

MATTHIAS SCHLAEPFER

18 November 2024

VIA EMAIL: chris.pereira@toronto.ca

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Planner, Community Planning
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Toronto City Hall, 12th Floor, East Tower
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1233 Yonge Street and 9 Woodlawn Avenue East
Official Plan and Zoning By-Law Amendment Application

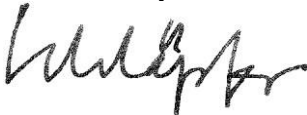
Dear Mr. Pereira:

Further to my letter of 03 January 2024 (attached) and based on a developer's briefing of the *Summerhill Residents Association* on 16 October 2024, followed by a careful review of the documents filed on 28 October 2024, I have concluded that the revised proposal (see next page) of a 52-storey tower with 763 units on a 0.19 ha lot is deficient, as follows:

1. **Planning Act ("PA"):** It fails to have sufficient regard to Provincial Interests on the orderly development of safe and healthy communities, contrary to Section 2 of the PA.
2. **Provincial Planning Statement 2024 ("PPS"):** It is not consistent with the PPS regarding optimizing – not maximizing - the use of land, resources, and public investment in infrastructure and public service facilities; contrary to Section 3 of the PA.
3. **Toronto Official Plan ("OP"):** It is not in conformity with OP-policies 2.2.3.4 (Avenues), 2.3.1.3 (Healthy Neighbourhoods), 3.1.3.5-8 (Built Form), and 4.5.2 (Mixed Use Areas), contrary to Section 24 of the PA
4. **Yonge-St. Clair Secondary Plan ("SP"):** It is not in conformity with SP-policies 2.1 (Urban Structure), 3.2 (Built Form and Public Amenity), 5.1, 5.4, and 5.9 (Mixed Use Areas), contrary to Section 24 of the PA.
5. **Tall Building Design Guidelines ("TBDG")** issued under to OP-policy 5.3.2.1): It does not follow guidelines on floor plate size, minimum setbacks, and transition in scale.

Accordingly, I recommend that this application be refused until substantial conformity with the Official Plan - the main vehicle to implement the PPS - has been established.

Yours sincerely,



Matthias Schlaepfer

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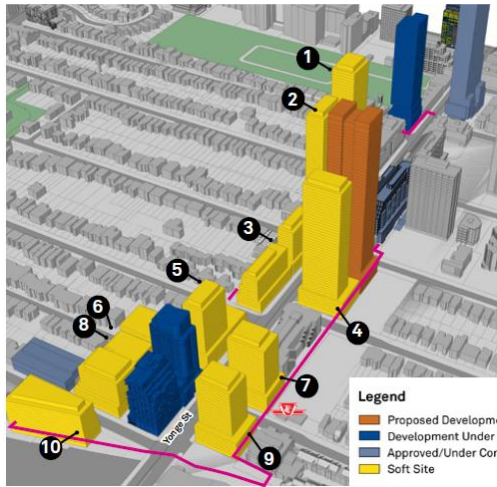
Mayor Olivia Chow
Councillor Dianne Saxe, Ward 11
Councillor Josh Matlow, Ward 12
Oren Tamir, Director, Community Planning - North Toronto and East York District
David Driedger, Manager, Community Planning - Midtown & Central Section
Other Interested Parties

MSc ETH Arch, SIA, MRAIC, RPP (Life.)

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03 January 2024

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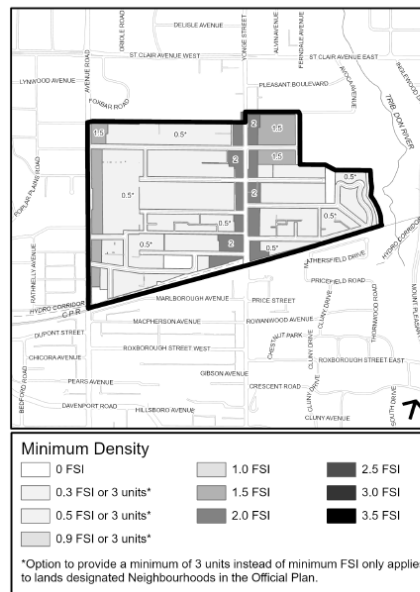
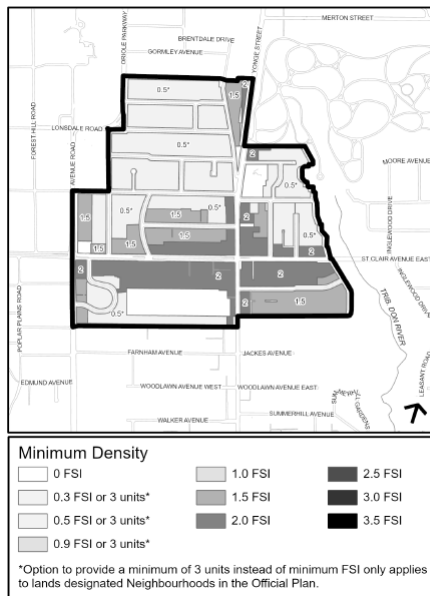
1233 Yonge Street and 9 Woodlawn Avenue East
Official Plan and Zoning By-Law Amendment Application

