

Helliwell Place Residents' Association
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February 22, 2021

Attn: Ellen Devlin, Administrator
Toronto and East York Community Council
100 Queen Street West, 2nd Floor West
Toronto ON M5H 2N2

Comments for distribution to the Chair and Members of the Toronto and East York Community Council

TEYCC Meeting: February 24, 2021

RE: Agenda item TE 23.55 - 954-958 Broadview Avenue and 72 Chester Hill Road- Official Plan Amendment and Zoning Amendment Applications - Preliminary Report - Update

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

I am writing on behalf of the Helliwell Place Residents' Association (Helliwell RA). We represent about 1,500 residents. Our association area extends along Broadview Avenue from Pretoria Avenue to Mortimer Avenue, with a pocket on Nealon Avenue. The site of the development proposal in question is within our association area.

We thank Planning Staff for their *Preliminary Report - Update* which includes many of the concerns we raised in our December 29, 2020 Letter to Planning, included below to be read as part of this. In a nutshell (excluding mechanical), the proposed building is 51.6 m, only 4.1 m lower than the previous proposal, and only 11.7 m lower than the high rise condo immediately to the north. At 51.6 m, our main concerns are with the proposed building's inappropriate transition from the condo building immediately to the north (63.3m) to the two storey houses to the south (about 6 m), and the many serious impacts its height and massing, and inappropriate setbacks, would create on neighbouring residents, and on the neighbourhood, including increased shadowing (including on an about 1.3 acre open green space), reduced access to light and views, reduced privacy, increased overlook, potentially increased wind in an already very windy area. Further, at 51.6 m, the proposed building's height and massing is not an appropriate fit for this neighbourhood, given the existing predominantly low-rise planning context, and the planned mid-rise context. We cannot ignore the potential precedent-setting height creep this proposed building could create on the avenue. Our December 29, 2020 letter to Planning was forwarded to the developer, Mr. Diamond of Diamondcorp.

Generally, we agree with the concerns and impacts raised by the City Planning Division in their *Preliminary Report - Update*. We understand more information will be coming in as other City divisions review the subject OPA and rezoning applications. We have been

working with a planner to assist us further in our review and discussions with Planning and the developer.

We recognize Mr. Diamond, unlike many other developers, proactively engaged in discussions and sought feedback from the Helliwell RA ahead of their City Planning submission - all positive steps towards finding an appropriate and desirable solution for the site. However, to date, we're not there yet.

As you understand (and probably can see from the many submissions), local residents feel passionately invested in knowing what their community will look like when a new owner plans to develop. This is the case here and for good reasons. Our neighbourhood has character and history, great access to transit, reputable schools, access to nature - in short a great place to call home. Yet these very features attract developers whose high-rise proposals would completely change the community, and not often for the better. Six years ago many of our residents and the broader community poured out their hearts and fully engaged their minds to help craft a development vision for Broadview – a vision of moderate intensification aligned with the City's vision of mid-rise development on Avenues, which better connects us to the area's history and the Don River Valley's natural realm - a plan adopted by Council in 2016.

We understand that OPA 343 - the Broadview Plan is under appeal for this site and the developer, also the new owner, has the right to that appeal. We acknowledge that much has changed in the provincial and municipal planning landscape these last years.

In the end, the wellbeing of our community depends on the type of legacy an owner-developer leaves behind and whether their actions result in a solution which is appropriate and desirable.

We are hopeful, and look forward to continuing that dialogue with Mr. Diamond and City Planning.

We thank Councillor Fletcher for bringing the different stakeholders together February 18th, at a very well attended community information session.

Thus, in conclusion, Helliwell RA supports City Planning Division's recommendations that

1. Staff schedule a community consultation meeting for the application located at 954-958 Broadview Avenue and 72 Chester Hill Road together with the Ward Councillor.

2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the application site, and to additional residents, institutions and owners to be determined in consultation with the Ward Councillor, with any additional mailing costs to be borne by the applicant.

Additionally, Helliwell RA makes the following specific recommendations:

1. That concerns and requests raised in our December 29, 2020 letter (included below) be addressed by City Planning,

2. Consideration be given that a notice for the community consultation meeting be given to landowners and residents within 200 metres of the application site, given the great interest and importance of this development for the community.

Please keep Helliwell RA informed of all decisions by Toronto and East York Community Council and/or City Council regarding this matter/Agenda Item TE 23.55.

Kind regards,

Magda Haidelmayer
President
Helliwell Place Residents' Association

::Helliwell RA is committed to improving neighbourhood quality of life, mainly through active participation in municipal planning issues affecting our residents.

