



December 2, 2024

Via E-Mail: nycc@toronto.ca

North York Community Council
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Attention: Matthew Green, Committee
Administrator, North York
Community Council

Dear Chair and Members, North York Community Council

**Re: Renew Sheppard East Secondary Plan, Proposed OPA 777
North York Community Council: December 3, 2024 | Agenda Item NY19.11
Rockbrook Developments Inc.**

We are the lawyers for Rockbrook Developments Inc., the owner of the lands municipally known as 71 Talara Drive in the City of Toronto (“**Site**”). We are writing to provide our client’s comments in respect of the Renew Sheppard East Secondary Plan, the proposed Official Plan Amendment 777. Rockbrook requests that the Secondary Plan not be adopted at this time and instead be referred to Planning staff to address Rockbrook’s outstanding comments.

Rockbrook and its planning consultant Bousfields Inc. have been participating in the City’s Renew Sheppard East Secondary Plan Study since 2018. In 2022, the redevelopment of the Site was approved by Council providing for a 23-storey residential building with 281 residential units (inclusive of 29 rental replacement units), a 4- to 5-storey podium, and a tower with a floorplate of 871.5 square metres (the “**Approved Development**”). A Site Plan Approval application is currently under review with development and design plans progressing. On behalf of Rockbrook, Bousfields submitted comments to City Planning dated October 21, 2024, enclosed, on the prior draft of the Secondary Plan generally and also particularly in the context of the Site. Bousfields has reviewed the revised Secondary Plan and proposed Official Plan Amendment 777, and has provided additional comments, dated November 29, 2024, also enclosed.

Rockbrook’s concerns remain largely unaddressed. While Rockbrook is generally pleased to see that the overall direction in Renew Sheppard aligns with the Approved Development, recognizing that some of the tallest and most intensive buildings in the Plan area should be located at the Site, our client remains concerned with many of the policies, including those noted by Bousfields in the prior enclosed submissions. Recognizing some flexibility has been included in certain policies, Bousfields remains concerned with the over prescriptiveness of the Secondary Plan, including, for example, related to encroachments, heights, unit mix, and

floorplate policies, which may undermine achievement of the broader goals for this area and the City generally, including the provision of housing proximate to existing transit. Further, the Secondary Plan maintains policies which are inconsistent with or fail to account for the existing and emerging context, potentially preventing appropriate redevelopment in the area. Greater recognition of site-specific context and limitations (including approvals) should be recognized to ensure the achievement of public realm and broader redevelopment goals.

Thank you for the opportunity to submit comments. Our client would welcome the opportunity to meet with staff to further discuss its concerns. We also ask that our office be provided with written notice of further meetings, decisions, or next steps associated with Renew Sheppard East Secondary Plan and OPA 777.

Yours truly,

Cassels Brock & Blackwell LLP

A handwritten signature in blue ink, appearing to read 'Signe Leisk', with a stylized flourish at the end.

Signe Leisk
SL/AP/nv

Encls. Letter from Bousfields dated October 21, 2024; Letter from Bousfields dated November 29, 2024

cc. Bousfields Inc.



Project No. 20213-3

October 21, 2024

Michael Romero and Jenny Choi
Community Planning – North York District
North York Civic Centre
5100 Yonge St.
North York ON M2N 5V7

<Sent via email>

Dear Mr. Romero and Ms. Choi,

**Re: *ReNew Sheppard East Planning Review*
 Draft Secondary Plan, Proposed Policies for Consultation
 *71 Talara Drive & 680-688 Sheppard Avenue East, City of Toronto***

As you may be aware, we are the planning consultants to Rockbrook Developments Inc. and Autumn Peak Developments Inc. with respect to 71 Talara Drive and 680-688 Sheppard Avenue East, respectively (the “subject sites”). The subject sites each have recent approvals in various stages of completion to permit residential developments.

