# NOVERESURBS PREIGHT Options to consider THURSDAY, APRIL 18, 2019 Vol. 24 No. 15 PROBINS APPLEBY BARRISTERS + SOLICITORS

■ DENSITY TRANSITION ZONES

### RECASTING NEIGHBOURHOODS

#### Rachael Williams

mid calls for the City of
Toronto to accommodate a
greater degree of
intensification in low-rise
residential neighbourhoods,
planners and policy analysts
are encouraging the adoption
of a new urban boundary zone
to ease the transition between
avenues and neighbourhoods.

Toronto-based planners

Blair Scorgie and Sean Hertel
are making a case for the City of
Toronto to adopt and implement
"Density Transition Zones" in its
official plan and zoning by-laws.
These zones would extend from
the rear of properties which front
onto avenues and other major
streets into the core of adjacent
neighbourhoods, encouraging
gentle density in areas that
are currently protected under
municipal land use policies.

"I think there are ways we can accommodate contextually sensitive infill development and slightly different forms of development from that which currently exists in a fairly harmonious and complementary way, but the way that the policies are written and interpreted makes it very difficult to achieve that," said Scorgie.

The city's official plan directs growth to areas of the city well-served by existing infrastructure, including transit and major street networks. This is accomplished through a classification system and associated boundaries that identify Toronto's major centres—Downtown, Yonge and Eglinton, North York, Etobicoke and Scarborough. The official plan also identifies the city's arterial corridors, called avenues, where low to mid-rise development is encouraged. Between these areas are neighbourhoods, which account for over 70 per

cent of the city's land mass and are regulated through the official plan to remain lowdensity, stable communities.

"The official plan is intended to set the high framework, the broad vision, the general disposition of land uses and the organizational structure of our city... In the City of Toronto, specifically in the neighbourhood land use designation, we have fairly prescriptive policies that talk about the types of dwellings, the types of buildings, the massing, the scale, the heights, [and] we get into setbacks. We are regulating the character of buildings at the official plan level," he said.

Conversely, the official plan uses phrases like "edge condition" and "prevailing

character" to determine what type of development should be allowed in neighbourhoods. This vague language is difficult to define, subject to interpretation and contributes to the ideology that neighbourhoods should remain static and inflexible.

"Those types of policies... weaponize NIMBYism and they create false expectations about what a neighbourhood is," said Hertel.

According to the Toronto Housing Market Analysis,

CONTINUED PAGE 5

Density Transition Zones are meant to be a new urban structure designation that creates a buffer between the city's existing avenues and adjacent neighbourhoods. Within this zone, low-rise residential development would be targeted for intensification.

SOURCE: BLAIR SCORGIE / SEAN HERTEL



#### ■ TESTING CARGO BIKES

#### UPCOMING

#### APRIL

- 23 General Government & Licensing Committee, 9:30 a.m., committee room 1
- 24 Etobicoke York Community Council, 9:30 a.m., council chamber, Etobicoke Civic Centre

North York Community Council, 9:30 a.m., council chamber, North York Civic Centre

Scarborough Community Council, 9:30 a.m., council chamber, Scarborough Civic Centre

Toronto & East York Community Council, 9:30 a.m., committee room 1

- 25 Infrastructure & Environment Committee, 9:30 a.m., committee room 1
- 29 Economic & Community
  Development Committee, 9:30
  a.m., committee room 1
- 30 Planning & Housing Committee, 9:30 a.m., committee room 1

Toronto Preservation Board, 9:30 a.m., committee room 2

#### MAY

- Executive Committee, 9:30 a.m., committee room 1
- 6 Board of Health, 9:30 a.m., committee room 1
- 8 TTC Board, 9:30 a.m.

#### 14-15

Council, 9:30 a.m., council chamber

- 21 General Government & Licensing Committee, 9:30 a.m., committee room 1
- 22 Etobicoke York Community Council, 9:30 a.m., council chamber, Etobicoke Civic Centre

North York Community Council, 9:30 a.m., council chamber, North York Civic Centre



### **GREENING THE FLEET**



**Rob Jowett** 

argo bikes could improve operational efficiencies, save money and help the city reduce greenhouse gas emissions if a limited pilot project proves successful this summer.

