

From: MATO RONCEVIC [REDACTED]
To: "clerk@toronto.ca" <clerk@toronto.ca>
Date: 08/21/2014 11:50 PM
Subject: Re. 2014.NY34.95 on August 25, 2014 Toronto City Council
Attachments: BHSR Letter December 14(2).pdf

My name is Mato Roncevic [REDACTED], Co-Chair of Briar Hill Stayner Community Committee .
I am submitting this letter (see Attachment) to all City of Toronto Council members as communication to the file - Agenda ItemNY34.95on the upcoming City Council Meeting on August 25,2014 dealing with 1100 Briar Hill Avenue.

Please acknowledge receipt of this e-mail

Mato Roncevic
[REDACTED]

December 14, 2013

Councillor Josh Colle, Ward 15
City of Toronto – City Hall
100 Queen St. West
2nd Floor, Suite A20
Toronto, Ontario M5H 2N2

Re: 1100 Briar Hill Avenue, File # 13 221087 NNY 15 OZ

Dear Mr. Colle:

The Briar Hill-Stayner Residents Community Committee (BHSR) is a committee of residents that have come together in response to the sale and application to redevelop the Briar Hill Public School property site at 1100 Briar Hill Ave. We are close neighbours to the site and to each other. We are active in our community and we are interested in maintaining the quality and standard of living that we have chosen to invest in and raise our families in. Individually or as group, none of us had the means to purchase and to redevelop the former site. However, we have taken up as our mandate to make sure that the community has an organized, proactive and clear voice in the regulatory process that is unfolding to determine how our immediate neighbourhood's planning context is shaped and how the greater neighbourhood area's planning context evolves and adapts to the demand of growth.

We, as individuals and as a group, have followed the case of diminishing school populations, school board resource allocation decisions and closures, property divestment decisions and processes, public and private land transactions and applications for redevelopment. The closure and divestiture of Briar Hill Public School by the Toronto District School Board (TDSB) did not come as a surprise to the BHSR or to the wider community, as it was on the TDSB schools' list for closing review and consideration. Valiant efforts were made by the School Trustee Howard Goodman and the community at large, but in the end to no avail, as all attempts to save the school failed. The eventual sale of the site did not come as a surprise to us either. We understand the evolution of public asset life-cycles and this community has always supported reasonable evolutionary redevelopment and in-fill that brought new neighbours to our streets.

In countless cases of individual house purchase and redevelopment in our neighbourhood, we have observed the purchase, redevelopment application, demolition and reconstruction cycle bring new, larger footprint in-fill into our neighbourhood. In each and every case, this has been to build new single family detached dwellings to the existing/adjacent neighbourhood residential zoning designations and standards into the Briar Hill-Stayner Community. In cases where there have been applications for rezoning for multiple builds, each time the community has rallied together to ensure that any new proposed residential dwellings built respect both the current adjacent neighbourhood character and permitted residential detached zoning classifications. Thus, conforming to the prevailing built form and dwelling types, resulting in single family detached homes. This evident from a past history of Official

Plan and /or Rezoning redevelopments dating back as far as 1984, 1998, 2002, and 2004/2005 (refer to attachment).

This community, as represented by the BHSR, is caring, open and welcoming. We are also well-informed, motivated, informed and resilient. We followed closely as the Toronto District School Board closed Briar Hill Public School after the last academic year (June 2012). We followed closely as they commissioned the Toronto Lands Corporation to sell the site in an effort to raise funds for an undercapitalized school board. We followed closely as the City of Toronto acquired a portion of the site for public parkland. We followed closely as Colliers was retained to sell the remaining site in the private markets. We followed closely as their sales documents included a proposed concept site plan that included less than 30 units. We followed closely and waited with curiosity as the property SOLD. Yet, with an air of faith and assurance because we watched as our Councillor led the effort to acquire green space for our children and had been on record for 13 months as opposing residential redevelopment of the site. Then suddenly during the latter part of August 2013, Development Proposal Boards emerged posted on the former school property notifying the surrounding neighbourhood residents and the general public for the very first time of an application to amend the Zoning By-Law to permit 136 Townhouse units. Surprising to so many, was a proposal for townhomes in an established residential neighbourhood where the predominant building type of the adjacent/surrounding residential properties is single detached dwellings. Our community has had a long history of activist councillors and have trusted that the processes of redevelopment would be upheld by the officials entrusted by the City of Toronto to review and recommend proposals against publicly generated and enforced principles and by-laws.

