

STIKEMAN ELLIOTT

EXHIBIT "A.2"

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DELIVERED BY COURIER

July 8, 2016
File No.: 137187.1004

City Clerk
City Hall, 100 Queen Street West
2nd Floor, West Tower
Toronto, ON M5H 2N2,

Attention: Ellen Devlin, Administrator, Toronto and East York Community Council

Dear Ms. Devlin:

Re: Notice of Appeal pursuant to subsection 17(36) of the
Planning Act, R.S.O. 1990, c. P.13, as amended
Appellant: The Estonian House in Toronto Ltd.
OPA No.: 343
Matter: Adoption of Official Plan Amendment No. 343, by By-law
555-2016
Property: 958 Broadview Avenue
Municipality: City of Toronto

We are solicitors for The Estonian House in Toronto Ltd. (the "Appellant"), which has an interest in the lands municipally known as 958 Broadview Avenue, City of Toronto (the "Property") and the broader area, with respect to this appeal, which is filed pursuant to subsection 17(36) of the *Planning Act*.

On behalf of the Appellant, please accept this Notice of Appeal of the June 9, 2016 decision of Toronto City Council to adopt Official Plan Amendment No. 343 ("OPA 343") through By-law No. 555-2016.

The Property is located within the area impacted by OPA 343 and the Appellant requests that its concerns expressed in the attached letters submitted to Toronto and East York Community Council and Toronto City Council be considered.

For the reasons stated in the attached letters of concern and any further reason that we reserve the right to bring forward, we file this appeal of OPA 343 on behalf of the Appellant. In support of this Notice of Appeal of OPA 343, please find enclosed: a completed OMB Appellant Form (A1); and the filing fee in the form of a cheque in the amount of \$300.00 to appeal OPA 343 to the Ontario Municipal Board.

If you have any questions or require further information, please contact the undersigned. Thank you for your attention to this matter.

Yours truly,



per Calvin Lantz

CWL/cb

Enclosures

cc: David Kalm, *The Estonian House in Toronto Ltd.*
Robert Cooper, *Alterra Development Group*

STIKEMAN ELLIOTT

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BY E-MAIL

June 6, 2016
File No.: 137187.1004

City Council
c/o Clerks Department
City of Toronto
12th floor, West Tower, City Hall
100 Queen Street West
Toronto, ON M5H 2N2

Attention: Ms. Marilyn Toft, Secretariat

Dear Sirs/Mesdames:

Re: Item TE 16.5
Matter: Final Report – Broadview Avenue Planning Study -
City-Initiated Official Plan Amendment, Urban
Design Guidelines and Heritage Inventory
Council Mtg.: June 7 and 8, 2016

We are solicitors for Alterra Development Group (“Alterra”), who have an interest in 958 Broadview Avenue (Estonian House). On May 9, 2016, the attached letter was submitted to Toronto and East York Community Council to be considered at the May 10, 2016 meeting.

Please provide us with a copy of Council’s decision on this matter. If you have any questions or require any further information, please contact me to discuss. Thank you for your attention to this matter.

Yours truly,

Calvin Lantz

TORONTO
MONTREAL
OTTAWA
CALGARY
VANCOUVER
NEW YORK
LONDON
SYDNEY

CWL/cb
cc. David Kalm, Estonian House
Rob Cooper, Alterra Properties Inc.
Peter F. Smith, Bousfields Inc.

May 9, 2016

City of Toronto
Toronto and East York Community Council
c/o Ellen Devlin
2nd Floor, West Tower, City Hall
100 Queen Street West
Toronto, Ontario M5H 2N2

Dear Councillor Layton and Community Council Members:

***Re: Item TE16.5 - - Broadview Avenue Planning Study
Estonian House, 958 Broadview Avenue***

We are planning consultants to the Estonian House and the Alterra Development Group with respect to the above-noted matter.

On their behalf, we have reviewed the final staff report dated April 22, 2016 and the attached recommended Official Plan Amendment No. 343 and the Urban Design Guidelines. On behalf of our clients, we wish to advise Community Council of our objection to the proposed Official Plan Amendment and urban design guidelines as presently drafted.

In our opinion, the documents as proposed do not appropriately recognize the special physical and locational characteristics that apply to the subject site. As a result, they would have the potential to frustrate the redevelopment of the site in a manner which would achieve both appropriate residential intensification objectives and the objectives of the Estonian House to remain on the site and in the community in renewed and updated facilities.

