

**Comments on “30 Alvin Neighbourhood Report” dated September 10, 2007
– need for corrections regarding planning policies and processes**

Prepared by Cathie Macdonald. President DPRG, January 15, 2008

My comments are a summary of my submission to the DRPG Executive members. As a result of these comments, members of the Deer Park Residents’ Group Executive agreed not to endorse or circulate the report “30 Alvin Neighbourhood Report” to the DPRG email list. This decision was made following their review of my concerns about incorrect information. Instead the Executive members agreed to send out a short overview, as part of the DPRG membership drive.

The points I make do not are not about about the report’s comments on the merits and issues of the project. They are to help DRPG residents form effective arguments in support of the views of wish to take on the proposal. To do this they should be aware of where information in the report is not correct from a technical perspective.

We all want to see the Alvin site developed as a great project for our neighbourhood. The City planning world is very complex and full of experts and success by residents is by no means guaranteed. Our best chance is to get our views accepted by the City. To do this, we need to be very careful as to how we present our positions. The public process will require strong and defensible arguments as well as a good understanding of City processes. Submissions with incorrect information will both harm our credibility and take time away from the important arguments we need to make.

The report “30 Alvin Neighbourhood Report” was prepared by some of the Working Committee members and endorsed by a few more. As a member of the working committee and former City planner, I had asked for corrections to certain misunderstandings of planning policies and processes. These corrections were unfortunately not made.

- **Context** The report focuses on the area of houses the east and north of the site, which certainly will have the major physical impacts of the project. But it is important to recognise and take into account that the City must consider the project in terms of impacts on broader areas of Deer Park area and indeed on the City and region. And to recognise that developers must be very knowledgeable about City’s policies and processes and consider many different factors, only one being the policies about protecting low rise housing areas.
- **Height and density** The newest Official Plan provisions for the block have no densities and no heights. The Plan does support intensification at 30 Alvin. The question is how much. The Plan has many other policies that affect the proposal, one being the need to consider the houses to the east and north. The old official plan did have density limits and the current zoning has density and height limits but the City will regard all of these as obsolete. The proposal will be dealt with as a site specific exception to the Official Plan and Zoning Bylaw. Height and density or size are key issues and any objections must be well argued in terms of shadow impacts, visual impacts, traffic impacts etc. and how these relate to City policies. Until we see the revised application, we will not know what the impacts will be. Only then should we decide what would be appropriate.
- **Role of the councillor** The report makes it sound like Councillor Walker agrees with the report but he would not commit himself at this stage. He initiated the working committee and supports its process. Councillors have a difficult job in the current planning situation and are careful to

wait to get all the information before making a decision on what to support. They also agree that misleading information is not helpful.

- **Sale of city property** The report states the City should forbid the process of selling property to a developer for a project that is against the interests of the residents. This will not happen. The City has 2 conflicting roles, a regulator of development and as an entrepreneur/prudent manager of its property. In this case, I understand the deal got approved without many people realising it: the City does need a more open process of making decisions in these situations.
- **Section 37** The comments on Section 37 of the Planning Act include misunderstandings of its use. Section 37 allows the City to enter into agreements to secure "public benefits" from projects that exceed height and density limits. They are therefore used in most large developments like 30 Alvin. The planner's final report on the application lists the terms that will go into the agreement and this is what is important for us. Only the lawyers and city officials really see and use the actual agreements. The Section 37 agreement also is used to hold the developer to a number of different matters such as public art that are not "public benefits". Public art is *required* by the City in all large projects like 30 Alvin.
- **The Ontario Municipal Board** The description of the OMB has incorrect information. Large applications like this are not like Committee of Adjustment applications. If the applicant appeals Council's decision, there will be an OMB hearing and the City will appear to oppose the appeal. As the report notes, residents are seldom successful at the OMB. The recent Planning Act amendments try to improve the situation, but are as yet untested. The Alvin project comes under the old provisions. The OMB sets a time for residents to appear at the hearing and make submissions. Only "parties" can hire expert witnesses, which is very expensive. For example, the Minto project appeal cost residents over \$100,000. Individuals can be parties. If the DPRG becomes incorporated, it could be a party and raise money to hire experts to refute the testimony of the applicant's witnesses.
- **Ideas needing further consideration** The report makes a number of proposals that need to be further worked through so see if they are relevant and useful. These include: having the traffic exiting onto Heath Street controlled by a traffic light installed in the garage exit doors and coordinated with the traffic lights at Heath and Yonge, changes to the intersection of Heath and Alvin, the question of tall buildings blocking transmissions, and the possible roles for residents in dealing with ongoing construction issues and park design.
- **Missing points** The report misses some of the benefits of the project. These include the provision of a long queuing space within the PAT garage that will eliminate the stacking problems now on Alvin and the enlarging of the service areas for the existing St. Clair buildings. Also it misses some of the improvements suggested by the working committee, such as adding visitor parking, relocating moving van loading areas from the main access road, and adding more in and out locations for parking to reduce traffic on Alvin and Heath. In addition, there is no mention of greening. We should all be pressing for new developments like this to be as green as possible. The City policies will apply but we should be pushing for more.