We have been monitoring the ongoing ReNew Sheppard East Secondary Plan study since 2018, including attending the City’s recent Community Consultation Meeting on September 24, 2024, where the draft Secondary Plan was presented. Following the meeting, we have reviewed the proposed changes to the draft Proposed Policies for Consultation – October 2024 that would replace the existing Sheppard East Subway Corridor Secondary Plan, and wish to offer the comments set out in this letter.

Overall, we are pleased with the Secondary Plan’s direction as it relates to the subject sites, including the inclusion of the subject sites in the Transit Station (680-688 Sheppard Avenue East) and Highway Edge (71 Talara Drive) character areas, where some of the tallest and most intensive buildings will be located within the Plan area. Further, it was encouraging to see the proposed redesignation of various lands designated *Neighbourhoods* to the east and northeast of each property in the September 24, 2024 CCM. However, we note that the proposed redesignation schedule was not included in the draft Secondary Plan, and would ask staff to confirm that it is still intended to be included in the draft Official Plan Amendment that would implement the secondary plan.

In addition, we do have some concerns that relate to both the implementation of the existing approvals, and to potential revisions that the owners are contemplating with

respect to both properties. These are primarily related to the numerical prescriptiveness of a number of the proposed policies, particularly in Section 5 (Public Realm) and Section 7 (Built Form), inconsistency of planning and urban design “tests” between the Secondary Plan and parent Official Plan, and issues related to the existing approvals.

Following a brief backgrounder on each property and their respective approvals, these concerns are detailed below.

Background

On **71 Talara Drive**, the City of Toronto approved in July 2022 an Official Plan Amendment and rezoning application to permit the redevelopment of the site with a 23-storey residential building with a gross floor area of 20,053 square metres and 281 residential units, of which 29 were rental replacement units. The approved building would have a 4- to 5-storey podium, with a tower above having a floorplate of 871.5 square metres.

On **680-688 Sheppard Avenue East**, the Ontario Land Tribunal approved, in principle, in February 2023, an Official Plan Amendment and rezoning application to permit the redevelopment of the site with a 22-storey residential building that steps down towards the rear. The latest Site Plan Approval resubmission reflects the settlement with a gross floor area of 35,571 square metres and 478 residential units, of which 47 were rental replacement units. The approved building would have a 6- to 8-storey podium along Sheppard, a 12-storey element at the rear, an 8-storey transition element in between, and a 779 square metre tower floorplate. A north-south, linear 1,000 square metre privately-owned publicly accessible space and a 759 square metre public park at the southeast corner of the site were also secured.

Comments

Our comments and concerns have been organized thematically below:

1. Numerical Standards

As a matter of good planning principle, it is our opinion that the inclusion of prescriptive numerical standards in the draft secondary plan, including in Policies 5.13 through 5.15, 7.3, 7.4, 7.19, 7.21, 7.22, 7.23, and 7.25, inappropriately blurs the relationship between policy and regulation. In our opinion, it is important for an Official Plan to articulate the rationale and objectives associated with a vision (the “why”) rather than how that vision is achieved and regulated (the “how”). Further, the introduction of numerical standards would have the unintended effect of

encouraging costly and inefficient OPA applications dealing with minor matters. These types of OPAs would introduce an unnecessary step to the planning process, as OPAs should typically only be required when addressing more fundamental planning matters.

Further, it is our opinion that numerical standards are more appropriate for implementation tools such as zoning by-laws or guidelines rather than policy documents. We note that, with other recent policy documents (e.g. the King-Spadina Secondary Plan, the North Downtown Yonge Site and Area Specific Policy 382), City staff have recognized the appropriateness of such an approach and have deleted most, if not all, numerical standards from the documents through modification.

Finally, we note that prescriptiveness in the Plan would undermine the Plan's first two goals, as set out in Section 2.1, which include leveraging and supporting subway and regional rail infrastructure with transit-supportive densities, and achieving a balance of jobs and housing, including affordable housing, to serve local residents and to offer opportunities for residents to work close to home. In our opinion, providing flexibility to achieve good planning and urban design outcomes rather than focusing on specific numerical standards.

