

NY 19.33.13

North York Community Council

From: Brad Teichman <bteichman@overlandllp.ca>
Sent: Thursday, January 12, 2017 5:48 PM
To: North York Community Council
Subject: Sheppard Ave. Commercial Area Secondary Plan Review - Application No. 11 298705 NNY 23 OZ
Attachments: Submission to NY Community Council.pdf

Dear Ms. Adamo,

Re: Sheppard Ave. Commercial Area Secondary Plan Review - Application No. 11 298705 NNY 23 OZ

I am the lawyer for the Sheppard West Lansing Area Rate Payers Association.

I attach a submission from my client to NY Community Council.

Community Council is scheduled to consider this matter on January 17, 2017 at 11:15 A.M.

I request an opportunity to address Community Council on behalf of my client at the meeting.

Thank you,

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Sheppard West Lansing Area Rate Payers Association

January 13, 2017

VIA EMAIL

City of Toronto
North York Community Council
City Clerk's Office, Ground Floor
North York Civic Centre
5100 Yonge St.
North York ON M2N 5V7

Re: Sheppard Avenue Commercial Area Secondary Plan Review (the "Review") – Agenda Item NY19.33 – January 17, 2017 Meeting

As the City is aware, the Sheppard West Lansing Area Rate Payers Association (the "SWLARPA") has an interest in the above noted-matter. A Petition was filed with the City on November 14, December 06 and January 13, 2016 (signatures from an additional 200 households).

We are pleased to provide the City with over 700 signatures (400 signatures mentioned in the Supplementary Report is incorrect), representing households well in excess of 3000 people who have signed up to support a much more progressive planning framework than being proposed in the Review. More people are coming to sign this Petition and SWLARPA will inform you about additional signatures. The SWLARPA undertook the Petition to represent the area residents' interests which are quite dissimilar to that being represented by the City. Many of the concerns expressed in the Petition, in addition to those communicated by SWLARPA in various communications (the latest which was filed with Mr. Joe Nanos on January 3, 2017, copy attached), have remained largely ignored or overlooked.

We have reviewed the Supplementary Report and do not wish to prolong the concerns because they are well documented and will be dealt with in due course. However, SWLARPA wishes to provide the following further comments in response to the Supplementary Report:

1. The expansion of the geographic area of the Petition is not unusual and is almost guaranteed to be the case on site-specific applications. The Petition area is geographically larger than the notice area because it affects many more individuals that visit or commute through the Review area. In contrast, site-specific applications usually affect local residents.
2. A concern in regard to the Petition was voiced by one individual at the December 6, 2016 community consultation meeting (at which Ms. Meistrich was not present). That individual is not in the majority and represents no more than 25 to 30 people who live along Bogert Ave. Certainly it is hard or virtually impossible to suggest that all 700 individuals who signed the Petition wrongly signed to support the propositions. In our respectful opinion, the City's Official

Plan Policies (specifically those related to Public Involvement – Section 5.5.1) mandate that the City give due respect and regard to the majority interests.

3. The Review is solely designed to satisfy the concerns of a few localized residents who live in proximity to development sites. The concerns of the majority of landowners and residents in the area, whom have identified a range of different and equally valid planning perspectives, have been largely ignored.

4. The Review has failed to have regard to the detailed analysis and review required for the Avenues as required under Policy 2.2.3.

5. Further, the Review has also failed to have regard to or implement the Secondary Plan Policies under Section 5.2.1 of the City's Official Plan.

6. The SWLARPA has reviewed the City's Development Application web-portal and notes that the City required various site-specific applicants to file detailed Planning Justification Reports, Segment Studies and Community Facilities Reports for properties both east and west of Yonge Street along Sheppard Avenue (245-255 Shepard Avenue West and 250-258 Bogert Avenue; 53-63 Sheppard Avenue West, 62-64 Bogert Avenue and 66-68 Bogert Avenue; and, 179-181 Sheppard Avenue East). All of these site-specific applications have either been refused or recommended for refusal. Very prestigious and respected planning consulting firms represent the applicants in each of these site-specific applications. It is difficult to believe that each of these prominent planning firms "got it wrong". Even more troubling to the SWLARPA is the fact that there is no mention, analysis or critique of any of the findings in the various reports that are required by the City in order to fulfill the complete application requirements.

