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January 4, 2022

Delivered by Email (nycc@toronto.ca)

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

Attention: Carlie Turpin, Committee Administrator

Dear Chair Pasternak and Members of North York Community Council:

**Re: Item NY29.4 - Sheppard Willowdale Secondary Plan – Final Report
Submissions by SheppBonn Ltd.**

We are legal counsel to SheppBonn Ltd. (“**SheppBonn**”), the owners of the properties municipally known as 25 Bonnington Place and 87, 91, 93 and 95 Sheppard Avenue East, in the City of Toronto (the “**Subject Property**”). SheppBonn has assembled properties along the Sheppard Avenue East corridor for many years and has plans to redevelop the Subject Property, with or without additional property acquisitions.

SheppBonn recognizes the City’s vision in the Sheppard Willowdale Secondary Plan (the “**Secondary Plan**” or “**OPA 560**”) to transform the Sheppard Avenue East corridor into a vibrant, mixed use Avenue that promotes quality mid-rise buildings, an attractive public realm and greater mobility choices for all persons. SheppBonn is supportive of the continued efforts of the City to review the permitted land uses, densities and development standards in the Secondary Plan, and provides these comments to facilitate the City’s efforts related to lands at the southeast corner of Sheppard Avenue East and Bonnington Place.

Comments to the Proposed Secondary Plan

In light of North York Community Council’s direction to City Planning to update the existing Secondary Plan to facilitate development along this corridor, SheppBonn engaged in discussions with City staff prior to the November 3, 2021 consultation meeting, where refinements to Secondary Plan policies were considered based on the Phase 2 vision and guiding principles. These principles included land use, built form, public realm and the establishment of the Sheppard Avenue East Promenade, High Order Pedestrian Zones, and Special Policy Areas.

While SheppBonn supports updating the land use policies along the Sheppard Avenue East corridor, it is concerned that the draft Secondary Plan fails to adequately respond to Provincial

policy direction that promotes efficient and optimized development and land use patterns along with existing and planned infrastructure and directs greater levels of intensification along a higher order transit corridor and subway line. Its concerns include (1) providing sufficient heights and densities at the corner of Sheppard Avenue East and Bonnington Place, (2) designating additional properties as *Mixed Use Areas* at the corner of Sheppard Avenue East and Bonnington Place, and (3) providing flexibility for lands impacted by the North York Centre South Service Road to be included within the Secondary Plan area.

1. Additional Heights and Densities

The Secondary Plan limits the maximum density for the south side of Sheppard Avenue to 3.0 FSI, subject to meeting certain development criteria (see Section 3.4 and Map 29-3). The Secondary Plan also applies a 45 degree angular plane from those lands designated *Neighbourhoods* which also severely limits potential heights along important and strategic parts of this corridor.

Greater heights and densities are appropriate at the southeast corner of Sheppard Avenue East and Bonnington Place, given the pattern of development reflected in the immediate area, the proximity of the site to the transit hub to the immediate west at Yonge Street and Sheppard Avenue, and recently approved development applications, including the 14 storey building at 53 Sheppard Ave West and the 9 storey building at 179 and 181 Sheppard Avenue East. Existing development at the southwest corner of Sheppard Avenue West and Bonnington Place (e.g. the 7 storey and 9 storey buildings at 45 and 47 Sheppard Avenue East) and planned development at the southwest corner of Sheppard Avenue West and Senlac Road (e.g. the 11 storey building at 258, 260, 264, 266, 268 & 270 Sheppard Avenue West and 1 & 3 Addington Avenue) also suggest that greater heights and densities are appropriate. The land use planning principles and policies supporting these applications similarly apply to the land use solutions for the subject site.

It is also important to note that immediately across the street from the subject site, are lands and buildings within the North York Centre Secondary Plan (NYCSP) area. These lands include 90 Sheppard Avenue East which are designated Mixed Use Areas B, where up to 65 m of height is permitted within the secondary plan although, through an OPA application, a 34 storey (100 m) residential condominium building was supported by staff and approved by City Council. This tall building is now constructed and occupied and forms part of the existing context of the subject site.

