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File No. 23393

December 2, 2024

VIA EMAIL nycc@toronto.ca

Matthew Green
Clerk, North York Community Council
North York Civic Centre
5100 Yonge St, North York, ON M2N 5V7

Re: NY19.11 Renew Sheppard East Secondary Plan - Final Report
- **Letter of Objection**
- **Official Plan Amendment 777**
- **Address: 567 Sheppard Avenue East, Toronto**

Please be advised that we are counsel for 2764434 Ontario Limited, the authorized agent for an Official Plan Amendment and Zoning By-law Amendment Application¹ that has been filed for 567 Sheppard Avenue East, Toronto (the "**Subject Site**") where YMCA of Greater Toronto is the registered owner of the Subject Site (the "**Owner**").

On behalf of the Authorized Agent and Owner, we are writing to provide our comments and objections for the Renew Sheppard East Secondary Plan ("**Secondary Plan**")² and the associated amendments in Official Plan Amendment No. 777 ("**OPA 777**"). On the December 3, 2024 North York Community Council meeting, OPA 777 is on the agenda for approval.³ We have extensively reviewed the latest November 20, 2024 draft of OPA 777⁴ (the "**November OPA 777 Draft**") and have several areas of concern. In a letter dated October 21, 2024, we provided to staff with a list of concerns. Although a number of our concerns have been addressed by City staff, our clients still have several concerns with the November OPA 777 Draft which are set out below.

Background

An Official Plan Amendment and Zoning By-law Amendment Application for the Subject Site (the "**Application**") was deemed completed by the City on June 5, 2024. The Application for the Subject Site is for the following:

- 3 buildings with proposed heights of 2, 45 and 55-storeys, with a total Gross Floor Area (GFA) of 82,138 m² and a shared below grade parking garage; and

¹ File No. 24 135633 NNY 17 OZ; [AIC link](#)

² ReNew Sheppard East (Sheppard Avenue East Planning Review) [page](#)

³ [2024.NY19.11](#) and [Attachment 2 - Official Plan Amendment 777](#)

⁴ Last modified: November 20, 2024, at 12:08 PM

- 6,402 m² of non-residential GFA is proposed for the new YMCA facility on the northern portion of the Subject Site and 75,736 m² of residential GFA is proposed for the 2 residential towers on the southern portion of the Subject Site.

Please see **Appendix A** for the context plan for the Application and **Appendix B** for the Subject Site's location on the November OPA 777 Draft Map 51-1: Secondary Plan Boundary.

Concerns with the November OPA 777 Draft

Our clients have the following concerns and suggested revisions for the November OPA 777 Draft:

1. Long Term Parks Plan

Concern for November OPA 777 Draft Map 51-4

Map 51-4 contains the Long Term Parks Plan.⁵ We support the expansion of Kenaston Park but no additional new parks on the Subject Site. The current Map 51-4 shows a "Potential Future Park" on the Subject Site. This should be deleted for the Subject Site.

2. Area Structure: Transit Station Character Area

Concern for November OPA 777 Draft Policy 3.2.1

We recommend a revision to Policy 3.2.1 regarding the Transit Station Character Area to remove the words "along Sheppard Avenue East",⁶ so that it's clear that taller (or the tallest) buildings do not need to front onto Sheppard, as noted below:

Policy 3.2.1: "The Transit Station Character Area, ~~along Sheppard Avenue East~~, will contain the tallest buildings within the Plan Area, primarily on lands closest to existing and planned transit stations. As the most intensely developed locations, these areas will be busy hubs near transit, with a public realm designed to handle higher pedestrian and cyclist volumes."

3. Minimum Setbacks

The Application has setbacks greater than 5 metres along Sheppard Avenue East, except where the Subject Site property line jogs around a TTC air shaft in which case the setback is 4.6 metres. The residential component of the Application is still being refined but will also generally maintain a 5-metre setback except near the entrance where there is a pinch point. The setback at this pinch point may range between 2.8 metres to 5 metres. We recommended that there needed to be more flexibility in this policy. As a result, we suggested the following revised wording for formally numbered Policy 5.13:⁷

⁵ November OPA 777 Draft, 51-4, PDF page 37

⁶ November OPA 777 Draft, 3.2.1, PDF page 10

⁷ Draft Sheppard East Secondary Plan, 5.13, page 10

A minimum setback of **generally** 5.0 metres is ~~required~~ **recommended** along Sheppard Avenue East, Leslie Street and Bayview Avenue.

