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Matter No. G354-03

June 5, 2018

DELIVERED BY EMAIL (etcc@toronto.ca)

Etobicoke York Community Council
Etobicoke Civic Centre
Main floor, 399 The West Mall
Toronto, ON M9C 2Y2

Attention: Ms. Rosemary MacKenzie, Secretariat

Dear Members of Council:

RE: EY31.4 – City Initiated High Park Apartment Neighbourhood Area Character Study

**Statutory Meeting and Final Report – Proposed Official Plan Amendment 419 and
Site and Area Specific Policy 551**

Letter of Objection of 1213763 Ontario Inc.

We are the solicitors for GWL Realty Advisors (“GWLRA”), the agent for 1213763 Ontario Inc., which is the 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 now had a chance to review the Final Report from the Director, Community Planning, Etobicoke York District dated May 22, 2018 (the “**Staff Report**”) respecting the High Park Apartment Neighbourhood Area Character Study (the “**Character Study**”), along with the resulting proposed Official Plan Amendment No. 419 which includes the High Park Apartment Neighbourhood Site and Area Specific Policy No. 551 (together, the “**Proposed Instruments**”).

On behalf of our client, this letter (with attached materials from our client and its planning consultant, Bousfields Inc.) has been prepared to convey our collective concerns with the Proposed Instruments.

BACKGROUND

Our client and its consultants have been involved in the Character Study since its inception. Shortly after submitting applications for redevelopment of the Subject Site in December 2016 (the “**Applications**”), our client agreed to put these site-specific applications on hold and participate in what was proposed to be a fair, transparent area-based study.

GWLRA has attended each Character Study working group session, and prepared submissions in response to requests for feedback or “homework” at each opportunity to do so. Our client’s participation included attendance at Working Group Sessions on December 9, 2017, and February 5, February 27, April 9, April 23, and May 7, 2018, as well as the submission of feedback and “homework” on December 15, 2017, and March 5, March 21, April 24, and May 16, 2018.

Notwithstanding these efforts, undertaken in good faith, it is our concern that the process has not in fact been an open and transparent one, and we have significant concerns with the resulting planning instruments that have been proposed.

ISSUES WITH CONSULTATION PROCESS

Through their participation in the various stages of the consultation process (summarized in **Attachment 1** to this letter), and throughout their correspondence with City staff (excerpts of which are provided as **Attachment 2**) our client and its consultants have noted the following concerns:

- It is not clear that our client’s participation was afforded any consideration or weight in the development of the Proposed Instruments. While feedback was solicited from the owner representatives, impractical or unreasonable deadlines were often set for the delivery of such responses. Additionally, such responses were at times required on the basis of maps or diagrams that were not made available beyond initial screening, and even in such cases were provided in formats that could not be evaluated in detail. The reality of the Working Group process stands in stark contrast to the description of the process on Page 10 of the Staff Report as “iterative, open and transparent”.
- Whereas other working group members were invited to contribute and facilitate at the March 8th, 2018 community meeting, owner representatives were prohibited from meaningful participation.
- In fact, despite having provided extensive substantive feedback on a number of occasions, our client and its consultants have received no responses from City staff on the majority of submissions made during the Character Study process. Similarly, it is clear from the resulting Staff Report and the Proposed Instruments that much of this feedback was neither addressed nor incorporated into the policies resulting from the Character Study process—particularly feedback concerning the built form policies.

Provided as **Attachment 2** are excerpts of our client's correspondence to City staff, highlighting our client's substantive concerns as communicated to staff, along with broader concerns regarding the Character Study processes.

- Within Official Plan Amendment 419, certain changes to Maps 7A and 7B of the Official Plan are proposed. These specific map additions were not provided to participants of the Character Study previously, and their inclusion in the latest draft OPA marks the first time these specific view points have been made public.
- As set out in greater detail in the Memorandum prepared by Tony Volpentesta dated June 5, 2018, included as **Attachment 3** to this letter (the "**Bousfields Memorandum**"), the starting point and general direction for the Character Study has been the protection of the "Tower in the Park planning concept". By relying upon a planning concept from an incongruous historical and physical setting, with all the planning assumptions and conclusions it brings, the Character Study seeks to enshrine a form of development that can no longer be duplicated or even supported. This foregone conclusion fundamentally undermines any claim that this process has been driven to principles of good planning, openness, or transparency.

As a result of the above concerns, our client questions whether the Character Study constitutes a proper process in the evaluation of good planning, or if it was undertaken for other purposes.

SUBSTANTIVE CONCERNS WITH PROPOSED INSTRUMENTS

In addition to concerns with the Character Study process, we note significant issues with the Proposed Instruments, as follows:

- As set out in greater detail in the Bousfields Memorandum, the Proposed Instruments are not consistent with policies of the Provincial Policy Statement 2014 (for example, Sections 1.1.1(d), 1.1.3.2, 1.4.1, 1.4.3, 1.6.3 and 1.7.1) and do not conform with policies of the Growth Plan 2017 (for example, Sections 1.2.1, 2.2.1(3)(c), 2.2.6(1), 2.2.4(9) and (10), 3.2.1, 3.2.2, and 3.2.3) calling for compatible infill development and requiring optimization of the use of infrastructure, particularly along transit corridors such as Bloor Street.
- On Page 15 of the Staff Report, under the heading "Resulting Infill Opportunities", staff set out a series of detailed conclusions regarding the potential for infill under the Proposed Instruments. This includes the claim that "the proposed policies could result in up to an additional 100,000 to 150,000 m² of gross floor area", equal to approximately 1.0x the land area for the High Park Apartment Neighbourhood Area.