We attach context plans and preliminary massing plans for the corner of Sheppard Avenue East and Bonnington Place (see **Attachment 1**) which illustrate conceptually how the additional heights and densities can appropriately be developed at this site, while still respecting the existing character of the lands designated as *Neighbourhoods* to the south and southeast.

SheppBonn's concerns are echoed in the Final Report for the Sheppard Willowdale Secondary Plan dated December 1, 2021 (the "**Final Report**"). The Final Report acknowledges that community feedback included concerns that "maximum building heights of 5-7 storeys do not provide enough intensification" and that the density and height limitations on future redevelopment plans from businesses and the development community may be affected by the Secondary Plan. In our view, the severe limitation of height and density in the proposed Secondary Plan for the subject site fail to implement current policy directions from the Province of Ontario. The PPS 2000 and the Growth Plan 2000 directs the optimization of the use of land and infrastructure. Approval of the secondary

plan, as currently drafted will result in either no meaningful development of the subject site, or a severe under-utilization of these valuable and strategically located urban lands.

2. Additional Properties Designated as Mixed Use Areas

The Secondary Plan boundary was expanded to include 33 and 35 Calvin Avenue, which were designated *Neighbourhoods* at the corner of Sheppard Avenue East and Calvin Avenue and re-designated these parcels as *Mixed Use Areas*. This was done to provide sufficient lot depth to support a mid-rise building and to facilitate the establishment of a shared driveway system at the rear from Calvin Avenue to Bayview Avenue. Similarly, the City's approach for 21, 23 and 25 Wilfred Avenue at the southeast corner of Wilfred Avenue and Greenfield Avenue for *Apartment Neighbourhoods* recognizes that there are appropriate opportunities for re-designating *Neighbourhoods* as part of the Secondary Plan process.

SheppBonn requests that the Secondary Plan boundaries be expanded to include the properties on the east side of Bonnington Place from Sheppard Avenue East to Lyndale Drive and certain properties on the north side of Lyndale Drive, as shown in Attachment 1, and re-designating these areas as *Mixed Use Areas*. This would help transition the westerly end of the Secondary Plan with the existing *Neighbourhoods* to the south, provide greater opportunities to frame the edges of the streets with good proportion, and is consistent with the City's approach in other areas along Sheppard Avenue as indicated above.

3. Flexibility For Lands Impacted by North York Centre South Service Road

SheppBonn understands that the City is in the detailed design stage of identifying the limits of the North York Centre South Service Road near Bonnington Place. Given the City's schedule, it would be prudent to include greater flexibility for properties that remain on the east side of the service road, after the road limits have been fully identified and/or the road has been constructed, to be incorporated into the Secondary Plan without the need for an official plan amendment (see lands immediately to the east of the future service road realignment on Attachment 1). This would help facilitate the development of lands near an improved transportation network and be consistent with the guiding principles of the Secondary Plan to transform Sheppard Avenue East into a vibrant, mixed use Avenue. The Final Report does not consider the impact of the service road on remnant parcels of land following the identification of the road alignment or construction; in our view, this represents a missed opportunity to comprehensively provide planning policies for a key intersection that is currently identified as a High Order Pedestrian Zone and signalized crossing.

Requested Recommendation

SheppBonn will continue to monitor the progress of Phase 2 of the Secondary Plan process, particularly in relation to the permitted land uses, densities and development standards as it relates to the Subject Property and along the broader Sheppard Avenue East corridor. However, as there still remains significant parts of the Secondary Plan that need to be amended, particularly as it relates to the southeast corner of Sheppard Avenue East and Bonnington Place, SheppBonn requests that Community Council refer this matter back to staff for consideration based on the comments above prior to recommending adoption of OPA 560 by City Council.

We kindly request that the undersigned be added to the City's notification list for any future meetings of Council, Committees of Council, and public meetings where the Sheppard Willowdale Secondary Plan or related studies are being considered. In addition, kindly ensure that we receive written notice of any decision made by City Council regarding this matter.