:: The Helliwell Area encompasses Broadview Avenue (both sides) from Pretoria Avenue (north side) up to Pottery Road/Mortimer Avenue (south side) including the Nealon pocket bounded by Jackman Avenue (both sides) on the east and Fulton Avenue (neither side) on the south.

:: Our name is drawn from the 19th century Helliwell farm and estate. The Helliwells were one of the three founding families of the Todmorden mills, brewery, distillery and village, and community leaders of their day. Grant Helliwell was the architect of the heritage designated 19th century Chester Public School.

December 29, 2020

To: George Pantazis, Senior Planner, City of Toronto

From: Helliwell Place Residents' Association

RE: DK Broadview Inc proposal - 954-958 Broadview Ave & 72 Chester Hill Rd - 19 125893 STE 14 OZ

Below we identify planning issues to be addressed by DK Broadview Inc. (DiamondCorp & Kilmer Brownfield Management Limited) in order to find a more appropriate and desirable solution for their site at 954-958 Broadview Ave & 72 Chester Hill Rd (DK proposal), in both land use planning and urban design terms.

Although we recognize improvements at ground level from the original (Revera) proposal and recognize there are additional issues which could be addressed, we focus on those issues having the greatest impact on immediate neighbours, and therefore residents within the Helliwell Place Residents' Association (known as Helliwell RA) catchment. These issues include: height, massing, transition, and the largely resulting issues with light access/shadowing, privacy/overlook, wind, and noise.

The neighbours most affected by the proposed building are residents on Broadview Ave in 2-storey houses immediately south of the Estonian House site, the approx. 300 residents at 980 Broadview immediately north, residents across the street on the east side of Broadview, and as far as shadow impacts, residents on Nealon (all for whom Helliwell RA advocates), as well as residents living on Chester Hill Road immediately adjacent to the Estonian House rear south lot line (Chester Hill-Cambridge-Thorncliffe Residents' Association advocates on their behalf).

Before delving into the issues, it is important to mention, and Planning is likely aware, that many residents are dismayed, disappointed, and even angry over the DK proposal. This is no surprise. Helliwell RA residents' expectations, and those from the broader community, have been defined since 2014 by their extensive and active participation in the Broadview Avenue Planning Study (BAPS) Community Consultations and the resulting mid-rise vision for the Avenue. That vision is not inconsistent with City Planning's 2019 Preliminary Report on the original (Revera) proposal (4.1 m taller than the DK resubmission) that a mid-rise building type could work well as a transition on the site. We recognize that, since the days when the BAPS and OPA 343 was adopted by Council in 2016, much has changed in the planning landscape, which impacts this site and the still active LPAT case. We also recognize Steve Diamond (DK), unlike many other developers, proactively engaged in discussions and sought feedback from the Helliwell RA ahead of their City Planning submission. While this approach is positive, we have not reached agreement on height, and in the end have been disappointed with the submission. We hope the following additional feedback will assist. DK indicated they would like to continue the dialogue. We do so as well, as we seek an appropriate and desirable solution for the site in both land use planning and urban design terms.

Further, effectively, precedence matters. Other developers (including those with larger lots or those in the process of amassing) would be expected to closely monitor what will be permitted on the Estonian House site knowing even if they receive a rejection from Council, they may seek a resolution at the LPAT.

Height, Massing & Transition

At the proposed 51.6 m height (excl. mechanical penthouse) the Diamond Kilmer (DK) proposal is an improvement on the original (Revera) proposal. However at only 4.1 m (excl. mechanical penthouse) lower than the original submission, the main issues of height and massing, and the resulting impacts on immediate neighbours, remain.

Taking into consideration the City's *Official Plan* (OP) policies and planning direction in *Built Form* (3.1.2) and *Built Form - Tall Buildings* (3.1.3), overall, at the proposed height and massing, the DK proposal fails to meet the City's policies in terms of appropriateness of height and massing, transition, and fit within the predominantly low-rise neighbourhood.

Appropriateness of a Tall Building

Reference City of Toronto Official Plan, Built Form - Tall Buildings, pages 3-8, 3-9

"Tall buildings are desirable in the right places but they don't belong everywhere....When poorly located and designed tall buildings can physically and

visually overwhelm adjacent streets, parks and neighbourhoods. They can block sunlight, views of the sky and create uncomfortable wind conditions in adjacent streets, parks and open space and create traffic congestion.

Tall buildings are only one form of intensification. Most of the proposed intensification in this Plan is anticipated to be achieved with street oriented, grade related or mid-rise building types that define and support sunny, comfortable and vital streets, parks and open spaces. Tall buildings, typically buildings whose height is greater than the width of the adjacent road allowance, are generally limited to parts of the Downtown, Centres, and other areas in which they are permitted by a Secondary Plan, an area specific policy, a comprehensive zoning by-law, site specific policies in effect as of the approval date of this Official Plan or site specific zoning that pre-dates approval of this Plan. Tall buildings will only be permitted in other areas on the basis of appropriate planning justification consistent with the policies of this Plan.”

