

**North York Community Council - Sheppard Avenue Commercial Area Secondary Plan Review**

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**From:** "Connie Lo" <CLO@weirfoulds.com>  
**To:** "Allen Appleby" <aappleby@toronto.ca>  
**Date:** 3/22/2012 1:57 PM  
**Subject:** Sheppard Avenue Commercial Area Secondary Plan Review  
**CC:** "Francine Adamo" <nycc@toronto.ca>, "Ben DiRaimo" <bdiraimo@toronto.ca>, "Ian Lord" <ILORD@weirfoulds.com>  
**Attachments:** (Sheppard West) ltr to Allen Appleby.pdf

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Please see the attached letter from Ian Lord of our office in respect of the above-noted matter.

**CONNIE LO** | Legal Assistant | T. 416.365.1110 Ext. 2227 | clo@weirfoulds.com

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March 21, 2012

Ian J. Lord  
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VIA E-MAIL

File 99999.99904

**Allen Appleby**  
**Director, Community Planning – North York District**  
**City of Toronto**  
North York Civic Centre  
5100 Yonge Street  
Toronto, Ontario M2N 5V7

Dear Mr. Appleby:

**Re: Sheppard Avenue Commercial Area Secondary Plan Review**

We act for a group of landowners who collectively own well over 30 properties along Sheppard Avenue West bounded by the area from Beecroft Road on the east and Easton Road on the west, in the City of Toronto (the "City"). For identification purposes, we attach a listing of the properties accompanied by a City property data map plotting the addresses. These landowners have been incorporated as Sheppard West Lansing Area Rate Payers Association (the "SWLARPA"). As demonstrated on the attached map, the SWLARPA represents significant property interests.

We are writing to provide comments on the Sheppard Avenue Commercial Area Secondary Plan (the "SACA Secondary Plan") Review initiated by the City. Many of these landowners attended the Community Consultation Meeting on January 16, 2012 at which time they determined they share a common concern with the SACA Secondary Plan Review.

**For reasons explained below, it is recommended that consideration of the SACA Secondary Plan Review be deferred to allow the City to conduct a concurrent Sheppard Avenue West Avenue Study in accordance with the City's Official Plan.**

#### **BACKGROUND**

The origins of the SACA Secondary Plan Review appear to arise from the decision of the North York Community Council during its regular meeting on June 22, 2011 which directed:

"The Director, Community Planning, North York District, bring forward modifications to the existing Sheppard West Plan that would facilitate similar developments, which incorporate use of the 45 degree angular plane and other appropriate and desirable measures to protect adjoining Neighbourhoods, and which provide for a mix of residential and retail uses, and that such report be brought forward at the same time as the final report for 258-262 Sheppard Avenue West".

## **DISCUSSION**

While this direction appears to target a site-specific development, the SACA Secondary Plan Review we understand applies to a much broader geographical area. The group of landowners support a broader land use planning review, but only if it is conducted in accordance with the criteria laid out in the City's Official Plan provisions applicable to Avenues Studies. It is our view that the consideration and justification of the design criteria listed in the decision cannot be analyzed solely within the geographical lot depth limits of the current SACA Secondary Plan boundaries. As you are aware, the SACA Secondary Plan has been incorporated and recognized as a Secondary Plan within the City's Official Plan as an existing and carry-over document. In fact, it was originally excluded from the City's approved Official Plan but eventually included by Order of the Ontario Municipal Board dated September 21, 2007.

The area covered by the SACA Secondary Plan is predominantly designated Mixed-Use Areas. Of concern to the landowners is an apparent avoidance of examining the planning implications of the Avenues overlay contained in Schedule 3 to the City's Official Plan. It is our opinion that the boundaries of the SACA Secondary Plan have not yet been evaluated in the context of the Avenues designation. As such, the scoped review of the SACA Secondary Plan (which follows the directions in the Community Council's decision) does not represent good planning, is not in the public interest, and does not conform to the City's Official Plan.

## **THE "AVENUES" DESIGNATION**

The Avenues designation applicable is generally bounded by Beecroft Road to the east and Easton Road to the west. It encompasses properties south along Bogert Avenue and north along Harlandale Avenue. The Avenues designation is deeper than the limits of the SACA Secondary Plan Review, we believe for good reason. While we recognize the depth of the Avenues includes lands within the Neighbourhoods designation, the selection of the limits of Bogert Avenue and Harlandale Avenue as the northern and southern limits of the Avenues designation is to provide for a justifiable study area. This permits the basis of a future land use analysis for the purpose of considering the appropriate lot depth and lot size to accommodate

the Avenues intensification objectives, land uses and the deployment of good urban design elements such as step-backs, set-backs, angular planes and landscape. This designation established a legitimate policy expectation for the landowners for a more detailed and comprehensive planning analysis expected through the Avenues policies of the City's Official Plan.

The City's Official Plan (and the current SACA Sheppard Avenue Secondary Plan) considers Sheppard Avenue as an area in which housing and mixed-use intensification should take place. Considering the proximity of the subject lands to the Yonge Street spine and the Yonge/Sheppard Mixed-Use node, including significant transit hub infrastructure at this location (existing and proposed), the Avenues designation warrants planning consideration that is not conducted piecemeal fashion or with undue constraint.

