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DELIVERED BY EMAIL
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North York Community Council
North York Civic Centre
Main Floor, 5100 Yonge Street
Toronto, ON M2N 5V7

Attention: Matthew Green, Committee Administrator

Dear Chair Pasternak and Members of North York Community Council:

**Re: NY19.11 – Renew Sheppard East Secondary Plan (OPA 777) – Final Report
Written Submissions from Owners of 25 Barberry Place**

We represent SangWoo Bae and Soonok Lee Bae (the “**Owners**”), the registered owners of the property municipally known as 25 Barberry Place, in the City of Toronto (the “**Subject Site**”). The Subject Site is located within the boundaries of OPA 777, the Renew Sheppard East Secondary Plan (the “**Secondary Plan**”). We write to formally record our clients’ concerns with the Secondary Plan as currently proposed as it relates to the Subject Site and surrounding lands near the Bayview Station.

Background

The Subject Site is located within approximately 100 meters of the south-east entrance of the Toronto Transit Commission’s Bayview Subway Station (the “**Bayview Station**”). The Subject Site is included within the boundaries of the Bayview Major Transit Station Area, established in OPA 575 as adopted by Council in December 2022.

The Subject Site is currently occupied by a two-storey single detached residential dwelling and underutilized, given its proximity to the Bayview Station. It is designated as Mixed Use Areas in the City of Toronto’s Official Plan (the “**City OP**”), which permits a broad range of commercial, residential and institutional uses. The Subject Site is located in a neighbourhood where substantial heights and densities have been approved and proposed, with heights of up to 28 storeys approved along Rean Drive and up to 33 storeys proposed on the north side of Sheppard Avenue East.

While the Owners appreciate the City's efforts to update the planning policies that apply to the Sheppard Avenue East corridor, we submit that the Secondary Plan continues the underutilization of the Subject Property. The concerns of the Owners include the following:

1. The Subject Site Should Be Identified Within the Transit Station Character Area

The Secondary Plan states that one of the goals is to leverage and support subway and regional rail infrastructure with transit-supportive densities and compact built form (Policy 2.1.1 a)). Policy 3 of the Secondary Plan anticipates that the Sheppard Avenue East Corridor will develop into a transit-supportive complete community. Policy 7.3.1 provides that the tallest buildings will be located close to the transit stations, including Bayview Station, and Policy 7.4.3 establishes that the height of buildings will generally transition downwards in all directions from the transit stations within the Transit Station Character Area.

Although the Subject Site is located just 100 metres from the Bayview Station, it is proposed to be located within the Sheppard Corridor Character Area on Map 51-2. It would be more appropriate for the Subject Site to be located within the Transit Station Character Area. The Secondary Plan clearly contemplates that the greatest density should occur within the closest proximity to the transit stations. Identifying the Subject Site including the block west of Barberry Place, as a Transit Station Character Area would be more consistent with the goals of the Secondary Plan in regards to a transit supportive community and the direction set out in Provincial Planning Statement, 2024.

2. The Subject Site Should Not Be Identified as a Parkland Priority Area

Map 51-4 identifies the Subject Site conceptually as a Parkland Priority area. Policy 5.3.1a) establishes that one of the parkland priorities of the Secondary Plan is to expand the size, function, visibility and accessibility of existing parks. Policy 5.3.2 b) states that Parkland Priority areas are areas where parkland dedication or acquisition will be encouraged to achieve multiple public realm objectives, and Policy 5.3.5 encourages developers to consolidate their parkland dedications and undertake assemblies to create larger parks.

There is limited utility for the City to acquire the Subject Site as parkland. The acquisition of the Subject Site would not materially expand an existing park, unless it was combined with substantial acquisitions of the properties to the north (27 Barberry Place and 579 Sheppard Avenue West) to connect with Kenaston Park, an existing linear park along Sheppard Avenue East. Acquisition of these properties would be at a significant cost to the City, given the proximity of these properties to transit, and provide limited functional utility to the public of a park that is surrounded by mid-rise buildings and a major road. The area around the Subject Site is already well served by existing parkland, including Rean Park located within a 10-minute walk from Bayview Station.

3. The Green Loop Setbacks that Affect the Subject Site Are Excessive

Map 51-5 of the Secondary Plan identifies a Green Loop connection at the southern edge of the Subject Site. Policy 5.7.2a) requires developments adjacent to the Green Loop to have generous landscaped front yards. Policy 5.8.5 requires development adjacent to the Green Loop to have a minimum setback of 5 metres from the property line.

Locating a Green Loop connection at the southern edge of the Subject Site would drastically impact its development potential. Considering the Subject Site's close proximity to the Bayview Station, reduction in its development potential for setback distances and landscaping without materially improving the public realm would contravene the goals of the Secondary Plan, including the promotion of transit-supportive development.

Conclusion

We respectfully urge North York Community Council to not adopt the Secondary Plan in its current form. Specifically, we urge that the Subject Site be included within a Transit Station Character Area, that the Secondary Plan not identify a new park to be located on the Subject Site, and that the setbacks from the Green Loop are reduced and/or not apply to the Subject Site to support transit-supportive development near the Bayview Station.

Yours very truly,

BORDEN LADNER GERVAIS LLP



Isaac Tang

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cc. Client