Dear Mr. Pereira:

Given the sudden shift from a development application for a 13-storey mid-rise building at a density of FSI 5.88 to one for a 49-storey high-rise building at a density of FSI 24.58, one would expect compelling reasons as justification. My analysis of the policy context regarding transit-oriented communities and of the rationales provided by the applicant reveals neither a planning nor a design basis for such a switch.

1. Neither conditions related to the federal Housing Accelerator Fund (“HAF”) Contribution Agreement nor the provincial “New Deal” call for such a change:

Official Plan Amendment 570, adopted by Council on 22 July 2022, prescribes minimum densities around *Protected Major Transit Station Areas*, including for the St. Clair and Summerhill station areas. No FSI densities of a magnitude of 24.58 – as shown on the *Site and Area Specific Policies 720 and 721* below - are required to comply with the Growth Plan. The density limits required in these two station areas to achieve the minimum population and job density targets are much lower.



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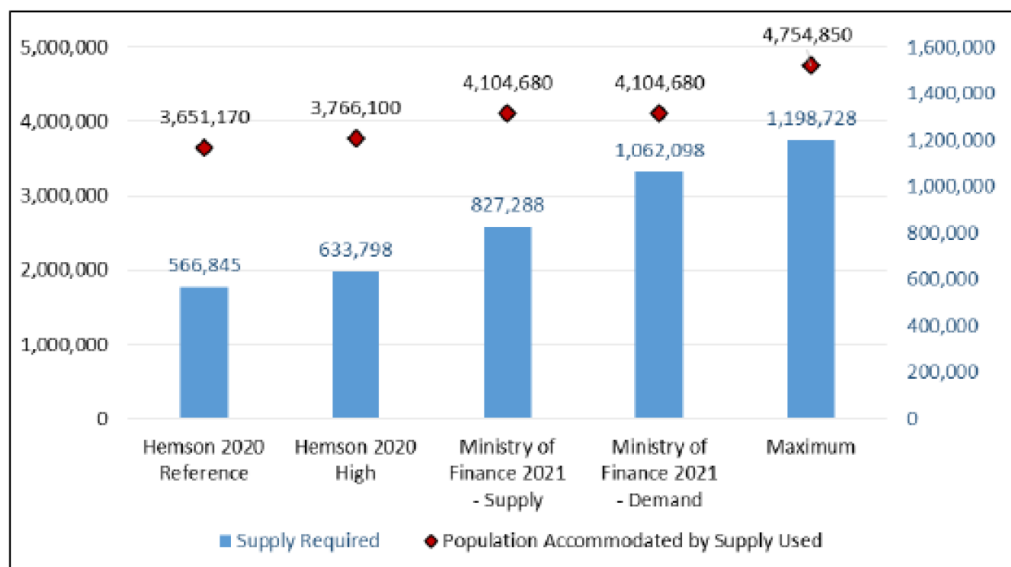
The 2019 Growth Plan itself acknowledges that some “larger urban centres, such as Toronto, have already met some of the minimum targets established in this Plan.” The Auditor General confirmed in 2021 that of the 25 provincially designated Growth Centres, only three exceeded or almost achieved the growth targets by 2016 – all located in the Yonge Street corridor where Line 1 transit has reached its capacity: Downtown Toronto – 357 of 400; Yonge-Eglinton – 576 of 400; and North York Centre – 485 of 400 resident and jobs/ha. A much more judicious density distribution across the entire transit network is needed. In reviewing the capacity limitations of Line 1 subway, TTC-staff concluded: “A failure to deliver the necessary capacity on Line 1 will have serious effects on the transit system throughout Toronto. If the line regularly exceeds capacity, the quality of the transit service will decline. Delays will become longer and more common. Customers at some stations will be unable to board trains at busy times. Crowding in stations and on trains will increase. Without increasingly proactive operational measures, such as temporarily closing stations to passenger entry, and bypassing of crowded stations by trains, the safety of customers could be compromised by the mid 2020s.”

