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Matter No. G354-03

July 20, 2018

DELIVERED BY EMAIL (clerk@toronto.ca)

Mayor & City Council
12th floor, West Tower, City Hall
100 Queen Street West
Toronto, ON M5H 2N2

Attention: Ms. Marilyn Toft, Secretariat

Dear Mayor and Members of City Council:

**RE: EY31.4 – Final Report – High Park Apartment Neighbourhood Area
Character Study**

**EY32.4 – Final Report – High Park Apartment Neighbourhood Area
Urban Design Guidelines**

Supplemental Comments of GWL Realty Advisors and 1213763 Ontario Inc.

We are the solicitors for GWL Realty Advisors and 1213763 Ontario Inc. (together, "**GWLRA**"). GWL Realty Advisors acts as agent for 1213763 Ontario Inc., which in turn is the registered owner of the property municipally known as 35, 41 to 63, 65, 95 High Park Avenue and 66 and 102 to 116 Pacific Avenue (the "**Subject Site**").

We, along with our client and its consultants, have closely monitored the City's actions with respect to the High Park Apartment Neighbourhood Area Character Study (the "**Character Study**"), including the City's adoption of staff's recommendations respecting Official Plan Amendment No. 419 ("**OPA 419**") and Site and Area Specific Policy No. 551 ("**SASP 551**"). We have also now reviewed the Final Report from the Director, Community Planning, Etobicoke York District dated June 15, 2018 (the "**Staff Report**") respecting the draft High Park Apartment Neighbourhood Area Urban Design Guidelines (the "**Design Guidelines**"). We previously provided comments prior to Council's adoption of OPA 419 and SASP 551 by letter to the Etobicoke York Community Council dated June 5, 2018, as well as providing our preliminary

comments and concerns with the Staff Report and Design Guidelines by further letter dated July 3, 2018.

On behalf of our client, the present letter further elaborates on our comments and concerns with the Character Study, and provides additional information prepared by Bousfields Inc. and Zeidler Partnership Architects concerning the negative impacts of OPA 419, SASP 551 and the draft Design Guidelines on the High Park Apartment Neighbourhood Area.

CONTINUED CONCERNS WITH OPA 419, SASP 551 AND URBAN DESIGN GUIDELINES

The concerns shared by our clients, their consultants and our office were previously set out (among other correspondence) in letters that we sent to Etobicoke York Community Council dated June 5, 2018 and July 3, 2018.

Since that time, our client's planning consultants have undertaken a comprehensive review of the impacts that the proposed draft Design Guidelines would have, if OPA 419, SASP 551 and the draft Design Guidelines were to apply to the Subject Site. We maintain, along with our client and their consultants, that these new policies should have no bearing on consideration of the site-specific applications for the Subject Site, given that these applications predate both the Character Study and the resulting proposed planning instruments. However, the enclosed memorandum of Bousfields Inc. and "development opportunities" diagram prepared by Zeidler Partnership Architects offer a clear picture of how substantial the impacts of SASP 551 and the draft Design Guidelines would be were this not the case.

As further detailed in the Bousfields Memorandum, SASP 551 and the draft Design Guidelines are unduly restrictive and predeterminative of what constitutes "compatible infill development". As a result, application of SASP 551 and the proposed Design Guidelines would fundamentally undermine the stated purpose of the Character Study, by (among other things) nearly eliminating any opportunity for sensitive tall building infill development on the Subject Site.

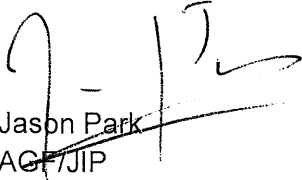
CONCLUSIONS

Notwithstanding the concerns set out in this letter and our previous correspondence, our client remains prepared to work with City staff to discuss appropriate changes to OPA 419, SASP 551 and the Design Guidelines that would be more conducive to the stated goals of the Character Study, and which would better address the needs of the High Park Apartment Neighbourhood Area.

We reiterate our request to be added to the City's notice list in these matters, and to receive notification of any decisions of Community Council or City Council regarding these matters.

