

December 2, 2024

By E-Mail

North York Community Council
Toronto City Hall
100 Queen Street West
Toronto, Ontario
M5H 2N2

Attention: Matthew Green, Committee Administrator

Dear Chair Pasternak and Members of Community Council:

**Re: Renew Sheppard East Secondary Plan - Final Report
Proposed Official Plan Amendment No. 777
Planning Application Number: 19 254260 NNY 17 OZ
Agenda Item: NY19.11**

We are counsel to Concord Adex Corporation, Concord Adex Investments Limited, 2624879 Ontario Inc. and 2768831 Ontario Inc. (collectively, "Concord Adex").

Concord Adex is the owner of approximately 49 acres (19.8 hectares) of land forming part of the Concord Park Place development and municipally known as 68 and 75 Esther Shiner Boulevard; 25, 27, 85, 95, 115, 117 and 121 McMahon Drive; 18 and 75 Billes Heights; 15, 19, 25, 29 and 33 Singer Court; and 1001, 1125 and 1181 Sheppard Avenue East (collectively, the "Concord Adex Lands"). Of these lands, the following are currently the subject of active development applications at various stages in the approvals process: 1001, 1125 and 1181 Sheppard Avenue East.

The Concord Adex Lands are located within the area of the proposed Renew Sheppard East Secondary Plan (the "Secondary Plan") and are therefore subject to the proposed City-initiated Official Plan Amendment No. 777 ("OPA 777").

In response to a request from staff of the City Planning Division for public comments on an earlier draft version of the Secondary Plan (October 2024), Concord Adex submitted extensive comments through its land use planning consultant, Bousfields Inc., in a written submission dated October 23, 2024 (the "Bousfields Submission"). The Bousfields Submission identified a number of concerns with the draft Secondary Plan and identified preferred policy alternatives. A copy of the Bousfields Submission is attached for reference.

We have reviewed the proposed OPA 777 and Secondary Plan attached to the Final Report of the Director, Community Planning, North York District, dated November 18, 2024 (the “Staff Report”), which is to be considered by North York Community Council at its meeting on December 3, 2024. Although it appears that certain amendments to the earlier draft Secondary Plan were made to address concerns identified in the Bousfields Submission, the vast majority of the concerns were unfortunately not addressed. Consequently, Concord Adex does not support the proposed OPA 777, including the Secondary Plan, in its current form.

Among other things, Concord Adex continues to have concerns with the following in respect of the proposed Secondary Plan:

1. the failure to include the lands located on the south side of Sheppard Avenue East between Billes Heights and Provost Drive within the Transit Station Character Area with permission for tall buildings;
2. the identification of a mid-block connection between Bessarion Road and Ethennonnhawahstihnen’ Lane south of Sheppard Avenue East;
3. requirements for new streets that limit design flexibility;
4. prescriptive policies that either mandate or restrict certain land uses or development functions in particular locations;
5. prescriptive built form standards and requirements, including minimum building setbacks and minimum step-backs above a base building;
6. the establishment of a maximum height permission for tall buildings (*i.e.*, “generally no greater than 45 storeys”) that is well below the heights of recently approved towers along higher-order transit corridors outside of the City’s Downtown and Centres; and
7. onerous and non-market based requirements for residential unit type mixes that require a greater proportion of larger-sized units than in other transit-oriented secondary plan areas within the City (*eg.*, Downtown and Yonge-Eglinton).

Accordingly, we request that Community Council not adopt the recommendations in the Staff Report and, instead, that Community Council refer the matter back to Community Planning staff with a direction to address the balance of Concord Adex’s concerns in a modified version of the Secondary Plan.

We thank the Members of Community Council in advance for their consideration of this submission.

Kindly ensure that we receive notice of any decision(s) made by Community Council and/or City Council in respect of this matter.

Yours truly,
DAVIES HOWE LLP



Mark R. Flowers
Professional Corporation

encl.

copy: Client
Peter Smith and Karla Tamayo, Bousfields Inc.