The three PMTSAs in the Yonge corridor segment where this project is located are transit-oriented communities and have been so for many decades. The bulk of the City’s growth needs to be directed to the many MTSA’s where that is not the case. St. Clair, Summerhill, and Rosedale - with somewhat arbitrary dividing lines between them that do not reflect the actual subway station use (e.g. the second Summerhill subway entrance under construction is located in the Rosedale PMTSA) – had a consolidated density of 178 residents and jobs per hectare already in 2016: 20,617 residents and 19,223 jobs on 224 hectares. The updated 2021 census figures have not yet been released by the City but, given the considerable development in the area since 2016, the minimum densities have been exceeded. Even using the outdated 2016 figures and simply adding the population generated by the approved developments in the current Yonge corridor pipeline between Davenport and Heath results in a density of 210 residents and jobs per hectare.

	Address	Developer	Official Plan	Floors	Residential Units		Density
					Proposed	Approved	
1	835 Yonge Street	Canadian Tire Corporation	Mixed Use Area	45, 49	950		8.8
2	906 Yonge/25 McMurrich	Gupta Group	Mixed Use Area/Downtown	23,40	410	410	12.5
3	931 Yonge Street	Toronto Community Housing	Mixed Use Area	21	165		13.5
4	1067 Yonge Street	Dancap Realty Inc.	Mixed Use Area	4	0		
5	1080-1088 Yonge Street	Northdrive	Mixed Use Area/Downtown	12	0	30	7.1
6	1140 Yonge Street	1140 Yonge Inc.	Mixed Use Area	10	66	64	5.5
7	1087-1091 Yonge Street	Sleep Country	Mixed Use Area	15	143	136	9.1
8	5 Scrivener Square	Diamond Corp/Tricon Capital	Mixed Use Area	21	141	141	5.6
9	1196-1210 Yonge Street	Woodcliffe Landmark Properties	Mixed Use Area/ C	15	59		9.8
10	1220 Yonge Street	Trinity Point	Mixed Use Area C	22	185		9.9
11	1233 Yonge Street	1233Y Development LP	Mixed Use Area C	49	764		24.6
12	1303 Yonge Street	Aspen Ridge	Mixed Use Area C	11	102		6.4
13	49 Jackes Avenue	Lifestyle Developments	Apartment Neighbourhoods	29	217		12.5
14	31 Rosehill Avenue	BclMC Realty Corporation	Apartment Neighbourhoods	29	263	263	5.7
15	1366 Yonge Street	Bazis	Mixed Use Area B	41	489		32.5
16	1365-1375 Yonge Street	HCN (Rosehill) Property Inc.	Mixed Use Area B	50	655		21.1
17	19-29 Pleasant Boulevard	Kingsett Capital	Apartment Neighbourhoods	32	281	281	12.8
18	1406-1428 Yonge Street	YSC Development	Mixed Use Area B	50	358	358	25.0
19	1417-1431 Yonge Street	Midtown-Yonge Properties	Mixed Use Area B	34	198	198	
20	1 St. Clair Avenue W	Midtown-Yonge Properties	Mixed Use Area A	49	340		26.3
21	1 Deslisle Avenue	Slate	Mixed Use Area A & B	44	383	383	12.2
22	1485-1525 Yonge Street	Wittington Properties	Mixed Use Area A & B	, 27, 39, 44	1,361	1,361	9.3
TOTAL					7,530	3,625	

Development Pipeline Yonge Street Corridor between Davenport and Heath, December 2023

The Growth Plan notes: “The timely implementation of this Plan relies on the strong leadership of upper and single-tier municipalities to provide more specific planning direction for their respective jurisdictions through a municipal comprehensive review.” Toronto’s 2022 Municipal Comprehensive Review concluded that there is sufficient land to accommodate the projected housing demand without resorting to density acrobatics or violating key OP-policies: “The Land Needs Assessment study conclusions are that there is more than sufficient potential housing in areas designated for residential development in the City of Toronto to accommodate the population growth anticipated by Schedule 3 of A Place to Grow, the Growth Plan for the Greater Golden Horseshoe, 2020, (“Growth Plan”). The potential housing supply in the city is more than double the amount of housing required to accommodate the forecasted population growth between 2016 and 2051.”