If you have any questions regarding the above, please do not hesitate to contact me at 416.645.4572 or by email at jason.park@devinepark.com.

Yours very truly,
Devine Park LLP



Handwritten signature of Jason Park, consisting of stylized initials 'JP' followed by a flourish.

Jason Park
AGP/JIP

cc: GWL Realty Advisors
1213763 Ontario Inc.



BOUSFIELDS INC.

MEMORANDUM

To: ! Jason Park

Project No.: 15202

From: ! Tony Volpentesta

Date: July 20, 2018

**Re: \$ Supplementary Review of Proposed OPA 419 and SASP 551
High Park Apartment Neighbourhood Area Character Study**

A. Purpose

Further to our memorandum dated June 5, 2018, submitted to Etobicoke York Community Council by Mr. Jason Park of Devine Park LLP, on behalf of GWL Realty Advisors, we offer the following observations in respect of the Development Opportunities Per Proposed SASP 551 diagram that was prepared by Zeidler Architects, which applies some of the key design criteria for tall building development in Official Plan Amendment 419 and SASP 551, in particular, minimum building setbacks, minimum separation distances, maximum lot coverage and maximum total building frontage, as it relates to our client's lands in the High Park Apartment Neighbourhood.

B. Commentary on the Development Opportunities Per Proposed SASP 551 Diagram

As shown by the accompanying Development Opportunities Per Proposed SASP 551 diagram, the application of the SASP development criteria results in a form of development that is overly prescriptive and further constrains infill intensification opportunities in the form of tall buildings. The resulting pattern of development fails to be consistent with the existing neighbourhood built form context and overarching pattern of development that has traditionally consisted of tall buildings in the range of 15-30 storeys, many of which were constructed in the 1960s-1970s, with more recent tall building approvals, including Grenadier Square (approved in 2015) and 70 High Park Avenue (constructed in 2005).

The impacts from the level of prescriptiveness in the SASP are demonstrated in the diagram, namely, by applying the minimum 10.0 metre setback requirement from a street property line, the minimum 17.5 metre setback requirement from a non-street property line, the minimum 35 metre separation distance of a tower from an existing or new building taller than 4 storeys, the maximum 35% total lot coverage for buildings and the maximum total building frontage of up to two thirds of the total lot frontage of each street.

The Development Opportunities Per Proposed SASP 551 diagram illustrates that the application of the setback and separation distance criteria in SASP 551 would overly limit development to two specific areas across the entire site, both of which are outlined in a solid blue colour and a blue hatching. The rectangular area covered by a solid blue colour near the southwest corner of the site would be approximately 1,050 square metres in area and would be almost fully maximized by a 750 square foot tower floor plate. The tower's location would be "forced" as a result of the criteria being applied, rather than determining the most appropriate location for the tower based on proper analysis of shadow impacts, light, view and privacy, and wind, among other matters. The area covered by a blue hatching in the northeast corner of the site on the other hand, results in an area of approximately 320 square metres – a remnant sliver of land between 299 Glenlake Avenue and 65 High Park Avenue, which is unable to accommodate any tall building development whatsoever given its size limitations.

In our opinion, the overarching character of the High Park Apartment Neighbourhood is one which almost exclusively consists of tall buildings. As such, we firmly believe that the subject site is an appropriate location for new tall buildings and consideration should be given to opportunities for further tall buildings on the subject site. As of result of applying the SASP criteria noted-above, it remains clear that the existing character of tall buildings in the High Park Apartment Neighbourhood could not possibly be replicated, furthering the notion that the SASP presents a level of rigidity and prescriptiveness that does not give greater priority to the importance of land use optimization.

C. Additional Commentary

We note that the High Park Apartment Neighbourhood Character Area Study Final Report prepared by City staff, dated May 22, 2018, for submission to Etobicoke York Community Council provides that the purpose of the character study was to "identify existing area characteristics [...] to provide guidance when considering change and compatible infill for the area [...]". In our opinion, the SASP, in its final form, unreasonably limits tall building development and does not provide appropriate "guidance" to the neighbourhood in order to achieve "compatible infill" (i.e. tall building development).

