

3 July 2018

TE34.9.2

City of Toronto
Toronto and East York Community Council
City Hall
100 Queen Street West
Toronto ON M5H 2N2

Attention: Ms. Ellen Devlin

Dear Members of Community Council:

**RE: Item TE34.9: Dundas Street West and Roncesvalles Avenue Built Form Study
Draft Official Plan Amendment 421 and Site and Area Specific Policy 553
421 Roncesvalles Avenue
Propeller Developments Inc.
Our File: 14.521**

Walker, Nott, Dragicevic Associates Limited (“WND Associates”) is the planning consultant for Propeller Developments Inc. (“Propeller”) with respect to the above-noted draft Official Plan Amendment (“OPA”), and Site and Area Specific Policy (“SASP”), as well as the Dundas-Roncesvalles Urban Design Guidelines (“UDGs”) resulting from the Dundas Street West and Roncesvalles Avenue Built Form Study (the “Study”). The findings of the Study and commentary on the draft policy documents and guidelines are provided in the Final Report prepared by City Planning, dated 15 June 2018.

Propellers owns the lands located at the southeast corner of Roncesvalles Avenue and Howard Park Avenue, municipally known as 421 Roncesvalles Avenue (the “Subject Site”), which are located within the Study area and subject to the draft proposed OPA and SASP. Propeller, its consultants and/or legal counsel have been monitoring the Study and attended Community Consultation Meetings for the Study held on 24 April 2017 and 4 December 2017.

A Zoning By-law Amendment application (City File 16 264775 STE 14 OZ) to permit the redevelopment of the Subject Site with a 7-storey commercial/office building was submitted on 15 December 2016 (subsequently deemed complete as of 16 March 2017) and appealed to the Local Planning Appeal Tribunal (“LPAT”, formerly the Ontario Municipal Board) on 17 July 2017 (LPAT File PL170857). A prehearing conference was held by the LPAT on 14 March 2018 and Propeller agreed to a second prehearing conference prior to the LPAT’s consideration of the appeal, so that the associated application for demolition of a designated buildings could be consolidated with the appeal. The application for demolition of the designated building on the Subject Site was filed on 2 February 2018, deemed complete as of 7 February 2018, refused by Council on 24 April 2018 and appealed on 16 May 2018 (LPAT File MM180045).

The Zoning By-law Amendment application for the Subject Site was submitted on 15 December 2016, well in advance of the release of the draft proposed OPA, SASP and UDGs for the Study area. In addition, pre-application consultation took place through a community information meeting on 17 July 2014 and a number of meetings with City Planning staff from 2014 through 2016. The purpose of this letter is to provide comments on the draft proposed OPA, SASP and UDGs as they relate to 421 Roncesvalles Avenue; however, given the timing of the submission of the application for the Subject Site, it should be considered on its own merits and would not be subject to the draft proposed OPA, SASP or UDGs as these documents were not in force at the time the application was submitted.

The proposed development of the Subject Site for a 7-storey commercial/office building expands the supply of high-quality retail and office space in the local area, intended to serve the demand for small and medium-sized businesses to remain in or relocate to the neighbourhood, promoting the economic development of the *Avenue*. As described in the Planning Rationale Report which accompanied the Zoning By-law Amendment application for the Subject Site, the proposed development is consistent with and conforms to Provincial policy, and conforms to and implements the City of Toronto Official Plan with respect to land use, transportation, built form and economic development.

An overarching area of concern with the draft proposed OPA and SASP is the lack of consistency with the Provincial Planning Statement, 2014 (“PPS”) and conformity with the Growth Plan for the Greater Golden Horseshoe, 2017 (the “Growth Plan”) with respect to appropriate policy to facilitate intensification, redevelopment and compact form, with particular regard to achieving transit-supportive development in proximity to major transit infrastructure. This broad concern stems from the prescriptive development principles, policies and standards which severely and inappropriately restrain intensification on many sites.

The PPS focuses growth and development within urban and rural settlement areas, with Part IV further stating that “efficient development patterns optimize the use of land, resources and public investment in infrastructure and public service facilities”.