But faith, to be Good, must be two-way faith. According to the September 30, 2013 Preliminary Report submitted by the City of Toronto's planner on this file Emily Rossini, the applicant (Madison Briar Hill Ltd.) met with city planning staff twice (March and June 2013) and including the local Councillor Josh Colle, before submitting a proposal application dated August 15, 2013. At the November 26, 2013 Post-Application Public Meeting, the applicant and Ms. Rossini claimed this was standard process. But they never met with us and never invited either the BHSR or the wider community to meet with them before the application date of August 15, 2013. That too, as we have come to understand was also standard process, even though the City's Official Plan, Section 5.5 encourages applicants to engage in pre-application consultations with the community. As stated in the City's Official Plan Section 5.5 **"Applicants are encouraged, but not required, to consult with the Ward Councillor, City Staff and the local community prior to formal submission of a planning application."**

On August 15, 2013, prior to the closing of the purchase transaction on August 20, 2013, the applicant submitted a rezoning application for the site to the Planning Department. This too we have been told is standard practice. However, the only way that they would have been able to submit this application for review would have been to have sought and received consent from the then current owner, the Toronto District School Board, to do so. We posit that the TDSB or its representative agency, Toronto Lands Corporation, might have considered it standard practice to seek counsel from the neighbouring electors of the City of Toronto it serves, at least through its representative Councillor. Especially given the fact that this Councillor's opposition to residential redevelopment was made officially known to Toronto Lands Corporation CEO Shirley Hoy in a letter dated July 19, 2012 from the City's Planning Department.

The September 30, 2013 Planning Staff Preliminary Report submitted to North York Community Council for the meeting date of October 17, 2013, by Ms. Rossini failed to mention that the applicant applied for a demolition permit (September 24, 2013) for the former school building which is situated on the portion of land in the former City of York. We were told again that this was standard process by the planner and the applicant at the November 26, 2013 Public Meeting. However, we know that is not the case, having reviewed and commented on various local redevelopments in our community and those close by. In fact, we know that By-Law 3102-95 of the City of York Act, 1994 (whereas the entire area of the former City of York is designated an area of special demolition control) explicitly requires Building and Planning Divisions work together/share information (as they always have) and bring to Community Council to whom is provided the authority for consideration and decision, whether to refuse or grant approval of the applicant's demolition permit application. Including whether the applicant/owner is required to enter into a beautification agreement with the City. **ALL THIS IS STANDARD PROCESS but was not undertaken.** Furthermore, as an anticipated agenda item before Community Council, it would have allowed the local Councillor/Council Members to potentially impose any other conditions deemed necessary and the opportunity for public deputations by any concerned resident, regarding any issue and those pertaining to the health, safety and the wellbeing of adjacent/nearby property homeowners.

The November 26, 2013 Public Meeting was granted to the community as an opportunity to raise questions and concerns about the applicant's interest in redevelopment of the site. This we understand was the standard process and the BHSR took a disciplined approach to inventory, articulate and present as such. The applicant and the City chose a location and facility that did not even accommodate the attendees, approximately 150 people, where there were not enough chairs and a third were left standing or outside the room in the corridor, suggesting that this was the standard process. The BHSR collected 423 signatures of residents who expressed an interest in expressing concern about this application. We delivered it to the Planning Department and to Councillor Colle on October 18, 2013. We expected a facility choice that respected the right of all interested neighbours to be present and accounted for. This request we were told was not a standard process.