At its meeting April 23, the general government and licensing committee will consider a staff recommendation to undertake a pilot program evaluating the effectiveness of cargo bikes for seasonal park maintenance. The pilot, which will run throughout the summer in Allan Gardens Conservatory, will evaluate the use of three bikes based on comparative operating, maintenance, and storage costs with the gaspowered all-terrain utility carts currently used, as well as their overall functionality.

"City [staff], as a function of the city's green fleet plan, are basically selecting equipment, fuels, and practices that emit less greenhouse gases and air pollution, are sustainable, economically viable, while at the same time meeting the city's operational requirements," fleet services project manager **Angelo** 

**Klaric** told *NRU*. "So the cargo bikes fit into a small segment of what we were looking at."

Staff estimates that the bikes will save 0.416 tonnes of  $\mathrm{CO}_2$  emissions per vehicle annually and about \$400 based on a fuel cost of \$1.10 per litre. As well the initial purchase will be less expensive with the cost of purchasing a bike ranging between \$2,000 and \$10,000 compared to the approximately \$15,000 cost of a motorized utility vehicle.

"It's a very conservative start, I would say," The Centre For Active Transportation director Nancy Smith Lea told NRU. "I'm expecting that it will be found to be an effective use of the bikes and that the staff will probably enjoy using them... [and] I think it's quite possible that this could really be used quite extensively."

She says the city could use the cargo bikes in variety of

operations beyond the parks system, especially for deliveries. Congestion and parking requirements greatly slow down the delivery process, and cargo bikes would be able to transport light goods far more efficiently than cars or trucks.

"Getting that [pilot] on the ground will be an interesting proof of concept and socializing the idea that cargo cycles are a real solution," says Pembina Institute transportation and urban solutions analyst Janelle Lee. The institute has been studying the effects of cargo bikes on the freight industry to reduce both emissions and operating costs.

"We know... that with rise of e-commerce, it's projected that the number of freight vehicles on the road and the emissions coming from the freight sector will probably increase. So this is

CONTINUED PAGE 6

Getting that [pilot] on the ground will be an interesting proof of concept and socializing the idea that cargo cycles are a real solution.

- Janelle Lee

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### PROTECTING CONTEXT



**Rob Jowett** 

Residents are concerned that rapid intensification in the St. Lawrence neighbourhood does not respect the local built form context or the area's heritage.

Front-Sherbourne
Developments is proposing
to build a 37-storey mixeduse tower at 33 Sherbourne
Avenue. While the exact
number of units has yet to be
determined, Front-Sherbourne
proposes 29,189.3 square
metres of residential space and
1,427.2 square metres of nonresidential space.

"We're not trying to stop development," **St. Lawrence Neighbourhood Association**development committee chair **Suzanne Kavanagh** told *NRU*.
"We understand this is a city and there is growth. But we're trying to keep it in context with the neighbourhood."

Goldberg Group principal Michael Goldberg, who has been retained as the planning consultant, told *NRU* that the building will contribute to the evolution of the St. Lawrence neighbourhood from a low-rise historic area into a dense urban community with mid and highrise towers.

"There's going to be a real downtown experience," says Goldberg. "I think the ground plane, the streetscape, and the sidewalk experience is going to be far superior to what it is right now. Because really, right now what you've got in that neighbourhood is a collection of former commercial and warehousing kind of buildings that don't really bring much to the streetscape experience at all."

But community planning downtown section senior manager **Henry Tang** told *NRU*, while there has not been a comprehensive review of the application, he has concerns with the building's proposed height and built form.

"Broadly speaking, [does this application] meet our overarching policy intent? I would say not at the moment," he says. "The building appears to be the tallest building being proposed around this area, and it also doesn't meet our tall building guidelines in terms of building setbacks. Nor the emerging policy direction of OPA 352 [TOcore] that speaks to providing a minimum 12.5-metre tall building setback to property lines."

However, he adds that since the St. Lawrence neighbourhood is subject to the TOcore policies, residents should expect growth to occur. The neighbourhood is also subject to the King-Parliament

Secondary Plan, which designates it as a regeneration area.

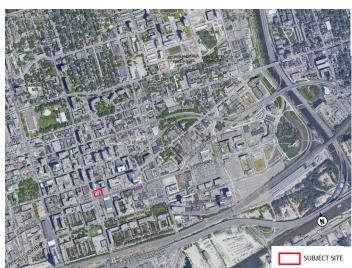
Rendering of Front-Sherbourne Developments' tower, which integrates two heritage buildings at its base.

