

OMB Files:

PL070056

O070017

Z070008

October 24, 2007

Dunpar Developments Inc. has appealed to the Ontario Municipal Board under subsection 22(7) of the Planning Act, R.S.O. 1990, c. P. 13, as amended, from Council's refusal or neglect to enact a proposed amendment to the Official Plan for the former City of Toronto to redesignate southerly portion of the lands on the southeast corner of Dundas Street West and Prince Edward Drive from Neighbourhoods to Mixed Use Areas for the purpose of permitting the proposed 10-storey, 118 units residential development. Approval Authority File No. 06 106640 WET 05 OZ

OMB File No. O070017

Dunpar Developments Inc. has appealed to the Ontario Municipal Board under subsection 34(11) of the Planning Act, R.S.O. 1990, c. P. 13, as amended, from Council's refusal or neglect to enact a proposed amendment to Etobicoke Zoning Code and By-law 717-2006, of the former City of Toronto to rezone lands respecting 4187 Dundas Street West and 567, 569 and 571 Prince Edward Drive from CG-AV-H and R2 to CG-AV zone with site-specific exception in order to allow for a 10-storey apartment building with 118 units residential development

OMB File No. Z070008

WITNESS STATEMENT OF WARREN SORENSEN

1. Introduction

The Ontario Municipal Board has scheduled a hearing to begin November 26, 2007, to deal with the appeals by Dunpar Developments Inc. from the refusal or neglect of Council of the City of Toronto to enact proposed amendments to the Official Plan and Zoning By-Law to permit the development of an apartment building at the southeast corner of Dundas Street West and Prince Edward Drive, as well as site plan approval for this building.

Although the Dunpar appeal of January 16, 2007, referenced the proposed ten-storey apartment building, it is understood that Dunpar now intends to seek approval of a modified proposal. A letter dated October 16, 2007 from Bousfields Inc., planning consultants for Dunpar, submitted a set of revised drawings showing a seven-storey building.

Accordingly, this witness statement is focused on a seven-storey proposal and on information available at this time. As additional information is made available on this revised scheme, further comment will be made in a reply witness statement.

2. Qualifications

- 2.1 I am a land use planner, in practice as a consultant since 1976, following a period of employment in public sector planning agencies during the earlier stages of my career. My *curriculum vitae*, which is *Attachment A* to this witness statement, provides details on my academic and work history.
- 2.2 I have extensive experience in the area of the subject application, as Commissioner of Planning for the then Borough of Etobicoke some 30 years ago and, during the intervening years, as a consultant retained for planning assignments by the City of Etobicoke and other parties. Among the consulting assignments having particular relevance, I was retained by the City of Etobicoke to manage its Official Plan Update, a three-year study programme (1987 to 1989), and to make recommendations for a new Etobicoke Official Plan. The resulting Etobicoke Official Plan, adopted in 1990 and subsequently amended from time to time, remained in effect at the time the subject application was submitted by Dunpar Developments Inc. on February 1, 2006.
- 2.3 I have undertaken many other planning assignments over the years in Toronto and elsewhere, for municipalities, developers or other interested parties. A number of these have involved Ontario Municipal Board hearings at which I have been qualified as an expert witness in planning.
- 2.4 I am currently a principal in the following firm:
- Sorensen Gravely Lowes Planning Associates Inc.
509 Davenport Road
Toronto, Ontario M4V 1B8
- 2.5 The evidence to be offered in this hearing will involve matters of opinion as well as fact. The opinion evidence will be related to matters of land use planning and public policy.

3. Retainer

- 3.1 In October 2005, I was initially retained by my client group, Kingsway Residents Against Poor Planning, to assist them in their consideration of the Dundas Street Avenue Study then being undertaken by the City of Toronto and its consultants. I attended and spoke at a public meeting respecting policy proposals arising from the study and appropriate for the area, and undertook some subsequent dialogue with City staff with respect to the outcome of the Study.
- 3.2 In August 2007, I was again contacted by my client group in connection with the subject hearing. I was asked to review the applications and development proposals submitted by Dunpar Developments Inc. and appealed to the Ontario Municipal Board. Based on the initial planning advice I offered as a result of that review, I was asked to continue planning preparations and analysis with a view to giving evidence at the scheduled hearing.
- 3.3 I subsequently prepared this witness statement to summarize my opinions on certain of the matters to be dealt with in this hearing, including:
- the land use policies, designations and boundaries, as well as zoning, for the subject lands and the appropriateness of Dunpar's appealed amendments

- the appropriate building types, general siting and massing for the subject lands
- key development parameters such as density and height (to the extent this information is available at the time of preparing this witness statement).

3.4 In the course of this retainer to date, I have reviewed the applications and the various proposals advanced by the appellant, supporting studies, City planning staff reports, other studies and documents, and applicable planning policy documents.

3.5 *Attachment B* to this witness statement is a bibliography of documents reviewed in the course of this assignment and in preparing evidence for this hearing.

4. **Subject area, locational context and development proposals**

The major planning characteristics of the subject area, and its location within the Etobicoke area of Toronto are briefly noted in the following summary:

4.1 The subject lands consist of an assembly of properties at the southeast corner of Dundas Street West and Prince Edward Drive:

- 4187 Dundas Street West, now vacant, was historically used for commercial purpose, at one time a restaurant and prior to that an automobile service station
- 567, 569 and 571 Prince Edward Drive, now also vacant, but occupied until recently by single detached homes.

4.2 This general area is known variously as:

- The Kingsway, the historic low density residential neighbourhood located west of the Humber valley generally between Dundas and Bloor Streets
- Lambton, the even older settlement area that occurred on both sides of the Humber valley where Dundas Street spans the Humber River.

4.3 In the existing pattern of land uses, streets and built form in the surrounding area, the following are of significance to the subject hearing in my opinion:

4.3.1 The properties fronting on Dundas Street West, generally between the Humber River bridge and the interchange at Royal York Road, accommodate a mixture of uses, including retail and automotive commercial businesses, services, offices and a variety of residential uses and forms. Built-form in the area ranges between one and six-storeys and includes some heritage house-form buildings mostly converted to commercial uses, single-storey commercial buildings and plazas, three-storey “strip plazas” with two residential floors above ground-level commercial uses, and a number of two and three-storey office buildings. The three-storey office building located at 4193 Dundas Street West, on the southwest corner of Prince Edward opposite the subject lands, also has a number of retail and service commercial uses on the ground floor.