October 23, 2024

Michael Romero, Planner
City Planning Division, North York District
City of Toronto
5100 Yonge Street
Toronto, ON M2N 5V7

Dear Mr. Romero,

***Re: Comments on the Draft Renew Sheppard Secondary Plan
On behalf of Concord Adex Corporation, Concord Adex Investments
Limited, 2624879 Ontario Inc, and 2768831 Ontario Inc.***

We are the planning consultants for Concord Adex Corporation, Concord Adex Investments Limited, 2624879 Ontario Inc, and 2768831 Ontario Inc., the owners of approximately 49 acres (19.8 hectares) of land forming the Concord Park Place development and municipally known as 68 and 75 Esther Shiner Boulevard; 25, 27, 85, 95, 115, 117 and 121 McMahon Drive; 18 and 75 Billes Heights; 15, 19, 25, 29 and 33 Singer Court; and 1001, 1125 and 1181 Sheppard Avenue East ("subject lands").

The purpose of this letter is to provide comments on the Draft Renew Sheppard Secondary Plan dated October 2024, and to provide preferred policy alternatives which, in our opinion, would better implement Concord Adex Corporation's proposed vision in keeping with City goals and objectives for the area.

BACKGROUND

Concord Adex's Park Place development is a partially completed, multi-tower mixed-use development that includes 23 buildings, up to 36 storeys in height (existing) and 44 storeys (approved). The development includes existing and planned retail/commercial uses, a new community centre and library, two new elementary schools and other community facilities.

Concord Adex Park Place Development Summary		
Address and Block	Description	Status
West of Provost Drive		
72 Esther Shiner Boulevard (Block 17)	21-storey mixed-use tower with retail units at grade	Complete

121 McMahon Drive (Block 14)	31-storey mixed-use tower with retail and townhouse units at grade	Complete
115 and 117 McMahon Drive (Block 13)	Residential towers of 35 and 36 storeys with ground floor townhouse units	Complete
85 and 95 McMahon Drive (Block 12)	Residential towers of 33 and 36 storeys with ground floor townhouse units	Complete
25 and 27 McMahon Drive (Block 11)	Residential towers of 18 and 29 storeys with ground floor townhouse units	Under Construction (Nearing Completion)
18 and 68 Esther Shiner Boulevard, 75 Billes Heights and (Block 15)	19-, 27- and 31-storey mixed-use buildings	Under Construction
1001 Sheppard Avenue East (Block 7)	Official Plan Amendment and Zoning By-law Amendment application filed on March 17, 2022 to permit 24- and 29-storey mixed-use buildings	Proposed
1001 Sheppard Avenue East (Blocks 9/18)	39- and 44-storey mixed-use buildings with retail uses and a TDSCB school in the base building and residential units above	Approved
East of Provost Drive		
1181 Sheppard Avenue East (Block 1)	32- and 38-storey mixed-use buildings with retail and office uses and residential units above	Approved (OLT)
1125 Sheppard Avenue East (Block 2)	36- and 40-storey mixed-use buildings with retail uses and residential units above	Proposed
29 and 33 Singer Court (Block 19)	Two 28-storey residential buildings connected by a podium building	Complete
15, 19, 25 Singer Court (Block 20)	12-storey and 16-storey mixed-use buildings with retail uses at-grade and a commercial plaza. This block also includes a block of 3-storey townhouses.	

PRELIMINARY COMMENTS AND SUGGESTED POLICY MODIFICATIONS

The subject lands are proposed to be included in the Transit Station Character Area, the Sheppard Corridor Character Area and the Highway Edge Character Area, as well as Green Space. Portions of Esther Shiner Boulevard, Provost Drive, Billes Heights and Singer Court are identified as “Retail Required Streets” on Map 3 (Retail Streets), while Esther Shiner Boulevard is shown as part of the “Green Loop” on Map 5 (Public Realm Plan).

In general, it is our opinion that the Character Area approach in the draft Secondary Plan and the proposed boundaries of the Character Areas as they apply to the subject lands are generally appropriate, with one exception. Given their proximity to both the Leslie/Oriole subway/GO interchange station and the Bessarion subway station and their inclusion within the proposed Bessarion MTSA, the lands located between Billes Heights and Provost Drive on the south side of Sheppard Avenue should be included within the Transit Station Character Area rather than the Sheppard Corridor Character Area.

In addition, we have significant concerns regarding the numerical prescriptiveness of a number of the proposed policies, particularly in Section 5 (Public Realm) and Section 7 (Built Form). The concerns are two-fold. First, in many cases, the policies are written in such a prescriptive manner that an Official Plan Amendment would be required for even a minor reduction or increase to a specified setback, stepback or other parameter. Second, it is our opinion that such policies inappropriately mix up policy with regulation. Official Plan policies should speak to desired planning outcomes (i.e. the “why”), while zoning regulations and guidelines should speak to how those outcomes are to be achieved (i.e. the “what”).