Through this lens, our preliminary review suggests that the draft proposed OPA and SASP is not consistent with the PPS including, among other matters, the following policies:

- Section 1.1.1, with regards to efficient/cost-effective use of land/infrastructure and accommodation of a range/mix of housing and employment (including commercial);
 - Section 1.1.3.2, respecting land use mix and densities that efficiently use land/infrastructure and which are transit-supportive;
 - Section 1.1.3.3, regarding an appropriate location for intensification/redevelopment;
 - Section 1.1.3.6, regarding compact form of new development, with a mix of uses and densities that allow for the efficient use of land/infrastructure;
 - Section 1.3.1, respecting the promotion of economic development, the provision of an appropriate range and mix of employment uses, and the encouragement of compact development that incorporated compatible employment uses to support liveable and resilient communities; and
 - Section 1.7.1, with respect to promoting opportunities for economic development and enhancing the vitality and viability of mainstreets.
-

The Study area is in proximity to two major transit stations, both Dundas West subway station and Bloor GO station, which also form the Dundas West-Bloor Mobility Hub. The Subject Site is also located in proximity to these major transit stations, at approximately 650-750 metres and is also located directly adjacent to two streetcar routes (504 and 506) and in close proximity to a third streetcar route (505). As an identified *Avenue* in the City of Toronto Official Plan, the Subject Site is also included within a *strategic growth area* under the Growth Plan as a site on a corridor with existing *frequent transit* service. The Growth Plan directs that these areas are intended to accommodate increased residential and employment densities. Section 2.1 of the Growth Plan sets out the following principle:

“It is important to optimize the use of the existing land supply as well as the building and housing stock to avoid further over-designating of land for future urban development. This Plan’s emphasis on optimizing the use of the existing urban land supply represents an intensification first approach to development and city-building; one which focuses on making better use of our infrastructure and public service facilities, and less on continuously expanding the urban area.”

The Final Report does not adequately acknowledge the Provincial policy directives of both the PPS and the Growth Plan with respect to intensification in proximity to existing and planned transit. While the report suggests a greater level of development intensity can be achieved in a manner that is compatible with the surrounding area, development is limited in the Roncesvalles Main Street Precinct which is located on or adjacent to frequent streetcar transit service and in close proximity to a major transit station area and regional Mobility Hub.

With respect to the Growth Plan, our preliminary review also suggests that the OPA and SASP does not conform to the Growth Plan including, among other matters, the following policies:

- Sections 1.2.1 and 2.2.2.4, with respect to the Growth Plan’s guiding principle of prioritizing intensification and higher density to support transit viability, focussing development in strategic growth areas, and implementing directives through official plan policies and designations, updated zoning and other supporting documents;
- Sections 2.2.5.3 and 2.2.5.4, regarding directing retail and office uses to locations that support active transportation and have existing transit and facilitating transit-supportive built form for employment uses; and,
- Sections 3.2.1, 3.2.2 and 3.2.3, with respect to the integration of land use planning with transit/transportation infrastructure and planning.

With respect to specific concerns with the Final Report, OPA, SASP and UDGs, we provide the following areas of concern through our preliminary review:

Final Report

- On 3 November 2015, City Council requested that City Planning staff “assess the applicable policy framework in the area and consider developing additional urban design and built form guidelines, including an assessment of heritage resources”. We would note that this request mandated the preparation of guidelines and did not direct staff to develop an OPA or SASP for the Study area. Guidelines are an appropriate tool to ensure that planning takes into consideration the characteristics of each property and the surrounding context, while at the same time maintaining flexibility to achieve effective design of the development of a site.
-