Yours very truly,

BORDEN LADNER GERVAIS LLP



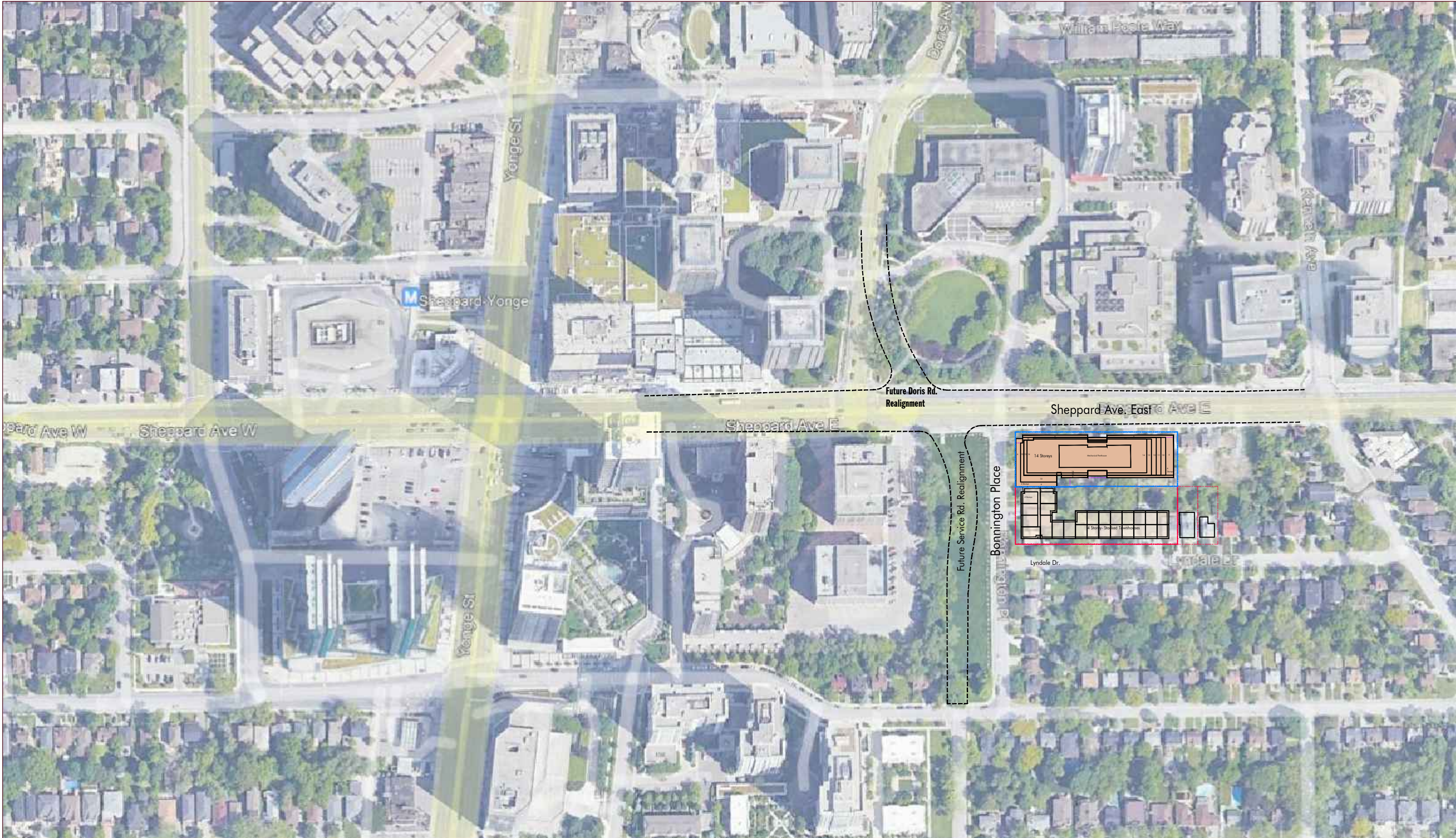
Isaac Tang

Cc: Client
Jenny Choi, Planner, Community Planning, North York District
David Sit, Director, Community Planning, North York District

/Encl.