The BHSR is not opposed to redevelopment of the former Briar Hill Public School Site. We respect the right of an entrepreneur to conceptualize a project, invest in it and propose it. But we also expect that applicant and the City of Toronto to act in Good faith and respect good planning principles and good public process. Transparent, responsible community building must be the chief objective of all relevant stakeholders. Madison Homes, the City of Toronto, the BHSR – all have an interest in making sure that this site is redeveloped with a respect to the character, history and demographic mix of the community. Briar Hill Stayner is a hard-working, family loving, semi-urban community with deep roots in respect of those who live beside us and those who came before us. Any new development on that site must adhere to this.


Good planning principles, current zoning and current development economics allow for a reasonable density in correlation to the prevailing (predominant) dwelling type in this neighbourhood. Current analogous proposals on the former sites of Silverthorn Public School (12 256257 WET 12 OZ, October 30 2013 – 43 dwellings) and St. Gasper's Elementary School (13 162096 WET 07 OZ, May 27 2013 – 42 dwellings) show that this is in fact the standard process. In those cases, the surplus school properties were sold to private developers who took the initiative to consider precedent planning principles and

decisions that suggested Neighbourhood Character was a guiding principle in redevelopment. In both those cases, the applicants respected their sites current residential zoning - enveloped by R2 and R4 zoning - and considered Plans of Subdivision that respected what that meant to the families that actually currently live there. In both those cases, the City and the respective Councillors have ensured that the transparent public process has been respected, instead of an implied 'standard' process.

The BHSR, on behalf of the 423 neighbours that signed our petition and the family members they represent, demand that the same respect be afforded to our families and friends. This area has a rich Pioneer history dating back 180 years. This area has been built up and made into a community by waves of development and settlement that began in a Pre-War era and accelerated in the 1950's and 1960's as northern York and North York boomed in the heart of the now Toronto. We expect that the City, its elected representatives and private sector firms propose suitable residential development, that does not jeopardize nor adversely impact the character, safety and stability of the established/adjacent neighbourhood, where the prevailing residential dwelling type of the established/adjacent neighbourhood is respected and where there is important consideration for a long-built and earned quality of life, in this our beloved neighbourhood community.

There is no doubt in terms of the Toronto Official Plan that 'Residential Land Use' is appropriate for the site at 1100 Briar Hill Avenue. But for the 87% portion of the subject lands designated Official Plan "Neighbourhoods", the existing zoning by-laws (Residential R5 and R2) and those residential zonings enveloping the property must be respected, as well as reinforcing the prevailing (predominant) dwelling type of the established physical character of the neighbourhood. And that means no townhouses.

Yours truly,



Mato Roncevic, Co-Chair of the Briar Hill-Stayner Residents Community Committee

Toronto, Ontario

On behalf of the Briar Hill-Stayner Residents Community Steering Committee:

Flavio Volpe Co-Chair	Maria Coiro
Anthony Coiro	Ewa Oszust

.c.c.

Jennifer Keesmaat, Chief Planner & Exec. Director
John Livey, Deputy City Manager
Allen Appleby, Director, Community Planning North York District
Al Rezoski, Manager, Community Planning North York District-West Section
Emily Rossini, Planner

1100 Briar Hill Avenue: Another Critical Look at Community Building

Briar Hill Stayner Community Committee

December 14, 2013

Site Title History

- The Subject Site's title history is over 150 years old
 - Ross and Watson families deeded land for Fairbanks School Section 15 schoolhouse, 1863
 - Original Schoolhouse built on SW corner of Lot 3, Concession 2, 1863
- A 3-Storey School Building was constructed on Briar Hill Avenue, 1927
- School closed post 2011/12 academic year
 - Sale of property commissioned by Toronto Lands Corp (2.4 acres)
 - Orientation was Frontage on Briar Hill Ave, no access to Dufferin
- Parkland on SW of site severed, purchased by City, August 15, 2013 (0.37 acres)
- Remainder of Site sold to Madison Briar Hill (MBH) Ltd, August 20 2013 (1.98 acres)