4.3.2 Most of the residential developments of the Dundas Street properties are of relatively recent vintage, and include (from east to west):

- a recently constructed six-storey apartment building, The Essence, on the south side of Dundas east of Earlington Avenue
- three-storey townhouse units on Brownstone Lane immediately east of the subject lands

- The Prince Edward, a six-storey apartment building, at 4196 Dundas Street West, north side opposite the Prince Edward Drive intersection
 - Kingsway Retirement Residences, a five and six-storey building, at 4191 Dundas Street, south side near the Royal York Road interchange ramps.
- 4.3.3 North of Dundas Street there is a large irregular property with limited Dundas Street frontage, but with additional area between the rear of the Dundas-fronting properties and the Hydro transmission corridor paralleling the CPR rail line. This property is occupied by a Rona Lansing home improvement outlet.
- 4.3.4 South of the Dundas-fronting properties, the area is in low density residential use, and constitutes the northerly part of The Kingsway neighbourhood. The homes are detached dwellings of varying size, some single-storey but most being two or two-and-a-half storeys. By my observation, this neighbourhood is a highly desirable area for low-density housing, and shows evidence of significant re-investment occurring through expansions, upgrades and replacement home construction.
- 4.3.5 The development proposed by the appellant, Dunpar Developments Inc. has been altered a number of times since first submission.
- 4.3.6 On February 1, 2006, the appellant submitted applications for official plan and zoning amendments to permit a ten-storey apartment building, with 118 units and a floor space index (FSI) density of 4.2.
- 4.3.7 Shortly after this initial submission, the applicant advised that a revised application and reduced proposal would be forthcoming and asked that a report be withheld pending submission of this revision. The revised scheme, submitted on June 16, 2006, proposed a seven-storey building with 85 units and a density of 3.18 FSI.
- 4.3.8 In appealing the application to the OMB by letter dated January 16, 2007, Dunpar's solicitors, Bratty and Partners LLP, characterized the seven-storey scheme as a "further alternative plan", and indicated an intention to seek approval of the original ten-storey building.
- 4.3.9 On October 16, 2007, the planning consultant for Dunpar, Bousfields Inc., submitted revised plans for the proposed development, again showing a seven-storey building but with various changes in the set-backs, unit count, access and service facilities and other matters. Fuller information on this revised proposal, including particulars of density and height, as well as detailed zoning by-law provisions, will presumably be made available when Dunpar's witness statements are submitted.
- 4.3.10 Dunpar's solicitor has confirmed that these recent plans are the ones being pursued by his client at this upcoming hearing.

5. Policy Context

The provisions of the *Provincial Policy Statement*, Provincial Plans and the Official Plans applying to the City of Toronto are of relevance in assessing the matters before the Board. Among various Official Plan documents, the policies and designations in force and effect at the time of the subject applications were those of the Official Plan of the former Municipality of Metropolitan Toronto (MetroPlan) and the Official Plan of the

former City of Etobicoke. The adopted, but at that time unapproved, new City of Toronto Official Plan, has now largely been approved and its key provisions are also reviewed in the following paragraphs. These documents provide a context for examining the issues identified for this hearing, as well as the relationship between the policy documents. This relationship can be characterized, in accordance with the requirements of *The Planning Act*, in summary form as follows:

- Decisions on planning matters by Councils, boards, agencies and the Ontario Municipal Board shall be consistent with the *Provincial Policy Statement*¹ and shall conform with Provincial Plans² in effect on that date, or shall not conflict with them as the case may be. [Section 3, subsection (5), *Planning Act*, R.S.O. 1990, c.P.13]
- Official plans and amendments of lower-tier municipalities (Etobicoke) shall "conform with" the upper-tier plan (MetroPlan)
[Section 27, subsection (1), *Planning Act*, R.S.O. 1990, c.P.13]

5.1 Provincial Policy Context

5.1.1 The *Provincial Policy Statement (PPS)* provides important direction to municipalities in carrying out their planning responsibilities. Planning decisions by municipal councils and other decision-makers are required to be consistent with the *PPS*. The policy statements of particular applicability, reviewed below, largely relate to "Building Strong Communities" [Part V, 1.0 of the *PPS*]

5.1.2 The *PPS* provides that settlement areas are to be the focus of growth and their vitality and regeneration shall be promoted. Land use patterns within settlement areas shall be based on densities and a mix of land uses that:

- efficiently use land and resources
- are appropriate for and efficiently use infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion
- minimize negative air quality and climate impacts, and promote energy efficiency

[Policies 1.1.3.1 & 1.1.3.2 a)].

The *PPS* requires that land use patterns are based on a range of uses and opportunities for intensification and redevelopment, and that opportunities for intensification and redevelopment be identified and promoted where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs [Sections 1.1.3.2 b) & 1.1.3.3].

5.1.3 The *PPS* also contains policies directed towards the provision of an appropriate range of housing types and densities. Included are policies requiring that Planning Authorities provide for an appropriate range of housing types and densities to meet projected requirements by permitting and facilitating, among other means,

- all forms of residential intensification and redevelopment in accordance with policy 1.1.3.3

¹ *Provincial Policy Statement 2005* applies to all applications submitted after March 1, 2005

- directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are available
 - promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities
 - establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form [Policy 1.4.3, in part]
- 5.1.4 Among other matters, the implementation and interpretation provisions of the *PPS* provide that:
- “This *Provincial Policy Statement* is to be read in its entirety, and all relevant policies are to be applied to each situation” [Policy 4.3].
 - “The official plan is the most important vehicle for implementation of this *Provincial Policy Statement*” and shall “identify provincial interests and set out appropriate land use designations and policies” [Policy 4.5, in part].
- 5.1.5 With the adoption of the *Growth Plan for the Greater Golden Horseshoe* on June 16, 2006, the Province further elaborated policies for the accommodation of growth.
- 5.1.6 Policies for managing growth, as set out in the *Growth Plan*, include the following:
- directing a significant portion of new growth to the built-up areas of the community through intensification
 - focusing intensification in intensification areas
 - reducing dependence on the automobile through the development of mixed-use, transit-supportive, pedestrian-friendly urban environments [Section 2.2.2.1, in part].
- 5.1.7 The *Growth Plan* directs that municipal Official Plans and other supporting documents are to be the means of achieving intensification, and are to include policies that:
- a) are based on the growth forecasts
 - b) encourage intensification generally throughout the built-up area
 - c) identify intensification areas to support achievement of the intensification target
 - d) recognize urban growth centres, intensification corridors and major transit station areas as a key focus for development to accommodate intensification
 - e) facilitate and promote intensification
 - f) identify the appropriate type and scale of development in intensification areas
 - g) plan for a range and mix of housing, taking into account affordable housing needs [Policy 2.2.3.6].
- 5.1.8 The *Growth Plan* requires that intensification areas be planned and designed to:
- provide a diverse and compatible mix of land uses, including residential and employment uses, to support vibrant neighbourhoods
 - support transit, walking and cycling for everyday activities

² *Growth Plan for the Greater Golden Horseshoe*

- generally achieve higher densities than the surrounding areas
- achieve an appropriate transition of built form to adjacent areas. [Policy 2.2.3.7 c), d), e) & f)]

5.1.9 In my opinion, the directions of the *Growth Plan* as they would apply to the subject lands are, in large measure, already appropriately established in the new Toronto Official Plan, as reviewed below (paragraphs 5.4 and following of this witness statement). Indeed, the designations and policies of the pre-existing Etobicoke Official Plan, which were still in force and effect at the time the subject applications were submitted in February 2006, provided significant policy guidance and incentive for the intensified development and use of Dundas-fronting properties in this area, as also reviewed below (in paragraphs 5.3 and following). The key directions of the *Growth Plan*, in my opinion, in addition to general requirements that all municipalities facilitate and promote intensification by various means, are the specific recognition of “urban growth centres, intensification corridors and major transit station areas” as key locations to accommodate intensification [Section 2.2.3.6 e)]. Five urban growth centres are identified in Toronto [Schedule 4], none of which include the subject lands. While major transit stations and intensification corridors are not locationally identified in the *Growth Plan*, it is my opinion that:

- The subject lands clearly are not related to a major transit station.
- Intensification corridors are defined, in part, as “intensification areas along major roads, arterials or higher order transit corridors that have the potential to provide a focus for higher density mixed-use development consistent with planned transit service levels”. Based on the very modest level of transit service existing and planned along this section of Dundas Street, it would be seen as having comparably modest potential as an intensification corridor.