2. The development proposal is not in conformity with the following key Toronto Official Plan policies:

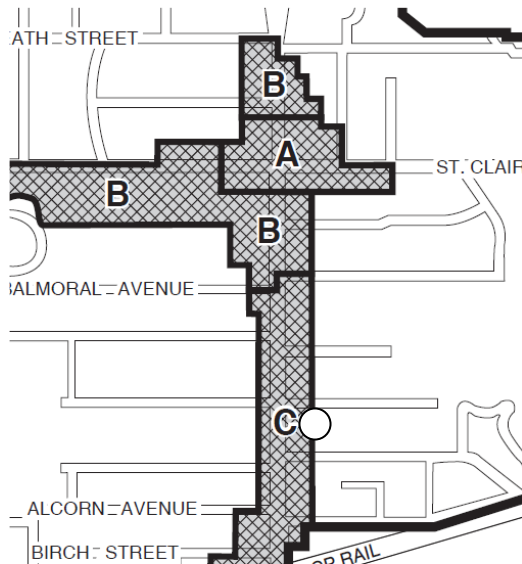
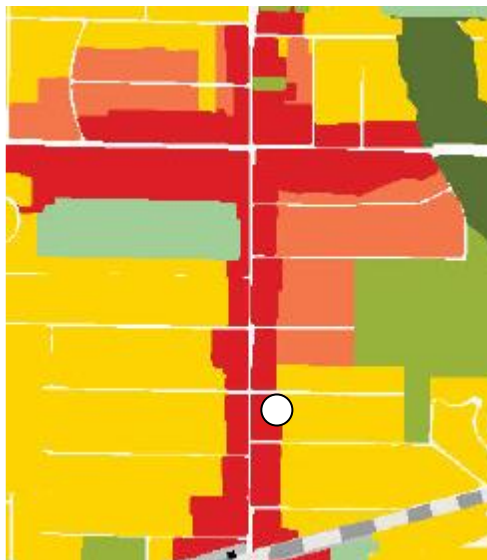
Both the 2020 *Provincial Policy Statement* (“PPS”) and the 2019 *Growth Plan for the Greater Golden Horseshoe* (“Growth Plan”) rely on the Official Plan as the most important vehicle to implement provincial policy directions. The development proposal is not in conformity with the following significant Official Plan policies:

OP Policy 2.2.3.4 (Avenues): “Development in Mixed Use Areas on Avenues, prior to an Avenue Study has the potential to set a precedent for the form and scale of reurbanization along the Avenue. In addition to the policies of the Plan for Mixed Use Areas, proponents of such proposals will also address the larger context and examine the implications for the segment of the Avenue in which the proposed development is located. **This review will: a) include an assessment of the impacts of the incremental development of the entire Avenue segment at a similar form, scale and intensity, appropriately allowing for distinguishing circumstances; b) consider whether incremental development of the entire Avenue segment as identified in the above assessment would adversely impact any adjacent Neighbourhoods**” [emphasis added]

The applicant's *Avenue Segment Study* illustrates the future development of six soft sites between Balmoral and Birch with a total of 698 units of which 110 units are allocated to 1233 Yonge. The proposed seven-fold increase to 764 units requires that the remaining five soft sites with comparable locational characteristics be intensified in similar form, scale and intensity, resulting in a total of 4,886 new units in six 49-storey towers immediately adjacent to stable *Neighbourhoods* – in the centre of the Yonge corridor stretch between Bloor and Heath where already 11,000 units are currently in the development pipeline. It would be absurd to portray such a plan as reasonable city planning or appropriate urban design.



OP Policy 2.3.1.3 (Healthy Neighbourhoods): “Developments in Mixed Use Areas, Regeneration Areas and Apartment Neighbourhoods that are adjacent 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 ... “



At the Community Consultation Meeting, the applicant presented a slide of proposed and approved towers in the Yonge-St. Clair area implying that they represent sound precedents for a 49-storey tower at Woodlawn Avenue East. Not explained was the materially different land use context, with 1233 Yonge *Mixed Use Area 'C', not 'A' of 'B'*, dwarfing an immediately adjacent low-scale *Neighbourhoods*, as opposed to relating to towers in an *Apartment Neighbourhoods*.