Governing By-Laws – Permitted Use

- Official Plan says Site is Residential by a Large Margin
 - 87% of site is Residential - Neighbourhoods
 - 13% of site is Mixed Use - Community Retail
 - City of Toronto, Land Use Plan, Map #17
- Surrounding community Residential Zoning is North York R5/6/7, York R2
 - R5/6/7 allows for Singles
 - R2 allows for Single, Semis and Duplexes
 - All options allow for a maximum FSI of 0.8
- TLC sold property through Colliers with Sales Documents including a Concept Plan Showing:
 - 28 non-permitted 'Townhouses'
 - Lot-sizing drawn to Permitted FSI

Application Chronology

- MBH holds 2 Preliminary Meetings with Planning in March 2013 and June 2013
 - Planning suggests that access be restricted to Briar Hill Avenue, not Dufferin St
- MBH submits Planning Review and Application for Rezoning August 15, 2013
 - No Pre-Application Meeting is offered to or held with Community
- MBH submits for a Demolition Permit to Building Department September 24, 2013
- Planning submits Preliminary Report dated September 30, 2013 to North York Community Council on October 17, 2013
 - Report by Emily Rossini excluded (1) Planning Rationale and (2) Request for Demolition

School Demolished Illegally

- Demolition Permit applied for September 24, 2013
- By-Law 3102-95, City of York 1994, requires that Demolition Application request be referred to Community Council by Building Department for Approval
 - Council may also require Applicant to enter into Beautification Plan as well
- Public not informed of this Request in (September 30, 2013) Preliminary Report to North York Community Council on October 17, 2013
- Building Department issues Demolition Permit without referring request to Community Council contrary to By-Law 3102-95 on October 25, 2013
- MBH executes Demolition Saturday November 9, 2013

Heritage Evaluation Request

- Request for Heritage Evaluation (attached) submitted October 29, 2013 to North York Heritage Preservation Board and Toronto Heritage Preservation Services (HPS)
 - Community-based nomination is unaware of illegally obtained October 25, 2013 Demolition Permit
- Request for Heritage Evaluation forwarded by Community nominator to Emily Rossini on November 5, 2013
 - Demolition Hoarding is raised by Applicant November 6, 2013
- Ward 15 Councillor Josh Colle submits written request on November 8, 2013 to MBH to postpone Demolition while HPS has chance to review
 - MBH commences Demolition morning of Saturday November 9, 2013
- HPS informs applicant by letter on November 15, 2013 that due to the issuance of a demolition permit, HPS may not review the nomination for heritage preservation value

Selective Disclosure

- The City failed in its duties to (1) uphold the law and to (2) inform residents of material matters by selective disclosing them to the detriment of the interests of the community
- These actions cost the community (1) its right to be heard and considered, and (2) a chance to see part of its history preserved in the redevelopment

September	Public			Non-Public		
24						
30		Preliminary Report Completed (excluding Request for Demolition)			MBH Submits Demolition Request	
October						
17		Preliminary Report submitted to Community Council				
24					Building Department Issues Demolition Permit	
29		Request for Heritage Evaluation Submitted				
November						
5		Request for Heritage Evaluation forwarded to E. Rossini				
6		Applicant erects demolition hoarding				
7		Councillor Colle formally requests Applicant postpone Demolition				NYCPB inquires re Demolition; Building confirms Permit issuance
8		Applicant commences Demolition				Applicant confirms Demolition is not imminent

Bad Faith Relations with Community

- BHM held two Pre-Application, meetings with City officials and representatives – None with community
- City allowed BHM to demolish Briar Hill Public School without following Proper Procedures that allowed a legally-mandated Public Opportunity to review and deputize
- BHM demolished Briar Hill Public School immediately after being notified of Heritage Review Nomination and receipt of Councillor Colle's letter requesting pause
- BHM demolished Briar Hill Public School in spite of having no Planning Approvals citing public safety and crime concerns in a neighbourhood never deemed At Risk

