

December 16, 2024

Our File No.: 162653

**Via Email** ([councilmeeting@toronto.ca](mailto:councilmeeting@toronto.ca))

Toronto Council  
Toronto City Hall  
100 Queen Street West  
Toronto, ON M5H 2N2

**Attention: Sylwia Prezdziecki**

Dear Sirs/Mesdames:

**Re: NY19.11 – Renew Sheppard East Secondary Plan – Final Report**

We are counsel to JFJ Development Inc., 2393678 Ontario Inc. and 2594025 Ontario Inc. (the “**Owners**”), the registered owners of the properties municipally known as 589 Sheppard Avenue East and 7-11 Barberry Place (the “**Site**”). The Site is located within the boundaries of OPA 777 and the Renew Sheppard East Secondary Plan (the “**Secondary Plan**”), which are scheduled to be considered by City Council at its meeting commencing on December 17, 2024.

We write on behalf of our clients to express concerns with the Secondary Plan in its current form. As outlined below, the Secondary Plan does not properly reflect the Property’s proximity to higher order transit and includes policies that are overly prescriptive and inappropriate for the Site.

**Background**

The Site is located on the south side of Sheppard Avenue East, at the southeast corner of Sheppard Avenue East and Barberry Place. The Site has frontage of approximately 34 metres on Sheppard Avenue East and a total area of approximately 3,014 square metres. Three detached dwellings are currently located on the Site, including a designated heritage building known as the Thomas Clark House.

The Site is approximately 120 metres, or a 2 minute walk, from Bayview subway station and is located within the Council-adopted Bayview Major Transit Station Area. The Site is located on a designated *Avenue* in the Official Plan and is designated *Mixed Use Areas*.

In December of 2020, our clients submitted official plan and zoning amendment applications (the “**Applications**”) to facilitate a 14-storey mixed-use building on the Site. The Applications are in progress.

## **The Secondary Plan**

Against this backdrop, our client has a number of concerns with policy direction in the Secondary Plan. These include (but are not limited to) the following:

- **Character area delineations at the southeast corner of Bayview and Sheppard.** Map 51-2 includes an unduly narrow boundary of the Transit Station Character Area around Bayview Station and inappropriately identifies the Site as within the Sheppard Corridor Character Area.
  - As noted above, the Site is just one block from an entrance to Bayview subway station. In recognition of this proximity, on the north side of Sheppard Avenue East, the Transit Station Character Area extends to Rean Drive/Hawksbury Drive, encompassing an area approximately 380 metres east of Bayview Avenue. However, on the south side of Sheppard where the Site is located, the Transit Station Character Area inexplicably terminates immediately at the subway station entrance at Kenaston Gardens, and the Transit Station Character Area extends only approximately 140 metres east of Bayview Avenue. There is no justification for this differential treatment, and the narrowly circumscribed boundary of the Transit Station Character Area at the southeast corner of Bayview and Sheppard is inconsistent with provincial policy direction. The Transit Station Character Area should extend to Rean Drive on the south side of Sheppard, just as it does on the north side of Sheppard. Shifting the boundary of the Transit Station Character Area further east to Rean Drive would also be consistent with the eastern boundary of the Bayview Major Transit Station Area as adopted by City Council.
- **Overly prescriptive policy direction.** The Secondary Plan includes policies that are overly prescriptive and do not provide the necessary flexibility to allow for good planning outcomes. For example:
  - Policy 4.3.2 provides that ground floor frontage will only include retail and service uses or publicly accessible institutional or community uses, subject to certain exceptions including compact residential lobbies. Residential lobbies should be permitted on a general basis, not an exception basis, provided at-grade non-residential uses are also provided.
  - Policies 5.4.1, 5.5.1 and 5.6.1 together impose multiple layers of streetscape design requirements that are too stringent and onerous and cannot be accommodated on all sites.
  - Policy 5.7.2 requires grade-related uses in all locations along the Green Loop, which will not be feasible in all circumstances, especially where the Green Loop is located on streets where vehicular and access to development may be required.

- The setbacks and maximum heights required in sections 5.8, 7.2 and 7.5 are too rigid and do not reflect the circumstances of the Site.
  - Policy 7.1.8 provides specific direction regarding the conservation of the Thomas Clark House without any justification or basis in study. Determination of appropriate means of conserving cultural heritage value should be left to site-specific heritage analysis through the Applications.
  - Policy 8.1.1 prescribes a specific unit mix. There must be flexibility to allow for different unit mixes to reflect market conditions without necessitating an official plan amendment.
- **Map 51-5 (Public Realm Plan):** It is not clear what the tree symbols represent as there is no legend item associated with it. These symbols should be removed.

In light of these substantial issues, our client respectfully requests that the Secondary Plan be referred to City staff for further refinement.

We appreciate the opportunity to provide clients on behalf of our client. Please include us in notice of any decisions regarding this matter.

Yours truly,

**Goodmans LLP**



Max Laskin  
MXL

Encl.  
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