

DEVINE PARK LLP

PLANNING AND DEVELOPMENT LAWYERS

Jason Park
jason.park@devnepark.com
D 416.645.4572

Devine Park LLP
250 Yonge St., Suite 2302
P.O. Box. 65
Toronto ON M5B 2L7

T 416.645.4584
F 416.645.4569

Matter No. S858-04

January 16, 2017

SENT VIA EMAIL (nycc@toronto.ca)

North York Community Council
North York Civic Centre
Main floor, 5100 Yonge St.
Toronto, ON M2N 5V7

Attention: Francine Adamo, Administrator

Dear Sirs/Mesdames:

**RE: 179 – 181 Sheppard Avenue East
Zoning By-law Amendment Application – Refusal Report
City of Toronto File No. 16 225685 NNY 23 OZ
North York Community Council Item No. NY19.35**

Please be advised that we are the solicitors for

1. 179 Sheppard Avenue Ltd., the owner of the lands known municipally as 179 Sheppard Avenue East; and
2. 181 Sheppard Avenue East Ltd., the owner of the lands known municipally as 181 Sheppard Avenue East,

both in the City of Toronto (collectively, the "**Site**"), which is the subject matter of the above-noted Zoning By-law Amendment Application ("the **Application**").

We have now had the opportunity to review the Refusal Report with respect to this Application from the Director, Community Planning, North York District to the North York Community Council, dated January 4, 2017 (the "**Report**"). We would respectfully disagree with the concerns raised and recommendations contained in the Report.

Firstly, we disagree with the Report's conclusion that because the rear of the proposed building lies beneath a 60-degree angular plane as opposed to a 45-degree angular plane, the proposal does not provide an acceptable relationship between the proposed mid-rise building and the adjacent neighbourhoods area to its rear. Both the City and the Ontario Municipal Board have approved mid-rise buildings having an angular plane of greater than 45 degrees. Furthermore, it is our position that with adequate screening and with other mitigating measures, there will be no adverse impacts on the neighbourhoods to the south.

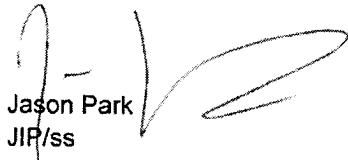
Secondly, we do not believe on-site parkland dedication is appropriate for the Site. Due to the small size of the on-site parkland dedication the City is seeking and the existing Glendora Park to the south and Sheppard East Park to the east of the Site, it would be more appropriate to require a cash-in-lieu of parkland payment.

Finally, it should be noted that the actual right of way of Sheppard Avenue East is greater than the planned right of way, due to modification which were made in anticipation of the Sheppard-Yonge subway corridor. As a result, it is possible, and if the City is amenable to the idea, to move the proposed building closer to Sheppard Avenue East and further from the adjacent neighbourhood to its rear.

Thank you for your consideration of the matters set forth above. We would like to continue to work with the City to resolve any remaining issues regarding the Application.

If you have any question regarding the above, please do not hesitate to contact the undersigned at 416.645.4572.

Yours very truly,
Devine Park LLP


Jason Park
JIP/ss

c.c. 179 Sheppard Avenue Ltd. and 181 Sheppard Avenue East Ltd.