Poor Planning Principles

- The subject site fronts onto a residential street and is 87% classified Neighbourhoods on the Official Plan
- It is bordered on the North and Northeast by North York Residential Zoning (R5) and on the Southeast and South by City of York Residential Zoning (R2)
- All abutting properties are Single-Family dwellings - the permitted Low-Density FSI is 0.8
- MBH is proposing Stacked Condominium Townhouses with a High- Density FSI of 1.77
- This represents an Escalation of Density of 121% over the permitted use

Negative Impacts

- MBH's proposes to greatly increase the density in the area, set a precedent and destabilize the neighbourhood
- The proposal will not enhance and preserve the adjacent “designated” stable residential neighbourhood.
- The proposal will have an Extreme Negative Impact by setting a precedent for future zoning amendments applications to occur in the surrounding/adjacent established neighbourhood causing destabilization
- Has MBH considered single detached homes in keeping with the current zoning designations?

Decades of Responsible Re-Zoning

- The Briar Hill Stayner Community has a strong 30-Year history of Responsible Re-Zoning

	1984	1998	2002	2004-2005
Address	148-158 Stayner Ave	2781-2801 Dufferin St. (East)	146 Stayner Ave	108 Stayner Ave.
Applicant	Eugenio Nardi	Topview Developments Ltd	Stayner Homes Inc	Savoia Developments Ltd
OPA	Minor Ind. To Residential	Minor Ind. To Residential	NA	NA
Zoning By-Law Amendment	M2 to R5	MC(H) to R7	MC(H) to R7	R5 to R6
Land Area (Acres)	0.43	1.5	0.3	0.81
Number of Units	6	16	4	7
Dwelling Type	Single Family Detached	Single Family Detached	Single Family Detached	Single Family Detached
Resulting Density (units/acre)	14	10.7	11	9
Parking Spaces per unit	2	2	2	4
Proximity to Subject Site (m)	<60	<150	<60	<80
File #	D-3-4-47	UDOZ-97-39	TC ZBL 2002 0016	04 120027 NNY 15 OZ
	DPZ-83-71	UDSB-1236	TC SPC 2002 0011	

Good Planning Foresight Creates Consistent Outcomes

- Community building requires long term thinking and a commitment to Good Planning Principles
- Since 1984, each application was managed by a Senior Planner and ultimately resulted in the building of Single Family Detached Homes



Reasonable Planning Principles - Transition

- On the 87% of the site classified Neighbourhoods by the Official Plan, current FSI could allow for the development of up to 30 2,000sf Single-Family homes, or 40 1,500sf Semi-Detached homes on the site
- On the 13% the site classified as Mixed Use by the Official Plan, Applicant can build density including Residential as provided for by current zoning
- This manner of re-development would allow for Reasonable Densification of an established neighbourhood and Respects the Transition of Density into the currently exclusive Single-Family area

Community Building vs Margin Building

- MBH's Re-Zoning application is requesting
 - an FSI Escalation of 121% over Permitted Usage, and
 - a potential Unit Escalation of 195% over permitted usage
- Assuming the following Development costs:

Build (\$/sf)	\$175.00
Development Charges (currently \$15k)	\$30,000.00
Sales Commission	5%
Marketing (per unit)	\$5,000.00
Land (Purchased Value)	\$6,300,000.00
Value/sf (Based on Local Comparables)	\$350.00

- Current permitted usage allows for a project EBIT of approx \$3.2M
- MBH's applied-for Re-Zoning provides for an EBIT of \$12M
- A Developer's desire to maximize profit should not over-ride a Community's right to expect the City enforce Planning Principles
- An over-supply of lower-cost Dwelling Type in a development that does not respect Transition will adversely effect Current Value of neighbouring units

In Conclusion

- Massing and Scale of any Proposed Townhouse Re-Development does not respect the Character and make-up of the Existing Established Neighbourhood
- If this type of Re-Development Proposal is approved, it will have an Onerous Impact on the Neighbourhood's Public Interest
- The Briar Hill Stayner Residents Community Committee expects that the City of Toronto ensures that the Applicant adheres to Good Planning Principles as outlined in the Official Plan and Current Zoning