While one might expect that such an optimistic claim might have been backed up by extensive analysis, this is first time that staff offer this estimate. Based on their own analysis, including the extensive work undertaken to prepare and submit a Block Study at the City's request in support of the Applications, our client and its consultants are skeptical that these claimed values would in fact be achievable under the Proposed Instruments. In

any event, these conclusions cannot be verified when staff opted not to provide this information during the Character Study process, nor to provide any substantiation for these claims with the Staff Report.

- The Built Form section of policies in Site and Area Specific Policy 551 represent an overly rigid and prescriptive use of policy, elevating performance standards more appropriately reserved to guideline documents to the level of Official Plan policy.

Taken together, the provisions of the Proposed Instruments appear to follow the predetermined conclusions of the Character Study, calling for a static form of development in the area and unduly limiting opportunities to further the tower in the park concept. These policies effectively discourage new development and re-investment in an area that would benefit from revitalization.

CONCLUSIONS

For the reasons noted above, our client has significant concerns with both the consultation process undertaken for the High Park Apartment Neighbourhood Area Character Study, as well as with the resulting proposed Official Plan Amendment 419 and Site and Area Specific Policy 551. The Proposed Instruments are not consistent with Sections 1.1.1(d), 1.1.3.2, 1.4.1, 1.4.3, 1.6.3 and 1.7.1 of the Provincial Policy Statement 2014, and do not conform/conflict with Sections 1.2.1, 2.2.1(3)(c), 2.2.6(1), 2.2.4(9) and (10), 3.2.1, 3.2.2, and 3.2.3 of the Growth Plan 2017.

If in spite of these issues, the Proposed Instruments are approved by the City, as clearly stated by our client throughout this process, they should not apply to the development proposed for the Subject Site.

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



Jason Park
AGF/JIP

Attachments

cc: 1213763 Ontario Inc.

ATTACHMENT 1: WORKING GROUP DATES & TIMING

Date	Session or Event	Expectation on Response
Saturday, December 9th	1st working group session	
Monday, December 11th	Materials/homework provided for 1st session	
Friday, December 15th	Working group session feedback due	4 day turnaround time
Monday, February 5th	2nd working group session	
Tuesday, February 6th	Materials/homework provided for 2nd session	
Monday, February 12th	Working group homework due	6 calendar day or 4 business day turnaround time
Tuesday, February 27th	3rd working group session	
Friday, March 2nd	Materials/homework provided for 3rd session	
Monday, March 5th	Working group homework due	3 calendar day or 1 business day turnaround time
Thursday, March 8th	Community/Public Meeting	
Friday, March 9th	Draft Guiding Principles Released	
Thursday, March 15th	Comments on Draft Guidelines Due	6 calendar day or 4 business day turnaround time
Wednesday, April 4th	Status Report to Etobicoke Community Council	
Monday, April 9th	4th working group session	
Friday, April 13th	Materials provided for 4th session homework	
Monday, April 16th	Working group homework/comments due	7 calendar day or 5 business day turnaround time
Monday, April 23rd	5th working group session	
Tuesday, April 24th	Materials provided for 5th session homework	
Monday, April 30th	Working group homework/comments due	6 calendar day or 4 business day turnaround time
Monday, May 7th	6th (final) working group session	
Tuesday, May 8th	Materials/draft SASP provided digitally	
Thursday, May 10th	Draft SASP Comments Due	2 day turnaround time

ATTACHMENT 2: CHARACTER STUDY CORRESPONDENCE

See following pages.

From: Lau, Stan
To: ["Elisabeth Silva Stewart"](#)
Cc: [Councillor Doucette](#); [Allison Reid](#); [Jennifer Renaud](#); [Sarah Henstock](#)
Subject: RE: Working Group #3 Workshop Handout - Homework due March 5th, 2018
Date: Monday, March 05, 2018 5:45:00 PM
Attachments: [WORKING GROUP WORKBOOK #3 .pdf](#)
[image001.png](#)

Hi Everyone,

I hope you're having a great start to the week.

As requested, please see my comments on the homework summarized below:

Built Form:

- High-rise intensification opportunities are suitable given the existing high-rise neighbourhood context and proximity to high order transit.
- Built form should minimize shadow impacts on low-rise neighbourhoods north of Glenlake.
- New development should avoid slab building designs, where possible, in support of slender point tower designs to create faster moving shadows and more sky-views.
- Podiums should frame the streets and provide transition to streetscapes to improve pedestrian realm
- Ground floor retail uses may be suitable (this has been suggested by tenants) to support walkability to convenient retail such as pre-prepped meals, groceries, home supplies (e.g. paper towel, toiletries, etc.).
- Retail uses should be located near transit stops for convenience and stop-and-go when returning home
- There is no clear overarching pattern in terms of the placement of height throughout the area. While there is no strong pattern in terms of existing heights, from an urban structure and skyline perspective it makes sense to put taller buildings more centrally in this apartment building cluster and providing appropriate transition to Neighbourhoods
- As noted above, there is no overarching pattern in terms of the placement of height for this area. When planning for intensification, it makes sense to generally locate higher densities and taller buildings within proximity to high-order transit as part of transit-supportive development.

Servicing:

- Where possible, loading and waste management areas should be internalized on the blocks.
- Where possible, loading, waste management and garage access should be screened from sidewalks and the pedestrian realm.

Regards,

Stan Lau | Director, Planning & Development
GWL Realty Advisors Inc.
T: 416.507.2898

From: Elisabeth Silva Stewart [mailto:Elisabeth.SilvaStewart@toronto.ca]

Sent: Friday, March 02, 2018 8:59 AM

Cc: Councillor Doucette <Councillor_Doucette@toronto.ca>; Allison Reid <Allison.Reid@toronto.ca>; Jennifer Renaud <Jennifer.Renaud@toronto.ca>; Sarah Henstock <Sarah.Henstock@toronto.ca>

Subject: [EXT] Working Group #3 Workshop Handout - Homework due March 5th, 2018

Hello everyone,

Thank you for coming out on Tuesday. We are excited to be entering this next phase of the study process with you. As requested at the meeting, please **send us your feedback on the Draft Guiding Principles by Monday**. Attached is the handout we provided this past Tuesday evening.