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Attachment 1 – Context Plans and Preliminary Massing Plans

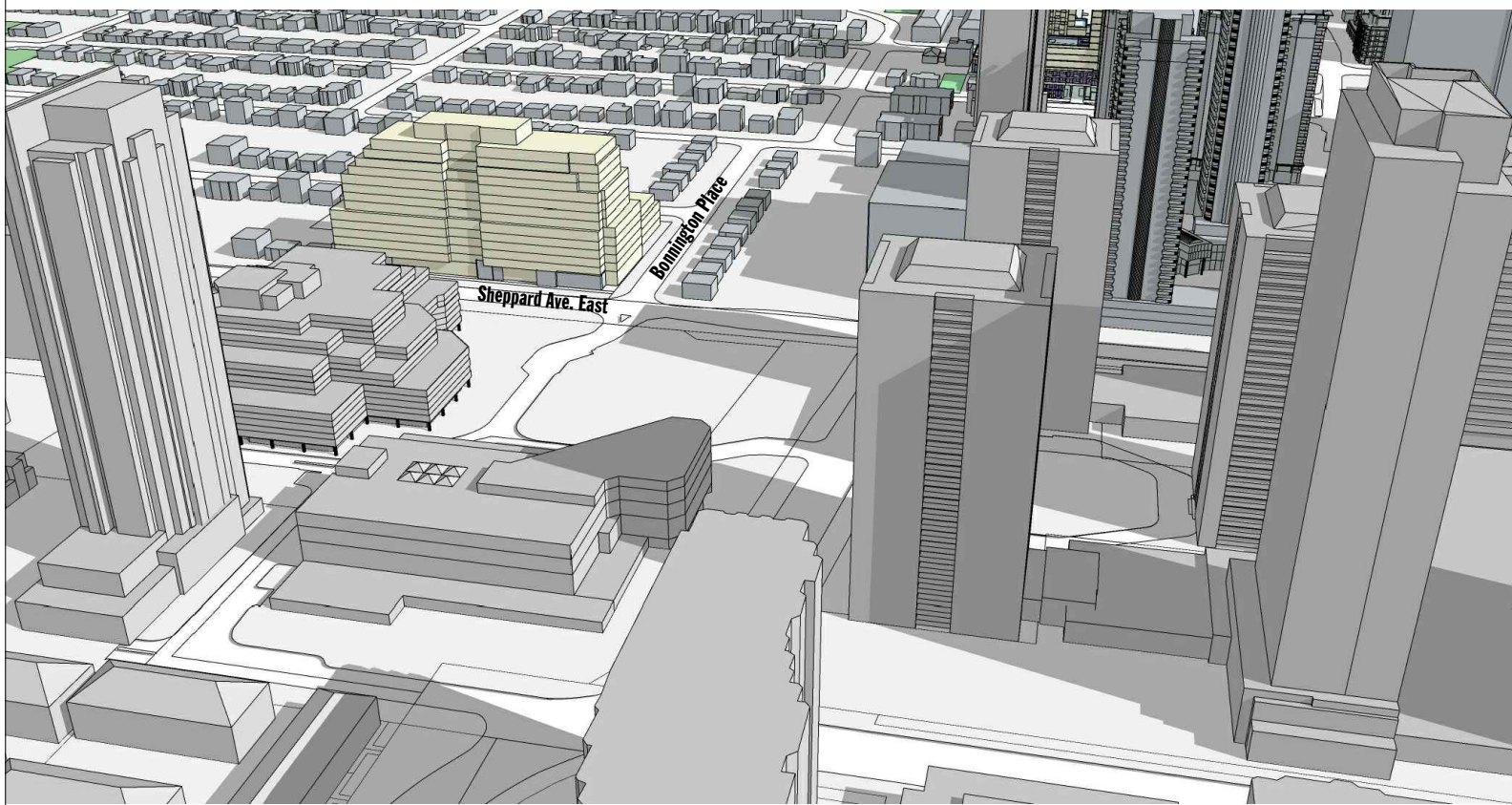