Concern for November OPA 777 Draft Policy 5.8.3

Our comment has not been addressed. New Policy 5.8.3 still reads: "A minimum setback of 5.0 metres from the property line is required along Sheppard Avenue East to establish the Sheppard Promenade. No cantilevering of buildings will be permitted within the setback area".⁸ An amendment to OPA 777 would be required given the irregular north property line.

4. Tall Buildings and Built Form Policies

- a. Further with respect to the base building height requirement set out in formerly numbered Policy 7.20⁹ we recommended the following changes:

The base building of a tall building will generally ~~contain~~ have a height equal to: ~~a) no more than 6 storeys along Sheppard Avenue East, Leslie Street, and Bayview Avenue; and b) no more than 4 storeys in all other locations.~~ 80% of the adjacent street planned right-of-way width.

Concern for November OPA 777 Draft Policy 7.3.5

This comment has been partially addressed. The word "generally" has been added. New Policy 7.3.5 has been modified to read: "The base building of a tall building will generally contain: a) no more than 6 storeys along Sheppard Avenue East, Leslie Street, and Bayview Avenue; and b) no more than 4 storeys in all other locations."¹⁰ The height of the Building C podium is 8 storeys which we feel is appropriate. We are unsure whether the City's revised policy would permit an 8 storey podium and until our clients receive confirmation that the revised policy would not restrict the height of this podium, we continue to have concerns with the revised policy.

- b. We also recommended the deletion of formerly numbered Policy 7.22.¹¹ This policy, which required a 5.0 metre stepback above the base building along certain streets, was arbitrary and unnecessary and a lower stepback has been accepted for a number of developments in the North York area.

Concern for November OPA 777 Draft Policies 7.3.6 and 7.3.7

This comment has not been addressed. New Policy 7.3.6 still reads: "A step-back of 5.0 metres is required above a base building on Sheppard Avenue East"¹² and new Policy 7.3.7 still reads "A step-back of generally 5.0 metres is required above a base

⁸ November OPA 777 Draft, 5.8.3, PDF page 19

⁹ Draft Sheppard East Secondary Plan, 7.20, page 17

¹⁰ November OPA 777 Draft, 7.3.5, PDF page 26

¹¹ Draft Sheppard East Secondary Plan, 7.22, page 18

¹² November OPA 777 Draft, 7.3.6, PDF page 26

building along Leslie Street, Bayview Avenue, and/or abutting a park."¹³ An amendment to the Secondary Plan would be required as Buildings B and C do not step back from all sides of the podiums.

For formerly numbered Policy 7.23,¹⁴ we recommended the following:

A minimum step-back of generally 3.0 metres is ~~required~~ recommended above a base building ~~in all other locations~~.

Concern for November OPA 777 Draft Policy 7.3.8

This comment has not been addressed. New Policy 7.3.8 still reads "A minimum step-back of generally 3.0 metres is required above a base building locations other than those noted in Policies 7.3.6 and 7.3.7 of this Plan."¹⁵ This policy is too restrictive and should be revised to the wording that we had provided.

- c. Formerly numbered Policy 7.29¹⁶ noted that the maximum height was generally 45 storeys, which provided a bit of flexibility. However, we did not understand why an arbitrary height limit of 45 storeys was being put in a policy for sites that were either on top of or in close proximity to subway stations. Further, this was inconsistent with our client's development proposal as reflected in the Application. If a height limit was going to be included in this policy, it should have been changed to 55 storeys. An exception to allow a 55-storey building on the south portion of the Subject Site was an alternative to consider given the current Secondary Plan policies¹⁷ encouraged the highest building heights along Highway 401.

Concern for November OPA 777 Draft Policy 7.3.1

This comment has not been addressed. New Policy 7.3.1 has not been revised. It still reads: "The tallest buildings, generally no greater than 45 storeys, will be located on lands close to the transit stations at Leslie Street and Bayview Avenue. Buildings will have lower heights on lands closest to the transit station at Bessarion Road."¹⁸ Our clients are concerned that an amendment to the Secondary Plan may be required to allow a 55-storey building on the Subject Site.