We also hope to see you at the **Community Meeting on Thursday March 8th**! Let us know if you are available to help out.

Please note, we are still working out the arrangements for the two upcoming meetings. We will send you a separate email with the dates/times/locations of those meetings.

Best regards,

Elisabeth

Elisabeth Silva Stewart, BAA, MCIP, RPP, Community Planner
416-394-6006 / Elisabeth.SilvaStewart@toronto.ca

City of Toronto

City Planning Division / Etobicoke York District
2 Civic Centre Court, 3rd Floor, Etobicoke



From: Lau, Stan
To: ["Elisabeth Silva Stewart"; "Jennifer Renaud"; Allison Reid](#)
Cc: [Sarah Henstock; Sliwa, Agnes](#)
Subject: High Park Apartment Neighbourhood Area Character Study
Date: Wednesday, March 21, 2018 1:54:00 PM
Attachments: [GWLRA Draft Guiding Principles Comments - High Park.pdf](#)

High Park Character Study Team,

As discussed, we have provided our thoughts in the attached document regarding the Guiding Principles circulated on March 9th.

The GWLRA team appreciates the effort you have been putting in to this study. During the review of the draft Guiding Principles, we also believe we should provide some comments and feedback on a broader basis about the Working Group process to date. After attendance at all Working Groups sessions and the open house on March 8th, we have concerns to share with you about some of the steps taken so far.

Below are a few comments that we hope will spark further consideration and open dialogue:

- In your discussion over built form, it may have been helpful and productive to provide materials (regarding built form) after the 2nd Working Group meeting in preparation for the 3rd meeting. This would have provided adequate time for members of the Working Group to review existing built form policies and design-guidelines (e.g. summaries to read as homework or detailed review in presentation form) prior to the design exercise so that the group could engage in a more thoughtful dialogue about the appropriateness of built form in different scenarios. The lack of this background information may have fostered debates as opposed to collaborative discussions.
- In the 2nd Working Group meeting, staff members brought up elements of natural heritage and cultural heritage without providing the existing comments from the City departments. It is important for the Working Group to understand your direction in bringing up these elements as it relates to the Study Area.
- On the March 8th open house, we were informed that members of the GWLRA team (along with other property owners) were not permitted to participate in the breakout sessions during the public open house. If it was the case to exclude our team, as the largest property owner in the Study Area, we should have been notified/informed about this decision prior to the meeting so that we could engage in dialogue about this decision with the Study team.

We have taken part in this working group with an open mind and continue to do so but we believe that the process has not been as transparent, fair or collaborative as we had hoped but also believe that an ongoing effort towards greater collaboration will improve the process and the outcome for all stakeholders.

I also want to note that notwithstanding the provision of these comments and our participation in the Working Group, it is our clear continued position that the final Guidelines and any resulting Official Plan amendments would not govern or be determinative of our development applications and their appeal to the OMB.

We are happy to sit down with everyone on this email for a further discussion.

Regards,
The GWL Realty Advisors Team.

Stan Lau | Director, Planning & Development

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From: Lau, Stan

Sent: Tuesday, April 24, 2018 5:26 PM

To: 'Elisabeth Silva Stewart' <Elisabeth.SilvaStewart@toronto.ca>

Cc: Allison Reid <Allison.Reid@toronto.ca>; Jennifer Renaud <Jennifer.Renaud@toronto.ca>; Sarah Henstock <Sarah.Henstock@toronto.ca>

Subject: RE: HIGH PARK WORKING GROUP - COMMENTS DUE ON APRIL 16TH

High Park Apartment Neighbourhood Character Study Team,

We are providing our comments in hopes of influencing a more open minded approach to the Character Study process.

Although we understand that you have emphasized the current conditions of the area to build this Infill Development Criteria, it is our opinion that many of the elements the City is seeking to incorporate into the Official Plan are not appropriate and would otherwise stymie development in this area including, but not limited to, the preservation of the tower in the park concept which, in many respects, does not conform to the Growth Plan and even the City's Official Plan.

If the Design Guidelines are intended to become policy, we believe there should be an adequate and meaningful consultation process with design professionals to help determine what is appropriate for the area followed by public input. Unfortunately this has not taken place to date.

It is our opinion that many of the draft criteria go well beyond established design criteria which have served the City well for many years. The draft criteria would serve to prohibit development that would otherwise constitute good planning and good urban design.

The Infill Development Criteria circulated for comment, in our view, may lead to an overly "static" outlook in that there appears to be an undue reliance on the existing conditions to determine and shape the criteria. This takes away opportunities for much needed investment into the aging buildings within the neighbourhood and for further potential improvements in the area. The criteria could create over limitations on any "infill" opportunities, which, in our understanding, was not the intended purpose of undertaking this study and analysis. We believe a forward thinking vision from the team could be helpful in order to look at this study with a fair and constructive lens.

We have attached more detailed comments on the criteria using the City's comment form to this email for your review.

I hope this feedback will be helpful. We appreciate the hard work that has gone into this study and are happy to discuss further.

Regards,

The GWL Realty Advisors Team

From: Elisabeth Silva Stewart [<mailto:Elisabeth.SilvaStewart@toronto.ca>]

Sent: Wednesday, April 11, 2018 3:52 PM

Cc: Allison Reid <Allison.Reid@toronto.ca>; Jennifer Renaud <Jennifer.Renaud@toronto.ca>; Sarah Henstock <Sarah.Henstock@toronto.ca>; Councillor Doucette <Councillor_Doucette@toronto.ca>

Subject: [EXT] HIGH PARK WORKING GROUP - COMMENTS DUE ON APRIL 16TH

Importance: High

Hi Everyone,

Further to our meeting this past Monday, attached is the draft 45° angular plane line map (the red line is where the 45° angular plane is measured from), and the Word Document with the Proposed Draft Infill Development Criteria.