- The Study area excludes a number of properties on the north side of Howard Park Avenue, between Roncesvalles Avenue and Dundas Street West, which are also designated *Mixed Use Areas* and, in our opinion, also provide the built form context of the Subject Site. Therefore, the full built form context of the Subject Site, particularly with respect to height, has not been adequately addressed in the draft proposed OPA, SASP and UDGs as the Study area ignores or does not reflect key existing built form elements (e.g. residential buildings up to 8 storeys in height) that also define the context of the intersection of Roncesvalles Avenue and Howard Park Avenue.
- The inclusion of the Subject Site in the Roncesvalles Main Street Precinct does not adequately recognize the context of the site with respect to taller buildings to the north along Roncesvalles Avenue and east along Howard Park Avenue, or adequately recognize the corner of these streets as a location where additional height can be considered appropriate.
- The Final Report describes the existing zoning of the Study area but does not acknowledge that the zoning for many sites, including the Subject Site, does not adequately implement Provincial policy with respect to intensification within major transit station areas and strategic growth areas.
- Development on the Subject Site, given its circumstances as a corner site adjacent to *Mixed Use Areas* and *Neighbourhoods*-designated lands containing an existing 10-storey building, can achieve development intensity through a mid-rise built form but has been inappropriately restricted through inclusion in the Roncesvalles Main Street Precinct.
- The proposed Built Form Criteria do not recognize the characteristics of specific lands, including the Subject Site, which are adjacent to *Neighbourhoods*-designated lands containing an existing 10-storey building. The criteria also do not acknowledge opportunities for additional height in appropriate or prominent locations, such as corner sites at the intersection of streetcar routes (i.e. the Subject Site and other sites at Roncesvalles Avenue and Howard Park Avenue). Lastly, the criteria do not address existing applications for new development which were prepared and submitted under current approved and endorsed policies and guidelines.
- With respect to site access and parking, the Final Report does not address encouraging less parking in appropriate locations with good transit access.
- The intention for identified Focus Areas to provide spaces for public activities and gathering is not feasible on sites where the retention of existing buildings on narrow lots is also encouraged through the proposed policies and guidelines.

Site and Area Specific Policy 553

- The emphasis on preserving the existing conditions, in Sections 1 Context and 2 Vision, is not balanced with the area's strategic location relative to transit infrastructure. These sections do not acknowledge the existing transit infrastructure in the area or include a vision for transit-supportive development or the area's role and function arising from its access and proximity to transit infrastructure.
 - Section 2 Vision does not reference encouraging local employment, as promoted through Provincial and Official Plan policy.
 - As noted above, the Subject Site and other properties at the intersection of Roncesvalles Avenue and Howard Park Avenue, are inappropriately included on Map 2 and in Section 5 as within the Roncesvalles Main Street Precinct.
 - Policy 6.2 does not recognize existing conditions, such as on the Subject Site, where existing ground floor heights do not match the listed prevailing heights.
-

- Policy 6.4 does not recognize that parking areas may not be required for some sites, specifically those adjacent to or in close proximity to existing frequent transit service.
- Policies 6.5 and 6.6 contain overly rigid and inappropriately prescriptive built form and urban design policies as design standards, which would seek to predetermine and impose, by way of Official Plan policy rather than guideline, the detailed placement, design, massing, height and setbacks of buildings across the Study area. This type of policy ignores the irregularity of existing sites and buildings and the challenge for infill development. As proposed, these policies would significantly limit appropriate and more optimal forms of development on specific sites, where appropriate, and potentially sterilize sites where more optimal forms of development could and should be permitted under current Provincial and Official Plan policy. Further, with respect to the approval process, it would require all building designs not in complete design conformity with the policies on a very detailed level, to be approved by way of Official Plan Amendment. This approach discourages and interferes with the possibility for progressive and creative architectural approaches which achieve both the good planning and urban design objectives (including the broader objectives of the Official Plan with respect to issues such as employment).
- Policy 6.6b) further does not recognize existing circumstances for the Subject Site which is located adjacent to *Neighbourhoods*-designated lands which contain an existing 10-storey building.
- Section 7 Building Design contains inappropriately restrictive language in Policy 7.1 from an implementation perspective (e.g. “all development shall”) and is problematic as follows:
 - a) The existing character of the area varies widely as per the Final Report;
 - e) Limiting specific materials should not be restricted by Official Plan policy, and is better suited to guideline documents and can be addressed through the separate and more appropriate Site Plan approval process;
 - f) Some areas of blank wall are inevitable in infill development for buildings built to the lot line, and guidelines for addressing these are already provided in the City’s Performance Standards for Mid-Rise Buildings;
 - g) Recessed building entrances may not be feasible under all circumstances, particularly where existing buildings are being retained; and
 - i) Parking areas may not be required for all sites, and the required location for servicing, storage and loading areas may be very restrictive where existing buildings are being retained.
- Section 9 Public Realm, Parks and Open Spaces contains vague language in Policy 9.1, as it is not clear what additional public realm and pedestrian amenities are required in a) and d).
- Section 11 Urban Design Guidelines should recognize that there will be site-specific circumstances that may warrant unique design solutions for new development.