Given the above, at the proposed height, the DK proposal is not an appropriate fit for the predominantly low-rise neighbourhood. The existing tall buildings on Broadview Avenue north of the subject site, should not be used as precedents and justifications to jam a tall building onto the subject site, which is narrow and deep. We note in their April 2019 Staff Preliminary Report for the original (Revera) proposal (p7), City Planning stated that a mid-rise building would be a proposal that could meet the intent of both the Official Plan and OPA 343, and that it would be a more appropriate fit within the existing and planned context.

Further, the proposed tower is not in keeping with the Tall Building Design Guidelines. There should be a 25 m separation between two tall buildings. In fact, the separation distance of the proposed tower would be 20.8 metres at its closest point. The developer is using the distance from the 980 Broadview condo building immediately to the north rather than the City's tall building 12.5 metres setbacks from their side lot lines to achieve this separation. The owners at 980 Broadview should be able to preserve their right over their lands (no matter the likelihood of the lands at 980 Broadview being developed in the future). We note the tower separation issue was identified by Planning in their April 2019 Preliminary Staff Report for the original (Revera) proposal. A lower building would not have such setback limitations and the need to achieve the 25 m tall building separation.

The proposed building does not meet the City's design criteria for the 45 degree angular plane on the east facade fronting Broadview Ave, as the proposed building penetrates the angular plane on the upper floors [p19 DK Planning Rationale and diagram]. A lower building would not have this issue.

The proposed development does not meet the City's design criteria for height relative to Broadview right-of-way as the developer is using the setback of the tower behind the heritage building and also at the 16th storey (47.7 m) height. [Developer's explanation in Planning Rationale p19.]

Further the developer's 5 m mechanical penthouse, raising the proposed building's height to 56.6 m, would be visible from Cambridge Avenue, a major access route, creating an even taller appearance in a predominantly low-rise neighbourhood. (Independently, we note the original Revera proposal planned for a 4.5 m mechanical penthouse).

Appropriateness of Transition in Scale

Reference City of Toronto Official Plan, pages 3-8, 3-7

“Appropriate transition in scale can be achieved with many geometric relationships and design methods in different combinations including angular planes, stepping height limits, appropriate location and orientation of the building, the use of setbacks and stepbacks of building mass. The larger the difference in scale of development the greater the need for transition.”

Reference City of Toronto Official Plan, Built Form Policy, pages 3-7

“(3). New development will be massed and its exterior façade will be designed to fit harmoniously into its existing and/or planned context, and will limit its impact on neighbouring streets, parks, open spaces and properties by:

...

c) creating appropriate transitions in scale to neighbouring existing and/or planned buildings for the purpose of achieving the objectives of this Plan;”

DK’s proposed building (51.6 m excl. mechanical penthouse) is not an appropriate transition from the 980 Broadview condo building immediately to the north (63.3 m excl. mechanical penthouse), down to the two-storey houses immediately to the south (approx. 6 m).

In their Planning Rationale (p18) the developer writes “The reduction in height of both elements of the Revised Proposal assist in providing *further transition [not an appropriate transition; my emphasis]* between the tall building context to the immediate north of the site and the low-rise residential context to the immediate south of the site”. Although we recognize the developer is trying to achieve transition through the use of various planning tools (e.g. angular planes, setbacks and stepbacks, tower portion siting, etc), the proposed building remains overall too high to achieve an appropriate transition in consideration of both the existing and planned contexts.

Light access/Shadowing, Privacy/Overlook, Wind & Noise

Reference City of Toronto Official Plan, Built Form policy page 3-7

(3). New development will be massed and its exterior façade will be designed to fit harmoniously into its existing and/or planned context, and will limit its impact on neighbouring streets, parks, open spaces and properties by:

d) providing for adequate light and privacy;

e) adequately limiting any resulting shadowing of, and uncomfortable wind conditions on, neighbouring streets, properties and open spaces, having regard for the varied nature of such areas; and

f) minimizing any additional shadowing and uncomfortable wind conditions on neighbouring parks as necessary to preserve their utility.

The DK proposal fails to meet the above objectives of the OP Built Form policies.

Light access/shadowing, privacy/overlook and wind impacts are significant issues in our new normal of staying/working from home for two storey houses and for 980 Broadview’s approx.

300 residents (a true mix of seniors, just retired folk, young and not so young professionals, folks with children).