According to Chapter 2 "Shaping the City", the Avenues are considered important corridors along major streets where reorganization and intensification can occur resulting in many public benefits. Here, growth can be supported by high quality transit services, including *in-situ* priority measures for buses, and subways. Urban design and traffic engineering practices should be considered to promote a street that is safe, comfortable and attractive for pedestrians and cyclists. If this occurs, Sheppard Avenue West can satisfy and exceed the City's well planned intensification objectives. Since the SACA Secondary Plan predates the Avenues overlay, it did not fully consider the level of intensification that should occur within this Avenues corridor. In our submission, the current direction provided to Staff can overlook the fact that lots that front on the north side of Bogert Avenue and on the south side of Harlandale Avenue abut the existing Mixed-Use designation. These streets themselves form a spatial delineation and barrier between the Mixed-Use Areas and Neighbourhoods designations.

An Avenues study can conclude that well designed intensification will provide a number of benefits that include: maximizing use of infrastructure including transit, providing increased housing choice, and permitting a mix of uses within walking distance of daily amenities. Determining appropriate dimensioned lot sizes and depth is an important component to ensure increased mid-rise heights and expansion of the mix of uses and services along this segment of Sheppard Avenue and that these are achieved in accordance with principles of good planning. This will establish the foundation to improve pedestrian amenities through appropriate built form controls and land use. In our experience, an Avenues study will include an appropriate transition strategy for redevelopment that minimizes impacts on adjacent low-rise Neighbourhoods consistent with the June 22, 2011 decision.

The combination of good urban planning principles, intensification objectives and the deployment and application of mid-rise design guidelines will provide for a built form which will establish an appropriate interface that respects and protects the character of the existing residential areas and provides certainty that the Mixed-Use Areas designation will not encroach beyond the rigid lines created by the above-noted street edges.

We recognize that the Avenues review could potentially have the effect of redesignating "Neighbourhood" to "Mixed Use Areas". This is not an unusual outcome. This occurred during the St. Clair Avenue West Land Use Review and Avenue Study. Areas designated "Neighbourhoods" were redesignated "Mixed-Use Areas" to achieve the City's transformation vision.

## CONCLUSION

Our clients strongly urge that the scope of the ongoing SACA Secondary Plan Study be redefined to consider other appropriate and applicable Official Plan policies. The requested Avenues study is in compliance with City interests and objectives. Our clients are willing and eager to participate in this process. In our submission, the current SACA Secondary Plan Review is too narrow in focus and does not consider the broader public interest of the intensification contemplated in the Official Plan objectives, within designated Avenues.

We are in receipt of the City's Notice informing of a further Community Consultation Meeting scheduled for March 27, 2012. We request that this written submission form part of the agenda for discussion. The SWLARPA is eager to participate in an Avenues study. It will amplify on the contents of this correspondence at future Community Consultation Meetings, meetings of the North York Community Council and Council.

We request that this correspondence be accepted as the written submissions of SWLARPA respecting the City's initiative.

We also ask that we be included in any future notifications applicable to this City initiative, including any and all statutory notices of meeting and *Planning Act* amendments that may be processed.

Thank you for your consideration in this matter.

Yours truly,

**WeirFoulds LLP**



Ian James Lord

IJL:PC:cl

Encl.

c: Chair and Members of the North York Community Council (Attn: Francine Adamo)  
email: [nycc@toronto.ca](mailto:nycc@toronto.ca)  
Ben DiRaimo, Planner  
Cathy Cronin, President, West Lansing Home Owners Association  
Michael Baker, Sheppard West Lansing Area Rate Payers Association

4405546.1 (Rev. March 12, 2012 9:53 am)

## LIST OF LANDOWNERS

	LANDOWNER'S NAME	PROPERTY
1.	Morris Norman	176 Sheppard Avenue West 123, 127, 129 & 135 Sheppard Avenue West 266 Sheppard Avenue West
2.	A Friesner	181 Sheppard Avenue West
3.	Gramand Holdings (Roman) -	61 Sheppard Avenue West 53, 57, 59 & 63 Sheppard Avenue West
4.	Marianne Ishu	301 Sheppard Avenue West
5.	Dr. Kosoy	307 Sheppard Avenue West
6.	Jonathan Alois	292 Sheppard Avenue West
7.	D. Svirsky	139 and 143 Sheppard Avenue West 141 Sheppard Avenue West
8.	1002373 Ontario	241, 237, 148, 144, 145, 157 Sheppard Avenue West
9.	Klein Ziva Goresunik	271 Sheppard Avenue West
10.	Brian Demone 279 Sheppard West Holding Inc.	275, 277 and 279 Sheppard Avenue West
11.	Michael Baker	88 Sheppard Avenue West
12.	Bonnie Tepperman & Shelly Buchalter	300 Sheppard Avenue West
13.	1494507 Ontario Limited	120 Sheppard Avenue West
14.	Nancy Davar	173 and 177 Sheppard Avenue West
15.	Mattari Investments Limited	115 Sheppard Avenue West

PROPERTY OWNERSHIP MAP

