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March 11, 2020

Councillor Gord Perks, Chair  
Toronto and East York Community Council  
City of Toronto, Toronto City Hall  
100 Queen Street West  
Toronto, Ontario  
M5H 2N2

**Attention: Ms. Ellen Devlin, Secretariat**

Dear Councillor Perks,

I write as Chair of the West Side Community Council, an umbrella organization of twelve West End community associations,<sup>1</sup> in regard to agenda item number TE14.5, the proposal to adopt Amendment No. 445 to the Official Plan ('the OPA'), adding Site and Area Specific Policy No. 566 ('the SASP') for lands generally fronting Queen Street West between Roncesvalles Avenue and Bathurst Street ('QSW').

The SASP divides QSW at the Dufferin Subway into westerly and easterly segments, (respectively) Parkdale Main Street ('PDMS') and West Queen West ('WQW'): our discussion applies to both segments equally in absence of explicit stipulation otherwise.

This letter does the following:

- (I) Request that if Toronto and East York Community Council (TEYCC) adopts the motion to recommend Council to adopt the OPA, they do so subject to several amendments to the SASP to be detailed;
- (II) Express disapproval of the SASP's encouragement of 'intensification' in WQW, and support for amending the SASP for greater continuity of heritage conservation with the 2007 Queen Street West HCD (especially by extending the latter's affirmation of existing zoning height limits—16 m in WQW, 14 m in DTPD);

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<sup>1</sup>The WSCC comprises, from east to west: Grange CA; Harbord Village RA; Garment District NA; Trinity-Bellwoods CA; Ossington CA; Lakeview Avenue NA; Liberty Village RA; Beaconsfield Village RA; Active 18; Bloordale CIA; Parkdale RA; and Roncesvalles-MacDonnell RA.

- (III) The complaints in (II) notwithstanding, affirm the necessity as ‘second best’ measures of certain policies of the SASP for the heritage conservation objectives of the planning exercise; and
- (IV) Request that TEYCC adopt the motion with a stipulation (reaffirming a general principle) that applications ‘under the wire’ shall be evaluated by the standards of the SASP as passed by Council.
- (I) The WSCC urges TEYCC to amend the SASP as follows:

- 4.7.2: for consistency with consultation scope characterizations elsewhere, and to reflect the broader importance of civil society groups:  
Add as boldfaced ‘in partnership and in consultation with **local community associations**, local Business Improvement Areas, the local arts community, and other stakeholders’.
- 4.8: because established trees are superior to freshly planted, retention should be encouraged over replacement:  
Add as boldfaced ‘Where street trees already exist on or in front of a development site, they shall be retained **if possible** or replaced’.
- 6.6.4: although the 9 m setback from policy 6.6.1 is welcome, the proposed 3 m stepback above 16.5 m in height at the rear yard does not provide an adequate transition to adjacent *Neighbourhoods* designated lands:  
Instead, the transition policy should follow the ‘deep lot’ Standard #5A of the *Avenues and Mid-Rise Buildings Study* (corresponding to the ‘ideal lot’ Standard as revised), and require also a 45 degree rear yard angular plane projecting from the property line of the adjacent residential lands.  
For that matter, the transition policy is not even in conformity with the *AMRBS* ‘shallow lot’ Standard #5B, requiring a 7.5 m separation from the adjacent residential and a 45 degree angular plane at height 10.5 m.
- 6.8: workgroup sentiment was strongly against rooftop party spaces, because remediation to indiscernibility of their impacts would be prohibitively expensive; apparently restaurant business reps caught the ear of Planning on this one, leading to a business giveaway with serious nuisance potential to residents:  
Amend to restore the proposal advanced at public consultation: ‘Amenity space or other uses located on a rooftop **will not be permitted**’.
- 11.1: relocating arts organizations to Sterling Road or some redeveloped corner of CN lands or Rexdale does not support the cultural preservation ambitions of the SASP:  
Add as boldfaced ‘will be required to identify suitable opportunities for the relocation and/or replacement of this space **in West Queen West or Parkdale Main street, respectively**’.