Please add your comments to the **comment column (highlighted in yellow)** and **send back to us by Monday April 16th.**

Thank you.

Best regards,
Elisabeth

Elisabeth Silva Stewart, BAA, MCIP, RPP, Community Planner
416-394-6006 / Elisabeth.SilvaStewart@toronto.ca

City of Toronto

City Planning Division / Etobicoke York District
2 Civic Centre Court, 3rd Floor, Etobicoke



From: Lau, Stan
To: [Elisabeth Silva Stewart](#)
Cc: ["Sarah Henstock"](#); [Allison Reid](#); [Jennifer Renaud](#); [Sliwa, Agnes](#)
Subject: RE: DRAFT for working group comment
Date: Wednesday, May 16, 2018 5:22:00 PM
Attachments: [image001.png](#)

Elisabeth and the Character Study Team,

The following commentary is being provided to respond specifically to the draft Site and Area Specific Policy that was tabled at our last Working Group Meeting on May 7th, 2018.

It should be emphasized that we remain very concerned that the discussions and correspondence from the Working Group process and meetings held with the larger community are disconnected and not reflected in the materials that are being circulated for comment. We are concerned that the overly restrictive measures in the draft Site Specific Policies will prevent much needed reinvestment into the aging High Park Apartment Neighbourhood. We ask that you consider the perspectives and commentary below.

Firstly, the discussions with the community at large and the Working Group appear to be divorced from the production of the draft Site and Area Specific Policy. The general intent of the study as was earlier introduced by the Planning Department, which we understood was not to create prescriptive measures for infill development, is inconsistent with the end product of the draft SASP. As participants in the Working Group process, it is our belief that the draft Site and Area Specific Policy were authored with conclusions already made based on unshared research about the existing context and is not reflective of many of our previous commentary submissions made to the Planning Department.

Secondly, the short deadlines made available to provide comments (e.g., 2 days for review and comment on the draft SASP, average of 5 working days for review of workbooks), appear to be unfair to those participants that are property owners of lands within the study area and especially those participants who are prepared to provide thoughtful and fully developed/analyzed feedback. It remains our conclusion, from the consultation process to date, that the request to have participants file comments have only satisfied a desire to allow the Planning Department to reference that all stakeholders were consulted and comments were received, rather than allow for meaningful dialogue, real consultation and an understanding of all perspectives. As previously raised, we are concerned that the process of arriving at the draft SASP also excluded consultation with industry design professionals and the Working Group sessions did not provide sufficient background information regarding existing Provincial and Municipal policies and guidelines to participants.

We are therefore filing these comments on the draft Site and Area Specific Policy under protest, as the manner in which the consultation has occurred thus far could be described as a unilateral process for the Planning Department to further its pre-determined goal of rushing to complete a draft Site and Area Specific Policy. Some of the policies in the draft SASP seem to be the result of copying Site and Area Specific Policies adopted recently in several other areas of the City that have no bearing on the subject area.

With the foregoing commentary in mind, we have provided the following comments on the Draft Site and Area Specific Policy:

1. The commentary is meant as a further commentary to the comments that were forwarded to the City by the GWLRA team in an e-mail dated April 24, 2018.
2. The City appears to have progressed in the development of a SASP which, when read in its entirety, contains overly prescriptive policies that do not allow for any discretion in the application of infill criteria. Furthermore, the

infill criteria are also overly restrictive and specific that do not logically follow from the work and research undertaken to date.

3. As currently presented, the Draft Site and Area Specific Policy is inconsistent with and does not provide opportunities to conform with Provincial regulations and policy mandates.

4. In terms of specific commentary we provide the following notes:

(A) The referenced maps (Maps 17 and 18) are not provided, making the proposed redesignation of lands impossible to follow. While there had been some previous circulated materials that may provide some clarification in this regard, the Maps/Schedules would confirm what is being proposed. We believe this oversight severely impairs our ability to provide commentary on the draft SASP. In any OP document the maps provide clarity in terms of the identification of key ideas and regulations being described in the document. By not having the maps, we cannot meaningfully assess the manner in which the draft SASP is structured and how things such as a new Park are handled;

(B) Section 3(d) presents a unclear starting position in that the views to be preserved are being characterized as “harmonious” which presents a value judgment as a starting proposition to views that (in subsection (e)) are not specifically defined or explained;

(C) Section 3(f) also similarly provides no direction or indication of where the views are to be assessed other than “public realm”;

(D) Section 3(g) no indication of where new “street” is being introduced;

(E) Section 3(h) qualifiers should be inserted. For example, in 3(h)(ii) add the word “necessary” after the word “creating”. In Section 3(h)(iv) add the words “where necessary” after the word “connections”;

(F) Section 3 l (v) qualifiers suggested - add the word “additional” after the word “secure” and add the word “accessible” after the word “public”;

(G) Section 3(n) qualifiers suggested - add the words “where possible” after the word “frontage”;

(H) Section 3(p) qualifiers suggested - add the word “areas” after the word “parks” and change word “parks” to “park”;

(I) Section 4 - Open Space - necessity to include is questioned - numerical entry appears to simply reinforce existing lot coverage providing no room for additional intensification;

(J) Section 4(b) - add the words “achieve acceptable” after the words “designed to maintain” and strike out the word “maintain”