For example, proposed Policy 5.9(a) dealing with setbacks from parks provides a good illustration of a policy that focuses on achieving a planning and urban design outcome, rather than on a prescriptive numerical standard.

We note that, with other recent policy documents (e.g. the King-Spadina Secondary Plan and the Queen Street West Site and Area Specific Policy 566), City staff have recognized the appropriateness of such an approach and have deleted most, if not all, numerical standards from the documents through modification.

Within that context, the following table provides preliminary comments on the Draft Renew Sheppard Secondary Plan dated October 2024. While the table addresses the key policy changes that would be necessary to address the general comments noted above, additional changes should also be made on a consistent basis across the Secondary Plan to reduce or eliminate numerically prescriptive policies.

Section/Ref	Proposed Text	Comment
Map 2	N/A	Map 2 should be modified to include the lands located between Billes Heights and Provost Drive on the south side of Sheppard Avenue within the Transit Station Character Area.
Map 7	N/A	Map 7 should be modified to remove the mid-block connection located between Bessarion Road and Ethennonnhawahstihnen' Lane, south of Sheppard Avenue. Consideration should be given to the potential future school use of this block, as well as the significant grade change between Bessarion Road and Ethennonnhawahstihnen' Lane.
3.2(b)	... the Sheppard Corridor Character Area will contain buildings in a mid-rise built form, as a transition from the Transit Station Character Area. This area will also be vibrant and active, but at a lower intensity than the Transit Station Character Area.	If Map 2 is not modified as requested above, this policy should be modified to add permission for tall buildings on the lands located between Billes Heights and Provost Drive on the south side of Sheppard Avenue. This would align with the wording of Policy 7.33 which notes that "the Sheppard Corridor Character Area will consist primarily of mid-rise buildings..."
4.2	Development in <i>Mixed Use Areas</i> resulting in the displacement of businesses and services will generally provide for the replacement of non-residential gross floor area through redevelopment.	This policy should be modified to provide that development in <i>Mixed Use Areas</i> resulting in the displacement of businesses and services will <u>be encouraged to</u> provide for the replacement of non-residential gross floor area through redevelopment. This

		flexibility is required to respond to economic and market conditions.
4.8	Where development fronts onto a Retail Required Street, the ground floor frontage will only include retail and service uses or publicly accessible institutional or community uses that animate street frontages. Limited exceptions may be made for compact residential lobbies, if they cannot be accessed from side streets.	<p>This policy should be modified so as to:</p> <ol style="list-style-type: none"> 1. encourage retail and service uses, rather than requiring them; 2. remove the word “compact” before “residential lobbies”; and, 3. specifically permit amenity areas as an exception from the requirement for non-residential uses. <p>As well, the terminology should be changed to Retail Priority Street (or something similar) on Map 3 and wherever it appears in the text.</p> <p>Apart from the general concern regarding prescriptiveness, the practical concern is that the length of the affected street frontages is substantial and there is likely not sufficient market to support retail along the entirety of the street frontages. Alternative uses such as live-work uses could also be considered.</p>
4.13	Vehicle entry points are not permitted from a Retail Required Streets, unless a vehicle entry point is not possible from another street or from a laneway. Where placement of vehicle entry points on Retail Required Streets cannot be avoided, they will be consolidated to minimize their	This policy should be modified to note that vehicle entry points are generally not permitted from a Retail Required Street, unless a vehicle entry point is not <u>appropriate</u> from another street or from a laneway.

	impact and improve the safety and attractiveness of the public realm.	
5.2	Sustainability and climate resilience will be integrated into the design of the public realm to minimize environment impact, reduce greenhouse gas emissions from materials, manage stormwater and reduce impact of heat exposure. Development and streetscape improvements will:...etc.	This policy should be modified to state: Sustainability and climate resilience will be integrated into the design of the public realm to minimize environment impact, reduce greenhouse gas emissions from materials, manage stormwater and reduce impact of heat exposure. Development and streetscape improvements <u>are encouraged to</u> :...etc.
5.10	All streets will be designed with a complete streets and green streets approach, supporting a welcoming, active, pleasant pedestrian environment, and will include: a) a functional streetscape zone between the street curb and building that includes generous landscaping and a pedestrian clearway and, where appropriate, a furniture zone; b) a row of trees in the right-of-way on both sides of the street; c) where possible, an additional row of trees within a required setback; d) green infrastructure to the greatest extent possible, including ecological and hydrological functions to manage stormwater where it falls; and e) coordination among underground utilities to support the intent and purpose of this	The requirement for all streets to be designed as Complete Streets is onerous, and does not provide flexibility in the design of a new community that should have a variety of streets that address the immediate planned context (such as local streets that have a narrow right-of-way and will not accommodate transit or private streets that serve vehicular traffic for individual sites). Given the above, the policy should be modified to provide that all streets <u>are encouraged to</u> be designed with a complete streets and green streets approach, <u>where appropriate</u> .