5.2 Metropolitan Toronto Official Plan (MetroPlan)

5.2.1 The Official Plan for the Municipality of Metropolitan Toronto (MetroPlan) was approved by the Minister of Municipal Affairs on December 30, 1994. MetroPlan remained in effect at the time of the subject applications as the upper-tier Official Plan, pending the approval of the new Toronto Official Plan. MetroPlan is primarily directed towards the major objectives and concerns affecting the entire area of former Metropolitan Toronto (current amalgamated Toronto) as a whole.

5.2.2 MetroPlan directions for Metropolitan Structure call for reurbanization in order to use land, infrastructure and other services efficiently, to concentrate employment and population in areas well served by transit, and to promote living close to work, among other objectives [Section 2.1 a), b) and c)].

5.2.3 The policy for population and employment is to plan for a minimum population of 2.5 million persons and 1.7 million jobs to the year 2011 [Section 2.1.1, Policy 2]. Speaking to the accommodation of this residential and employment growth, the Plan requires that:

“Area Municipal official plans and zoning by-laws shall facilitate the concentration of new housing and employment in Metropolitan Centres and along Metropolitan Corridors, as designated on Map 2.” [Section 2.1.1, Policy 3, emphasis added].

- 5.2.4 Map 2 identifies a total of 15 locations as “Metropolitan Centres” and extensive sections of the arterial street network as “Metropolitan Corridors”. The subject lands are neither located within, nor have any relationship to, these identified Metropolitan Centres and Corridors.
- 5.2.5 MetroPlan policies for locations outside of Metropolitan Centres and Corridors, among other matters, require that such development:
- be consistent in terms of scale and density with transportation and other services to the area
 - be generally at a lower scale and density than development in Metropolitan Centres and Metropolitan Corridors
 - be at densities that support the level of existing and planned transit service
 - be physically compatible with the surrounding area [Section 2.1.1, Policy 8 a), b), c) & g)]
- 5.2.6 In terms of planned transit services, MetroPlan Map 3 identifies an ambitious expanded network of “Metropolitan Rapid Transit”, “Transit Corridors” and “Commuter Rail”, as well as 20 “Commuter Rail/Metropolitan Rapid Transit Transfer Stations”. Neither the subject lands nor this section of Dundas Street would be served by any of the planned new transit services or stations. Dundas Street is identified as a Metropolitan Road.
- 5.2.7 Area Municipalities are encouraged to designate “Local Corridor Reurbanization Areas” along roads well served by surface transit where intensification could reasonably be achieved and would not detract from the concentration in Metropolitan Centres and Corridors [Section 2.1.3, policy 28].
- 5.2.8 MetroPlan was generally repealed by Order No. 1928 of the Ontario Municipal Board on July 6, 2006.
- 5.3 **Etobicoke Official Plan**
- 5.3.1 The Official Plan for the former City of Etobicoke was given Ministerial approval on December 23, 1992. When the subject applications were submitted in February 2006, the Etobicoke Official Plan remained in effect as the lower-tier Official Plan for this area of the City of Toronto, pending the approval of the new Toronto Official Plan. The Etobicoke Official Plan was generally repealed by the Ontario Municipal Board as of July 6, 2006.
- 5.3.2 The Plan promotes the continued development of Etobicoke to be based on the intended Urban Structure as shown on Map 2 [Section 2.1.1]. Map 2 identifies the subject lands and surrounding areas as an “Area of Housing”, being “large residential areas containing many forms of residential uses as well as institutional, recreational, office, retail and service uses which serve the local community or district populations” [Section 2.1.2].
- 5.3.3 The land use designations of the subject lands are “Commercial Residential Strip” (north portion) and “Low Density Residential” (south portion) [Map 4, land Use].
- 5.3.4 In Low Density Residential designations, the only permitted residential uses are detached, semi-detached, duplex and other attached grade-related dwellings, lodging houses and group homes [Section 4.2.2] and accessory apartments under certain circumstances [Section 4.2.15].

- 5.3.5 Development in Low Density Residential designations “shall not exceed a net density of 35 units per hectare and a height of 3 storeys” [Section 4.2.3] .
- 5.3.6 Commercial Residential Strip designations permit the full range of commercial uses serving both the residential neighbourhood in which they are located and the passing traffic on the arterial road [Section 4.4.2, in part]. Non-commercial uses are also permitted, including “residential units, apartment buildings, lodging houses and group homes, nursing homes and homes for the aged, incorporated into the strip in accordance with Section 4.4.5” [Section 4.4.3 a)] .
- 5.3.7 Maximum height in Commercial Residential Strip designations “shall not exceed six (6) storeys and shall be stepped down to a lower height or separated by distance or buffers where necessary to respect the proximity of nearby low density residences” [Section 4.4.4]
- 5.3.8 The incorporation of residential units into Commercial Residential Strips, in accordance with Section 4.4.5, is permitted by the following means:
- “a) apartment units above commercial uses;
 - b) residential buildings which are integrated with commercial development on the same site; or,
 - c) residential buildings on separate sites along strips provided the residential use does not interrupt the continuity of the commercial frontage to a significant degree.
- “The maximum net density and height permitted by the Zoning Code shall have regard for the criteria set out in Section 4.4.6. Height adjacent to areas designated Low Density Residential shall be regulated by both the absolute height limit and a 45 degree angular plane requirement from the lot line of adjacent Low Density designations.” [Section 4.4.5]
- 5.3.9 The referenced Section 4.4.6 requires that proposals to expand a Commercial Residential strip designation be evaluated on the basis of the criteria set out in Section 4.3.16 (in addition to criteria related to retail expansion concerns, which are not applicable in this case). Section 4.3.16, in turn, lists a number of general criteria for considering residential intensification proposals, including:
- proximity to Medium or High Density Residential designations
 - adequacy of local social and educational services
 - level of accessibility and proximity to collectors, arterials, transit and expressways, and the capacity of those facilities
 - suitability of the site in terms of size and shape to incorporate the additional uses, density and facilities
 - effects of increased traffic, so that no undue adverse impacts are created for local residential streets
 - effect of height and form so that no undue adverse impacts in terms of overshadowing or loss of amenity are created for neighbouring residential uses
 - relationship to nearby lower density residential uses in view of the desire to provide a gradual transition in height and density, wherever possible, or other buffering measures

- the degree to which the site is proximate or exposed to significant open space amenities such as valleylands [Section 4.3.16 a) b), c), d), f), g), h) & i)]
- 5.3.10 In several respects, the Commercial Residential designation is given a reasonable measure of flexibility. For example, the maximum density is not numerically limited by the Official Plan, subject to compliance with the height, angular plane and other stated policies, but is to be established in the zoning by-law. In addition, the Official Plan allows for the consideration of consolidation of properties through a rezoning process [Section 4.4.7] in circumstances where there is no rear service lane and where consolidation can provide improved access, design, servicing and other benefits.
- 5.3.11 No new or extended transit facilities that would provide improved transit service to the subject lands and surrounding area or other transportation improvements are identified in the Official Plan. Dundas Street is classified as a Metropolitan Arterial and Prince Edward Drive as an Etobicoke Collector [Map 7, Transportation].
- 5.3.12 Among site-specific policies of the Etobicoke Official Plan, the only one in the vicinity of the subject lands applies to the townhouse development on Brownstown lane, abutting the subject lands on the east. In effect this site policy exempts the most southerly townhouses from the 45 degree angular plane limitation related to the Low Density Residential lands to the south [Section 5.1.2, Policy 60].