(K) Section 4(c) – Deletion of “existing buildings” is required - there must be a way of recognizing existing conditions in the determination of an appropriate level of amenity - a the case of Grenadier Square, there was recognition of the fact that the existing older apartment development had very little amenity and a comprehensive approach was established that strived to improve the level of amenity that was recognized as a vast improvement of the existing supply of amenity space but fell below the stated standard. There must be a way of allowing this continued flexibility to prevail and to allow for a site-by-site assessment ;

(K) Section 4(d) - suggested deletion - delete the words “and located away”;

(L) Section 6, preamble - suggested deletion - delete the words "and quality" from first sentence;

(M) Section 6 (c) (d) and (e) - suggested deletion - these detailed items are not suitable for OP policies and would be better placed and regulated in a zoning by-law and through the site plan process;

(N) Section 6(i) - the purpose of this provision is questionable and we suggest deletion - it is recognized that elongated slabs which are the typical floor plates of buildings in the Area under study cannot be duplicated under the present day Tall Building Guideline's - isn't this statement unnecessary?

(O) All tables included in Section 6 - see previous submission - in our previous submission, we spent considerable time and effort providing commentary on the table entries. We also question the suitability of including this level of detail in the SASP as it provides undue rigidity in an Official Plan document. This level of detail is more appropriate for the implementing zoning by-law amendment and site plan approval subject to the previous comments that we provided for the provisions contained in these tables.

We ask that you review and consider our comments above as part of your public process.

Regards,

The GWL Realty Advisors team

Stan Lau, BURPI | Director, Planning & Development
GWL Realty Advisors Inc.
T: 416.507.2898

From: Sarah Henstock [mailto:Sarah.Henstock@toronto.ca]

Sent: Friday, May 11, 2018 2:52 PM

To: Sliwa, Agnes <Agnes.Sliwa@gwlra.com>; Elisabeth Silva Stewart
<Elisabeth.SilvaStewart@toronto.ca>

Cc: Allison Reid <Allison.Reid@toronto.ca>; Jennifer Renaud <Jennifer.Renaud@toronto.ca>; Lau, Stan <Stan.Lau@gwlra.com>

Subject: [EXT] RE: DRAFT for working group comment

Hello Agnes,

GWL has been involved in the working group and other consultation processes throughout the study. All other participants who have told us they are commenting have either given us comments already or are providing them by end of day today. Please message back that comments are required today. Thank you for your understanding, we will not be delaying this process for one participant given the number of others that have been able to meet the deadlines.

GWL will be able to provide any further comments through the continued public process if comments are not provided by today. I trust that helps in understanding where we are at in the process, thank you for the continued interest.

Sarah Henstock, B.A., MCIP, RPP | Manager, East Section - Etobicoke York District
City of Toronto | City Planning Division | Community Planning
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P: 416.394.2610 | F: 416.394.6063 | E: Sarah.Henstock@toronto.ca
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From: Sliwa, Agnes [<mailto:Agnes.Sliwa@gwlr.com>]
Sent: May-11-18 2:37 PM
To: Elisabeth Silva Stewart <Elisabeth.SilvaStewart@toronto.ca>
Cc: Allison Reid <Allison.Reid@toronto.ca>; Jennifer Renaud <Jennifer.Renaud@toronto.ca>; Sarah Henstock <Sarah.Henstock@toronto.ca>; Lau, Stan <Stan.Lau@gwlr.com>
Subject: RE: DRAFT for working group comment

Good afternoon, Elisabeth,

Stan is away from the office today.

Thank you for sending us the Working Group meetings materials.

Unfortunately, we will not be able to send you comments to the SASP today, we need more time to properly review and analyze the document before we can provide thoughtful and constructive comments.

Considering the significance of this document, we believe that a week is not an unreasonable timeframe for feedback and we commit to providing you with ours by end of day on Wednesday, May 16th.

Thank you, Agnes

Agnes Sliwa | Assistant Project Manager
GWL Realty Advisors Inc. | 33 Yonge Street, Suite 1000, Toronto, Ontario, M5E 1G4
T: 416.507.2804 F: 416-361-0882 E: agnes.sliwa@gwlr.com
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From: Elisabeth Silva Stewart [<mailto:Elisabeth.SilvaStewart@toronto.ca>]
Sent: Friday, May 11, 2018 10:36 AM
To: Lau, Stan <Stan.Lau@gwlr.com>
Cc: Allison Reid <Allison.Reid@toronto.ca>; Jennifer Renaud <Jennifer.Renaud@toronto.ca>; Sarah Henstock <Sarah.Henstock@toronto.ca>
Subject: [EXT] RE: DRAFT for working group comment

Hi Stan,

Attached are the digital working group materials you are requesting.

DRP presentations will be posted online as soon as they are made AODA compliant. All the materials presented to the DRP is contained in the information that we presented and handed out to the working group. You shouldn't need the Design Review Panel (DRP) presentations in order to make comments on the policy directions that we presented to the working group.

We would really appreciate your input today as we still need to get internal sign-off, and this draft policy document will become public next Thursday May 17th as part of the *Planning Act* process in preparation for the Statutory Public Meeting.

If you can't make this deadline, then can you at least send me your comments for the material we presented on April 23rd? -- This past Monday, you mentioned to me that your comments for that session were ready.?

If we don't get anything by the end of the day today, we won't be able to work through them and get it signed off in time for the May 17th deadline. However, we did get comments from other working group members, so, perhaps the ways we have addressed these comments will satisfy you as well.

Please advise if you will be able to send me something by the end of the day today.