	Plan, including the provision of large, permanent tree growth.	
5.11	Retail Streets are those that are designed to support animated ground floor retail and service uses, and accommodate more people visiting the area. Retail streets will include all of the components of 5.10 above, and: a) a wider functional streetscape zone; b) a marketing zone supporting ground level active uses, where feasible; and c) enhanced pedestrian weather protection, such as canopies and awnings.	The policy should be deleted. The terminology is confusing – are Retail Streets the same thing as Retail Required Streets? If they are the same, this policy should be moved to Section 4 (Retail) and combined with Policy 4.11 if necessary.
5.13	A minimum setback of 5.0 metres is required along Sheppard Avenue East, Leslie Street, and Bayview Avenue.	<p>The policy should be modified to state: <i>Setbacks along Sheppard Avenue East, Leslie Street and Bayview Avenue will respond and relate to adjacent properties and the surrounding context.</i></p> <p>Flexible language will allow the design of developments to respond to site-specific considerations. The width of the existing street rights-of-way in combination with deep setbacks is not supportive of an animated urban streetscape with a strong building-to-street relationship.</p>
5.15	For development fronting the Green Loop: a) a minimum setback of 5.0 metres is required; b) a minimum setback of 3.5 metres on the flanking public street(s) is generally	<p>This policy should be modified to provide that, for development fronting the Green Loop: <u>appropriate setbacks will be required from the local street and flanking public street(s) to achieve the intent of Policy</u></p>

	<p>required; and</p> <p>c) underground structures will be set back a minimum of 2.0 metres to accommodate soft landscaping, including trees.</p>	<p><u>5.1(d), including setbacks to underground structures to accommodate soft landscaping, including trees.</u></p> <p>Flexible language will allow for will allow the design of developments to respond to site-specific considerations, while still providing for a design that maintains the intent of the Green Loop.</p>
5.17	<p>Additional, larger setbacks are required in Higher Order Pedestrian Zones to accommodate greater pedestrian circulation and activity.</p>	<p>This policy should be modified to state that: <i>Additional, larger setbacks may be provided in Higher Order Pedestrian Zones where necessary to accommodate greater pedestrian circulation and activity.</i></p>
5.26	<p>Development adjacent to the Green Loop will:</p> <p>a) have grade-related uses that provide generous landscaped front yards fronting the Green Loop;</p> <p>b) incorporate green infrastructure, such as bioretention and permeable pavement, as appropriate;</p> <p>c) where a development site is adjacent to a public park, pedestrian walkways will be provided to extend connections to the Green Loop;</p> <p>d) retain existing mature trees and plant new trees to maximize the urban tree canopy;</p> <p>e) locate and design underground facilities, such as</p>	<p>This policy should be modified to state that development adjacent to the Green Loop will <u>generally</u>: ...etc.</p> <p>A requirement for all developments adjacent to the Green Loop to meet all requirements in (a) to (g) is onerous, and does not provide flexibility in the design of developments with regard for site-specific considerations.</p>

	<p>parking, to provide sufficient space</p> <p>to maintain a permanent, high-branching tree canopy;</p> <p>f) relocate above-grade and underground utilities, where necessary, to minimize utility conflicts for new tree plantings; and</p> <p>g) consolidate building access and driveway entrances to minimize disruptions in the sidewalk.</p>	
6.7	<p>New public streets are identified on Map 6: Street Network. A fine-grain network of public streets will be provided to improve walkability, enhance connectivity for active transportation modes, establish a block structure to support transit-supportive growth, and provide vehicular access to development.</p>	<p>The policy should be modified to state the following: <i>“New public streets are identified conceptually shown on Map 6: Street Network. A fine-grain network of public streets should be provided to improve walkability, enhance connectivity for active transportation modes, establish a block structure to support transit-supportive growth, and provide vehicular access to development.”</i></p>
7.3(b)	<p>provide setbacks at-grade for retail spill over and public realm enhancements;</p>	<p>The policy should be modified to state that Retail Required Streets will provide setbacks at-grade <u>where required to provide</u> for retail spill over and public realm enhancements.</p>
7.4	<p>Development will demonstrate a high level of block permeability, such that a mid-block connection, street, or other active mobility route, is generally located every 80 metres.</p>	<p>The policy should be modified to state that development <u>is encouraged to</u> demonstrate a high level of block permeability, such that a mid-block connection, street, or other active mobility route, is generally located every 80 metres.</p>