SOURCE: CITY OF TORONTO ARCHITECT: GIANNONE PETRICONE

Location of Front-Sherbourne Developments' proposed 37-storey mixed-use building. "This is technically within a policy area that was planned for significant growth," says

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## PROTECTING CONTEXT

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Tang. "I think this application, when we're reviewing it, we will be reviewing against not only the policy framework but... the context area of this emerging neighbourhood, whether or not it's teetering over what we anticipate this area to be."

The development at 33
Sherbourne is the latest
addition to a neighbourhood
which has been experiencing an
explosion of growth. There are
several proposed developments
in the area that would add
significant height and density
to what is currently a relatively
low-rise.

For example, across the road at 177 Front Street. **Pemberton Group** is proposing to build two 29-storey buildings connected by a 16-storey building that steps down to a 10-storey building. In total the development is proposed to include 1,591 residential units and 2,000 square metres of non-residential GFA. Nearby at 254-266 King Street East, the city has approved **ODC** Holdings (V)'s proposal for two residential towers of 34 and 36 storeys with 875 residential units and 3,500 square metres of non-residential GFA. Goldberg Group is also the planning consultant for this proposal.

"This neighbourhood's been under change for quite a bit of

time now," says Kavanagh. "For a long time in this particular area, a podium would be three to five storeys, and the tower would be 17. That ship has sailed. So now we're looking at podiums that are upwards around seven to 10 storeys with a tower going up to the 30s."

She says the neighbourhood change began with a development application at 154 Front Street East, where FMC Front Street Development is building two 26-storey towers atop a 14-storey podium with 482 residential units and 1,075 square metres of at-grade retail. The city denied the application and FMC Front Street appealed to the Ontario Municipal Board. The project was

subsequently approved in 2014 and with that the precedent was set. She says it "opened the floodgates" for much greater heights in the St. Lawrence neighbourhood.

Protecting the heritage character of the neighbourhood is another staff concern. St.

Lawrence is one of Toronto's oldest neighbourhoods and it contains many heritage buildings. A heritage conservation district plan was approved for the neighbourhood in 2015, but was appealed to the OMB.

A hearing is scheduled November 12.

Front-Sherbourne Developments proposes to incorporate the façades of two two-storey heritage buildings in its podium. Both are examples of 20th century vernacular warehouses. The property at 33-35 Sherbourne Street, built around 1927, first served as the location for the Linde Canadian Refrigeration Company and the Dominion Brass Products Company. The property at 178 Front Street East was used by the Rutley Ventilating Company prior to being rebuilt

Kavanagh says while the neighbourhood association does not mind the incorporation of the heritage buildings into the new development. However, it has concerns about simply retaining façades of heritage buildings, as this is not enough to truly preserve them.

"What we're trying to do is keep what heritage we have left and to introduce new development that is in context with the neighbourhood," says Kavanagh. "What we worry about with St. Lawrence is that the charm of it is being lost because everybody wants to come here. And now it's being over-developed."

Giannone Petricone Associates is the project architect.

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#### **OP Review: Transportation Policies**

#### **Public Consultation Meetings**

Join us at a local meeting to learn about the City's proposed changes to the transportation policies of the Official Plan.

All meetings are from 6:30 p.m. to 8:30 p.m. Meetings will begin with a presentation followed by a walk-through of the draft policies with City staff.



Wed., May 1, 2019 North York Civic Centre

5100 Yonge Street Committee Room 3



Mon., May 6, 2019 Scarborough Civic Centre 150 Borough Drive Committee Room 1 Thu., May 2, 2019 Etobicoke Civic Centre 399 The West Mall Council Chambers

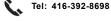
Tue., May 7, 2019 Metro Hall 55 John Street Room 310

#### **Background**

The City has undertaken a review of the Transportation policies in the Official Plan. This review has resulted in new draft policies to update the Official Plan under Section 26 of the Planning Act. The City is seeking feedback from the public on these draft policies related to transit, cycling, street-related maps and schedules, and emerging mobility technologies.

