

North York Community Council

From: Ira Kagan <ikagan@ksllp.ca>
Sent: Thursday, January 12, 2017 10:35 AM
To: Clerk; Councillor Augimeri
Subject: 28 & 32 Evergreen Gardens, Toronto
Attachments: Kagan to City (Jan. 11 2017).pdf

Please see the attached letter. Kindly ensure that it is placed before North York Community Council at its January 17, 2017 meeting. Thank you.

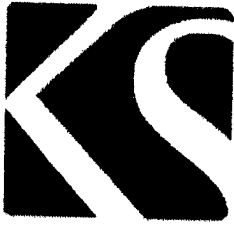
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File #: 15206

January 11, 2017

By email

Councilor Maria Augimeri, Chair of the North York Community Council and Members of Same
City of Toronto – North District
5100 Yonge Street
Toronto, ON., M2N 5V7

Attn: City Clerk

Dear Chair and Members of North York Community Council:

**RE: Zoning By-law Amendment and Site Plan Resubmission
28 & 32 Evergreen Gardens
Zoning By-law Amendment Application No.: 16 182232 NNY 26 OZ &
Item 19.38 of the January 17, 2017 Community Council Agenda**

We are the solicitors for 2482841 Ontario Inc., owners of the above-noted property. On your agenda for the January 17, 2017 Community Council agenda (Item 19.38) is a Refusal Report dated December 16, 2017 in relation to my client's applications. I write to request that you not accept the staff recommendations and that you instead direct staff to bring forward an Official Plan Amendment and Zoning By-law Amendment to implement the proposed development.

Attached is an air photo of the subject site and the immediate surrounding area. As you can see, to the north is a 6-storey apartment, to the west is a public park, to the east is Bayview Avenue (a busy arterial road) and across Bayview Avenue is a large Loblaw supermarket. To the south is Evergreen Garden across which are single detached dwellings. All of the lands west of Bayview Avenue, not including the public park, are designated "Neighbourhoods", including the 6-storey apartment building. Bayview Avenue (both in this area and further away) has a long history of accommodating a range of residential building types including townhouses and low rise apartment buildings. Some of the approved townhouse projects either front onto Bayview Avenue or onto a local street (with Bayview Avenue adjacent). The situation is not dissimilar to what my client proposes. It is important to appreciate that all of the townhouse redevelopments on Bayview Avenue are located on lands designated "Neighbourhood" in the City's Official Plan. Townhouses are a permitted building type in a "Neighbourhood" designation.

There is sound planning rationale for approving townhouses next to Bayview Avenue, at the subject location. The subject property is an edge location and the proposal broadens the range of residential building types in the neighbourhood without jeopardizing the stability of the internal areas (compromised of single detached dwellings). There is a clear planning distinction between the edge

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location of a “Neighbourhood” and its internal area. This important distinction has been overlooked by City Community Planning staff in their staff report.

Section 4.1.7 of the City’s Official Plan relating to a “Neighbourhood” specifically turns its mind to the concept of the edge location mentioned above. It says:

“Proposals for intensification of land on major streets in *Neighbourhoods* are not encouraged by the policies of this Plan. Where a more intense form of residential development than that permitted by existing zoning on a major street in a *Neighbourhood* is proposed, the application will be reviewed in accordance with Policy 5, having regard to both the form of development along the street and its relationship to adjacent development in the *Neighbourhood*.” (emphasis added)

This policy was not brought to your attention in the staff report. Section 4.1.7 requires that you evaluate redevelopments at edge locations in relation to the form of development along Bayview Avenue and its relationship to the internal portions of the “Neighbourhood”. The subject property has well defined boundaries and does not abut a single detached lot. Having such well-defined boundaries reinforces its edge location and supports the stability of the adjacent internal neighbourhood.

I disagree with staff’s opinion that that approval of the applications will create a negative precedent. As a more intensified edge redevelopment, it coexists harmoniously with the single detached dwellings internal to the neighbourhood without undermining the stability of the neighbourhood, as a single detached residential neighbourhood. More intensified townhouse redevelopments must and always have different and more intensified zoning standards than the single detached dwellings and, accordingly, it is not appropriate to evaluate the subject application against standards designed for single detached housing.

Our client strongly disagrees with the analysis and recommendations in the staff report. We respectfully request that such recommendations not be approved by Community Council. Thank you for the opportunity to comment and please contact me or Mr. Michael Goldberg, the applicant’s planner, should you wish to discuss this matter further.

Yours very truly,



Encl.

cc: Clients
Mr. Michael Goldberg