7.19	A minimum separation distance of 25 metres between towers is required for all tall buildings.	<p>There are a number of examples throughout the City where tower separation distances of less than 25 metres have been approved and demonstrated to achieve good planning and urban design principles e.g. where buildings are diagonally opposite one another. The policy should be modified to state: <i>A minimum separation distance of 25 metres is <u>generally</u> required for tall buildings to achieve appropriate light, view and privacy conditions. A reduced separation distance may be appropriate where there are no direct facing window conditions.</i></p>
7.21 – 7.23	<p>A step-back of 5.0 metres is required above a base building on Sheppard Avenue East.</p> <p>A step-back of generally 5.0 metres is required above a base building along Leslie Street, Bayview Avenue, and/or abutting a park.</p> <p>A minimum step-back of generally 3.0 metres is required above a base building in all other locations.</p>	<p>The policy should be modified to state: <i>Appropriate stepbacks are encouraged above the base building, particularly along Sheppard Avenue East, Leslie Avenue, and Bayview Avenue, and/or abutting a park. Stepbacks will be determined on a case-by-case basis, subject to consideration of a proposed development's overall height, articulation, block context, and should respond to site-specific considerations.</i></p> <p>The City's urban design policies and Urban Design Guidelines will ensure that good design is achieved, for example with respect to light, view, privacy, and sun/shadow.</p>

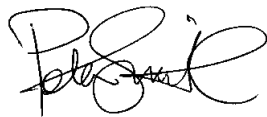
7.24	Encroachments into a step back are not permitted, except for minimal projections for canopies and features required for the functioning of the building.	The policy should be modified to state that: <i>Encroachments into a required setback are generally discouraged, but may be permitted provided they maintain the prominence of the base building.</i>
7.25/7.26	<p>The tower portion of a residential tall building shall have a floor plate of not more than 750 square metres, excluding balconies.</p> <p>Floor plates larger than 750 square metres may be considered on a limited basis without amendment to this Plan where the proposed residential building: ...</p>	<p>These policies should be modified to allow for consideration of larger floor plates in a manner that is more in keeping with the Downtown Secondary Plan policies.</p> <p>These policies should be modified to state that: <i>The tower portion of a residential tall building will generally have a floor plate of not more than 750 square metres, excluding balconies. Increases to the 750 square metre floor plate size may be appropriate where the proposed building: ...</i></p>
7.29	The Transit Station Character Area will accommodate the tallest buildings in the Plan Area, with the greatest heights located closest to transit stations and a maximum height generally of 45 storeys.	<p>While it would be preferable to delete the maximum number of storeys entirely, we note that City staff are recommending a maximum height of 52 storeys for 1800 Sheppard Avenue East (Fairview Mall), which is not adjacent to an interchange station. On that basis, heights of more than 45 storeys would be appropriate, particularly adjacent to the Leslie interchange station.</p> <p>If a numerical standard were retained, the policy should be modified to state: <i>The Transit</i></p>

		<i>Station Character Area will accommodate the tallest buildings in the Plan Area, with the greatest heights generally located closest to transit stations with heights of generally up to 50-55 storeys.</i>
8.1	For developments that contain more than 80 new residential units, a minimum of 40 per cent of the total number of new units will be a combination of two-, three- or more bedrooms 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.	<p>Paragraph 3 of the proposed policy should be modified to adopt the wording that is used in the Downtown Secondary Plan and the Yonge-Eglinton Secondary Plan i.e.</p> <p><i>an additional 15 per cent of the total number of units as a combination of 2-bedroom and 3-bedroom units, or units that can be converted to 2- or 3-bedroom units through the use of accessible or adaptable design measures.</i></p>

Thank you for the consideration of the above comments. If there are any questions with respect to this submission, please do not hesitate to contact me or Karla Tamayo of our office.

Yours very truly,

Bousfields Inc.



Peter F. Smith, MCIP, RPP

cc: Gabriel Leung, Concord Adex Corporation