OP Policy 3.1.3.5-8 (Built Form): *"5. Development will be located and massed to fit within the existing and planned context, define and frame the edges of the public realm with good street proportion, fit with the character, and ensure access to direct sunlight and daylight on the public realm by: a) providing streetwall heights and setbacks that fit harmoniously with the existing and/or planned context; and b) stepping back building mass and reducing building footprints above the streetwall height. 6. Development will be required to provide good transition in scale between areas of different building heights and/or intensity of use in consideration of both the existing and planned contexts of neighbouring properties and the public realm. 7. Transition in scale will be provided within the development site(s) and measured from shared and adjacent property line(s). 8. Where development includes, or is adjacent to, a park or open space, the building(s) should be designed to provide good transition in scale to the parks or open spaces to provide access to direct sunlight and daylight."*

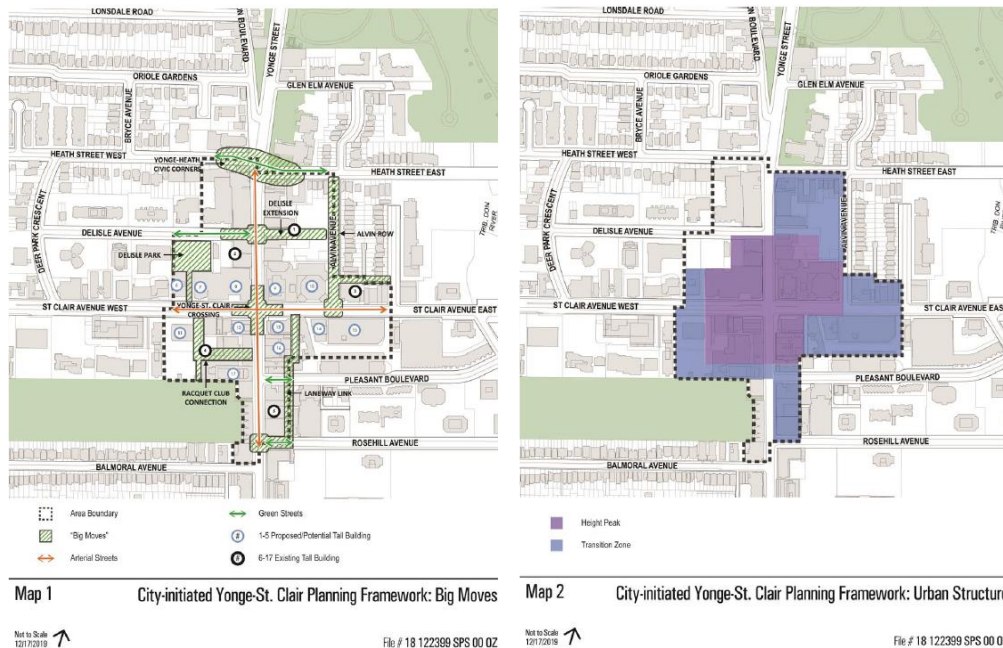
The Official Plan explains the concept of transition in scale, as follows: *"Transition in scale is the geometric relationship between areas of low-scale development, parks or open spaces and taller, more intense development. It provides a measure of the impacts, including shadows and privacy, of larger-scale development on low-scale neighbourhoods and the public realm. It can be achieved using a variety of measures – individually or in different combinations – including angular planes, stepping height limits, location and orientation of buildings, the use of setbacks and setbacks of building mass, and separation distances."*

OP Policy 4.5.2 (Mixed Use Areas): *"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 in the Downtown and Central Waterfront, Centres, Avenues and other lands designated Mixed Use Areas, creating and sustaining well-paid, stable, safe and fulfilling employment opportunities for all Torontonians; 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 a stepping down of heights, particularly towards lower scale Neighbourhoods; d) locate and mass new buildings so as to adequately limit shadow impacts on adjacent Neighbourhoods, particularly during the spring and fall equinoxes...."*

3. The development proposal is not in conformity with the following policies of the Yonge St. Clair Secondary Plan and also not with the City-initiated Yonge-St. Clair Planning Framework:

Secondary Plan Policy 2.1 (Urban Structure): *"The urban structure elements of the Secondary Plan consist of: e) lower density and scale "main street type" development extending from the node north and south along Yonge Street."*

Planning Framework Policy 2 (Goals): “The Goals of the Planning Framework are to: iii) Appropriately transition tall building heights from a Height Peak around the Yonge St. Clair intersection downward to lower-scaled areas.”