Dundas-Roncesvalles Urban Design Guidelines

- The description of the Area Character in Section 1.3 does not adequately address the number of existing and approved buildings greater than 3 storeys in height on Roncesvalles Avenue and Howard Park Avenue.
 - The comments above with respect to inclusion of the Subject Site and other sites at the intersection of Roncesvalles Avenue and Howard Park Avenue in the Roncesvalles Main Street Precinct are also relevant with respect to the draft UDGs.
 - Section 4.1 The Vision Plan does not recognize that there are appropriate locations for additional development and height on properties currently identified as Roncesvalles Main Street, including the Subject Site. This section further does not acknowledge unique circumstances of some sites,
-

including the Subject Site's adjacency to an existing 10-storey building and proximity to the recently approved 8-storey building on the north side of Howard Park Avenue.

- The Guiding Principles in Section 4.2 provide only very cursory reference to office space or the importance of local employment in *Mixed Use Areas*, as encouraged by Provincial and Official Plan policy.
- The guidelines within Section 5.0 Built Form do not recognize corner sites, such as the Subject Site, as prominent locations where additional height may be appropriate, particularly in circumstances where there is a context of taller buildings to the north and east. As noted above, the restrictive nature of the proposed guidelines ignores the irregularity of existing sites and buildings and the challenge of infill development, while significantly limiting appropriate and more optimal forms of development on specific sites, particularly those in proximity to existing transit infrastructure.
- The proposed use of below-grade structures in for parking (Section 6.4) is generally not feasible for the Study area given the existing built form and narrow lots and contradicts other guidelines which promote this aspect of the existing built form.
- It is not feasible to provide community gathering spaces for Focus Areas as noted in Guideline 7.1a for sites where existing buildings are to be retained.
- Map E: Public Realm Map identifies the intersection of Roncesvalles Avenue and Howard Park Avenue as a Focus Area; however, this identification does not accurately reflect the function and characteristics of this intersection. This intersection is not a community gathering space where any community uses or attractions occur. The intersection of Roncesvalles Avenue and Howard Park Avenue, is a transit and transportation connection with streetcar services in all directions, a conventional 4-way intersection, and existing higher residential massing and density in the vicinity. As noted above, the four quadrants of the intersection should be considered as appropriate for greater massing and height to reinforce a sense of entry at this *Mixed Use Areas* node.

In summary, an overarching area of concern with the draft proposed OPA and SASP is the lack of consistency with the PPS and conformity with the Growth Plan. Notwithstanding that the draft proposed OPA, SASP and UDGs do not apply to the current Zoning By-law Amendment application for the Subject Site, we have also outlined several areas of concern with the policies and guidelines.

It is our opinion that OPA 421 does not have sufficient regard for the existing development application at 421 Roncesvalles Avenue, which is in process and was submitted well before the drafting of the policies in OPA 421 and SASP 552, as well as the UDGs. In order to accommodate the proposed development of the Subject Site, we recommend the OPA include transition language exempting 421 Roncesvalles Avenue from OPA 421 and SASP 553. In the alternative, we recommend that the OPA be modified to either revise the policies that impact the proposed development of the Subject Site, or include a site-specific policy to exempt the Subject Site from the proposed policies.

Comments with respect to the proposed heritage policies and guidelines in the draft proposed OPA, SASP and UDGs have been prepared by ERA Architects Inc., are included as an attachment to this letter, and form part of the submission on behalf of the owners.

Propeller remains willing to discuss the Zoning By-law Amendment application for the Subject Site with City staff and we are providing the above and attached comments on the draft proposed OPA, SASP and UDGs to that end. Should you have questions regarding this submission or require further information, please contact the undersigned or Tyler Peck of our office.

Yours very truly,

WND associates
planning + urban design

A handwritten signature in black ink, appearing to read "Robert A. Dragicevic". The signature is fluid and cursive, with a large initial "R" and "D".

Robert A. Dragicevic, MCIP, RPP
Senior Principal

Attachment

cc. Bruce Ketcheson, Ritchie Ketcheson Hart & Biggart LLP
Paul Ciampaglia and Silvano Tardella, Propeller Developments Inc.



