

DEVINE PARK LLP

PLANNING AND DEVELOPMENT LAWYERS

Jason Park
jason.park@devinepark.com
D 416.645.4572

Devine Park LLP
250 Yonge St., Suite 2302
P.O. Box. 65
Toronto ON M5B 2L7

T 416.645.4584
F 416.645.4569

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July 3, 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 Community Council:

RE: EY32.4 – Final Report - High Park Apartment Neighbourhood Area Urban Design Guidelines

Letter of Objection 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 now had a chance to review 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**”).

On behalf of our client, this letter has been prepared to convey our collective concerns with the Staff Report and the proposed Design Guidelines.

APPLICATION BACKGROUND

As we have noted in other correspondence to the Etobicoke York Community Council, our client began the development approval application process respecting the Subject Site in 2016, and a pre-consultation meeting was held with City Planning staff on December 14, 2016.

We submitted our client's applications for an Official Plan Amendment and a Zoning By-law Amendment with respect to the Subject Site (the "**Applications**") on December 28, 2016, under City File No. 16 271597 WET 13 OZ. On January 31, 2017, the City issued a Notice of Complete Application deeming the Applications complete as of December 29, 2016.

City Planning staff prepared a Preliminary Report dated March 17, 2017 in respect of the Applications. This report was considered by Etobicoke York Community Council on April 4, 2017. Community Council adopted City Planning staff's recommendations in the Preliminary Report, including the scheduling of a community consultation meeting. The recommendations were further considered by City Council on April 26 to 28, 2017, at which time City Council added a request for City Planning staff to undertake an area-based character study (the "Character Study") and to report on the findings. A Community Consultation meeting for the Applications was subsequently held on May 18, 2017.

In response to requests from staff and City Council's direction in April 2017, our client agreed to put the site-specific Applications on hold and participate in what was proposed to be a fair, transparent area-based character study (the "**Character Study**"). GWLRA has attended each working group session held as part of the Character Study, 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 was not in fact an open and transparent one, and we (along with our client and its consultants) have significant concerns with the resulting planning instruments that were proposed. These concerns were set out in a previous letter to Etobicoke York Community Council, dated June 9, 2018. In spite of the noted issues with both the consultation process and the resulting planning instruments, Community Council adopted the recommendations of staff respecting the Area-Based Character Study in the form of Official Plan Amendment No. 419 ("**OPA 419**") and Site and Area Specific Policy No. 551 ("**SASP 551**").

The Applications were appealed to the Ontario Municipal Board (as it then was) on August 25, 2017. The appeals were made pursuant to subsections 22(7) and 34(11) of the *Planning Act* for Council's failure to make decisions within the statutory timeframes. A prehearing conference was held on January 31, 2018, and a further prehearing conference has been scheduled for August 14, 2018.

CONCERNS WITH URBAN DESIGN GUIDELINES

Our client provided feedback on the draft Design Guidelines by email on June 26, 2018. Our concerns include (but are not limited to) the following, which in part reiterates a number of points raised in our client's previous correspondence:

1. Our client has continually maintained that the new High Park Urban Design Guidelines, and the policies within Official Plan Amendment 419 and Site and Area Specific Policy 551 which it implements, should not be determinative of the Applications. The Applications predate both the policies and the proposed Design Guidelines by as much as 18 months. Requiring application of the Design Guidelines would constitute a patent injustice, particularly in light of the effort and resources that our client has invested in preparing and pursuing the Applications.
2. Notwithstanding our position above, our client and its consultants have prepared additional comments on the Design Guidelines, in hopes that they would be considered and incorporated in a future iteration of the document. We wish to forward these additional comments for Community Council's consideration, as follows:
 - a. **Section 2.2:** The Guidelines regarding unencumbered soil areas need to provide more flexibility due to parking requirements. We suggest the addition of "Where possible," before item 1 "locate development/redevelopment...".
 - b. **Section 3.1:** Points 1 to 3 are not specific as to what views are being protected and should be further clarified.
 - c. **Section 4.2:** Location of outdoor open space in conjunction with the guidelines in their entirety will severely limit areas suitable for infill development. We suggest the time restrictions and hours of light for outdoor space be replaced with "adequate sunlight". (i.e. "3. Locate and design buildings to provide adequate sunlight on landscaped open spaces and outdoor amenity areas within the block and within adjacent Apartment Neighbourhood blocks.")
 - d. **Section 5.1:** As previously expressed in our correspondence throughout the study process, the built form guidelines are overly restrictive and eliminate any potential for suitable opportunities for tall buildings.
 - e. **Section 5.1:** The 3 storey maximum height of podiums should be rationalized and not be arbitrarily placed as a guideline. There are existing approved podia that go beyond the 3 storey restrictions.
 - f. **Section 5.6:** This guideline would arbitrarily further eliminate the limited infill opportunities available when all policies and guidelines are applied in their entirety.
3. In addition to the comments submitted to staff on the draft Design Guidelines, throughout the Character Study process, our client has questioned the built form restrictions contained in Section 5.4, including but not limited to the following issues:
 - a. The entire section dealing with setbacks and separation distances is premised on the preference to have building setbacks and separation distances that are in keeping with the existing context. We question this initial starting point as it does not properly recognize and prioritize compatible infill development.

- b. As previously expressed in our client's correspondence, the imposition of a maximum height that is associated with an existing 30-storey building (299 Glenlake Avenue) that was constructed approximately 30 years ago, and which is furthest from existing transit infrastructure, would unduly limit development in the area.

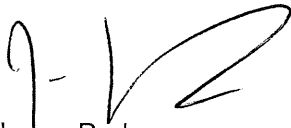
CONCLUSIONS

Notwithstanding the concerns set out in this letter, our client remains prepared to work with City staff to discuss appropriate changes to 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 request to be added to the City's notice list in this matter, and to receive notification of any decisions of Community Council or City Council regarding this matter.

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

cc: 1213763 Ontario Inc.