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From: Patrick Smyth <baginc@sympatico.ca>
To: 'Nancy Marshall' <nmarshall@torontopubliclibrary.ca>
CC: "'Terry Mills, B.Arch, MCIP'" <tmills@arris.ca>, <caking@rogers.com>, <i...
Date: 01/06/2011 5:04 pm
Subject: June 7th, TPL Meeting.
Attachments: Terry Mills Orchardview-Duplex opinion letter..pdf

Hi Nancy,

I beleived I could send the attached directly to the TPL board members but now understand I cannot. Can you please circulate it to them for me?

ARECA and the Stanley Knowles Cooperative (SKC) contracted with Terry Mills in his professional capacity as Architect and Planner to provide the TPL Board with an opinion on the proposed development at the corner of Orchardview and Duplex.

We feel that the proposal needs to be challenged at the OMB and the date for that Hearing has been set for August 9, 2011. Representatives from both ARECA and the SKC will be on hand at the June 7th meeting.

Many thanks,

Patrick

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RE: TPL - ORCHARD VIEW LIBRARY - AND THE NEON CONDOMINIUM DEVELOPMENT

TO THE TORONTO PUBLIC LIBRARY BOARD

The Neon development proposal adversely impacts the TPL's Library facility and the TPL's property holding.

At this time, OMB Appeals have been launched by Stanley Knowles Co-op (SKC) and the Avenue Road Eglinton Community Association (ARECA) with the Hearing tentatively scheduled sometime in July-August.

The TPL's issues are distinct from SKC's issues and ARECA's issues.

Before the OMB Hearing commences, the TPL should acquire independent professional advice to ensure it fully appreciates its position on the Neon matter and makes decisions accordingly.

REGARDING THE GOOD OF THE LIBRARY

When the Library was conceived it was confident that development along its west flank would be setback from the property line - so providing sunshine, skylight and view. As a result the Library folded these beneficial amenities into its distinctive design with its panoramic wraparound vista.

Today the Neon proposes to erect its walls right upon the property line dispensing with setbacks and height constraints - so blocking out the Library's sun, skylight and view along this west flank. This affect is clearly illustrated in the before-and-after panoramic comparison to be found at: <http://terrymills.ca/CA/img/OVB/panostrip.jpg>

The TPL should protect the Library from these impacts by asserting its setback provision as enshrined in the Official Plan in the Zoning Bylaw.

REGARDING ENCUMBERING AIR-RIGHTS

Besides managing the Library facility, the TPL exercises its stewardship over the public lands that encompass the Library. This involves the full spectrum of short and long-term, and highest-and-best considerations.

The Neon proposes to situate some 60 condo units right up to the property line. The existence of these units is predicated upon the Library's air-rights never being developed - as they are reliant upon this open space for their necessary views.

The Neon proposes to take over the Library's air-rights by tacitly usurping them - rather than purchasing these air-rights forthrightly in the form of a standard real estate transaction.

This is a matter involving the public purse, public lands and the administration of a public agency. The TPL's actions and in-actions are open to legitimate questions about the intentions, actions and simple-diligence exercised.

If these Library lands were owned by a property company such as a Minto, Riocan or a Royal Bank - shareholders would on the one hand expect its management to actively protect the company's assets from encumbrance, and on the other hand to secure a fair monetary instead of giving away air-rights.

The TPL mentions communications with the City Planning staff who are dealing with the Neon proposal. In any reliance on Planning, the TPL should keep in mind that Planning has flip-flopped from outright refusal through to outright recommendation - even though this initiative remains essentially the same in height, density and setbacks.

Again, I recommend that the TPL acquire independent professional advice on this matter before the upcoming OMB Hearing.

REGARDING PROPERTY STRATEGY

There is rumour that the Neon's encumbrance of the Library's air-rights is inconsequential because the TPL's property potential includes two towers and that neither of these involves the Library's air-rights affected by this Neon proposal.

It's a *convenient* myth - and not true!

Understandably the TPL's holding is involved in development ambitions - because it's a large property with approximately 3.5-times density, strategically occupying a pivotal position within its local block. It is bordered...

- on the east by the Yonge Street's Mixed-Use environment with its mainstreet redevelopment interests
- to the south by the Yonge Eglinton Centre and its influences including the sharing of Orchard View Blvd.
- to the north by the house-form Helendale Neighbourhood involving a *Transition* that pushes the TPL's tower potentials to the southern side of the Library lands, and
- on the west by the Neon, an ambition density proposition situated on a small land parcel. Likewise it involves *Transition* issues this time with the house-form Neighbourhood across Duplex Ave. AND the imposition of adverse impacts upon the TPL's holding.

Were the TPL property to be considered vacant lands - which is an unlikely prospect considering the SKC tower's long-term lease over head - then accommodating two towers along its south frontage would require their placement at the extreme east and west ends of property hard up against its boundaries.

Only by presuming to take a similar zero-lot-line position as the Neon proposes, could the TPL accommodate two towers along its 76.5 m front - presuming these towers to each have a 25 m width with 25 m separating them.

In light of this I earlier proposed that the Library lands be granted the reciprocal right equivalent to Neon's proposal - to build right up to the joint property line. This would take the form of a zero-lot-lines relationship found throughout Mainstreets environments. Such a provision would effectively preserve the TPL's development options.

Such options may include future towers or mid-rise solutions, including for instance the 6-storey as-of-right development referred to by Mr. Keefe of Planning - which otherwise will also be extinguished if the Neon is built.

In truth the TPL's future development options do not lie along the lines of a vacant lands proposition. Instead it

involves unlocking the potential of its eastern and western extremities by negotiating joint-venture development solutions with the adjacent properties - including the Neon property.

In this fashion the TPL should be able to realize an additional 1.5 to 2-times density. This reflects densities in the Apartment Neighbourhood in the vicinity.

The Minto development at 150 Roehampton Ave. is just such an example - and useful benchmark being a contemporary development solution centrally located encompassed within its surrounding Apartment Neighbourhood.

Of note: It has the same width of frontage as the Neon, although the Roehampton lot is somewhat longer and not encumbered by any irregularity shape - unlike the Neon.

CONCLUSION

In light of the above mentioned... the TPL Board should focus upon how to best orchestrate its property interests in concert with adjacent development initiatives.

The TPL should recognize that the encumbrance of the Library's air-rights has a monetary value. If the TPL continues in its present fashion it is essentially gifting to the Neon development \$3-million. This amount is appraised on the basis of having otherwise to acquire commensurate lands to accommodate over 60-units at the rate of \$50,000 per unit.

This amount far exceeds by magnitudes the full Section 37 benefit currently proposed.

Furthermore, the TPL's responsibilities include both its good management of the Library and again its good management of the interests of the public at large with respect to its land holdings. Therefore the TPL should take into consideration in any negotiations with any adjacent property - how best to configure the whole, having regard to such matters as consolidating services and perfecting a comprehensive streetscape.

In closing, I wish to impress upon the TPL that my remarks are intended to inform and assist the TPL with its responsibilities in this matter.

If you require any further information, clarifications, or assistance - please do not hesitate to contact me.

May the Orchard View Library continue on as the Significant Community Facility that it is.

Sincerely -

A large, bold, handwritten signature in black ink, consisting of several sweeping, overlapping strokes.

Terry Mills
B.Arch RPP MCIP

05/17/11