We would note that in a recent Ontario Land Tribunal (OLT) Decision¹⁹ dated November 21, 2024, the OLT accepted a settlement reached with the applicant for 2500 Don Mills Road and the City of Toronto that included a tower of 49 storeys in height. 2500 Don Mills Road is similarly located next to a subway station as is the Subject Site and therefore a higher height context than 45 storeys should be approved for the Subject Site especially considering the proposed height of 55 storeys would not

¹³ November OPA 777 Draft, 7.3.7, PDF page 26

¹⁴ Draft Sheppard East Secondary Plan, 7.23, page 18

¹⁵ November OPA 777 Draft, 7.3.8, PDF page 26

¹⁶ Draft Sheppard East Secondary Plan, 7.29, page 18

¹⁷ Sheppard East Subway Corridor Secondary Plan, 4.1 Key Development Areas, e), PDF page 3

¹⁸ November OPA 777 Draft, 7.3.1, PDF page 25

¹⁹ [OLT-23-000093](#)

cause any adverse impacts on the surrounding neighbourhood and would allow for much needed additional housing consistent with the new 2024 Provincial Planning Statement.

- d. We also recommended the following revision to formerly numbered Policy 7.30:²⁰

Base buildings of tall buildings, ~~shall be a minimum of~~ should have a height equivalent to 3 storeys.

Concern for November OPA 777 Draft Policy 7.4.2

This comment has been partially addressed. New Policy 7.4.2 has been modified to read: "Base buildings of tall buildings, shall generally be a minimum of 3 storeys".²¹ However, we continue to recommend the words "have a height equivalent to 3 storeys" given that the YMCA building height is technically 2 storeys tall but has a height equivalent to 3 storeys.

5. Housing Policy

We believe the unit mix requirements in formerly numbered Policy 8.1²² was too punitive and only a) and b) of this policy should be included in the Secondary Plan. Further, it is our position that this policy should have been revised to reflect the intent of the City's Growing Up Guidelines. Our suggested wording for formerly numbered Policy 8.1 was as follows:

For developments that contain more than 80 new residential units, a minimum of ~~40~~ 25 per cent of the total number of new units will be a combination of two-, three- or more bedroom units, including:

- a) a minimum of 15 per cent of the total number of units as two-bedroom units;
~~and~~
- b) a minimum of 10 per cent of the total number of units as three-bedroom units.
~~and c) a minimum of an additional 15 per cent of the total number of units as either 2-bedroom, 3-bedroom, or more bedroom units.~~

Concern for November OPA 777 Draft Policy 8.1.1

This comment has not been addressed and the wording of new Policy 8.1.1²³ remains unchanged.

6. Community Services and Facilities

It is our clients' position that it is inappropriate and unnecessary to require community services facility redevelopments to replace the existing GFA for these facilities especially in those circumstances whereby the proponent is a registered charity like the YMCA of Greater Toronto. In meeting the needs of changing communities it is necessary to adapt

²⁰ Draft Sheppard East Secondary Plan, 7.30, page 18

²¹ November OPA 777 Draft, 7.4.2, PDF page 26

²² Draft Sheppard East Secondary Plan, 8.1, page 20

²³ November OPA 777 Draft, 8.1.1, PDF page 28

and evolve programs and services which impacts the type, size and design of the facilities within which programs are offered. Maintaining a specific gross floor area may not be financially responsible nor may it suit the programs and services that are most appropriate for the community. Further, buildings and layouts are more efficient today and our clients' proposal maintains similar or better programming despite a reduction in total GFA for these uses. We would suggest the following revised wording for formerly numbered Policy 9.2²⁴:

Existing community service facilities will be renewed through the redevelopment, wherever possible. ~~Development on sites with existing community service facilities will replace the total gross floor areas of the community service facility on site. Off-site replacement of community service facilities will be at the City's discretion.~~

Concern for November OPA 777 Draft 9.1.2

This comment has not been addressed. The wording of new Policy 9.1.2²⁵ remains unchanged.


We would respectfully request that our clients' remaining concerns be addressed prior to the Secondary Plan and OPA 777 being adopted by City Council. If they are not fully addressed, our clients will be left with no choice but to appeal the final OPA to the OLT.

We continue to kindly request that we be provided with notice for all further decisions, meetings, reports, etc. related to OPA 777.

Thank you for your consideration regarding our concerns about the November OPA 777 Draft raised in this letter. If you have any questions regarding the above, please do not hesitate to contact me at 416.645.4572 or via email at jpark@ksllp.ca.

Yours truly,

KAGAN SHASTRI DeMELO WINER PARK LLP



Jason Park
JIP/CJD/ss

cc:

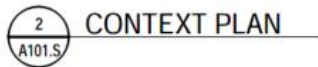
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²⁴ Draft Sheppard East Secondary Plan, 9.2, page 21

²⁵ November OPA 777 Draft, 9.1.2, PDF page 29

Appendix A: Context Plan for the Application²⁶

Subject Site outlined in orange.



²⁶ Architectural Plans dated 2024-03-15, Site Plan Drawing A101.S, uploaded June 4, 2024 on AIC