In order to address these concerns, we are requesting that the site be excluded from the recommended Site and Area Specific Policy 509 and the urban design guidelines. Estonian House and Alterra are intending to file a site-specific rezoning application for the property in the near future. Given the unique site characteristics, we believe that it would be preferable to establish a planning framework for the site that is responsive to the site characteristics through the site-specific analysis of a development application rather than attempting to impose a development template that is premised on the more typical configurations of the lots fronting on Broadview Avenue to the south and east.

Background

Estonian House has a long-established presence on Broadview Avenue. The Toronto Estonian House was purchased on April 1, 1960. It is located at in what

was the Chester Public School house, built in 1891. Two additions were built, the first in 1963, when a 400-seat hall was built at the rear of the building, and the second in 1976, when a four-storey facade was constructed. It houses a number of Estonian organizations such as the Toronto Estonian School, the Toronto Estonian scout troop Kalev, the Põhjala Tütred Guides, the Estonian Toronto Credit Union, Heinsoo Insurance, the Estonian Central Council in Canada, choruses for men and women and a folk dancing group, and the Estonian Consulate in Toronto.

Estonian House has been located on Broadview Avenue for over 55 years, and wishes to remain in this location as part of the community into the future and to evolve into a true cultural hub.

In order to do so, it must renew and update its facilities on the site and has for some time been exploring options to redevelop the site by adding residential uses as part of a mixed-use development. Given the size and depth of the site and its location within an area of apartment development, there is a significant opportunity to achieve all of these objectives in a responsible and sensitive way.

Partnering with Alterra Development Group, the redevelopment team and its architects have studied opportunities for redevelopment on the site and have concluded that, given the unique site characteristics, there is an opportunity to develop a taller building along the Broadview Avenue frontage, incorporating facilities for Estonian House, with a lower building behind that would take advantage of the depth of the site and the proximity to the Don Valley open space system.

Comments

On Map 1 to the proposed Site and Area Specific Policy 509, the subject site appears to be shown as falling within both between the apartment neighbourhood to the north backing onto the valley (Character Area C) and the shallower street-related properties to the south, which back onto the low-rise residential neighbourhood to the west (Character Area A).

Properties in Character Area A have typical lot depths of 30-40 metres and back onto low-rise residential properties. In contrast, the subject site has a depth of over 135 metres and backs onto the Don Valley. In this respect, the site has much in common with the apartment sites to the north, which have heights of 23 storeys (980 Broadview), 18 storeys and 19 storeys (1000 and 1010 Broadview) and 23 storeys (1048 Broadview).

Despite the foregoing differences in built form character, both Character Areas A and C have height limits of 6 storeys, with required building setbacks above the 5th storey. In our opinion, based on our review of the staff report and the

background studies, there is no apparent planning or urban design rationale for imposing such low heights in Character Area C, which has an existing high-rise built form character.

We note that Section 5 of proposed Site and Area Specific Policy 509 includes site-specific development policies for the subject site, which appear to recognize the specific site circumstances and encourage an appropriate mix of uses "where possible" to enable accommodation of a multi-purpose non-profit community facility.

However, the proposed policies allowing new development in "mid-rise and low-rise form" and providing a transition between tall buildings to the north and the *Neighbourhoods* to the south are unclear in a number of respects. In particular, it is not clear whether the permission for "mid-rise form" would allow heights greater than 6 storeys or whether the height limits in Character Areas A and C would continue to apply.

Furthermore, the wording of Policy 5.3, which speaks to conserving "the integrity" of the property's cultural heritage values and attributes, is inconsistent with the wording and policy approach set out in Official Plan Amendment No. 199, as recently approved by the Ontario Municipal Board. More consistent wording would either speak to retaining the integrity of the cultural heritage values and attributes or conserving the cultural heritage values and attributes, recognizing that the word "conserved" has a specific meaning as defined in the new Cultural Heritage policies.

Similarly, the wording of Policy 5.4, which seeks to avoid "undue negative impact" on the rear yard amenity of properties in the adjacent *Neighbourhoods* designation, uses language that varies from the language in the Official Plan, which seeks to "adequately limit" such impacts. By choosing different words, it is not clear whether the proposed policy is seeking to impose a greater or lesser impact test than the general wording. In the absence of any rationale to diverge from the Official Plan wording, we recommend that the "adequately limit" test be retained.

