

January 14, 2014

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VIA E-MAIL

File 12020.00002

Francine Adamo  
Administrator, North York Community Council  
City of Toronto  
5100 Yonge Street  
Toronto, Ontario M2N 5V7

Dear Ms. Adamo:

**Re: North York Community Council Meeting - January 15, 2014  
Item NY29.20: Zoning By-law Amendment and Rental Housing Demolition  
Applications (the "Mady Applications")  
1678-1704 Avenue Road, 375-377 Fairlawn Avenue and 412-416 Brookdale Avenue,  
City of Toronto (the "Mady Lands")**

We have recently been retained by Starbank Development Corporation ("Starbank"), owner of lands municipally known as 1648 Avenue Road and 1650-1660 Avenue Road (the "Starbank Lands"), in the City of Toronto (the "City"), with respect to the above-noted matters. Our client has an ongoing interest and has been actively involved in the City's processing of the Mady Applications. This submission is further to our client's previous submission filed on August 5, 2012.

Our client is in receipt of the City's Notices of Public Meeting in respect of the Mady Applications to be considered by the North York Community Council during its scheduled meeting of January 15, 2014. We have also reviewed the Final Staff Report dated December 11, 2013 (the "Staff Report").

We remain concerned with the proposed development with respect to the residential permissions being sought by the Mady Applications through the rezoning process. Our concerns are summarized below and will be expanded upon during our deputation at the North York Community Council Meeting on January 15, 2014:

1. Attachment 3 of the Staff Report identifies all the lands included in the Mady Applications. Upon review of Schedule 1 of the proposed Draft Zoning By-law (Attachment 5 to the Staff Report), it would seem that there is a discrepancy in the extent of the land area subject to the Mady Applications. While it seems that the lot

immediately abutting 412 Brookdale Avenue is part of the Mady Applications (Attachment No. 3), it appears that it is excluded from Schedule 1. Given our concerns below on expanding the Avenue Road Avenue Study (implemented through Zoning By-law 107-2010) and increasing the permitted residential density on the Mady Lands, it would be important to understand the correct planning context of the impending land use decisions;

2. Should the Mady Applications encompass all the lands shown in Attachment 3, including 414-416 Brookdale Avenue, it is our position that 414-416 Brookdale Avenue is currently zoned R4(94) under Zoning By-law 107-2010, and not as shown on Attachment 3 to the Staff Report. Schedules 3 and 10 to By-law 107-2010 demonstrate that the property west of the western boundary of 412 Brookdale is zoned R4(94). To assist in understanding this relationship, attached is a copy of Schedules 3 and 10 to Zoning By-law 107-2013 where we have outlined in red the limits of the Mady Applications.

It is also unclear as to whether or not these lands are designated Neighbourhoods in the Official Plan, which would be consistent with this R4 zoning. The Staff Report does not speak to the justification for rezoning these lands from the R4(94) zone to the proposed C4(14);

3. Further, upon review of Schedule 3 of Zoning By-law No. 107-2010, the property west of 412 Brookdale Avenue, as well as 375-377 Fairlawn Avenue, were excluded from the detailed planning analysis conducted as part of the Avenue Road Avenue Study in 2009 (the "**Avenue Study**"). These sites do not have the same density permissions that currently exist for the balance of the Mady Lands. The request to expand residential density rights similar to that which exists under the C4(12) zoning to all of properties subject to the Mady Applications seems excessive, represents a residential overdevelopment and cannot be considered good planning. The Mady Applications have failed to provide a justification and Staff have not analyzed how the objectives of the Official Plan have been satisfied with the proposed extension of the Avenue Study area westerly towards lands designated Neighbourhoods. In particular, it is unclear how Policy 4.52(c) has been satisfied;
4. It is our position that it is both prejudicial and unfair to expand the boundaries of Zoning By-law 107-2010 (and as such the detailed Avenue Study) for convenience purposes simply on the basis of lot consolidation that has occurred in the intervening years. This ad-hoc approach of adding additional lands, which has the result of increasing available residential density, fails to preserve and maintain the density balance established for this

Avenue. As correctly noted in the Staff Report, there is no special density provisions for larger "opportunity sites". In our view, the proposed increase in residential density cannot be considered acceptable and unique to the Mady Lands due to their overall size and configuration. Such an approach undermines the relatively recent Avenue Study and will invariably set a negative precedent for other lands subject to the Avenue Study;

5. The height of the proposed mixed use development undermines the fundamentals of the Avenue Study which was implemented through Zoning By-law 107-2010. This By-law permits a 7 storey built form or a maximum height of 22.5 metres on the southern portion of the Mady Lands and a maximum height of 5 storeys or 16.5 metres on the northern section. Further, the properties municipally known as 375-377 Fairlawn are zoned for a maximum height of 3 storeys or 9.2 metres. The proposal is for a 7 storey building at a maximum height of 23.7 metres across the whole of the Mady Lands, whereas only the southern portion was contemplated and modeled in the Avenue Study for this type of height, and even still, the proposal exceeds the maximum 22.5 metres height limit in the recently approved By-law. Additionally, allowing the intended height across the whole of the Mady Lands ignores the purpose and intent of the Avenue Study and implementing Zoning By-law 207-2010 and commences the erosion of the protection provided for the adjacent stable residential neighbourhood.
6. The proposal to charge for residential visitor parking will impact the limited supply of nearby on-street parking and at grade commercial lots in the vicinity. All residential visitor parking should be accommodated on the Mady Lands, without charge in order to implement Policy 4.5.2 (i) of the Official Plan which requires "...an adequate supply of parking for residents and visitors"..