As previously described in our June 5, 2018 memorandum, the imposition of overly prescriptive standards, as described above, are well in excess of the norm, particularly the 35 metre separation distance requirement, which exceeds the typical 25 metre separation distance requirement that was derived from the City's Tall Building Guidelines. In our opinion, the prescriptive nature of this standard would fail to conform to key provincial policy directions which seek to optimize the use of land, resources, infrastructure, including transit investments, and public service facilities. This is a key policy consideration in Policy 1.6.3 of the Provincial Policy Statement and also in Policy

2.2.1(3)(c) of the Growth Plan. In this regard, to “optimize” means to make something “as fully perfect, functional, or effective as possible” (Merriam-Webster).

Further, in our opinion, very little recognition has been given to the fact that the subject site is within a “strategic growth area”, in particular, a “major transit station area” as recognized by the Growth Plan. We note that the Growth Plan identifies a minimum intensification target of 200 residents and jobs combined per hectare for “major transit station areas” that are served by subways, and at the very least, some additional recognition should be given to areas that are located within “major transit station areas” as opposed to those that are not. Recognition should also be given to lands within the High Park Apartment Neighbourhood that are closest to the a “major transit station area” where the optimization of transit investments is more likely to be realized, particularly due to shorter walking distances.

For the reasons above, not only is the subject site a desirable location for tall buildings, it is also a desirable location for additional density, which is most appropriately achieved through tall buildings that reinforce the existing character of the neighbourhood. Policy 1.1.3.2 of the Growth Plan provides that land use patterns within settlement areas shall be based on densities and a mix of uses which, efficiently use infrastructure and are transit-supportive. Policy 1.2.1 of the Growth Plan focuses on optimizing land in proximity to transit as one of the guiding principles by “prioritizing intensification and higher densities to make efficient use of land and infrastructure and support transit viability.”

In our opinion, the failure to take these policy considerations into account or to give them proper weight does not conform to the direction in the Growth Plan to optimize the use of land and infrastructure, particularly along transit corridors nor does it conform with the policy direction in the Growth Plan to maximize “the number of potential transit users that are within walking distance of the station (in this case 2 subway stations). We note in our Planning and Urban Design Rationale report (December 2016) that High Park station is one of the least utilized stations on the Bloor-Danforth line as it relates to ridership.