#### We would like to hear from you.

To comment, or if you are unable to attend, contact:



Email: michael.hain@toronto.ca Visit: www.toronto.ca/opreview Michael Hain Senior Planner

City Hall, 21st Floor, East Tower 100 Queen Street West, Toronto, ON M5H 2N2

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### RECASTING NEIGHBOURHOODS

#### CONTINUED FROM PAGE 1

the population in Toronto's neighbourhoods have decreased by 220,000 people since 2001. The missing demographics are children and early to mid-rise career adults who are being priced out of the city. While young families cram into condominiums paying an average of \$2,200 monthly for a one-bedroom condominium, the public infrastructure built to support neighbourhoods is becoming increasingly underutilized.

"We are forfeiting our future based on the shortsighted whims of politicians and people who live in those areas. It is contrary to public interest and it needs to change," said Hertel.

Density Transition
Zones would encourage the development of ground-related housing on the edges of neighbourhoods near commercial mainstreets, higher order and surface transit, and parks and amenities while maintaining the character of Toronto's neighbourhoods. These zones would also optimize existing infrastructure including roads, sewers and watermains.

Scorgie told *NRU* the Density Transition Zones may not be appropriate in all areas of the city where avenues and neighbourhoods

intersect. He recommends the city undertake a study that identifies potential zones in each of the city's four districts based on pre-determined evaluation criteria that factor in perceived market demand and growth potential. The review should include proximity to nearby centers and transit hubs, hard and soft infrastructure capacity, as well as the potential for low-rise intensification based on lot size, street and block conditions.

The city should then establish a Density Transition Zone classification system based on the evaluation criteria. This classification system would provide the foundation for determining desirable form, type and extent of intensification within each zone segment. These zones would require a new urban structure designation in the official plan. Neighbourhood land use policies would also require a number of amendments to introduce new building heights, massing, densities, unit and building types that would encourage more intense forms of development.

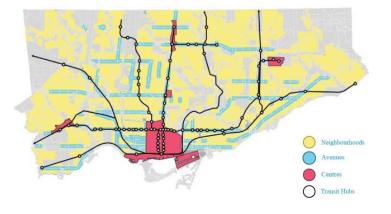
Area-specific zoning bylaw amendments would also have to be passed to bring existing zoning regulations into conformity with the official plan. This means zones that only permit detached single-family dwellings would be replaced with more permissive zoning that accommodates duplexes, triplexes and fourplexes.

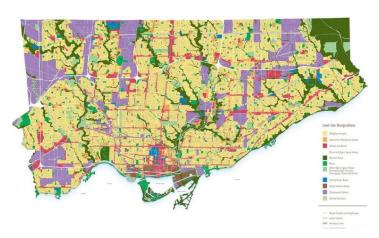
"This isn't the solution to the housing crisis. There are many external factors at play here that are beyond the city's control. I think the question is, of the things that are within the city's control that may potentially help the situation, where are our efforts best put and our thought is that something like this would be a good place to start," said Scorgie.

Pembina Institute
transportation and urban
solutions director Carolyn
Kim told NRU the concept of
Density Transition Zones is an
invaluable city building tool
that, if implemented, would
help cities with transit-oriented
development in major transit
station areas and along priority
transit corridors, as identified
by the Growth Plan for the
Greater Golden Horseshoe.

"It's a keys strategy to help cities build vibrant and compact communities within

CONTINUED PAGE 6





Map of urban structure designations in Toronto's official plan.

SOURCE: CITY OF TORONTO

Map of land use designations in Toronto's official plan, with neighbourhoods identified in yellow.

SOURCE: CITY OF TORONTO

### RECASTING NEIGHBOURHOODS

#### CONTINUED FROM PAGE 5

walking distance from transit, whether it's access to LRTs, BRTs, commuter rail and it's a strategy to have a balanced mix of housing, jobs and shopping. So I think we can really help the GTHA increase housing supply and choice by focusing on having Density Transition Zones around these transit corridors or stations," she said.

Land surrounding GO stations provides significant

opportunities to implement
Density Transition Zones, as
it primarily consists of surface
parking lots and low-rise
residential. With Metrolinx
and the provincial government
pursing a transit-oriented
development market-driven
strategy to redeveloping GO
stations to meet minimum
density targets, Kim said
Density Transition Zones
could be implemented to

ensure seamless transitions to surrounding residential neighbourhoods.

