amended without any meaningful public process and opportunities for potential challenge. As a result, Gordian opposes Section 6 of the OPA in its current form.

Fourth, the draft OPA lacks clarity in relation to the intended preservation and improvement of certain views and/or private spaces, particularly when read in conjunction with the Urban Design Guidelines. For example, whereas Section 1 of the draft OPA seeks to identify a view to the Don Valley from the “intersection of Pottery Road/Mortimer Avenue and Broadview Avenue”, Section 4.2.3 of the Urban Design Guidelines appears to extend this proposed viewpoint further east by adding the words “from the vantage point of approaching from Mortimer Ave.”. Similarly, Section 2.2 of the draft OPA speaks to the “existing public and private spaces on Broadview Avenue” being “preserved and improved”, but fails to identify what constitutes a “public and private space” and how such spaces are intended to be “preserved and improved”. Thus, as it is unclear how such ambiguous policies could impact on potential redevelopment opportunities on the Lands, Gordian requests that the required clarity be provided.

Given the various concerns identified above, Gordian strongly opposes the recommendations in the Staff Report that City Council amend the Official Plan substantially in accordance with the OPA and to adopt the Urban Design Guidelines. Rather, we request that staff be directed to amend the OPA and Urban Design Guidelines to properly address the comments in this submission. In that regard, we would be pleased to meet with City staff to further discuss Gordian’s concerns and to identify potential modifications.

Kindly ensure that we are notified of any subsequent report(s) and/or meeting(s) concerning the BAPS and that we receive notice of any decision(s) of the Toronto and East York Community Council and/or City Council concerning this matter.



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In the meantime, thank you for your consideration of this submission and please do not hesitate to contact us if you have any questions.

Yours truly,

DAVIES HOWE PARTNERS LLP

Mark R. Flowers
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copy: Francis Kwashie, Senior Planner, City of Toronto
Client