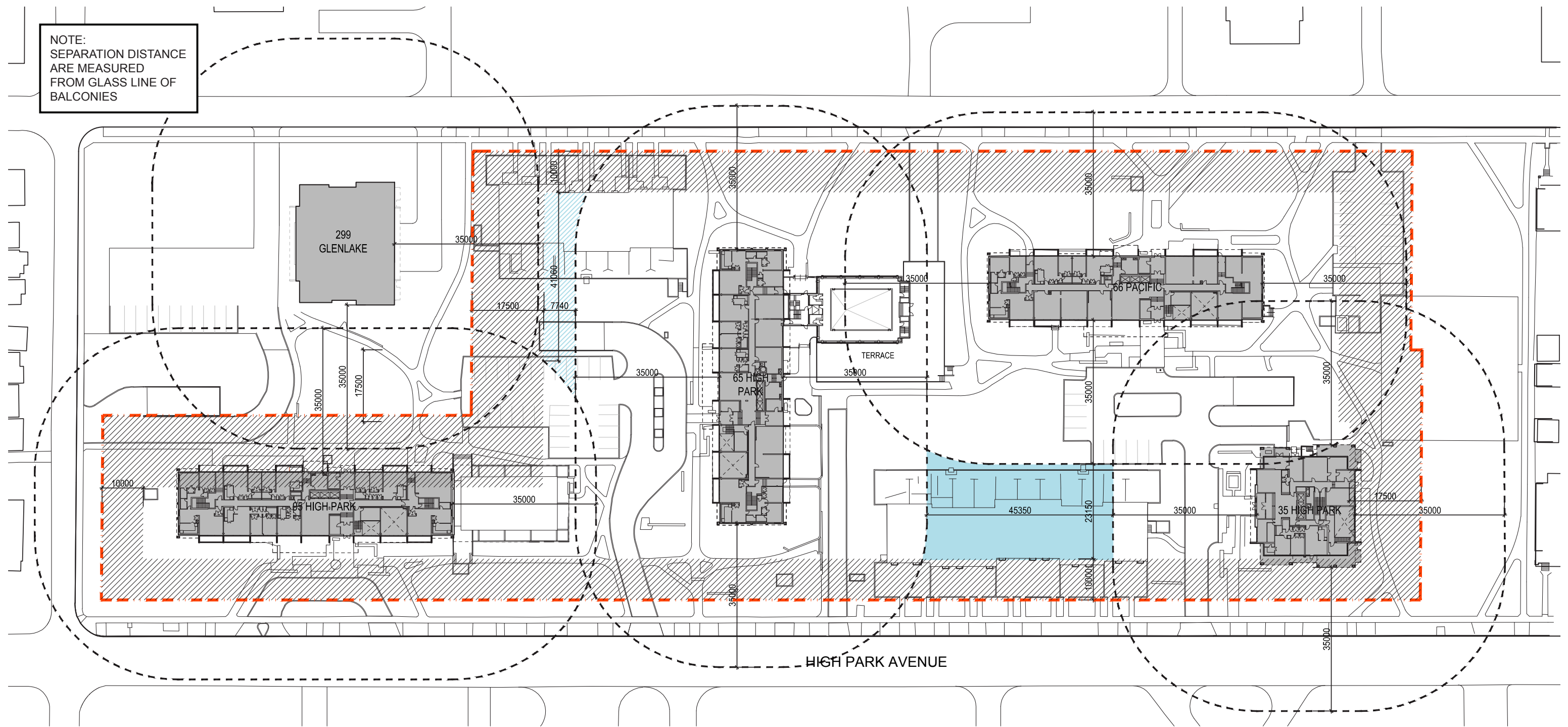
D. Conclusions

The Development Opportunities Per Proposed SASP 551 diagram clearly illustrates that future tall building development is unduly limited by the application of the SASP 551 criteria, in particular, the criteria relating to minimum building setbacks, minimum separation distances, maximum lot coverage and maximum total building frontage. This further demonstrates that the OPA and SASP have pre-determined that “compatible infill development” is limited to a largely static view of development that maintains the tower in the park concept. As such, the OPA and SASP are overly

prescriptive and rigid and fail to be a forward-looking document by effectively discouraging any new development and re-investment within this area.

We find this to be disconcerting given the fact that the existing built form context and overarching pattern of development in the High Park Apartment Neighbourhood consists of tall buildings in the range of 15-30 storeys with buildings of a similar architectural style and period, for the most part from the 1960s-1970s. We firmly believe that the subject site is an appropriate location for new tall buildings with appropriate densities that are consistent with and conform to provincial policy directions, particularly in a “major transit station area” and consideration should be given to opportunities for further tall buildings on the subject site. The SASP should provide a framework to encourage new tall building development in the neighbourhood and surrounding area to enable it to continue to thrive through the planning horizon of the Plan.

NOTE:
SEPARATION DISTANCE
ARE MEASURED
FROM GLASS LINE OF
BALCONIES



DEVELOPMENT OPPORTUNITIES PER PROPOSED SASP 551:
HIGHRISE, GREATER THAN 34.5 M AND 11 STOREYS (MAX 30 STOREYS)

PROPERTY LINE SETBACKS
10 M FROM STREET
17.5 M FROM NON-STREET

SEPARATION DISTANCE
35 M

LEGEND

- BUILDABLE AREA REMAINING AFTER SETBACK
- REMAINING AREA RESTRICTED BY SIZE AND/OR LOT COVERAGE AND/OR STREET
- PROPERTY LINE SETBACK
- PROPERTY LINE
- BUILDING SETBACK