We recommend removing these numerical standards to allow for greater flexibility in responding to site-specific conditions, and rewriting these policies with a focus on a planning and urban design outcome, rather than on a prescriptive numerical standard.

2. Shadow Impacts

Proposed Policy 5.9(g) with respect to shadows on parks would provide that "development adjacent to parks will be located and designed to maximize sunlight and minimize shadowing on parks" (our emphasis). Policy 7.16 would provide that "tall buildings will be sited and designed to limit shadows on parks, open spaces, the public realm, and areas of lower scale" (our emphasis).

In our opinion, the proposed shadow policies should reflect the shadow tests in the parent Official Plan. In this regard, we would recommend that the words "minimize" and "limit" in Policies 5.9(g) and 7.16 be replaced with "minimized as necessary to preserve their utility", similar to Official Plan Policy 3.2.3(3). Introducing new tests results in confusion and a lack of clarity in the application of conflicting policies.

Further, Policy 7.26 speaks to conditions under which floorplates larger than 750 square metres may be considered, included where development “has minimal shadow impacts on the parks, public realm and lands designated Neighbourhoods” (our emphasis).

In our opinion, a similar approach should be taken to revise Policy 7.26 to either “adequately limit” shadow impacts, similar to Official Plan Policies 4.2(d) or 4.5(2)(d).

3. Retail Required Streets

Proposed Policy 4.8 would provide that, “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” (our emphasis).

While we appreciate that limited exceptions are permitted, we note that the entirety of the frontage of the 680-688 Sheppard Avenue East approval is residential in nature, including a residential lobby and an at-grade amenity area featuring a fitness area. In our opinion, amenity spaces and residential lobbies would achieve the intent of Policy 4.8 by providing the desired animated street frontages.

We recommend that Policy 4.8 be modified to remove the word “compact” before “residential lobbies”, and to specifically permit amenity areas as an exception from the requirement for non-residential uses.

4. Tall Building Floorplates

Proposed Policies 7.25 and 7.26 would limit the tower portion of a residential tall building to floorplate of not more than 750 square metres, excluding balconies, except in limited circumstances. Given that both subject sites were approved with tall building floorplates larger than 750 square metres, and that there are numerous examples of previously approved and existing tall buildings with floorplates larger than 750 square metres in the surrounding area (e.g. among others, 1 Rean Drive, 3 Rean Drive, 4 Rean Drive, 8 Rean Drive, 17 Barberry Place, 18 Kenaston Gardens, 1001 Sheppard Avenue East, multiple towers at Concord Park Place, 650-672 Sheppard Avenue East, and the two recently approved towers at Bayview Village), **it is our opinion that the new secondary plan should recognize this existing context and that Policies 7.25 and 7.26 should be deleted.**

Should this not be acceptable to staff, we would recommend that the word “generally” be added prior to “not more than 750 square metres” in Policy 7.25.

5. Base Building Height

Proposed Policy 7.20 would provide that the base building of a tall building will generally contain no more than 6 storeys along Sheppard Avenue East, Leslie Street, and Bayview Avenue and no more than 4 storeys in all other locations.

The approved development at 71 Talara Drive includes a 4- and 5-storey base building along Talara Drive. Permitting such a condition more explicitly would provide additional flexibility for base building heights, while still maintaining a pedestrian-scaled streetscape and allowing for the more efficient use of land.

While we appreciate the use of the word “generally” in Policy 7.20, we would recommend that the maximum base building height “in all other locations” be increased to 5 storeys to recognize the existing approval at 71 Talara Drive.

6. Encroachments

Proposed Policy 7.24 would provide that “encroachments into a step back are not permitted, except for minimal projections for canopies and features required for the functioning of the building”.