**Sheppard Ave. East / Bonnington Place / Lyndale Dr.
Mixed Use Development
Toronto, North York, Ontario**

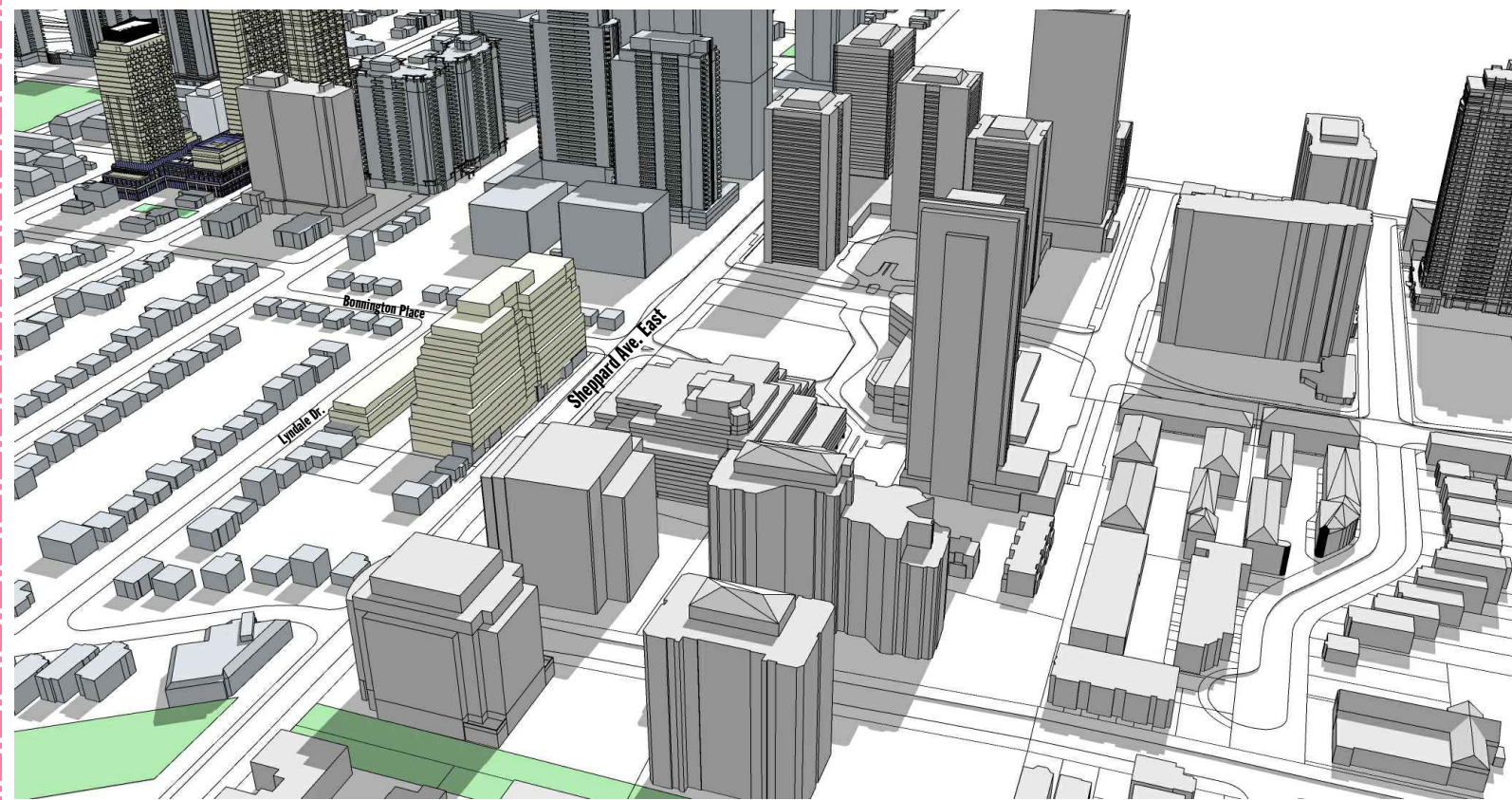
