

January 11, 2016

Barnet H. Kussner
T: 416-947-5079
bkussner@weirfoulds.com

VIA E-MAIL

File 16699.00001

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

Dear Sir/Madam:

**Re: Sheppard Avenue Commercial Area Secondary Plan Review
North York Community Council ("NYCC") January 19, 2016 Meeting Agenda –
Item NY11.32**

We act as counsel for the following property owners with respect to their properties identified below (collectively referred to as the "**Site**"):

1. 2226396 Ontario Inc., owner of lands municipally known as 53-63 Sheppard Ave. West;
2. 1822732 Ontario Inc., owner of lands municipally known as 62-64 Bogert Avenue; and
3. Grmada Holdings Inc., owner of lands municipally known as 66-68 Bogert Avenue.

We have had an opportunity to review the Staff Report dated December 16, 2015 (the "**Report**") in respect of the Sheppard Avenue Commercial Area Secondary Plan Review (the "**Avenue Study**"). The purpose of this correspondence is to provide the NYCC with some of the relevant background history and our submissions respecting the Avenue Study.

For the information of NYCC, Grmada Holdings Inc., owner of 66-68 Bogert Avenue, was part of a larger assembly of landowners who collectively formed the Sheppard West Lansing Area Ratepayers Association ("**SWLARPA**") back in 2012. The purpose of establishing the SWLARPA was to collectively urge the City to initiate and ultimately complete the Avenue Study (originated by resolution of the NYCC on June 22, 2011 in response to a site-specific application at 258-262 Sheppard Avenue West). Our firm's correspondence dated March 21, 2012 (attached to Item NY11.32) summarizes some of our initial comments on the process and

planning merits during stakeholder meetings and community consultation respecting the Avenue Study.

To our disappointment, and despite our repeated inquiries of Staff, there has been no clear time frame, staff commitment or dedicated resources to finalize the Avenue Study. It has now been almost 5 years since NYCC's June 22, 2011 resolution to complete the Avenue Study and there continues to be a lack of planning for this particular section of Sheppard Avenue West. In addition, there seems to be a universal consensus that the existing Sheppard Avenue Commercial Area Secondary Plan is outdated and obsolete. More specifically, since the original adoption of the existing Secondary Plan, there have been no fewer than three Provincial Policy Statement reviews; two rounds of new *Planning Act* amendments, the City's new Official Plan; the 2006 Provincial Growth Plan; and the Metrolinx Regional Transportation Master Plan. The key policy directions inherent in all of these documents – with which the Avenue Study must be consistent and confirm with under section 3(5) of the *Planning Act* - include promoting intensification at a density that optimizes the use of existing infrastructure, contributes to the creation of compact, transit-supported complete communities, and facilitates the appropriate redevelopment of underutilized land that is well-served by the existing community infrastructure.

There continues to be a strong interest on the part of landowners to plan appropriately for this segment of Sheppard Avenue West in a manner which meaningfully contributes to City building, transit-supportive growth objectives and neighbourhood fabric. Despite that strong interest, however, the area remains stagnant by failing to embrace balanced growth and contribute its fair share to City building and transit-supportive growth objectives. By focusing almost exclusively on the existing scale and character of neighbourhoods the lands which lie at the core of the Avenue Study amount to a missed opportunity and a virtual "hole in the donut".

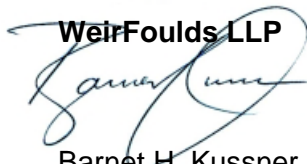
We are encouraged by the City's recently renewed interest in planning for the future of this area. However, NYCC should also be aware that the owners of the Site also filed site-specific Official Plan and Zoning By-law Amendment applications (collectively the "**Application**") back in June 2015. The matter was recently appealed to the Ontario Municipal Board for lack of a Council decision within the timelines mandated under the *Planning Act*. To that extent, and based on the long-standing "Clergy" Principle (requiring that an application must be assessed on the basis of the policies in effect at time of application), we respectfully submit that the Avenue Study must accommodate the Application, not vice versa. We would be pleased to continue discussions with Staff on how the Application can be appropriately integrated within the Avenue Study.

On a final note, as part of the complete application requirements for the Application, a "Segment Study" was required to be filed on behalf of our clients. Toward that end, the owners have

completed a very detailed and comprehensive vision study which, in effect, accomplishes substantially the same planning review now proposed to be re-initiated by NYCC. In our submission, a substantial body of planning work has already been completed and can provide the basis for inclusion as part of the Avenue Study.

Thank you for your ongoing attention to this matter.

Yours truly,

WeirFoulds LLP


Barnet H. Kussner

BHK/PC:cl

c: Joe Nanos, Director, Community Planning, North York District
Allison Meistrich, Senior Planner, Community Planning, North York District
Robert Gibson, Community Planning, North York District
T. Volpentesta, Bousfields Inc.
D. Moore, Pellow Architects
P. Chronis, WeirFoulds LLP
Clients

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