Secondary Plan Policy 3.2 (Built Form and Public Amenity): “New development should be designed in accordance with policies set out in the Official Plan and the following principles: a) the lower level of buildings associated with the pedestrian realm will: i. promote the public nature of the adjacent streets, parks and pedestrian routes; ii. provide direct access from adjacent public sidewalks to any public uses; iii. provide, wherever possible, vehicular access for servicing and parking from lanes, rather than streets; where lanes do not exist, vehicular access should be from local streets; iv. provide an organized and safe relationship to abutting street frontages; including the control and management of pedestrian and traffic flows; v. provide, to a high design standard, on-site loading facilities and wherever possible, on-site vehicle movements with vehicles entering and exiting the site in a forward motion; vi. minimize pedestrian/vehicle conflicts in the design and location of parking and servicing access for vehicles; and 3 vii. provide pedestrian protection through arcades, canopies and awnings adjacent to ground floor uses and building entrances; **b) buildings will achieve a harmonious relationship to their built form context through building height, massing, setback, stepbacks, roof line and profile, architectural expression and vehicle access and loading. This applies to the entire Secondary Plan area, and, in particular, to new development within or adjacent to Neighbourhoods;** c) development will provide high quality, co-ordinated streetscape and open space improvements to promote pedestrian amenity, orientation, access, greening and confidence in personal safety; d) development will provide high quality landscaped spaces for the use of visitors, residents and workers in the Secondary Plan area; and e) development will be encouraged to integrate public art.” [emphasis added]



The transition in scale to the *Neighborhood* is to be accommodated on the tower site itself (88° angular plane) – not by imposing on the adjacent TTC-property (72° angular plane) leased by 7 Jackes as condition of its Zoning By-law, or even of the residential properties along Woodlawn and Summerhill (45° angular plane).

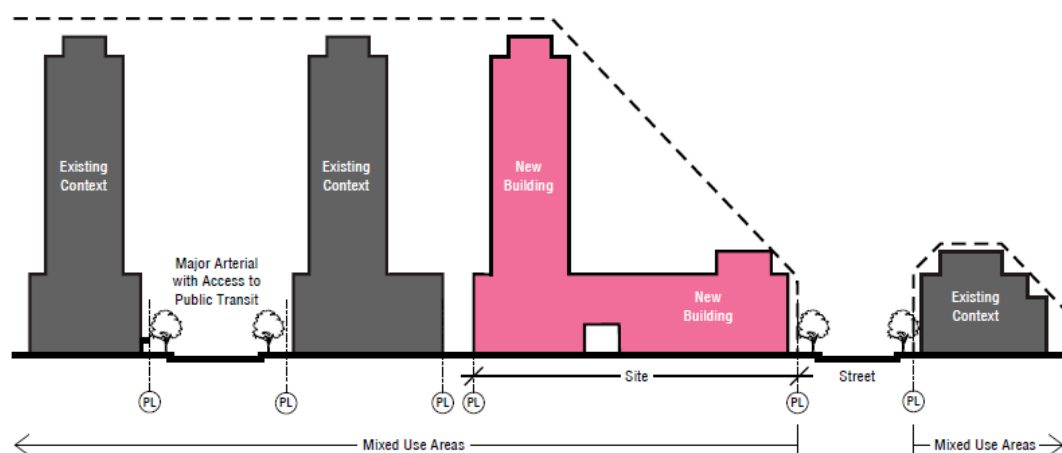
Secondary Plan Policy 5.1 (Mixed Use Areas): “In addition to development criteria of the Official Plan, development in Mixed Use Areas in Yonge St. Clair will meet the following objectives: d) provide animated, landscaped and comfortable publicly accessible spaces on properties fronting on Yonge Street and St. Clair Avenue; e) create a visual impression of Yonge Street and St. Clair Avenue as comfortable and spacious, not crowded and cramped, through the location and massing of building; f) integrate development well, with adjacent Neighbourhoods by ensuring appropriate transitions in building height and separation distances; and g) encourage and support healthy retail businesses, especially on Yonge Street.” [emphasis added]

Secondary Plan Policy 5.4 (Mixed Use Areas): “On the flanking streets of properties with frontage on Yonge Street within Mixed Use Areas ‘B’ and ‘C’ shown on Map 6-3, new development will be stepped back from the flanking street so as to minimize visual impacts of the new development when viewed from adjacent Neighbourhoods. By-laws will be passed to regulate the height, siting and massing of new development to achieve this policy.” [emphasis added]

Secondary Plan Policy 5.9 (Mixed Use Areas): “On the east side of Yonge Street, south of Rosehill Avenue to Summerhill Avenue, zoning by-law amendments may be passed to permit building heights up to 21 metres provided that the building complies with the policies for Mixed Use Areas ‘B’ and ‘C’ in the Yonge-St. Clair Secondary Plan Area. **Taller building elements will be set back even further than specified in Section 5.7 (b) (iv) on lots which are not adjacent to low scale house form buildings.**” [emphasis added]

4. The development proposal ignores the *Tall Building Design Guidelines* (“TBDG”) which, according to OP Policy 5.3.2.1, advance the vision, objectives, and policies of the Official Plan without acquiring the legal status of the policies.