**Broad Context Plan
December 22 2021**



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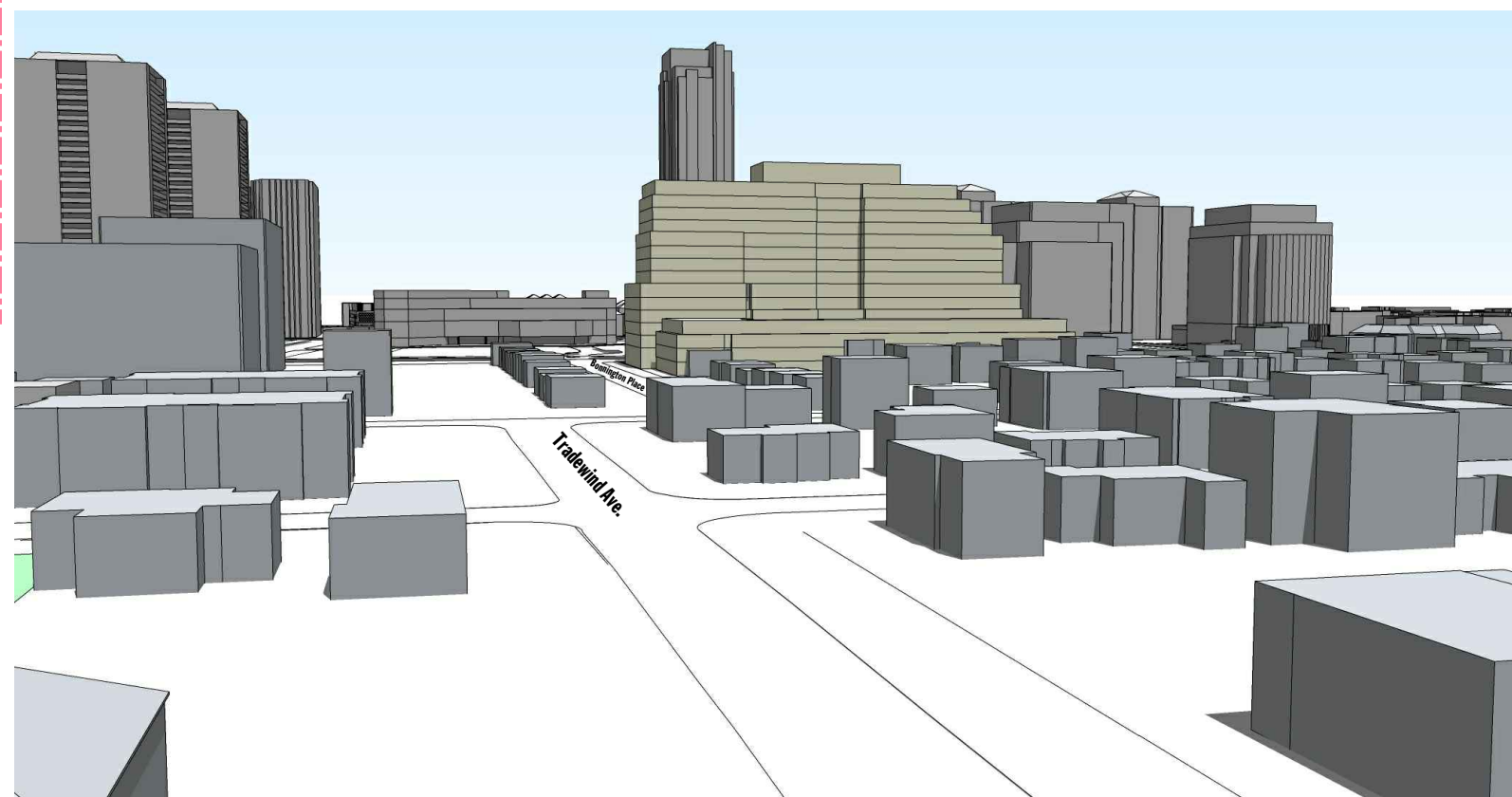
View to Southeast