Kindly accept this correspondence as our client's written comments on the Mady Applications. Further, we reserve the right to supplement our concerns as these applications evolve. Please also accept this correspondence as our formal request that we be provided with any staff reports, Council and/or Committee's resolutions, and Notice of Decision by the City under s. 34(18) of the *Planning Act*, with respect to the Mady Applications. We would also ask to be added to any circulation lists prepared by, or for, Councillor Stintz's office in respect of any future working groups or community consultations with respect to these applications. To that end, we have also forwarded a copy of this letter to Councillor Stintz directly.

Should you have any questions or need clarifications, please do not hesitate to contact the undersigned or Paul Chronis, Senior Planner in our office, at (416) 947-5069.

Yours truly,

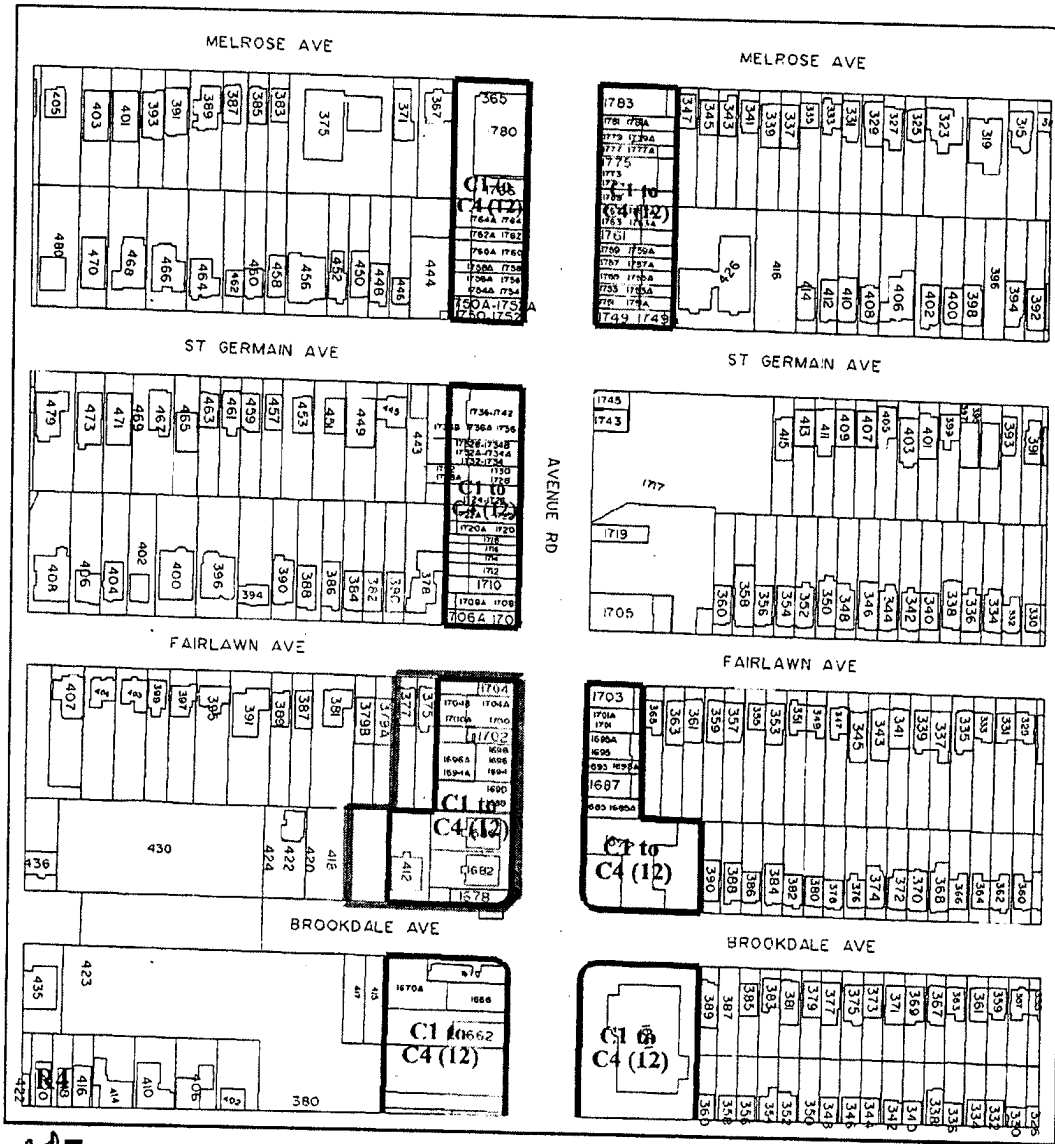
**WeirFoulds LLP**

*12/10* Barnet H. Kussner

DB/PC:cl  
Encl.