5.4 New Toronto Official Plan

- 5.4.1 The new Official Plan adopted by City of Toronto Council on November 26-28, 2002 and subsequently appealed by many parties, has now largely been approved with a number of modifications resulting from the Ontario Municipal Board hearing and various settlement processes. Following a series of incremental approvals, on July 6, 2006 the OMB issued Order No. 1928, granting approval to the majority of the Plan.
- 5.4.2 One of the most important aims of the new City of Toronto Official Plan is to accommodate a significant increase in both population and employment levels in the City. The Plan contains many references to this and, in relation to resident population, to the resulting need for increased housing stock. The Plan notes 2031 growth forecasts for the Greater Toronto Area (GTA), of which Toronto is to provide 20% of the population growth (537,000 additional residents) and 30% of the employment growth. As a result, Toronto should accommodate a minimum of 3 million residents and 1.835 million jobs by the year 2031 [Section 2.1.3]. This is comparable to historic growth patterns, since Toronto captured 23% of GTA population growth (population increase of 500,000 persons) between 1971 to 2001 within Toronto's current boundaries and 35% of the employment growth [Section 2.1, *Toronto's Growth Prospects* sidebar]. In my opinion it is very important, however, to keep this historic comparison in perspective. Much of the 500,000 population increase between 1971 and 2001 was accommodated by the urbanization of remaining greenfield lands in northeast Scarborough and northwest Etobicoke, by redevelopment of older industrial areas (e.g., the "Kings"), by the development of vacant lands passed over in earlier stages of development, and by the implementation of readily obtainable and marketable redevelopment potentials, many associated with extensions of the subway system. Considering Toronto's relatively

mature state and lack of greenfield opportunities, the population and employment expectations of the Official Plan are clearly very ambitious.

5.4.3 Recognizing that increased population will involve different processes and different forms of housing than in the past, the new Official Plan seeks a GTA framework for growth which, among other policies:

- focuses urban growth into a connected pattern of compact centres and corridors connected by an integrated regional transportation system, featuring frequent direct transfer-free, inter-regional transit service
- makes better use of existing urban infrastructure and services
- reduces auto dependency and improves air quality
- encourages GTA municipalities to provide a full range of housing
- increases the supply of housing in mixed use environments to create greater opportunities for people to live and work locally [Section 2.1.1 a), b), d), f) & g)].

5.4.4 Within Toronto, emphasis is placed on integrating land use and transportation so that growth is “steered to areas which are well served by transit, the existing road network and which have a number of properties with redevelopment potential” [Section 2.2, in part, emphasis added]. In particular, growth is directed to five “centres” – Downtown Toronto, Scarborough Centre, North York Centre, Etobicoke Centre and Yonge-Eglinton [Map 2, Urban Structure]. These are the same locations identified in the Province’s *Growth Plan* as “urban growth centres” (see paragraph 5.1.9 of this witness statement). In addition, the Official Plan recognizes corridors for intensification and mixed-use reurbanization by the identification of “Avenues” [also on Map 2], including the lands adjacent to this section of Dundas Street between the Humber valley and Royal York Road.

5.4.5 Avenues are described as follows:

“The Avenues are important corridors along major streets where reurbanization is anticipated and encouraged to create new housing and job opportunities while improving the pedestrian environment, the look of the street, shopping opportunities and transit services for community residents. Such reurbanization is subject to the policies contain in this Plan, including in particular the neighbourhood protection policies.” [Section 2.2.3, 1st paragraph, emphasis added].

This latter caveat is further elaborated:

“Not all lands that fall within Avenues are designated for growth. These Avenues have been identified at a broad scale to help assess urban design, transit and service delivery issues. However, where a portion of an Avenue is designated as a neighbourhood, the neighbourhood protection policies of Chapter 4.1 will prevail to ensure that any new development respects and reinforces the general physical character of established neighbourhoods.” [Section 2.2.3, 2nd paragraph, emphasis added].

This intent is reinforced by policy requiring that:

“The land use designation policies in Chapter Four of this Plan apply to and prevail on lands broadly shown on Map 2 as Avenues. Where a portion of an Avenue as shown on Map 2 is designated Neighbourhoods ... the policies of Chapter Four will

prevail to ensure that any development respects and reinforces the general physical character of established neighbourhoods ..." [Section 2.2.4, emphasis added].

5.4.6 This policy is directly applicable to the Dunpar appeals since the subject lands are partly designated as "Neighbourhood" and partly as "Mixed Use". The Chapter Four land use policies for these respective land use designations are reviewed below (paragraphs 5.4.12 and following of this witness statement).

5.4.7 In addition, the structural and strategic policies of Chapter Two require that any developments within or adjacent to Neighbourhoods are carefully controlled, in accordance with the following policies:

"Neighbourhoods ... are considered to be physically stable areas. Development within Neighbourhoods ... will be consistent with this objective and will respect and reinforce the existing physical character of buildings, streetscapes and open space patterns in these areas." [Section 2.3.1.1].

"Developments in Mixed Use Areas ... that are adjacent to Neighbourhoods or close to Neighbourhoods will:

- a) be compatible with those Neighbourhoods;
- b) provide a gradual transition of scale and density, as necessary to achieve the objectives of this Plan through the stepping down of buildings towards and setbacks from those Neighbourhoods;
- c) maintain adequate light and privacy for residents in those Neighbourhoods"

{Section 2.3.1.2, in part]

5.4.8 Official Plan policies also anticipate the potential need for broader study to occur before intensification is permitted adjacent to neighbourhoods:

"Intensification of land adjacent to neighbourhoods will be carefully controlled so that neighbourhoods are protected from negative impact. Where significant intensification of land adjacent to a Neighbourhood ... is proposed, Council will determine, at the earliest point in the process, whether or not a Secondary Plan, area specific zoning by-law or area specific policy will be created in conjunction with the local community following an Avenue Study, or area based study." [Section 2.3.1.2]

In this case, not only has an Avenue Study been completed, but the results have been implemented by By-Law 717-2006, an area specific zoning by-law enacted on July 26, 2006 well after the subject Dunpar applications were submitted (February 1, 2006). By-Law 717-2006 subsequently proceeded to approval without appeal by Dunpar, and is now in force and effect.

5.4.9 The Official Plan provides extensive guidance with respect to built form, based on the expectation that:

"For the most part, future development will be built on infill and redevelopment sites and will need to fit in, respecting and improving the character of the surrounding area" [Section 3.1.2, 2nd paragraph in part].

5.4.10 Applicable built form policies include, among other matters:

- New development will be located and organized to fit with its existing and/or planned context. It will frame and support adjacent streets, parks and open spaces to improve the safety, pedestrian interest and casual views to these spaces from the development by:
 - a) generally locating buildings parallel to the street ... with a consistent front yard setback. On a corner site, the development should be located along both adjacent street frontages and give prominence to the corner
 - b) locating main building entrances so they are clearly visible and directly accessible from the public sidewalk
 - c) providing ground floor uses that have views into and, where possible, access to adjacent streets [Section 3.1.2.1, in part].
- New development will locate and organize vehicle parking, vehicular access, service areas and utilities to minimize their impact on the property and surrounding properties and to improve the safety and attractiveness of adjacent streets, parks and open spaces by:
 - using shared service areas where possible, including public and private lanes, driveways and service courts
 - consolidating and minimizing the width of driveways and curb cuts across the public sidewalk
 - providing underground parking where appropriate
 - limiting surface parking between the front face of a building and the public street or sidewalk [Section 3.1.2.2 a), b), d) & e)].
- New development will be massed to fit harmoniously into its existing and/or planned context, and will limit its impacts on neighbouring streets, parks, open spaces and properties by:
 - a) massing new buildings to frame adjacent streets and open spaces in a way that respects the existing or planned street proportion
 - b) creating appropriate transitions in scale to neighbouring existing and/or planned buildings for the purpose of achieving the objectives of this Plan
 - c) providing for adequate light and privacy
 - d) 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 [Section 3.1.2.3, in part].
- New development will be massed to define the edges of streets, parks and open spaces at good proportion. Taller buildings will be located to ensure adequate access to sky view for the proposed and future use of these areas [Section 3.1.2.4].
- New development will provide amenity for adjacent streets and open spaces to make these areas attractive, interesting, comfortable and functional for pedestrians by providing:
 - a) improvements to adjacent boulevards and sidewalks including street trees, lighting and other street furniture