ERA Architects Inc.
#600-625 Church St
Toronto ON, M4Y 2G1

July 3, 2018

BY EMAIL

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

Attn: Ms. Ellen Devlin

Dear Chair and Members of Toronto and East York Community Council,

**Re: Item TE34.9: Dundas Street West and Roncesvalles Avenue Built Form Study
Draft Official Plan Amendment 421 and Site and Area Specific Policy 553**

421 Roncesvalles Avenue - Propeller Developments Inc.

On behalf of our client, Propeller Developments Inc., we have prepared this letter in response to the draft Official Plan Amendment 421 (“OPA 421”), Site and Area Specific Policy 553 (“SASP 553”) and the Dundas-Roncesvalles Urban Design Guidelines (the “Design Guidelines”) resulting from the above-noted Dundas Street West and Roncesvalles Avenue Built Form Study (“the Study”).

Our client owns the property known municipally as 421 Roncesvalles (the “subject site”), located within the Study area and subject to the draft OPA 421, SASP 553 and the Design Guidelines. There is currently a Zoning By-law Amendment application (City File 16 264775 STE 14 OZ) and appeals to the Local Planning Appeal Tribunal (LPAT File PL170857 and MM180045) active on the subject site.

On behalf of our client, we conducted a preliminary review of the proposed Design Guidelines. From a heritage perspective, we have significant concerns as summarized below:

1. Heritage Review Process

- 1.1. The Design Guidelines identify 77 properties within the Study Area as having heritage potential. six more properties within the study area are listed on the City’s Heritage Register or designated under Part IV of the Ontario Heritage Act. The Design Guidelines include policies and design guidelines for future redevelopment of “heritage properties” within the study area.



- 1.2. Considering (a) the number of properties identified in the Design Guidelines for their heritage potential; and (b) the policies and guidelines that propose to impact these properties, we wonder whether Council should consult with the Toronto Preservation Board with respect to the Study.

2. Heritage Property Identification

- 2.1. The research and documentation process for the determination of the proposed Potential Heritage Properties is unclear.
- 2.2. Further, it is unclear if the term “heritage property” used throughout the Design Guidelines refers to all Part IV Designated, Listed and Potential Heritage Properties as identified on Map C.

3. Legal Status

- 3.1. While the status of the Part IV Designated and the Listed (Toronto Heritage Register) properties is understood, the legal status of the properties identified as “Heritage Potential Properties” is unclear.

4. Heritage Inventory Coordination

- 4.1. Considering the number of current and ongoing heritage batch listing processes (ie. Midtown In Focus Batch Listing) and ongoing discussions with City Staff regarding the implementation of a Toronto-wide heritage inventory, it is important to position the heritage components of the proposed Study and Design Guidelines within these broader city-wide initiatives.

5. The Design Guidelines

- 5.1. From a City-building perspective, it is unclear what the proposed guidelines, including the angular plane provisions, provide in terms of a desired built form. Further, it is unclear how this new built form and evolving building typology reference and complement the existing historic main street context on Roncesvalles Avenue.
- 5.2. The proposed Design Guidelines (Section 5 – Built Form, Heritage Properties) provide that development applications on heritage property(s) will be reviewed by City Planning on a case-by-case basis. While we feel that this is an appropriate approach, it appears that development specific standards and guidelines for heritage properties are referenced throughout the Design Guidelines.

It is our opinion that good heritage conservation is rooted in a values-based approach that meaningfully incorporates stakeholder feedback and is founded on consensus. Strategies for managing change should account for a diversity of constituent needs and be responsive to the evolving character of our multicultural and economically diverse City. Heritage conservation policies can be valuable tools in this regard; however we have some concern about the ability of restrictive urban design guidelines to manage change appropriately. As concerned members of the heritage



ERA Architects Inc.
#600-625 Church St
Toronto ON, M4Y 2G1

community, we urge City Staff to review the intent of the Design Guidelines, as well as clarify the research process and legal status for the newly identified heritage properties.

We would be happy to elaborate on our concerns and meet with City Staff to discuss any and all of these issues at a later date, prior to the draft OPA, SASP and Design Guidelines coming into force.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Philip Evans'. The signature is stylized with loops and a vertical line through the center.

Philip Evans, Principal
ERA Architects Inc.