"I would encourage municipalities to be proactive and look at these opportunities themselves. Failing that, there are opportunities through the Growth Plan to encourage intensification throughout the built-up area and to encourage appropriate transition," said Ontario Home Builders'

Association policy director Mike Collins-Williams.

Collins-Williams told *NRU* in the province's proposed amendment to the Growth Plan, one of the policy recommendations is

to "encourage intensification generally throughout the delineated built-up area."

"While it does not exist in the *Provincial Policy Statement* today, I think there's an opportunity going forward with the *Provincial Policy Statement* to address and encourage opportunities for density transition," he said.

### GREENING THE FLEET

#### CONTINUED FROM PAGE 2

really an opportunity for us to shift the mode of deliveries to a zero emissions vehicle such as a cargo bike."

Lee adds that other municipalities have been experimenting with using cargo bikes in their operations. For example, in 2017 the City of Edmonton added two cargo bikes outfitted with large water tanks to its fleet to water the flowers that line the downtown bike grid. In order to maximize their potential for both public and private use, Lee says municipalities should provide

policy clarity as to how cargo bikes are regulated.

"There is really the potential to improve operational efficiencies when it comes to deliveries," she says.

"Policymakers... need to be thinking about how... [to] integrate and plan for freight, and integrate that with land use considerations and develop the density to make these solutions viable."

Examples of cargo bikes that the City of Toronto is considering using in its pilot project.

SOURCE: CURBSIDE CYCLE





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### LPAT NEWS

#### SETTLEMENT APPROVED FOR BAYVIEW-EGLINTON DEVELOPMENT

In an April 12 decision, LPAT vice-chair Susan de Avellar Schiller allowed appeals, in part, by 492 Eglinton Avenue East LP against the City of Toronto's failure to make decisions on its official plan and zoning by-law amendment applications for 492-498 Eglinton Avenue East and 3-7 Cardiff Road.

The developer made applications in March, 2016 to construct an 11-storey mixeduse building with ground-floor retail and 97 residential units above, and 12 four-storey stacked townhouses. Planning staff did not support the proposal and an appeal was filed.

Subsequent to the appeal, ongoing discussions between the developer and city led to a revised proposal for a 12-storey apartment building and townhouses, with FSI reduced from 5.1 to 4.7, and increased setbacks and stepbacks between the proposed development and the existing residential properties. Planner Craig Hunter (Hunter & Associates) provided evidence on behalf of the developer, in support of the settlement.

Several local residents addressed the tribunal, expressing residual concerns with the revised proposal over matters such as parking, traffic flow, shadowing and snow clearance. The tribunal found the revised proposal to represent good planning and allowed the appeals, in part, withholding its order pending finalization of the planning instruments and other conditions.

Solicitors involved in this decision were **David Bronskill** (**Goodmans**) representing 492 Eglinton Avenue East LP and city solicitor **Alexander Suriano** representing the City of Toronto. [See LPAT Case No. PL160996.]

### LYTTON PARK TOWNHOUSES APPROVED

In an April 2 decision, LPAT member **Thomas Hodgins** allowed appeals, in part, by **Stehel Corp** and **Hillworth Corp** against the **City of Toronto**'s failure to make decisions on its zoning by-law amendment and site plan applications for 368 and 372 Briar Hill Avenue.

Stehel / Hillworth proposes to demolish one dwelling which contains four residential units, and to replace it with seven threestorey townhouses with belowgrade parking accessed off Briar Hill Avenue. Five of the units will front onto Avenue Road, and two onto Briar Hill Avenue.

Prior to the hearing a settlement was reached between Stehel / Hillworth and the city on the basis of design revisions intended primarily to provide an improved transition to the adjacent dwelling to the east. The townhouses have

been reduced in length, with increased rear yard setback, a wider landscape strip along the rear property line, and reduction in overall GFA, among other revisions.

Planner Michael Goldberg

(**Goldberg Group**) testified on behalf of Stehel / Hillworth, in support of the settlement. He stated that the proposal represents appropriate intensification of a corner lot along Avenue Road,

CONTINUED PAGE 8



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### LPAT NEWS

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where there are examples of other infill townhouse developments.

Several neighbours spoke in opposition to the development, citing concerns with reduced sightlines for drivers, massing and overlook impacts on

adjacent properties, and the loss of a small city-owned greenspace that was sold to the developer to

> Stehel Corp / Hillworth Corp's proposed development at 368 & 372 Briar Hill Avenue, Toronto.

