

The City Report on Dunpar Application is out and available at:
<http://www.toronto.ca/legdocs/mmis/2007/ey/bgrd/backgroundfile-2170.pdf>

Regarding the Dunpar Application for Condominium and Prince Edward and Dundas.

A number of Kingsway/Sunnylea residents have expressed concern over the recent position that KPRI has taken with respect to the proposed Dunpar application for a condominium at Dundas and Prince Edward Drive. There are some residents saying that we "gave in" to the developer and should have backed our Councillor in going to the Ontario Municipal Board to fight for the existing zoning bylaw established by the recent Dundas Avenue Study. We would like to address those concerns here.

Acknowledging Councillor and KRAPP

We applaud the intention of Councillor Milczyn and the residents who call themselves Kingsway Ratepayers Against Poor Planning (KRAPP). They invested time and money to create the Dundas Avenue Study, which became the basis of zoning for the area around Prince Edward and Dundas. They want to see all developers adhere to the zoning bylaws established by the Dundas Avenue Study. They are willing to go to the OMB level hoping to get a decision in favour of the existing zoning bylaw, which calls for a maximum of five stories (or six if the developer provides funds for community improvements under Section 37 of the Planning Act). However, sometimes there's a difference between what should happen versus what is likely to happen. In this instance we are focused on what is likely to happen.

Facing Reality

Based on the clearly established trend of the OMB favoring developers, we are convinced that the OMB will rule in favor of at least seven stories with an amenity room on the roof, and quite possibly eight, nine or 10 stories. This ruling would not provide for section 37 benefits to be obtained. So, at the end of the day, seven or more stories are likely to be awarded with no additional funds for community benefits. Compare this with accepting the developer's compromise of seven stories (plus an amenity room on the roof) with money provided for community benefits. Accepting this compromise provides a level of certainty over the outcome and avoids "lambs being led to the slaughter" at the OMB level. We believe the decision to accept this compromise is in the best interests of the community. The majority of Councillors at Community Council on March 27th confirmed this perspective when they voted 7-3 in favour of Dunpar's application for seven stories with an amenity room.

Community Council debated the issue of 7 storeys and roof top amenity room for over 2 hours in detail. City Staff were on hand to answer all questions. The Councillors, being familiar with development from experience in their own wards, asked relevant questions and drew their own conclusions. All issues that have been raised to date by residents and the Councillor, including height, density, traffic and the rezoning of the two empty residential lots were addressed and answered. Councillor Milczyn was very eloquent in presenting the points of his position. In the end, these points were countered and the majority of Councillors voted against his position. They are all too familiar with the consequences of going to the OMB.

Councillor Milczyn has to wear many hats. Upset neighbors require appeasement, and strident developers have to be reined in. The ratepayer organization has the luxury to take the cool overview of the likely outcome scenario and assesses the risk by noting what has happened elsewhere in the city. Trends in appeals to the OMB these days hardly require a genius to interpret. Development on every avenue and major street is being ferociously promoted. The city's appeals to the OMB have been shot down with disheartening regularity. Why should we believe that Councillor Milczyn can successfully cross the finish line at the OMB when his position can't clear the first hurdle at Community Council?

Documenting Our Position

We stand by our belief of what is best in this case for the community. As a result, we are more than willing to communicate our stand in writing to any interested party. We have informed the developer (who has a reputation for providing high-quality architecture) in writing that that we are opposed to their 10 story application. We also advised that we support a mediated position, avoiding a full OMB hearing, by agreeing to their 7 storey design with an amenity roof and the rezoning of two adjacent, vacant residential lots to condominium density, provided that funds for Section 37 benefits such as additional landscaping, upscale benches, funds for traffic calming, etc. are obtained by the City. The OMB process allows for mediation to occur before or during a pre-hearing. For further information re OMB Mediation, go to <http://www.omb.gov.on.ca/Questions/mediation.html>.

Our Survey Delivered by Mail

With respect to the survey that we conducted, it's important to know that our flyer distributed by post office to all households had no inaccuracies. 336 households responded. The results from the sample show with a 95% certainty that if everyone did vote then somewhere between 43% and 53% would actually favour the seven-story application with community benefits. Similarly, somewhere between 47% and 57% would actually choose fighting at the OMB level. What is perfectly clear from this survey is that the community is approximately equally divided on the issue. Anyone that would like further explanation of statistical sampling should go to <http://www.surveysystem.com/sscalc.htm>. Your parameters to plug-in at this web site will be population = 4,637, sample size = 336, option one choice = 48%, or option two choice = 52%. Be sure to read the explanations of confidence interval and confidence level.

A Historical Perspective

From time to time, Ratepayer organizations city wide find themselves taking a position contrary to the platform of the local councillor. Far from being a disaster, such disagreements can be highly informative for the residents in the districts who then have the opportunity to review both positions in detail in order to make an informed decision.

The KPRI does not often find itself arguing against upholding municipal bylaws, created at vast expense from the public purse. In the last 15 years, the KPRI has often found itself the Only Lonely Voice, pleading with Council and the OMB to honor laws that protect and define what private and corporate citizens can do with property they own. In most instances, bylaws have been airily dismissed as interpretive guidelines by private homeowners initially and commercial corporations subsequently. Currently there is no basis to think that anything has changed or that the philosophy or practical concerns of the City or the Province have changed with the arrival of

the new Dundas study or the Dunpar application. What HAS changed is the approach to developers who can be actively encouraged to modify design or face lengthy and expensive delays as the appeal process grinds its way to a conclusion at the OMB and the Provincial Courts.

In July, 2006 we presented our views (as detailed in the KPRI Fall 2006 newsletter) before Community Council on the Dundas Avenue Study. The KPRI supported the intent and direction of the study but expressed concerns over the height issue, given the drive and intent of a new Official Plan for intensification along the Avenues. Dundas is defined as an Avenue. We noted that we were concerned that the result would be each and every application being 'fought out' at the OMB, with approvals for even higher buildings than originally applied for, and lost opportunities for achieving any community benefits from developers.

What's Next?

Assuming the decision of Community Council on March 27th will be ratified by City Council on April 24/25, mediation preventing a full OMB hearing will subsequently occur. The results will be approval for Dunpar's application design for seven-storeys plus amenity room, coupled with funds being provided by Dunpar for delivering Section 37 community benefits.

It is of critical importance to understand that the KPRI feel that 7 storeys is only allowable at the intersection of Dundas and Prince Edward. Therefore the KPRI would strongly oppose any application over 5/6 storeys outside of this intersection. This does not in any manner or form set a precedent that developers would have the "right to expect 8 storeys minimum" as recently stated by the local Councillor.

In Summary

We would like to again salute Mr. Milczyn and the neighbors at KRAPP who genuinely want to preserve the home and neighborhood by making a strong stand against inappropriate development. This is something KPRI has been doing now for 20 years and it's the right and proper thing to do. But when faced with the virtual certainty of 7 or more stories, a mollifying 7 stories plus an amenity level with section 37 benefits is perhaps the prudent course of action.