- b) co-ordinating landscape improvements in setbacks to create attractive transitions from the private to public realms
 - c) weather protection such as canopies and awnings
 - d) landscaped open space within the development site [Section 3.1.2.5, in part].
- Every significant new multi-unit residential development will provide indoor and outdoor amenity space for residents of the new development. Each resident will have access to outdoor amenity spaces such as balconies, terraces, courtyards, rooftop gardens and other types of outdoor spaces. [Section 3.1.2.6].

In explaining its approach to built form transition, the Official Plan states:

“Appropriate transition in scale can be achieved with many geometric relationship 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” [Section 3.1.2, *Transition* sidebar].

5.4.11 Housing policies of the Official Plan [Section 3.2.1] seek to provide a full range of housing in terms of form, tenure and affordability across the City and within neighbourhoods to meet current and future needs of residents, and set out a series of measures to meet these needs. The existing housing stock is to be maintained and replenished. New housing supply is to be encouraged through intensification and infill [Section 3.2.1.2].

5.4.12 The land use designation of the south portion of the subject lands, Neighbourhoods, is described as one of the designations that reinforce existing physical character:

“Toronto’s hundreds of low scale residential neighbourhoods, with their distinctive character, together with local institutions, retail and services that serve their populations, are prized by residents.” [Section 4, 3rd paragraph in part]

In my opinion, this is a very apt description of the Kingsway neighbourhood.

5.4.13 Policies for Neighbourhoods identify the following generally permitted residential uses:

“*Neighbourhoods* are considered physically stable areas made up of residential uses in lower scale buildings such as detached houses, semi-detached houses, duplexes, triplexes and townhouses, as well as interspersed with walk-up apartments that are no higher than 4 storeys.” [Section 4.1.1, in part]

5.4.14 In setting out development criteria for Neighbourhoods, the Official Plan provides the following explanation:

“The stability of our *Neighbourhoods*’ physical character is one of the keys to Toronto’s success.

“While communities experience constant social and demographic change, the general physical character of Toronto’s residential *Neighbourhoods* endures. Physical changes to our established *Neighbourhoods* must be sensitive, gradual and generally “fit” the existing physical character. A key objective of this Plan is that new development respect and reinforce the general physical patterns in a *Neighbourhood*.” [Development Criteria in Neighbourhoods, 1st & 2nd paragraphs]

- 5.4.15 Following from this objective, particular aspects of neighbourhood character to be respected and reinforced are identified, including:
- size and configuration of lots
 - heights, massing, scale and dwelling type of nearby residential properties
 - prevailing building type(s)
 - setbacks of buildings from the street
 - prevailing patterns of rear and side yard setbacks and landscaped open space
[Section 4.1.5 b) c), d), e) & f)]
- 5.4.16 The stated Official Plan policy is that “No changes will be made through rezoning, minor variance, consent or other public action that are out of keeping with the physical character of the neighbourhood.” [Section 4.1.5, 2nd paragraph]
- 5.4.17 The north portion of the subject lands are designated Mixed Use Area, a designation applied to a very wide range of locations, including downtown Toronto and the other centres, as well as the Avenues. Official Plan policies, among other matters, provide that:
- “Mixed Use Areas are made up of a broad range of commercial, residential and institutional areas, in single use or mixed use buildings, as well as parks and open space and utilities.” [Section 4.5.1]
- “In Mixed Use Areas, development will:
- a) create a balance of high quality commercial, residential, institutional and open space uses that reduces automobile dependency and meets the needs of the local community;
 - b) provide for new jobs and homes for Toronto’s growing population on underutilized lands ...;
 - c) locate and mass new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of this Plan, through means such as providing appropriate setbacks and/or stepping down of heights, particularly towards lower scale Neighbourhoods.
[Section 4.5.2 in part]
- 5.4.18 The land use boundary between the Mixed Use Area and Neighbourhood designations to the south of Dundas Street in the vicinity of the subject lands is a somewhat irregular line [Map 14]. It is important to note, however, that this line is not arbitrary or lacking in reason, in my opinion. This land use boundary approximates the southerly limits of the Dundas-fronting properties and therefore identifies an entirely logical boundary with the adjacent Kingsway Neighbourhood. The boundary marks a distinct change between these areas, not only in terms of existing physical characteristics but also in terms of appropriate planning policy for the future, in my opinion.
- 5.4.19 The Dundas Street Avenue Study resulted in the enactment and approval of By-Law 717-2006, an area-specific zoning by-law providing for the development of the Dundas-fronting properties in accordance with the Official Plan identification of this as an “Avenue” [Map 2, Urban Structure] and designation as “Mixed Use Area” [Map 14, Land Use]. An Amendment was also made to the Official Plan (OPA 277) but its sole effect was to add a site-specific policy removing townhouses as a permitted use in portions of the area.

- 5.4.20 Urban Design Guidelines were attached to OPA 277 as an Appendix but, lacking either any discernable connection with the site-specific policy introduced by OPA 277, or any policy direction or other explanation as to their utilization, I would understand these to be an expression of City intentions, but not a statement of policy under the *Planning Act*. In several respects, the Urban Design Guidelines serve to reinforce the Official Plan policies and zoning provisions related to key matters of building siting, height, massing and relationships with the nearby low density neighbourhood that I address in this witness statement. In some other respects, the Guidelines address specific matters of access and service facilities, building articulation, set-backs, step-backs and other items that may or may not be satisfactorily addressed by the recently revised plans for the proposed development, submitted on October 16, 2007. Insufficient time has been available to review these details during the preparation of this witness statement.
- 5.4.21 There is a significant degree of consistency in terms of basic planning parameters for the redevelopment of Dundas-fronting properties in this area, commencing with the Minister's approval of the Etobicoke Official Plan in 1992 and continuing to the provisions of By-Law 717-2006. The Commercial Residential Strip designation of the Etobicoke Official Plan limited the height of development by a maximum six-storey limit as well as a 45 degree angular plane from the abutting low density residential lands to the south. While these numerical parameters were not brought forward in the new Toronto Official Plan, the more general provisions of that Plan continued to direct that development create a gradual transition of scale and density, through the stepping down of buildings towards and setbacks from neighbourhoods. The provisions of By-Law 717-2006 require that redevelopment be limited in height to respect a 45 degree angular plane from the abutting neighbourhood. The By-law limits building height to an as-of-right maximum of the lesser of five-storeys or 14 metres, with the potential to increase back to the six-storey level (up to 18.5 metres) through the provision of section 37 benefits.