View to Northeast



View to Southwest



View to North

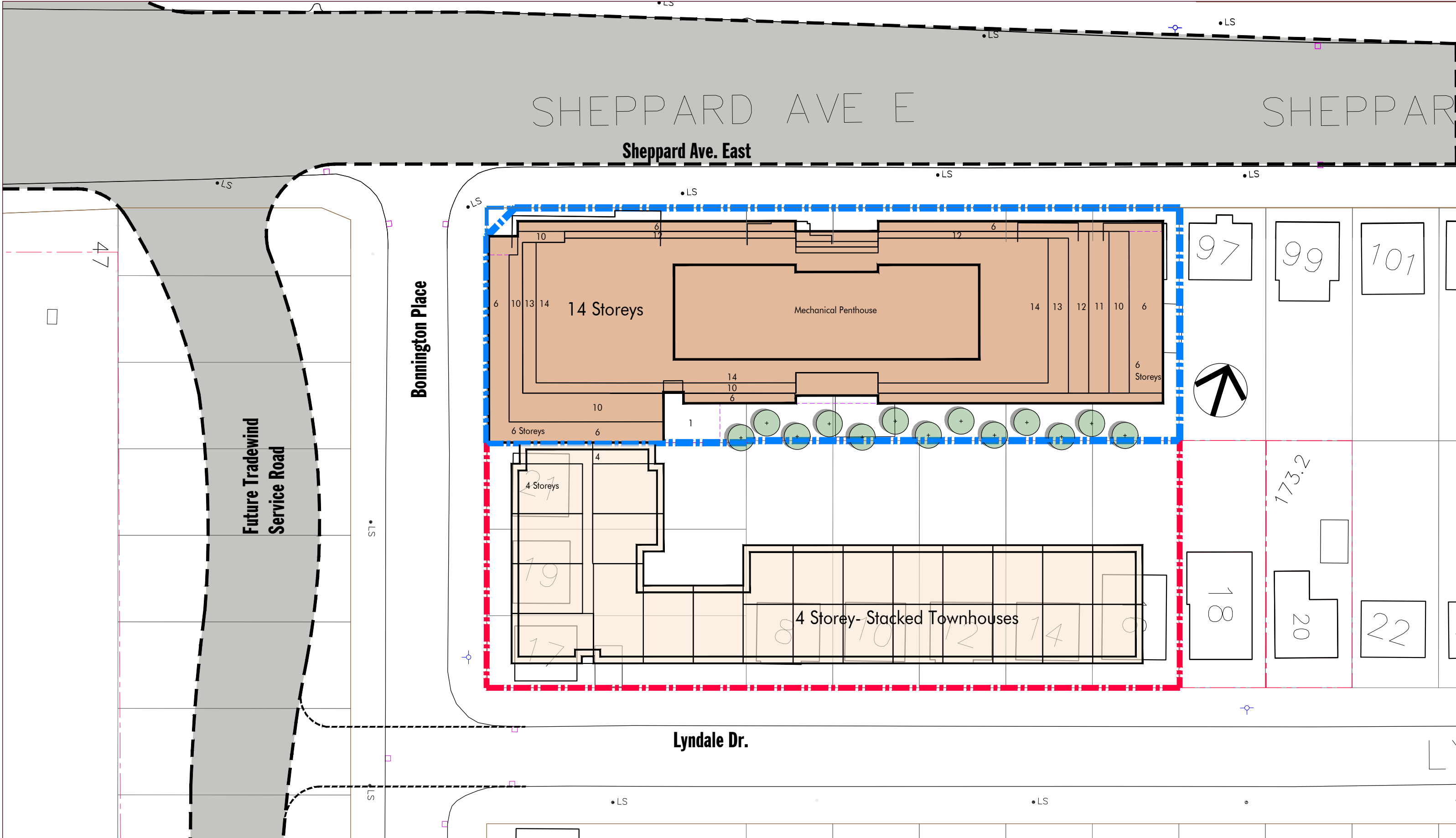


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**Sheppard Ave. East / Bonnington Place / Lyndale Dr.
Mixed Use Development Concept for Oulahen Team Realty
Toronto, North York, Ontario**