With respect to the urban design guidelines, it is noted that the Estonian House site is addressed at some length on page 35. The Guidelines note that the site has "unique conditions and dimensions". While they state that a more thorough review and community consultation is needed if a development application comes forward, nonetheless, the Guidelines propose a set of development principles, including conservation of the heritage building, appropriate built form transition towards the adjacent *Neighbourhoods* area, adequate separation distances from adjacent properties, sensitivity to adjacent valleys and ravines,

front yard landscaping and the potential to serve as a cultural hub for the community.

In our opinion, the approach outlined in the urban design guidelines argues for a site-specific evaluation of appropriate building height and massing on the subject site through a development application, rather than an *a priori* imposition of a proposed height limit of 6 storeys as appears to be suggested by Official Plan Amendment No. 343.

Thank-you for your consideration of this submission. If you have any questions and/or comments, please do not hesitate to contact me or Sasha Lauzon of our office.

Yours very truly,

Bousfields Inc.

Peter F. Smith, B.E.S., MCIP, RPP

cc: Francis Kwashie, City Planning
David Kalm, Estonian House
Rob Cooper, Alterra



Environment and Land Tribunals Ontario
Ontario Municipal Board
 655 Bay Street, Suite 1500 Toronto, Ontario M5G 1E5
 TEL: (416) 212-6349 or Toll Free: 1-866-448-2248
 FAX: (416) 326-5370
 www.elto.gov.on.ca

**APPELLANT FORM (A1)
 PLANNING ACT**

**SUBMIT COMPLETED FORM
 TO MUNICIPALITY/APPROVAL AUTHORITY**

Date Stamp - Appeal Received by Municipality

Receipt Number (OMB Office Use Only)

16394 TR

Part 1: Appeal Type (Please check only one box)

SUBJECT OF APPEAL	TYPE OF APPEAL	PLANNING ACT REFERENCE (SECTION)
Minor Variance	<input type="checkbox"/> Appeal a decision	45(12)
	<input type="checkbox"/> Appeal a decision	53(19)
Consent/Severance	<input type="checkbox"/> Appeal conditions imposed	53(27)
	<input type="checkbox"/> Appeal changed conditions	53(14)
	<input type="checkbox"/> Failed to make a decision on the application within 90 days	34(19)
	<input type="checkbox"/> Appeal the passing of a Zoning By-law	34(11)
Zoning By-law or Zoning By-law Amendment	<input type="checkbox"/> Application for an amendment to the Zoning By-law – failed to make a decision on the application within 120 days	38(4)
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – refused by the municipality	17(24) or 17(36)
	<input type="checkbox"/> Application for an amendment to the Official Plan – failed to make a decision on the application within 180 days	17(40)
Interim Control By-law	<input checked="" type="checkbox"/> Appeal a decision	22(7)
	<input type="checkbox"/> Failed to make a decision on the plan within 180 days	51(39)
	<input type="checkbox"/> Application for an amendment to the Official Plan – failed to make a decision on the application within 180 days	51(43) or 51(48)
	<input type="checkbox"/> Application for an amendment to the Official Plan – refused by the municipality	51(34)
Official Plan or Official Plan Amendment	<input type="checkbox"/> Appeal a decision	51(39)
	<input type="checkbox"/> Appeal conditions imposed	51(43) or 51(48)
	<input type="checkbox"/> Failed to make a decision on the application within 180 days	51(34)
Plan of Subdivision	<input type="checkbox"/> Appeal a decision	51(39)
	<input type="checkbox"/> Appeal conditions imposed	51(43) or 51(48)
	<input type="checkbox"/> Failed to make a decision on the application within 180 days	51(34)

Part 2: Location Information

958 Broadview Avenue
 Address and/or Legal Description of property subject to the appeal:
 Municipality/Upper tier: Toronto

Part 3: Appellant InformationFirst Name: Raivo Last Name: RommelThe Estonian House in Toronto Ltd.


Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)

Professional Title (if applicable): PresidentE-mail Address: _____
By providing an e-mail address you agree to receive communications from the OMB by e-mail.Daytime Telephone #: 416-461-7963 Alternate Telephone #: _____

Fax #: _____

Mailing Address: 958 Broadview Avenue Toronto
Street Address Apt/Suite/Unit# City/Town
Ontario M4K 2R6
Province Country (if not Canada) Postal CodeSignature of Appellant: _____ Date: _____
(Signature not required if the appeal is submitted by a law office.)**Please note: You must notify the Ontario Municipal Board of any change of address or telephone number in writing. Please quote your OMB Reference Number(s) after they have been assigned.**Personal information requested on this form is collected under the provisions of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, and the *Ontario Municipal Board Act*, R.S.O. 1990, c. O. 28 as amended. After an appeal is filed, all information relating to this appeal may become available to the public.**Part 4: Representative Information (if applicable)****I hereby authorize the named company and/or individual(s) to represent me:**First Name: Calvin Last Name: LantzCompany Name: Stikeman Elliott LLP

Professional Title: _____

E-mail Address: Clantz@stikeman.com
By providing an e-mail address you agree to receive communications from the OMB by e-mail.Daytime Telephone #: 416-869-5669 Alternate Telephone #: _____Fax #: 416-947-0866Mailing Address: 5300 Commerce Court West, 199 Bay Street Toronto
Street Address Apt/Suite/Unit# City/Town
Ontario M5L 1B9
Province Country (if not Canada) Postal CodeSignature of Appellant:  FOR CALVIN LANTZ Date: July 8, 2016**Please note: If you are representing the appellant and are NOT a solicitor, please confirm that you have written authorization, as required by the Board's Rules of Practice and Procedure, to act on behalf of the appellant. Please confirm this by checking the box below.** I certify that I have written authorization from the appellant to act as a representative with respect to this appeal on his or her behalf and I understand that I may be asked to produce this authorization at any time.

Part 5: Language and Accessibility

Please choose preferred language: English French

We are committed to providing services as set out in the *Accessibility for Ontarians with Disabilities Act, 2005*. If you have any accessibility needs, please contact our Accessibility Coordinator as soon as possible.

Part 6: Appeal Specific Information

1. Provide specific information about what you are appealing. For example: Municipal File Number(s), By-law Number(s), Official Plan Number(s) or Subdivision Number(s):

(Please print)

City of Toronto Official Plan Amendment No. 343 through By-law No. 555-2016.

2. Outline the nature of your appeal and the reasons for your appeal. Be specific and provide land-use planning reasons (for example: the specific provisions, sections and/or policies of the Official Plan or By-law which are the subject of your appeal - if applicable). **If more space is required, please continue in Part 9 or attach a separate page.

(Please print)

Please see attached cover letter.

THE FOLLOWING SECTIONS (a&b) APPLY ONLY TO APPEALS OF ZONING BY-LAW AMENDMENTS UNDER SECTION 34(11) OF THE PLANNING ACT.

a) DATE APPLICATION SUBMITTED TO MUNICIPALITY: _____
(If application submitted *before* January 1, 2007 please use the O1 'pre-Bill 51' form.)

b) Provide a brief explanatory note regarding the proposal, which includes the existing zoning category, desired zoning category, the purpose of the desired zoning by-law change, and a description of the lands under appeal:
**If more space is required, please continue in Part 9 or attach a separate page.

[Empty box for explanatory note]

Part 7: Related Matters (if known)

Are there other appeals not yet filed with the Municipality? YES NO

Are there other planning matters related to this appeal? YES NO
(For example: A consent application connected to a variance application)

If yes, please provide OMB Reference Number(s) and/or Municipal File Number(s) in the box below:

(Please print)

[Empty box for OMB Reference Number(s) and/or Municipal File Number(s)]

Part 8: Scheduling Information

How many days do you estimate are needed for hearing this appeal? half day 1 day 2 days 3 days
 4 days 1 week More than 1 week – please specify number of days: _____

How many expert witnesses and other witnesses do you expect to have at the hearing providing evidence/testimony?
One

Describe expert witness(es)' area of expertise (For example: land use planner, architect, engineer, etc.):
Land Use Planning

Do you believe this matter would benefit from mediation? YES NO
(Mediation is generally scheduled only when all parties agree to participate)

Do you believe this matter would benefit from a prehearing conference? YES NO
(Prehearing conferences are generally not scheduled for variances or consents)

If yes, why? _____

Part 9: Other Applicable Information **Attach a separate page if more space is required.

Please see attached cover letter.

Part 10: Required Fee

Total Fee Submitted: \$ 300.00

Payment Method: Certified cheque Money Order Solicitor's general or trust account cheque

- The payment must be in Canadian funds, payable to the Minister of Finance.
- Do not send cash.
- PLEASE ATTACH THE CERTIFIED CHEQUE/MONEY ORDER TO THE FRONT OF THIS FORM.