6. Dunpar's OPA Application

- 6.1 The City received Dunpar's application for an official plan and zoning by-law amendment on February 1, 2006. As noted above, at that time the former City of Etobicoke's Official Plan was in full force and effect.
- 6.2 The application consisted of a "filled-in" form and a set of plans depicting the then proposed development as described in paragraph 4.3.6 of this witness statement.
- 6.3 The application was revised on June 16, 2006 as described in paragraph 4.3.7 above.
- 6.4 From my review of background materials and discussions with city staff, this official plan amendment application failed to disclose many of the basic matters that are required to be included in any such application, including the following items of information:³
- the name of the official plan proposed to be amended;
 - the official plan policies proposed to be changed, amended or deleted;

³ From O. Reg. 198/96, section 9 and Schedule, as referenced by Section 22, Subsection (4), of the *Planning Act*, R.S.O. 1990, c. P.13

- whether the application proposes to add a policy to the official plan;
- what the current applicable official plan designations are, and the land uses authorized by the designations;
- the text of the proposed amendment and any proposed schedule revisions.

6.5 From my experience and in my opinion, this application was being made to the Official Plan of the former City of Etobicoke which was then in effect and which was inherited by the new City of Toronto when the 1998 amalgamation took place.

6.6 The Etobicoke Official Plan was generally repealed by the Ontario Municipal Board on July 6, 2006.

6.7 To my knowledge no application has been filed by Dunpar to amend the new Toronto Official Plan. To my knowledge and as it pertains to the subject site, Dunpar did not participate in nor object to the new Toronto Official Plan while it was being considered and adopted by the city or while being processed by the Ministry nor did Dunpar appeal this Plan to the Ontario Municipal Board.

6.8 In its initial planning staff report dated August 28, 2006 on the Dunpar proposal, staff noted how the subject site was designated in the new Toronto Official Plan (which had largely come into effect on July 6, 2006) and that amendments to such Official Plan were required to permit the development proposal.

7. Issues and Evidence

A series of issues have been identified during the Board's prehearing process. I will offer evidence primarily on issues 1, 2, 3, 4, 5 and 6. Some other issues are related to matters of building design, site plans and the zoning provisions to reflect the appropriate building design and siting. Because there has been insufficient time during the preparation of this witness statement to undertake a full review of the recently revised plans for the proposed development, submitted on behalf of Dunpar on October 16, 2007, or to obtain information on the resulting density parameters or other effects of the changes, I may, as a result of subsequent review, have further comment on these matters and on the issues related thereto.

7.1 *Issue 1: Are the height, mass and built form of the proposed building (the "Proposed Development") appropriate, given principles of good planning and urban design, and the issues set out below?*

7.1.1 In my opinion, the proposed apartment building is not appropriate in terms of its siting and massing, because of the inclusion of 569 and 571 Prince Edward Drive as part of the apartment site. Those lots form part of the Kingsway neighbourhood, and have until very recently been occupied by detached homes. The zoning of these lots as R2, a low density residential zone, has existed for many years and has been reconfirmed by a series of planning reviews and approvals in recent years:

- the new City of Toronto Official Plan, which distinguished between the Dundas properties and the low density residential neighbourhood to the south, and delineated the land use boundary in a manner that approximates the south limit of the Dundas-fronting properties

- the Dundas Street Avenue Study and the extensive community participation process that accompanied it, which examined the form and extent of mixed-use redevelopment and intensification along Dundas, and in effect confirmed the appropriateness of the Official Plan land use boundary and policies
 - By-Law 717-2006, which implemented the findings of the Avenue Study and the community consultation and planning process, and (in recognition of the pre-existing commercial zoning on a portion of the lot at 567 Prince Edward) extended the new CG-AV “General Commercial–Avenues” zone so as to include all of this lot together with the Dundas-fronting lots.
- 7.1.2 It is not good planning, in my opinion, to redesignate the south portion of the subject Dunpar lands from Neighbourhood to Mixed-Use, or to extend the CG-AV zone to also include 569 and 571 Prince Edward Drive. Those lots should remain part of the Neighbourhood and be used for low density housing or other permitted uses in that designation.
- 7.1.3 While this part of Dundas Street is a suitable location for mixed-use redevelopment and intensification, it is appropriate for only moderate density and sensitive built-form. Transit services are rather basic in terms of level of transit service, and there is no likelihood of significant improvements in that level. Buses travel along Dundas in each direction at half-hour intervals during the day and evening. Even during rush hours, buses are 20 minutes apart. As a result, this is not a location where reduced reliance on automobile usage would be a realistic expectation.
- 7.1.4 Although the originally appealed ten-storey proposal has been reduced to seven-storeys in the most recently submitted plans, this height remains out of compliance not only with By-Law 717-2006 (proceeding from the extensive planning process by the City and the community, to Council’s decision and the by-law coming into force and effect without appeal), but also with the actual experience of redevelopment that has taken place along Dundas Street in accordance with established policies.
- 7.1.5 Experience with development and redevelopment of other properties along this section of Dundas Street over the years has by and large resulted, in my opinion, in successful and appropriate forms of intensification. This has taken place in accordance with the established policies (of the Etobicoke Official Plan) permitting development up to six-storeys subject to a 45 degree angular plane from the abutting low density neighbourhood. The appropriateness and success of this experience indicates, in my opinion as a planner, that the additional Official Plan and Zoning permissions sought by this appellant are neither necessary nor appropriate to accomplish a suitable level of intensified development on the north portion of the subject lands.
- 7.1.6 The north portion of the subject site, zoned CG-AV-H by By-Law 717-2006, provides a potential development site that, in my opinion, is of a sufficient size and configuration to accommodate an appropriate development. This site is not dissimilar to the site at the southeast corner of Bloor Street and Royal York Road, except of course for the obvious difference in transit service and proximity (that site being across the street from Royal York Station on the Bloor-Danforth Subway). I was the planning consultant for that development, which was the subject of an OMB hearing. The mixed-use development

was approved and successfully implemented in full compliance with a six-storey height limit and 45 degree angular plane and without any redesignation of, or encroachment into, the abutting neighbourhood. Another generally similar development subsequently occurred further west on the south side of Bloor Street opposite Montgomery Road. Given the superior locational attributes of those subway-related Bloor Street locations, it is my opinion that there is no basis for the redevelopment of the subject Dunpar lands being permitted to encroach into the abutting neighbourhood or for a higher building.

7.2 *Issue 2: Is the Proposed Development appropriate having regard to the Planning Act; the Provincial Policy Statement; the applicable Official Plan; the Dundas Street West Avenue Study; the applicable zoning by-laws, including the Dundas Street West Avenue By-laws; and, the relevant urban design guidelines, including the Dundas Street West Urban Design Guidelines?*

7.2.1 My opinion, based on my review of the applicable planning policy documents as summarized in section 5 of this witness statement, is that the proposed Dunpar development is not appropriate and does not represent good planning. Instead, the development should be confined to the north portion of the subject lands, being 4187 Dundas Street West and 567 Prince Edward Drive, and should be limited by a six-storey height limit and 45 degree angular plane related to the south lot line of 567 Prince Edward, and in these and other respects should comply with By-Law 717-2006, now in force and effect on the lands. 569 and 571 Prince Edward should be developed and used in accordance with the Neighbourhood designation of the Toronto Official Plan approved by the OMB on July 6, 2006.

7.3 *Issue 3: Does the Proposed Development adequately address such matters as: its context within the area; transition; setbacks; stepbacks; shadowing; the appropriate use of the Dundas Street main floor level; and, impact on the public realm?*

7.3.1 In my opinion the proposed development is not acceptable in the context of the area, and in its relationship with the abutting neighbourhood. Rather than transition and setbacks from the neighbourhood, this proposal involves the redesignation of, and encroachment into, a portion of that neighbourhood. For reasons set out in my review of the applicable policies and in response to other issues above, the proposed development is not good planning and should not be approved.