c: Councillor Stintz, Ward 16, City of Toronto  
Dung Lam, Starbank Development Corporation  
Denise Baker, WeirFoulds LLP  
Paul Chronis, WeirFoulds LLP

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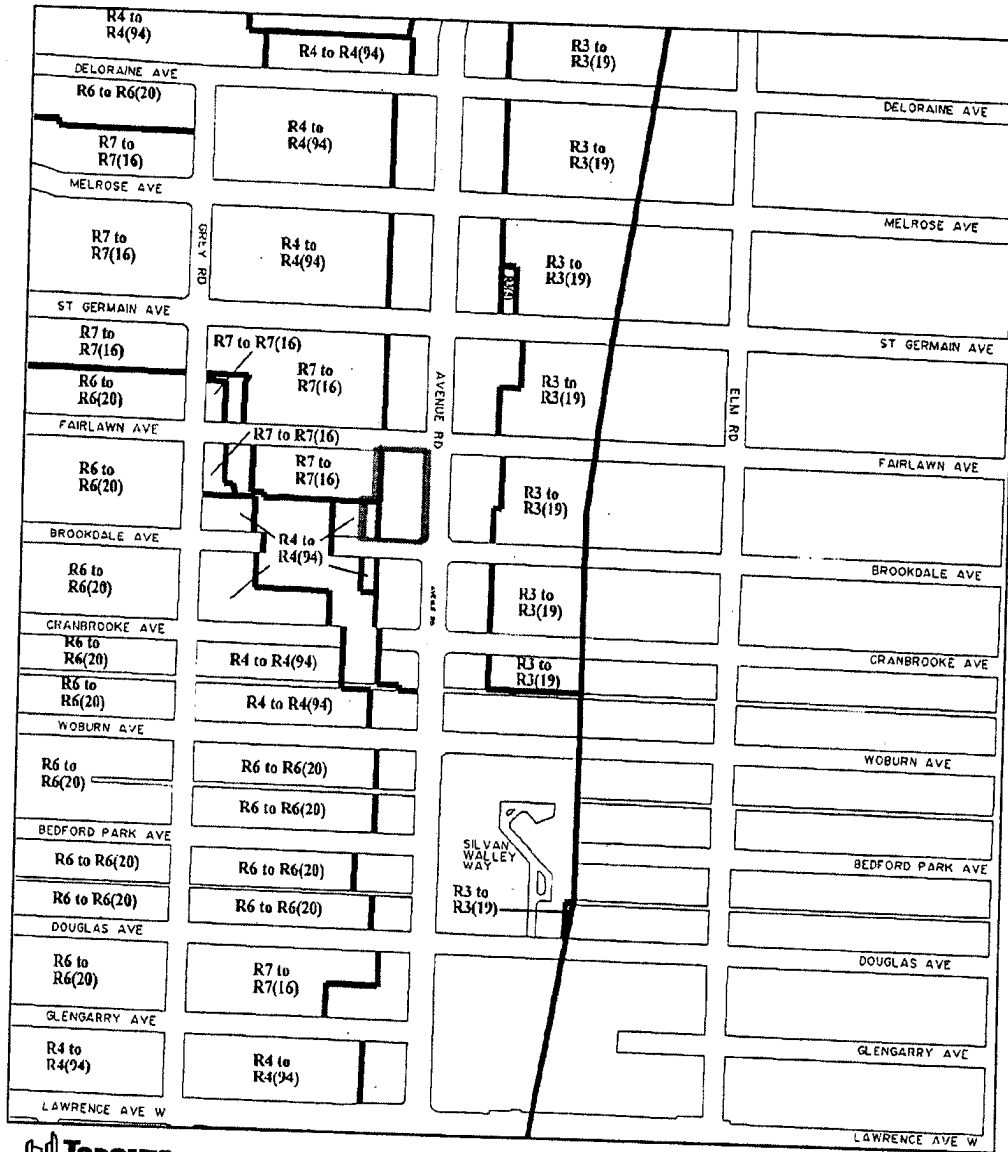
Schedule 3

Zoning

 Limits of Mady Applications


Date: 10/09/2009  
 Approved by: PB

  
 Not to Scale



Schedule 10

Zoning

 Limits of Many Applications

Date: 10/09/2009  
Approved by: PB

  
Not to Scale