Best regards,
Elisabeth

Elisabeth Silva Stewart, BAA, MCIP, RPP, Community Planner
416-394-6006 / Elisabeth.SilvaStewart@toronto.ca

City of Toronto

City Planning Division / Etobicoke York District
2 Civic Centre Court, 3rd Floor, Etobicoke



From: Lau, Stan [<mailto:Stan.Lau@gwlra.com>]

Sent: May-10-18 4:19 PM

To: Elisabeth Silva Stewart <Elisabeth.SilvaStewart@toronto.ca>

Cc: Councillor Doucette <Councillor_Doucette@toronto.ca>; Allison Reid <Allison.Reid@toronto.ca>; Jennifer Renaud <Jennifer.Renaud@toronto.ca>; Sarah Henstock <Sarah.Henstock@toronto.ca>

Subject: RE: DRAFT for working group comment

Good afternoon,

It was great seeing everyone earlier this week at the final working group meeting.

In an effort to provide comments for the draft SASP circulated at this week's meeting, I'd like to request better quality/higher resolution versions of the workbooks and slideshows for meetings #5 and #6. These hand-outs were not circulated digitally after the meetings. Some of the graphics shown in the slides are illegible so a copy of the Powerpoint presentations would be helpful.

As mentioned in a previous email, I would also appreciate a pdf version of the two Design Review Panel presentations. I'm hoping you can provide the materials in a timely manner, with some urgency, so that I can provide comments to your team by next week.

I understand that you've requested feedback and comments by the end of today but two days does not provide enough time to understand all impacts of the lengthy policy document in a holistic manner. As such, I'd like to request until the end of next week to share my feedback and comments, however, I'll strive to get them to you as soon as possible.

Thanks in advance,

Stan Lau | Director, Planning & Development
GWL Realty Advisors Inc.
T: 416.507.2898

From: Elisabeth Silva Stewart [<mailto:Elisabeth.SilvaStewart@toronto.ca>]

Sent: Tuesday, May 08, 2018 6:55 PM

Cc: Councillor Doucette <Councillor_Doucette@toronto.ca>; Allison Reid <Allison.Reid@toronto.ca>; Jennifer Renaud <Jennifer.Renaud@toronto.ca>; Sarah Henstock <Sarah.Henstock@toronto.ca>

Subject: [EXT] DRAFT for working group comment

Hi everyone,

Further to our meeting last night, attached is a copy of the DRAFT SASP for your comment. If you have a comment, please send it our way no later than this **Thursday May 10th 9am**.

Also, I have put together this preliminary list of **potential community benefits**. Please review and email me back if you have any additional ideas.

- Acquisition, improvements and expansions to local parks
- Improvements to the public realm, pathways and connections, including improvements to that help transform High Park Avenue into a Grande Promenade
- Meeting space for community groups
- Establishment of new or expansions to existing non-profit community services and facilities, including community service program space
- Non-profit childcare facilities

- Affordable housing
- Public art

Best regards,
Elisabeth

Elisabeth Silva Stewart, BAA, MCIP, RPP, Community Planner
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City of Toronto

City Planning Division / Etobicoke York District

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ATTACHMENT 3: MEMORANDUM FROM BOUSFIELDS INC.

See following pages.



BOUSFIELDS INC.

MEMORANDUM

To: Jason Park

Project No.: 15202

From: Tony Volpentesta

Date: June 5, 2018

**Re: Review of Proposed OPA 419 and SASP 551
City Planning Report Dated May 22, 2018
High Park Apartment Neighbourhood Area Character Study**

A. Purpose

As requested, we have reviewed the City Planning Department's Final report on the High Park Apartment Neighbourhood Area Character Study dated May 22, 2018 as well as the draft Official Plan Amendment 419 and offer the following observations.

B. General Commentary

Firstly, the underlying driving force behind SASP 551 is patently the protection of the "Tower in the Park planning concept". As a point of departure, this stated purpose is intended to be a prescriptive built form measure that limits development to solely replicate what is already in place. This would limit any consideration of appropriate infill development to a "static" condition.

Furthermore, the "Tower in the Park" moniker is a misnomer as, in this case, it is more appropriate to call the nature and form of existing development "elongated tower in the park" which represents a form of development that can no longer be duplicated or supported from a Planning and Urban Design Perspective.

We find it surprising that the manner in which the policy progressed resulted in a recommendation to effectively limit development in a manner that does not fully embrace the fact that most of the study area is within a Major Transit Station Area, and that there appears to be no recognition of the fact that carefully assessed infill development such as the case with the Grenadier Square project does, in fact, fully embrace and balance all these objectives. In this regard, it is our opinion that the SASP is not consistent with Policy 1.7.1 of the PPS which states that long-term prosperity should be supported by, among other things, optimizing the use of land, resources, infrastructure and public service facilities and encouraging a sense of place by promoting well-designed built form. It is also our opinion that the SASP does not conform with Section 2.2.1(3)(c) of the Growth Plan which directs municipalities to

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optimize infrastructure particularly along transit corridors such as along Bloor Street, through a more compact built form. In this regard, to “optimize” means to make something “as fully perfect, functional, or effective as possible” (Merriam-Webster).

Similarly, the SASP is not consistent with Section 1.6.3 of the PPS which directs municipalities to optimize the use of existing infrastructure and is not consistent with the theme in the introductory text of Part IV of the PPS where it is noted that efficient development patterns optimize the use of land, resources and public investment in infrastructure and public service facilities.

In our opinion, the OPA and SASP are not consistent with numerous other policies in the PPS, in particular, Policy 1.1.1(a) which provides that healthy, liveable and safe communities are sustained by, among other things, accommodating an appropriate range and mix of housing, and Policy 1.1.1(d) which promotes cost-effective development patterns to minimize land consumption and servicing costs. In addition, Policy 1.1.3.2 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. With respect to housing types and densities, Policies 1.4.1 and 1.4.3 direct planning authorities to provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents.