TBDG Section 1.3.a.: “Apply angular planes, minimum horizontal separation distances, and other building envelope controls (such as stepping height limits, building setbacks and stepbacks), to transition from tall buildings down to lower-scale buildings and to maintain access to sunlight and sky view for surrounding streets, parks, public or private open space, and neighbouring properties.” Rationale: “Unless otherwise specified ... a 45 degree angular plane, measured from the relevant property line(s), is typically used to provide transition in scale from growth areas/tall building developments down to lower scale areas, such as stable residential Neighbourhoods.”



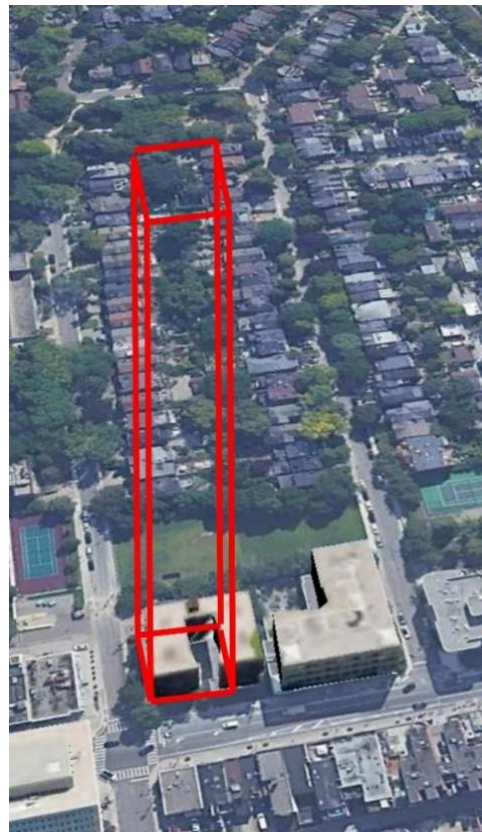
TBDG Section 3.2.1: “Limit the tower floor plate to 750 square metres or less per floor, including all built area within the building, but excluding balconies.”

The immediately adjacent site is part of 7 Jackes Avenue through a 1967 Restricted Area By-law, as amended, which in 2013 had to be carried forward into the Harmonized Zoning By-law as an Exception. Even assuming that the City would be prepared to dispose of the adjacent TTC-property and make it available to the applicant, the horizontal separation distance would increase to 55.5 m and with a 45° angular plane would permit a maximum building height of 55.5 m, not 153.5 m. Both the Official Plan and TBDG call for the transition in scale to be accommodated on the development site itself.

Increasing the minimum tower setback on the east from 5.5 m to the recommended minimum of 12.5 m and the tower setback to the south from the proposed 10.0 m to the recommended minimum of 12.5 m would reduce the floor plate from the proposed 998.6 m² - which is in excess of the recommended maximum of 750 m² by 33% - to a more reasonable 780 m². This is a tiny site of 0.19 hectares.



TBDG Section 3.2.3: “On small sites, apply the recommended minimum tower setbacks and setbacks to determine the resultant floor plate size and feasibility of the site dimensions to accommodate a tall building.”



Transition in scale from Mixed Use Area C to low-scale Neighbourhood?

SUMMARY AND CONCLUSIONS

In summary, the revised development proposal is inappropriate from the perspective of the orderly development of safe and healthy communities and the promotion of built form that is well-designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant, as specifically required by Section 2 of the *Planning Act*, for the following reasons:

1. A 49-storey tower with 764 residential units squeezed on a tiny site of 0.19 ha is:
 - 1.1 not called for by the provincial “New Deal” or conditions related to the federal HAF agreement regarding transit-oriented communities;
 - 1.2 not consistent with the *Provincial Policy Statement 2020* which calls for optimizing – not maximizing – the use of land, resources, and public investment in infrastructure and public service facilities;
 - 1.3 not in conformity and in conflict with the *Growth Plan of the Greater Golden Horseshoe 2019* which calls for optimizing – not maximizing – the use of the existing urban land supply;
 - 1.4 not in conformity with the *Yonge-St. Clair Secondary Plan* land use policies for *Mixed Use Area ‘B’* nor with the urban structure policies and height peak area boundaries of both the Secondary Plan and the *Yonge-St. Clair Planning Framework (SP Policies 2)*;
 - 1.5 not in conformity with the Secondary Plan policies on *Mixed Use Areas* that require developments to create a visual impression of Yonge Street and St. Clair Avenue as comfortable and spacious, not crowded and cramped, through the location and massing of building and to integrate development well, with adjacent *Neighbourhoods* by ensuring appropriate transitions in building height and separation distances (*SP Policies 5*);
 - 1.6 not in conformity with the *Yonge-St. Clair Secondary Plan* built form policies that require new developments adjacent to *Neighbourhoods* to achieve a harmonious relationship to their built form context through building height, massing, setback, setbacks, roof line and profile; (*SP Policies 3*);
 - 1.7 not in conformity with the Official Plan policies for *Mixed Use Areas* that require new buildings to provide a transition between areas of different intensity and scale through massing, providing appropriate setbacks and/or stepping down of heights, towards lower scale *Neighbourhoods (OP Policies 4.5.2)*; and,
 - 1.8 not in conformity with the Official Plan policies on *Built Form* that require the transition in scale to be provided within the development site and measured from shared and adjacent property line and - should the adjacent city-owned property be re-developed as a park – the massing to achieve the transition to the park to ensure access to direct sunlight and daylight (*OP Policies 3.1.3*);
 - 1.9 not consistent with the *Tall Building Design Guidelines* in terms of floorplate size, minimum setbacks, and transition in scale.

2. In December 2021, the planning consultant, *Bousfields Inc.*, offered the professional opinion regarding the original application for a 13-storey mid-rise building with 110 residential units: “... *that the proposal represents good planning and urban design.*” Only 17 months later, in May 2023, the consultant found that a 49-storey tower with a seven-fold increase in the number of units from 110 to 764 and a quadrupling of the FSI density from 5.88 to 24.58: “...*continues to be appropriate from the perspectives of land use policy, built form and urban design.*” This irrational reversal of opinion did not have the benefit of either an updated *Avenue Segment Study (OP Policy 2.2.3.4)* or of an updated and completed *Block Context Plan*.

3. The May 2023 Urban Design Brief by the urban design consultant, *Brook McIlroy*, concluded that the proposed 49-storey tower “*is appropriate given the existing and planned mixed built form context in the surrounding area.*” This opinion is not informed by an understanding of the Urban Design Principles of the Secondary Plan (SP Policies 3), or of an assessment of the impacts of the incremental development of the entire Avenue Segment at a similar form, scale, and intensity on this Yonge Street segment and any adverse impacts on adjacent Neighbourhoods (OP Policies 2.2.3.4 a) and b)), or even of the of the *Tall Building Design Guidelines*.
4. The transportation consultant, *BA Group*, recommended in October 2021 99 parking spaces for 110 units, or a ratio of 1 space per 1.1 units. 19 Months later - without any empirical evidence on the actual parking demand to ensure an adequate supply of parking for residents and visitors (OP Policy 4.5.2 i)) – the consultant suddenly recommended only 15 parking spaces for 764 units or a ratio of 1 parking space per 50.9 units. This flip-flop in professional opinion was solely guided by changes to the parking standards in the Zoning By-law – not by an understanding on how parking demand is artificially lowered by investors who purchase the majority of new condominiums and are primarily interested in low acquisition costs.
5. The three PMTSAs in the Yonge corridor segment where this project is located are model transit-oriented communities and have been so for many decades. The bulk of the City’s limited add-on growth needs to be directed to the many MTSA’s where that is not the case to increase the efficiency of the entire transit network. Piling excessive density on a single line is a counterproductive intensification strategy.

In conclusion, unburdened by any privileged insights into the planning framework governing this site, false precedents have been marshalled to justify maximizing the development intensity given the site’s locational advantages - ignoring all other equally valid planning considerations, such as the Line 1 subway capacity limits. This may serve the applicant’s self-interest but not the public interest. Both the PPS and the Growth Plan speak to optimizing the urban land supply but not maximizing. Optimizing incorporates thoughtful and appropriate land use planning and urban design to maintain healthy, safe, and complete communities. As the original application convincingly demonstrates, this site lends itself to a mid-rise typology - not a tall building typology.

Accordingly, I respectfully recommend that this application be refused until substantial conformity with the Official Plan has been established, as required by Section 24 of the *Planning Act*. Please do not hesitate to contact me if you would like some clarifications.

Yours sincerely,



Matthias Schlaepfer

Copies:

Mayor Olivia Chow

Councillor Diane Saxe, Ward 11

Councillor Josh Matlow, Ward 12

Oren Tamir, Director, Community Planning - North Toronto and East York District

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Summerhill Residents Association