Preliminary Massing Concepts

December 22, 2021

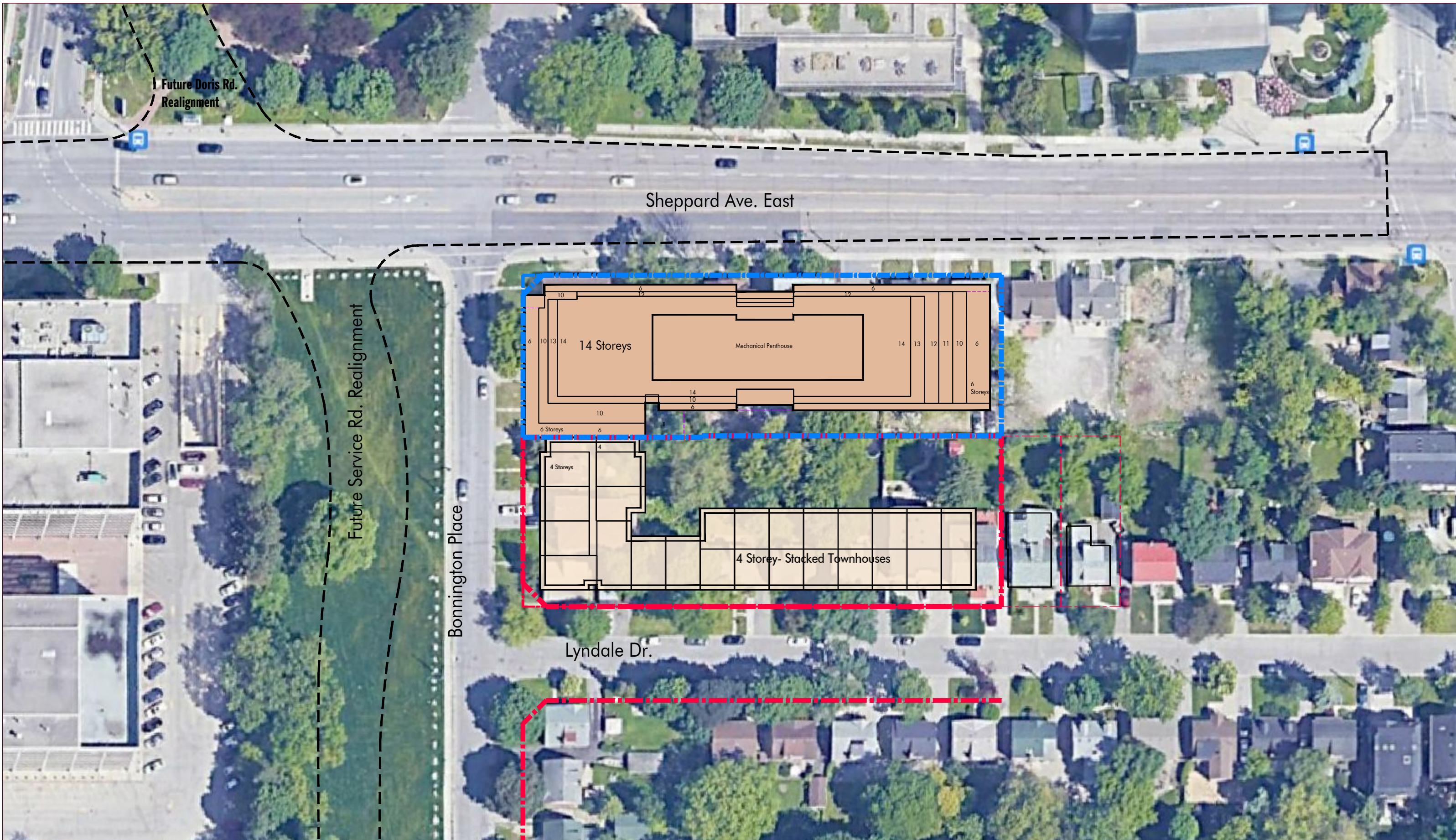


Sheppard Ave. East / Bonnington Place / Lyndale Dr.
Mixed Use Development Concept for Oulahen Team Realty
Toronto, North York, Ontario

Site Plan Concept
December 23 2021



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Future Doris Rd.
Realignment

Sheppard Ave. East

Future Service Rd. Realignment

Bonnington Place

Lyndale Dr.

14 Storeys

Mechanical Penthouse

6 Storeys

4 Storeys

4 Storey- Stacked Townhouses

MSA*i*

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Mixed Use Development
Toronto, North York, Ontario**

Context Plan

December 22 2021