Similarly, the OPA and SASP do not conform with Section 2.2.6(1) of the Growth Plan which supports the achievement of the minimum intensification targets by identifying a diverse range and mix of housing options and densities to meet the needs of current and future residents. We note that the SASP, in particular Section 5(i), establishes that a minimum of 25% of all new dwelling units will be two-bedroom units or larger, and also that a minimum of 10% of all new dwelling units will be three-bedroom units or larger. In this regard, it is our opinion that the unit mix requirement should be assessed based on market demand rather than by prescribing a unit mix ratio that would unduly limit development or redevelopment within the High Park Apartment Neighbourhood.

In addition, there appears to be no recognition of the fact that while High Park is located south of Bloor Street West and would not be developable at all, that there should be every effort made to ensure that the opportunities afforded to the High Park Apartment Neighbourhood Area Character Study boundaries in that it offers proximity to 2 subway stations and most of the study area would be considered within a Major Transit Station Area, should be developed in a manner that represents an optimization of this opportunity rather than take the approach included in the SASP which largely aims to protect the status quo and allow for very limited infill opportunities. In fact, Section 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”. Furthermore, the SASP should conform to Policy 2.2.4(9) of the Growth Plan which provides that within

Major Transit Station Areas, development will be supported by planning for a diverse mix of uses to support existing and planned transit service, and Policy 2.2.4(10) directs lands adjacent to or near existing and planned frequent transit to be transit-supportive, including active transportation, and support a range and mix of uses.

In addition to the above, it is also our opinion that the OPA and SASP do not conform with Sections 3.2.1, 3.2.2 and 3.2.3 of the Growth Plan which provide direction on the integration of land use planning and infrastructure, in particular, transportation infrastructure and public transit.

In our opinion, the failure to take these policy considerations into account or to give it proper weight does not conform with 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)”.

Again, it is our opinion that the SASP is not consistent with the PPS, specifically Sections 1.1.1, 1.1.3.2, 1.4.1, 1.4.3, 1.6.3 and 1.7.1 and does not conform with the Growth Plan, specifically Sections 1.2.1, 2.2.1(3), 2.2.4, 2.2.6(1), 3.2.1, 3.2.2 and 3.2.3.

Commentary on the Proposed Official Plan Amendment

Our client’s consulting team has undertaken a preliminary assessment of the development standards found in Section 5.3 – High Park Apartment Neighborhoods Tall Building of the SASP, and there are very limited opportunities for infill intensification at modest heights and we question the stated achievement of between 100,00 to 150,000 square metres of development potential.

In addition, the draft Official Plan Amendment contains prescriptive performance standards labelled “development criteria”. In terms of the tall building typology, Section 5.3 contains a number in the draft amendment and we note that overall building height is indicated as 30 storeys and 81 metres. According to materials that accompany the draft amendment, this maximum building height was derived solely on the basis of the existing height of 299 Glenlake Avenue. We question the imposition of a maximum height that is associated with a building that was constructed approximately 50 years ago and that is located in the apartment cluster north of Bloor Street that is furthest from the existing subway station at High Park Avenue. To apply a maximum height that does not allow for the optimization of land that takes full advantage of major transit infrastructure, particularly major transit, does not appropriately address policies in the Growth Plan particularly Sections 3.2.1, 3.2. and 3.2.3.

Section 5.3 also contains a number of other prescriptive performance standards which further overly constrain infill intensification opportunities including such matters “minimum separation distance of a tower building wall(s) from an existing or new building(s) taller than 4 storeys.” The performance standard in this regard is proposed at 35 metres which is well in excess of 25 metres which is the norm included in the City’s Tall Building Guidelines. In this regard, the inclusion of this standard fails to acknowledge how tall buildings differ from elongated slab buildings that dominate the High Park apartment cluster and also fails to acknowledge that the suggested extra “breathing room” is not appropriate and would unnecessarily impinge on the ability of the City to optimize infill development opportunities.

Furthermore, there is no embedded discretion with regard to “distinguishing circumstances” that could allow for smaller separation distances that include such matters as the location of primary windows. The inclusion of a fixed number in this regard represents a rigid imposition of a number that, if not met, could trigger an Official Plan Amendment, which would introduce a further level of complexity and rigidity that is not necessary given the existing direction provided for in the Tall Building Guidelines. This further raises conformity with the Growth plan and consistency with the PPS. The matter of rigidity and the concern about the matter of potential Official Plan Amendments being triggered presents a concern in regard to all fixed numerical entries in all of the development criteria included in Section 5 of the draft OPA.

The proposed OPA 419 is comprised of two elements – an Amendment to the Primary Plan – specifically Map 7A and an addition to Schedule 4 (Description of Views) which describes southerly views to High Park.

Proposed OPA 419 includes an amendment to Map 7A Identified View from the Public Realm. In the previous version of the draft Amendment the reference for the views to be included in Map 7A were not provided. Instead the previous version cross-referenced a Map that had not been included in the draft OPA (it was referred to as Map “yy”). The publication of the latest draft OPA marks the first time the exact view points were made public. In this regard, we note that there are only 9 other “Important Natural Features” noted on Map 7A and that the majority of the views to the natural feature are from either a park, a bridge or identified lookout/vista.

The Built Form Section of the SASP 551 presents a series of tables that contain development criteria (commencing on page 11 of SASP 551). The preamble to the tables incorrectly requires that development criteria be met for all three development types (Low Rise Building, Mid Rise Building and Tall Building) rather than one of the three (Section 5(l)). This should be amended so that the reference to the three Sections be revised from “Sections 5.1, 5.2 and 5.3” to Section 5.1 or 5.2 or 5.3”. In addition, and more importantly, the inclusion of the three tables in a SASP presents a level of

rigidity and prescriptiveness that is, arguably, inappropriate for this implementation tool.