(II) Policy 6.3 permits a ‘maximum overall height’ of ‘6 storeys and 20 metres’, ‘to the top of the roof slab’. Various further policies reinforce this projected height limit, in-

cluding: 5.2.1; and other policies refer to building heights in excess of existing zoning height limits of 16 m in WQW or 14 m in PDMS, including: 6.4.6, 6.5.3, 6.6.4.

The proposed height limits are more than adequate to the ‘intensification’ goals of the Growth Plan for the Greater Golden Horseshoe, Provincial Policy Statement, and Official Plan of the City of Toronto.

However, policies 40(1) and 40(2)(d) of the Heritage Act permit studies undertaken in service of design of Heritage Conservation Districts to recommend ‘**any** changes that will be required to the municipality’s official plan and to any municipal by-laws, including zoning by-laws’ (our boldfaced emphasis). This permission clearly represents heritage conservation objectives as taking priority over other objectives, including intensification objectives.

In the view of the many community participants in the SASP and HCD Workgroup, whose assessments constitute the barometer of what makes for adequate conservation of cultural heritage, the proposed blanket increase of height limits above existing ‘as of right’ permissions is not in fact adequate to this task; and, indeed, would tend toward destabilization of existing heritage resources.

Instead, a necessity for attaining the heritage conservation objectives of the SASP would be to apply the principle of the 2007 Queen Street West HCD Plan of affirmation of existing zoning. In that plan, ‘the existing Zoning By-Law (allowing a 16 metre height with a setback at 13 metres along a 45 degree angular plane) is affirmed’ (2007 HCD Policy 5.4, p. 63). Applying this principle would rationalize a height limit of 16 m in WQW and 14 m in PDMS.

Our rationale for this is extensive, and recapitulates that of our 31 March, 2019 letter to City Planning, in the course of the Community Workgroup Discussion (available at [bit.ly/wsc-cto-planning](http://bit.ly/wsc-cto-planning)). Subsequent discussion by email with City Planning (available at [bit.ly/wsc-planning-exchange](http://bit.ly/wsc-planning-exchange)) did not, in our view, adequately rebut the argumentation in that letter.

(III) While the WSCC opposes the application of intensification policies to QSW as noted under (II), we do observe that *if* the height limit of 6.3 is to be applied, various follow-on policies will be necessary to maintain the heritage conservation aims of the SASP. These include: 6.4 and subpolicies 6.4.1–7; 6.5 and subpolicies 6.5.1–5; 6.7 and subpolicies 6.7.1–5.

The WSCC also affirms the necessity to this objective of policies: 8.3; 8.4; and 9.2 and subpolicies 9.2.1–5.

(IV) We take note of a recent submission to TEYCC in regard to this item (TE.Supp.TE14.5.4), making reference to a development application submitted on 8 November, 2019, and requesting ‘In light of the fact that our client has relied upon the ‘in force’ official plan policies in making a decision to acquire the Site and pursuing the approvals filed with the City last year, that the proposed Official Plan Amendment and proposed HCD

Plans recognize the existing ‘in force’ policies that apply to the Site, as well as of our client’s application’.

The existence of ‘in progress’ Planning and Heritage Studies is, by long customary Ontario planning jurisprudence, regarded as part of the ‘planned context’ of an application: in the present case, the SASP and HCD were undertaken through a decision of Council on November 18, 2013, a full five years and 355 days before the submission of the development application. As the SASP and HCD are *interpretations* of what the ‘in force’ official plan policies are and not *changes* of policy, it would comply with the request to assess the proposal by the standards of the SASP and HCD. If the applicant is requesting instead to assess the application by some distinct interpretation—one less adequate over all, if presumably more favourable to the application—the applicant should note that there is no obligation on TEYCC and Council to debase City planning instruments when this would rescue applicants from unwise business decisions.

Ric Amis  
Chair