> ARCHITECT/SOURCE: RICHARD WENGLE ARCHITECT





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expand the size of its site.

The tribunal agreed with Goldberg's uncontested evidence and allowed the appeals, in part. The order was withheld pending clearance of several conditions.

Solicitors involved in this

decision were Amber Stewart (Amber Stewart Law) representing Stehel Corp & Hillworth Corp. and city solicitor Alexander Suriano representing City of Toronto. [See LPAT Case No. MM180034.]



IOB DESCRIPTION

Job Title: Planning Manager March 22, 2019 Posting Date: Company: **Concord Adex Inc.** 

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Individuals meeting the above mentioned criteria are encouraged to submit their resume, with cover letter to anna.shakiri@concordadex.com. Please include "Planning Manager" in the subject line of your e-mail. While we thank all candidates for their interest, only selected individuals will be contacted for follow-up. No phone calls please.

The Concord Group of Companies welcomes and encourages applications from people with disabilities. Accommodations are available on request for candidates taking part in all aspects of the selection process.

### **TLAB NEWS**

### WEST QUEEN WEST VARIANCES APPROVED

In an April 10 decision,
TLAB member Shaheynoor
Talukder allowed an appeal
by Joshua Shang against
the Toronto committee of
adjustment's refusal of his
minor variance application for
168 Strachan Avenue. Shang
sought variances to expand an
existing two-storey row house
into a three-storey row house
with a front-facing integral
garage.

For the appeal, a revised site plan and variances were filed with the TLAB, generally

Joshua Shang's proposed dwelling at 168 Strachan Avenue, Toronto.

ARCHITECT/SOURCE: GABRIEL FAIN ARCHITECT



reflecting variances more minor in magnitude than those included in the committee of adjustment application.

Two proposed conditions of approval would require construction in substantial accordance to the revised plans, and for the driveway to be constructed with permeable pavers.

Planner David McKay (MHBC) provided evidence on behalf of Shang, in support of the appeal. He described the neighbourhood context as being comprised of a range of dwelling types and vintages, with diverse parking arrangements including parking pads and integral garages. He testified that the proposal will fit in with the neighbourhood context, incorporates a sloped roof to mitigate its massing impact, and will mitigate overlook from the rear terraces by providing screening.

Neighbours **Christopher** and **Kristy Boys** spoke out in opposition to the proposal, citing concerns over the dwelling's height, density and integral garage.

Based on McKay's

evidence, the TLAB found the four *Planning Act* tests to be met and allowed the appeal, authorizing the revised variances with conditions.

Solicitor Amber Stewart (Amber Stewart Law) represented Joshua Shang.

#### LAWRENCE-LESLIE VARIANCES APPROVED

In an April 12 decision,
TLAB chair Ian Lord
allowed an appeal by Gamal
Abedalmalak against the
Toronto committee of
adjustment's refusal of his
minor variance application for
43 Tottenham Road.

The single variance sought by Abedalmalak is to legalize and maintain the front yard setback of a new dwelling that is under construction on the property. After construction had substantially progressed, the city became aware that the house was not being built in its approved location. A stop work order was issued, triggering the need for variance relief.

Two neighbours had opposed the variances at the committee of adjustment.

Continued discussions

between the proponent and the neighbours resulted in a settlement whereby conditions of approval will be applied, requiring planting of rows of Emerald Cedars on the north and south side lot lines, and another native deciduous tree in the front yard.

Planner Franco Romano (Action Planning Consultants provided evidence on behalf of Abedalmalak, in support of the settlement. He testified that approval of the reduced front yard setback variance will have no undue adverse impact, explaining that the as-built condition of the front wall is identical to the dwelling that previously existed on the property.

The TLAB found that the variance satisfies the required *Planning Act* tests and allowed the appeal, subject to the agreed upon settlement conditions.

Solicitor Amber
Stewart (Amber Stewart
Law) represented Gamal
Abedalmalak

### **PEOPLE**

Toronto and East York community planning director **Lynda Macdonald** has been inducted into the **Canadian Society of Landscape Architects** College of Fellows.

THURSDAY, APRIL 18, 2019 NOVÆ RES URBIS TORONTO 9