7. There are very few pedestrians that walk along Sheppard Avenue West in Ward 23. The SWLARPA, along with every person who signed the Petition, have serious doubts and reservations whether the authors of the Review visited this strip during the work week or on a weekend.

Finally, the SWLARPA fully supports the very comprehensive and detailed submissions received to-date by the City from other planning consulting firms such as Weston Consulting and Walker Not Dragiccevic Associates Limited.

According to the City of Toronto Road Classification Summery Document, Sheppard Avenue is identified as major artery of the City. The Review represented by the City Planners is not a proper Avenues Studies, as it relies entirely on an outdated direction moved by Councillor Filion (the "Resolution").

Today, Sheppard Avenue West within the Review area is a "bottle neck". There is no justification or explanation given in the Review as to why it is more desirable to use the widening for purposes that will not relieve the "bottle neck". A proper Review should represent the interests and views of the thousands of people who drive along of the entire street and not a small segment.

We ask that the North York Community Council defer this matter in order to permit these various concerns to be fully examined and explored. We must get the planning framework correct for this area in order to ensure the full potential of this corridor is realized.

If you have any questions, please contact our representative lawyer Brad Teichman: 416-730-0180; 416-730-0337; e-mail: btiechman@overlandllp.ca

Yours truly,

Sheppard West Lansing Area Rate Payers Association

ATTACHMENT: letter to Mr. Joe Nanos dated January 3, 2017

Sheppard West Lansing Area Rate Payers Association

January 3, 2017

Joe Nanos
Director Community Planning, North York District

Allison Meistrich
Senior planner

North York Civic Centre
5100 Yonge St.
North York ON M2N 5V7

Re: Sheppard Avenue Commercial Area Secondary Plan Review (the “Review”)

Thank you very much for the meeting with us to discuss a very complicated and important matter.

While we appreciate that we have a difference of opinion and view on the recommendations of the Review, regrettably our meeting served to highlight these key differences and raise many more questions.

We are sure that you are aware that all planning decisions need to conform/comply with upper tier planning requirements related to growth management and wise use of all infrastructure and resources (i.e. the Growth Plan, the PPS and the Let’s Move initiatives). Further, the City’s Official Plan plays an equally important role in implementing and advancing growth objectives/goal. Designated *Mixed-Use Areas* are targeted for growth. In addition, the Avenues overlay (which in the Review area stretches well into the *Neighbourhoods* designation) is a signal that any Review must consider how the full advantages of the locational attributes and planned function of the *Mixed-Use Areas* can be fulfilled in close proximity to one of the most significant transit hubs in the City on a major east-west arterial road having the widest designated width of 36 metres.

Avenue Studies and Secondary Plans play a vital role in ensuring not only the protection of *Neighbourhoods* but to recognize the proximity of *Mixed-Use Areas* and Avenue also plays a vital role in City Building. The City’s Official Plan provides the following policy direction: “Secondary Plans apply to areas where **significant redevelopment is expected**. Secondary Plans establish local development policies to guide growth and development in defined areas of a City where **major physical changes** are **expected and desired**” (emphasis added)

The Review is within an area where major physical change is expected and desired, but the current planning analysis avoids contributing that deserved level of recognition.