7.3.2 As noted, because of insufficient time to undertake a full review of the revised Dunpar plans submitted on October 16, 2007, or to obtain fuller information on density or other effects of the changes, I may, as a result of subsequent review, have further comment on this issue.

7.4 *Issue 4: Should the Proposed Development (being an apartment building) be permitted in that part of the site known as 567 and 569 Prince Edward Drive (being the Neighbourhoods and R2 area)?*

7.4.1 As noted above in reviewing the delineation of the land use boundary established by the Toronto Official Plan in the vicinity of the subject lands (paragraph 5.4.18 of this witness statement), the land use boundary [Map 14] between the Mixed Use Area designation on the south side of Dundas Street and the abutting Neighbourhood designation to the

- south is a somewhat irregular line. It is important to note, however, that this line is not arbitrary or lacking in reason, in my opinion.
- 7.4.2 This land use boundary approximates the southerly limits of the Dundas-fronting properties and therefore identifies an entirely logical location for the land use interface with the adjacent Kingsway Neighbourhood. The boundary marks a distinct change between these areas, not only in terms of existing physical characteristics but also in terms of appropriate planning policy for the future. The Mixed Use designation along Dundas Street seeks to accommodate change by permitting a range of commercial, residential and other uses. The Neighbourhood designation, on the other hand, seeks to ensure the stability of the Kingsway neighbourhood by limiting change to that which will respect and reinforce the existing physical character of the neighbourhood.
- 7.4.3 In effect, the appealed Dunpar Official Plan amendment would shift this boundary towards the south, and would redesignate lots fronting on Prince Edward Drive from Neighbourhood to Mixed Use Area. This would be a major and unwarranted change in planning intent in my opinion, since the change would be from a designation that seeks stability and restricts change to a designation accommodating change, even in certain respects promoting change.
- 7.4.4 The appropriateness of the land use boundary in this location as delineated in the Toronto Official Plan was unchallenged by Dunpar (or by any other party) prior to this aspect of the Plan coming into effect upon OMB approval in July 2006. The location of this boundary has been established with a degree of specificity somewhat unusual for an Official Plan, ever since the more detailed form of land use mapping (now approved as Maps 13 through 23 of the Official Plan) was adopted pursuant to a City Council direction requiring a clearer delineation of the land use designations, particularly those affecting neighbourhoods.
- 7.4.5 The Dundas Street Avenue Study did not result in any recommendation to change this land use boundary, although By-law 717-2006 establishes the zoning line somewhat farther south. This reflects the fact that the pre-existing zoning of a portion of 567 Prince Edward (as well as a portion of 564, across the street) was CG, General Commercial, although the properties were developed and used as single detached homes. As noted, the homes at 567, 569 and 571 Prince Edward continued to exist on the subject lands, until after Dunpar filed its appeal to the OMB.
- 7.4.6 Based on the policy framework reviewed in section 5 of this witness statement, and the above-noted planning reasons, it is my opinion that the apartment building ought not to be permitted on this portion of the subject lands, and the properties at 569 and 571 Prince Edward Drive should not be included in the proposed redevelopment.
- 7.5 *Issue 5: Given that the appellant did not appeal the Dundas Street West Avenue By-laws (passed on July 27, 2006), is it appropriate to allow the appeals of the appellant's earlier application for an official plan and zoning amendment (submitted on February 1, 2006)?*
- 7.5.1 It is my opinion from a planning perspective that the failure of Dunpar Developments Inc. to appeal By-law 717-2006 (or, apparently, to meaningfully engage in the planning

process for the Avenue Study that dealt with this area) is a significant matter to be taken into account in this hearing. This failure should not, in my opinion, be permitted to operate to the detriment of the public investments by the City and by members of the affected public, including my client group, of significant time and resources in undertaking this planning process and in accomplishing the approval of a revised zoning by-law for the area. From a planning point-of-view, the detriment should be assigned to the party that, in this case, failed to participate meaningfully in the process or to exercise its rights in a timely fashion. In my opinion, there is no new information or change in circumstance to justify this substantial reopening of a planning and zoning process so recently completed and approved.

7.5.2 Prior to the Bill 51 Planning Act amendments, failure to participate in the planning process, by speaking at the public meeting or providing written comments prior to Council adoption, was a ground for dismissing (without a hearing) an appeal against a municipal enactment. Now under the amended Planning Act, one's very entitlement to appeal such an enactment is based upon such participation. In my opinion as a planner, it is inappropriate to permit a party to do indirectly (i.e., challenge certain provisions of By-law 717-2006 before the Board in these proceedings] that which it could not do directly.

7.5.3 I also wish to comment on the demolition of the three detached homes on 567, 569 and 571 Prince Edward Drive. With the exception of a portion of the lot at 567 Price Edward, these properties were zoned and used in accordance with the long-established R2 low density residential zoning. The Avenue Study and resulting By-law 717-2006 confirmed the ongoing appropriateness of the R2 zone, but adjusted the zoning boundary so as to match the lot lines and placed all of 567 Price Edward in the new commercial zone in common with the Dundas fronting properties. Only after this point, when By-law 717-2006 had come into force and effect (without appeal by Dunpar), and after Dunpar had launched the appeal of its applications for Official Plan and zoning amendments, were these three homes demolished. Again, in my opinion as a planner, this action should not be permitted to operate to the detriment of the public planning process, but rather should be assigned to the party responsible for this decision.

7.6 *Issue 6: Would the approval of the Proposed Development set an inappropriate precedent?*

7.6.1 It is my opinion that approval of the proposed development would constitute an inappropriate precedent for the development along the south side of Dundas Street in this vicinity. If approval is given to the southerly extension of the Mixed Use designation along Prince Edward Drive, the land use boundary between the Mixed use and neighbourhood designations would be destabilized, and the underlying locational rationale for the interface between areas intended for redevelopment and intensification and stable neighbourhoods would be prejudiced.

7.6.2 Such results would be contrary to sound land use planning and should not be fostered, in my opinion.

8 Conclusions and Recommendation

- 8.1 In my opinion, the existing designations of the subject lands remain appropriate, and the southerly portion of the lands should not be redesignated to Mixed Use. The Mixed Use designation should continue to be limited to the north portion of the subject lands and not extended down Prince Edward Drive, nor any other area street.
- 8.2 There should be no redesignation of or encroachment into the neighbourhood.
- 8.3 The development of the north portion of the subject lands should be limited by a maximum height of six storeys and by a 45 degree angular plane related to the land use boundary with the abutting neighbourhood, being at the south limit of 569 Prince Edward Drive.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read 'W. Sorensen', written in black ink on a white background.