The matter of including numbers in a SASP that prescribe urban design attributes such as floor plate, minimum separation distances, maximum height etc. introduces the prospect that any deviation would require an Official Plan Amendment. Rather than continue to allow a level of discretion as already provided for in the Primary Official Plan, it unduly limits the ability of an applicant and, indeed, the City, to look at intensification in the broadest possible terms by balancing an understanding of contextual circumstances with good urban design principles already included in the City's tool box.

The OPA also includes a re-designation of lands known municipally as 21 High Park Avenue from *Apartment Neighbourhoods* to *Open Space Areas – Parks*. This represents a new designation of a Park directly south of our client's lands. The introduction of a new Park on these lands is surprising as these are lands that would not normally be considered by the City as a candidate for the location of a Park. In fact, these lands are located over the subway tunnel for the Bloor-Danforth subway and they would be considered to have a "below grade encumbrance."

Although it is recognized that portions of the High Park Apartment Neighbourhood (HPAN) are within 500 metres of High Park and Keele subway stations, there is a statement about the HPAN already being planned as being transit supportive and already achieving a population density of 434 residents per hectare. While we recognize that the Growth Plan contains a minimum density target for Major Transit Station Areas of 200 residents and jobs combined per hectare, it should be emphasized that the aforementioned "target" is a minimum and not a maximum and there should be some recognition of the fact that there should be a distinction between those areas that are within the MTSA¹.

Commentary on the Planning Department Report

On page 15 of the Planning Department report, it is reported that "staff tested the development criteria proposed by the SASP 551 and estimate that the proposed policies could result in up to an additional 100,000 to 150,000m² of gross floor area, representing a maximum floor space index increase of approximately 1.0x the land area for the entire High Park Apartment Neighbourhood Area." You will recall that as part of a related Zoning Amendment submission in December 2016, City staff had requested of our client, the completion of a Block Study. This Study was completed with a great deal of deliberation and at a considerable cost to our client. The Block

¹ High Park Subway Station is one of the least utilized stations on the Bloor-Danforth line. As noted in our December 2016 Planning Rationale, this station is ranked 28 out of 31 stations on the Bloor-Danforth line ranked by ridership volume.

Study included detailed illustrations that demonstrated where additional development could take place and provided detailed statistics including GFA and estimated unit counts for all identified infill development opportunities. We find it disappointing that the application of the proposed development criteria was not shared and made public. It is further perplexing that given the nature and complexity of the filed Block Study by our client's consulting team and its precision in terms of GFA and projected number of units, we would expect to have the Planning Department release the criteria testing so that there is a) no confusion about the nature of the development criteria and b) clarity as to whether infill development opportunities are possible. Had we filed a similar observation in our filed Block Study, we would most certainly have been requested to furnish the City with what was included in our Block Study.

The provision of the background materials to test the veracity of the claim regarding achieving intensification is of extreme importance as there is no easy way for an applicant to determine where intensification could occur subject to the prescribed development criteria. This information should be provided in order to determine whether the stated development levels are, indeed, achievable. Such information should be provided in order to allow for a clear and transparent review process. It should be emphasized that we worked co-operatively with the City and responded to all requests for information (including digital modeling) so that the City would not have to undertake this additional work. We find it interesting that no attempt was made to provide us with the results of the City's analysis.

Participation/Consultation Process

I am fully aware of the manner in which our client was invited into the Working Group process. While I will defer to our client to provide commentary on the manner in which they were able to fully participate in that process, I will convey my own thoughts on the consultation process for the general public. In addition to being present for the kick-off meeting for the Study on October 25, 2017, I was also present for the Community Consultation meeting held on March 8th where it was not possible as a non-resident to participate in the activities held during that meeting. I note that while members of the public were invited to circulate amongst a number of "stations" designed to engage the general public, much of the materials on display in the meeting room which contained vital findings of research undertaken to date were never fully explained or reviewed with participants. In addition, early versions of development criteria were on display and they too were not fully reviewed with attendees. In this regard, I would observe that while efforts were made to engage the general public in the "idea" of studying the area character of High Park, many of the conclusions had already been prepared and did not form a meaningful part of what was presented to the general public.

Conclusions

The combination of the OPA and SASP provide many areas where there is non-compliance with the PPS and inconsistency with the Growth Plan. The OPA and SASP are directed primarily at the retention of the “tower in the park” form of development which, by definition, is limited in its overall ability to embrace and accommodate intensification to a stifled and regressive/outdated form that replicates what is there today.

The OPA and SASP contain embedded assertions regarding growth levels and intensification which have not been openly provided to the public in a way that would allow for the evaluation and confirmation of the claims made regarding overall growth levels.

The OPA and SASP treat stated density targets as maximums rather than minimums. The OPA and SASP and planning report contain little recognition of the fact that most of the Study Area is within a Major Transit Station Area and offers a location for intensification that supports provincial objectives. The Official Plan clearly encourages “compatible infill development”. It is my opinion that the OPA and SASP have pre-determined that “compatible infill development” is limited to a largely static view of development that unduly limits infill development opportunities to further the tower in the park concept. The OPA and SASP are therefore overly prescriptive and rigid and have failed to be a forward-looking document, and effectively discourage new development and re-investment within this area.

Under the “Implementation” section of the SASP, in particular Section 10(c), we note that a list of community benefits were identified, and that others may also be secured, as appropriate, through Section 5.1.1 of the Official Plan and its application of Section 37 of the Planning Act. It is our opinion that consideration of Section 37 contributions should be comprehensive and include, among other things, contribution of on-site publicly-accessible open space as a community benefit.

We note that the vast majority of the existing apartment buildings in the surrounding area are of a similar architectural style and period having been constructed, for the most part, in the 1960s-1970s. As such, it would be prudent to assume that re-investment in the neighbourhood and surrounding area would necessitate positive changes in the neighbourhood and enable it to continue to thrive through the planning horizon of the Plan.