Some representative questions that remain outstanding and not answered or analyzed in the Review are as follows:

- Why does the Review not properly embrace and remain unconnected to the Secondary Plan policies on preparation?
- Why did the City not prepare a proper Avenues Study but instead rely on the outdated direction moved by Councillor Filion (the Resolution’)?
- Why the Review in Ward 23 is split in two parts?
- Why is there a “big rush” to complete the Review where a prudent pause is warranted to “get it right” in light of the overriding provincial directions and the new Planning Act requirements?
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- Although the *defacto*, but not approved, density and height limit was expressed in the Resolution, there continues to be limited to no interest in the owners along Sheppard Avenue to redevelop sites within that range. To implement a policy regime that recognizes an outdated Resolution will not advance or stimulate any growth. The question remains why is that a desired outcome knowing that this approach will not balance the objectives desired?
- Why the studies started from West and not from East? Because of Applications, isn’t it?
- Why is the Review defragmented and continues to be bifurcating the East and West side of Sheppard Avenue in Ward 23. Is it good land use planning to prepare a comprehensive Review by understanding the entire dynamics of the area rather than piecemeal planning considerations? A proper Review should represent the interest and views of the entire street and not a small segment.
- Why is the City embracing growth along Sheppard Avenue but not along this stretch in Ward 23?
- A review of Sheppard Avenue reveals many high-rise buildings along a widened the street providing additional lanes for vehicles and not as proposed in the Review for pedestrian flows and street furniture. Today, Sheppard Avenue West within the Review area is a “bottle neck”. There is no justification in the Review why it is more desirable to use the widening to continue with the bottleneck?
- The proposed policy approach in the Review will bring significant concerns for residents living on the north side of Bogert Avenue as well as those residents living on the south side of Harlandale Avenue. According to the Review, these residents will need to contend with six stories built form walls with at grade parking at the rear. Why is this desired planning outcome over the townhouse transition and the 45-degree angular plane that seems to be the consistent approach of redevelopment applications along Sheppard Avenue (East and West)?
- Many properties have already been sold for developments and change is inevitable. No developer has come forward to build within the Resolution. How will the enabling of the status quo unlock the planning potential of the area?

- There is no explanation why Midrise Guideline should not be applied as they currently exist and apply to many other parts of the City?

Despite these many concerns, the Sheppard Avenue West Lansing Rate Payers Association wishes to continue and work with the City to find a local solution. The existing Review, if it is adopted in its current form, will not resolve the matter at the local level. Given recent *Planning Act* reforms, there is a higher level of expectation for a more comprehensive and conciliatory approach to decision making. We embrace those changes and wish to contribute in finding a local solution that balances the needs of everyone. The current Review is void of that balance.

On a final note, we attach the following documents to fulfill your request for additional information:

1. Studies done by independent Planners and Architects on a request of the Sheppard Avenue West Lansing Rate Payers Association;
2. Number of properties owned by the Members of the Sheppard Avenue West Lansing Rate Payers Association; and,
3. Various correspondence and submission by the Sheppard Avenue West Lansing Rate Payers Association.

According to 2012 data, Members of the Sheppard Avenue West Lansing Rate Payers Association owned 136 properties facing Sheppard Ave West and 84 properties facing Bogert Avenue and Harlandale Avenue. For legal and Planning Act reasons, all these properties are registered under different names, but have been acquired by common owners/partners for redevelopment purposes. Some Members have made additional offers to purchase Sheppard, Bogert and Harlandale Properties – approximately 35-40. There are additional property owners (10-15) who own about 40-45 properties along Sheppard Avenue and 30-35 properties along Bogert and Harlandale Avenues but they are not Members of Sheppard Avenue West Lansing Rate Payers Association.

Further, according to incoming information, 258-262 Sheppard Avenue West is under new ownership and they are planning to prepare an application submission for an 11-12-story building. Recall, this is the specific referenced property in the Resolution.

The Development of 325 Bogert Avenue (OMB decision) will bring even more questions about proper planning along Sheppard Avenue West.

But a new application was filed for this property on December 30, 2016, for even bigger Development than before. This is another indication of the high degree of interest in this area.

Over 600 households (over 3000 people) signed Petition asking about proper planning along Sheppard avenue West, but it's left without any attention buy the local Councillor and Community Planning Department. But the same time opinion of 25-30 residents leaving along Bogert and Harlandale Avenues very well are taken to consideration. Is it right?

If you have any questions, please contact our representative lawyer Brad Teichman: 416-730-0180; 416-730-0337; e-mail: bteichman@overlandllp.ca

Yours truly,

Sheppard West Lansing Area Rate Payers Association

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