Warren Sorensen, P.Eng., MCIP, RPP

Attachment A: *Curriculum vitae* of Warren Sorensen

Attachment B: Bibliography



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Curriculum vitae of Warren Sorensen, P.Eng., MCIP, RPP

PROFESSIONAL MEMBERSHIPS

- Canadian Institute of Planners
- Ontario Professional Planners Institute
- Association of Professional Engineers of Ontario

PROFESSIONAL EXPERIENCE

<i>Since 1997</i>	Principal Sorensen Gravely Lowes Planning Associates Inc.
<i>1976 - 1997</i>	Principal Warren Sorensen Associates Inc.
<i>1973 - 1976</i>	Commissioner of Planning Etobicoke, Ontario
<i>1967 - 1973</i>	Etobicoke Planning Department other positions - from Planner, to Senior Planner, to Deputy-Commissioner of Planning
<i>1965 - 1966</i>	Planner & Redevelopment Officer City of Kingston, Ontario
<i>1964 - 1965</i>	Planning and engineering positions in consulting and in the public service, Province of Saskatchewan

ACADEMIC HISTORY

<i>Degree</i>	Bachelor of Science in Civil Engineering <i>magna cum laude</i> , University of Saskatchewan, 1963
<i>Awards</i>	Governor-General's Medal Union Carbide Scholarship Kimberly Clark Scholarship CMHC Planning Fellowship
<i>Post-Graduate Courses</i>	School of Community & Regional Planning, University of British Columbia

REPRESENTATIVE PROJECTS

- **Official Plans, Community Plans & Secondary Plans**

Warren Sorensen has prepared many comprehensive plans for communities or secondary planning districts, sometimes for municipalities and sometimes for groups of co-operating landowners. Completed examples include:

- **Morningside Heights Secondary Plan:**

Warren Sorensen co-ordinated preparation of a comprehensive plan for 700 acres in northeast Scarborough on behalf of a group of landowners. This was contested by the City, adjacent municipalities, Province, Conservation Authority, industrial owners and environmental groups, resulting in a major Ontario Municipal Board where Warren Sorensen presented and successfully defended the Secondary Plan.

- **City of Etobicoke Official Plan Update:**

An extensive three-year programme to review and update the City-wide Official Plan, involving management of sub-consultants and seconded City staff, inter-department, inter-governmental and agency liaison, and full public information and participation. As the lead consultant retained to manage the entire programme, Warren Sorensen reported directly to Council and its committees.

- **Holland Landing Community Plan:** A comprehensive Official Plan amendment prepared on behalf of a landowners group, submitted to the Town of East Gwillimbury and, ultimately, the Ontario Municipal Board, where it was approved in preference to the alternatives advocated by the Town.

- **Sherway Centre Secondary Plan:** Warren Sorensen directed a study of the area bounded by Highways 427, QEW & 5 and prepared a new secondary plan for the area to provide for expansion of the regional shopping centre, offices and other retail uses and the introduction of a residential component, with policies for transportation and public amenity pre-requisites, phasing, and urban design guidelines.

- **Thornhill Secondary Plan:** The Town of Markham commissioned Warren Sorensen to carry out a secondary plan study of the Thornhill area, including co-ordination of transportation and urban design studies. The resulting plan provided a clear distinction between stable areas, and areas where redevelopment may be appropriate subject to specified requirements.

- **Major Redevelopment projects**

Assessment of many private redevelopment proposals, for owners, developers, municipalities, ratepayer groups or other affected parties, including evidence to the Municipal Board on many occasions. These have involved residential and commercial projects of all types, intensification and in-fill proposals, issues of impact on nearby properties and neighbourhoods, in many Ontario centres. Among completed projects of these types for private clients are redevelopments in Toronto (including former cities of Etobicoke & North York), Ottawa, Mississauga, Brampton, Milton, Vaughan, Markham and other centres.

- **Toronto Railway Lands**

Warren Sorensen was jointly retained by the Province of Ontario, Municipality of Metropolitan Toronto, City of Toronto, Canadian National and CP/Marathon Realty, through the period 1979 to 1987, to co-ordinate a co-operative programme of studies which resulted in Official Plan and zoning by-law amendments for the development of major commercial, residential, recreation and public uses in this 180 acre area of downtown Toronto.

- **Industrial/Commercial/Residential planning issues**

Studies of proposed changes to industrial areas – introduction of non-industrial uses, residential conversion – for the Cities of York and Burlington, for the Brampton Central Area Supporters, South Etobicoke Industrial Employers, and for numerous landowners in other municipalities.

- **Major retail facilities**

Warren Sorensen has undertaken many planning assignments concerning location, land use/transportation and urban structure implications of shopping centres, retail warehouse outlets, supermarkets, and other commercial uses. Major assignments, many of which have involved evidence to the Ontario Municipal Board, have taken place in Toronto (including the former cities of Etobicoke, Scarborough & North York), Hamilton, Ottawa, Peterborough, Kitchener, London, Kingston, Barrie, Orillia, Oshawa, Owen Sound, Ajax, Mississauga, Milton, Brampton, Caledon, Collingwood, Whitby, Pembroke, Simcoe, Stratford, Parry Sound, Sudbury, Thunder Bay, Orangeville, Oakville, Burlington, Vaughan, Markham, Halton Hills, Huntsville, Bracebridge and Gravenhurst. In these cases, clients have included municipalities, downtown BIAs (Oakville, Collingwood) and major commercial developers and retail operators, such as Cadillac Fairview, First Professional, Pen Equity, Trinity, Canadian Tire, Costco Wholesale, Home Depot, Loblaws, Sobeys/IGA, A&P, Highland Farms, Longos, Frum, Kerbel Group and Rio-Can.

- **Urban/rural boundaries**

Studies and evidence before the Municipal Board and other tribunals with respect to urban-rural issues in the London, Markham, Burlington, Newmarket, East Gwillimbury, Hamilton and Halton Hills areas, among others.

- **Landfill planning & rehabilitation**

Land use planning consultant to the Interim Waste Authority in evaluating potential landfill sites to serve Metro Toronto and York Region. Consultant to the City of Toronto with respect to after-use planning of the Keele Valley landfill in Vaughan, adjacent facilities and buffer areas.

- **Commercial Policy reviews**

Warren Sorensen has undertaken many commercial studies for municipalities large and small, including comprehensive policy reviews of retail land uses and commercial structures and strategies. Such projects, most often integrated with market analysis, have included the Oshawa Commercial Opportunities Study, Peterborough Commercial Policy Review 2000, and retail policy reviews for Stratford, Simcoe, Bracebridge, Orangeville and Huntsville.

- **City of North York Uptown/Finch Study**

Warren Sorensen directed a major planning and transportation study of the Yonge/Finch node and the Finch Avenue corridor, resulting in proposals for a new plan in which additional redevelopment in the area, apart from major office concentrations related to the Finch subway terminus, would be increasingly directed towards high density residential uses.

- **City of Toronto Central Area Plan**

Primary consultant and co-ordinator of studies of development policies for Central Toronto, for the Canadian Institute of Public Real Estate Companies (CIPREC), dealing with issues of commercial needs, decentralization, transportation, density policies, housing potential, and the rôles of the downtown as opposed to suburban sub-centres, including evidence to the Ontario Municipal Board with respect to planning issues raised by this controversial plan.

- **Team Co-ordination & Management**

As a professional engineer as well as a registered professional planner, Warren Sorensen has frequently been engaged in the capacity of co-ordinating or leading teams of consultants in the study of complex issues for public and private sector clients.

BIBLIOGRAPHY

Province of Ontario:

- Provincial Policy Statement 2005
- Growth Plan for the Greater Golden Horseshoe

City of Toronto:

- Metropolitan Toronto Official Plan
- Etobicoke Official Plan
- Toronto Official Plan
- Dundas Street Avenue Study documents & implementing amendments
- Other Avenue Studies and implementation documents
- Staff reports and other documents relating to Dunpar Developments Inc. applications
- Planning documents and information on Dundas Street developments and other comparable developments

Other:

- Application, correspondence and materials submitted in support of proposals by Dunpar Developments Inc.
- Document Books prepared for the hearing
- Witness statements and other materials provided for the hearing