Light Access/Shadow Impacts

At the proposed 51.6 m height and massing, DK's proposed building would create significant shadowing, and therefore significantly reduce access to light, to the north on 980 Broadview Ave's south/southeast balconies and windows. It would also create significant shadowing on the vast open garden space on the south and west side of the 980 Broadview Ave building, a space actively used by 980 Broadview Ave residents and their family and friends (many of whom are folks living in the neighbourhood). This vast garden is a place to meet, socialize, play, walk the dog or simply relax. This is not a "passive space" as the developer calls it in their Planning Rationale (p24). We understand the 980 Broadview Ave garden space itself is over an acre (approx. 1.2-1.4 acres), thus larger than the size of the entire proposal site area (1.16 acres). The garden's utility would be greatly reduced due to the significant shadowing from the proposed building.

The proposed building would also create significant shadowing on the two-storey houses on the east side of Broadview, and also on Nealon Ave (on Nealon especially in late autumn and winter when people need more light).

In the new normal of staying/working from home, access to light and sky, through windows, balconies, and people's front and backyards has become even more important to people's wellbeing. We believe it is reasonable to expect City Planning to address this.

REQUEST - From additional shadow studies, we would like to better understand loss of light / shadow impacts:

- On 980 Broadview's south facade and southeast balconies/windows from lowest to highest floors (those would be closest to the proposed building).
- On houses on Nealon Ave (to Jackman Ave)
- The above also on December 21 (not only at periods usually requested by City Planning).

Privacy / Overlook Impacts

At the proposed 51.6 m height and massing, DK's proposed building would create significant overlook and privacy issues for immediate neighbours - the 2-storey Broadview Ave houses to the south of the site, and on 980 Broadview Ave's vast garden and its south/southeast balconies and windows.

Further, with a setback of only 5.5 m along its north property line (at the "tail"), there would be significant overlook onto the 980 Broadview garden space. (We note the setback is 7.5 m from the Chester Hill Rd rear yards on the south side ground level and 9.5 m at the 4th floor).

We note there are no renderings of the proposal's north facade and its relationship to 980 Broadview which would help evaluate the proposal's impact on 980 Broadview Ave's building and garden.

REQUEST - From additional renderings, which we are requesting, we would like to understand how the proposed building's siting and design impacts privacy/overlook:

- On the south side and southeast balconies/windows of 980 Broadview Ave as those will be the closest to the proposed building. This is especially important given the new normal of people staying / working from home.
- On the 980 Broadview Ave garden space
- From the proposed rooftop garden onto the 980 Broadview building and garden
- How does the developer intend to limit privacy / overlook impacts through design elements (e.g. tower orientation, non projecting balconies on north side, etc)?

Wind Impacts

Increased wind speeds are generated from tall buildings. DK's wind study leaves us with questions.

REQUEST - Given there appears be no or little articulation, no podium on the proposed building's north facade, and no wind study of the following, wind effects need to be examined:

- On the sidewalk between 980 Broadview Ave and the proposed building;
- On 980 Broadview Ave's vast garden; and
- On 980 Broadview Ave's south and southeast windows/balconies from lowest to highest floors

These are all places where it is already extremely windy. Anecdotally, people have been literally blown off their feet and injured on the sidewalks between the 958 Broadview Ave (Estonian House) lot and 980 Broadview Ave, and near the three tall buildings immediately north. This flags a safety issue for all, from the oldest to the youngest.

Noise

REQUEST - This aspect needs to be better understood - noise impact onto 980 Broadview residents. How is the developer planning to limit noise impact from the rooftop mechanics (e.g. location/orientation, low noise) as well as from the rooftop garden amenity?

Conclusion

At the proposed 51.6 m height (excl. mechanical penthouse) the Diamond Kilmer (DK) proposal is an improvement on the original (Revera) proposal. However at only 4.1 m (excl. mechanical penthouse) lower than the original proposal, the main issues of height and massing, and the resulting impacts on immediate neighbours, remain.

We expect City Planning to fully take our comments and those from Helliwell RA members and area residents into consideration accordingly, as you engage in further discussions with Steve Diamond (DK) and his team, and as you provide the developer with recommendations to revise their proposal. We fully expect Steve Diamond to revise their proposal accordingly.

As discussed with Steve Diamond and Caitlin Wilcocks (DK), Helliwell RA is fully committed to a continued dialogue so that an appropriate and desirable solution for the site in both land use planning and urban design terms is found.

If you have any questions regarding the above, please contact me at PresidentHelliwellRA@gmail.com, and copy Helliwell RA's planner David Butler at dab@butlerconsultants.com.

Kind regards, on behalf of the Helliwell Place Residents' Association,

Magda Haidelmayer
President
Helliwell Place Residents' Association

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