We have two concerns with this proposed policy. First, we expect that this policy was intended to apply to “required setbacks” rather than all setbacks”. Otherwise, no encroachments, even balconies, would be permitted beyond the face of any tall building elements. **As such, we recommend that the word “required” be added prior to the word “stepback”.**

Second, it is our opinion that encroachments should generally be permitted even into required setbacks. In this regard, there are numerous tall building developments both within the surrounding area and across the City where encroachments such as balconies, among others, are permitted to encroach into required setbacks.

This includes the subject sites. On 71 Talara Drive, site-specific By-law 891-2022 permits numerous elements into the required setbacks, including balconies up to 2.5 metres, among other things. Similarly, the most recent iteration of the draft zoning by-law amendment for 680-688 Sheppard Avenue East includes

permissions for balconies up to 2.5 metres and various other elements, along most building faces, including within the required setbacks.

As such, we recommend that Policy 7.24 should be modified to acknowledge that balconies, architectural features, and various other encroachments projections are essential elements for the design of tall buildings. Our suggested language would be: “Encroachments into a required setback are to generally be set back from the edges of base buildings”.

7. Streetscape

Proposed Policy 5.10(b) would provide that “all streets will be designed with a complete streets and green streets approach, supporting a welcoming, active, pleasant pedestrian environment, and will include a row of trees in the right-of-way on both sides of the street.”

In our opinion, the words “where possible” should be added to the end of this policy, to acknowledge that, in some cases, it may not be feasible to plant trees on both sides of the street due to site constraints like narrow rights-of-way or existing utilities. This adds the necessary flexibility to avoid a costly and unnecessary Official Plan Amendment, should a technical matter interfere with the ability to provide a road of trees.

8. Multi-use trail & Mid-block connections

While we are generally supportive of the intent of Policy 5.27 to implement a multi-use trail along Highway 401 (which would impact 71 Talara Drive), we are concerned with the use of the words “is required” within the proposed policy, without a detailed feasibility study assessing the ability of development to deliver this multi-use trail.

We recommend that the words “is required” are replaced with “is encouraged to”, or that the words “where possible” be added after “is required” to recognize that technical considerations may arise that do not permit a multi-use trail along the highway, or where it may not be feasible.

With respect to 680-688 Sheppard Avenue East, Map 5 – Public Realm Plan identifies two mid-block connections through the subject site, one north-south which generally follows the linear POPS secured through the settlement, and one east-west that would connect Whittaker Crescent with Red Maple Court, through the subject site. While we have no concerns with the north-south connection, it is

unclear how an east-west connection would be achieved, given that this was not part of the settlement.

As such, we would request that the proposed east-west connection be deleted from Map 5.

9. Housing

Proposed Policy 8.1 would provide that developments that contain more than 80 new residential units are to provide a minimum of 40 per cent of the total number of new units as a combination of two, three- or more bedrooms units, of which a minimum of 15 percent shall be two-bedroom units, a minimum of 10 percent shall be three-bedroom, and a minimum of 15 percent shall be a combination of 2- and 3-bedroom units.

In our opinion, Policy 8.1 should be revised to be consistent with the approach the City has taken in other areas of the City, such as the Downtown Secondary Plan and Yonge-Eglinton Secondary Plan, where Policies 11.1 and 7.1, respectively, provide that:

“To achieve a balanced mix of unit types and sizes, and to support the creation of housing suitable for families, development containing more than 80 new residential units will include:

- a. a minimum of 15 per cent of the total number of units as 2-bedroom units;**
- b. a minimum of 10 per cent of the total number of units as 3-bedroom units;**
- c. an additional 15 per cent of the total number of units will be a combination of 2-bedroom and 3-bedroom units, or units that can be converted to 2-bedroom and 3-bedroom units through the use of adaptable design measures.”**

10. Site and Area Specific Policies (SASP)


Finally, we would ask the City to clarify that the approved SASP for 71 Talara Drive and the approved-in-principle SASP for 680-688 Sheppard Avenue East would be incorporated into Section 11 of the proposed secondary plan. While Section 11 in the draft document identified SASPs that are to be modified or deleted, it does not clearly state that SASPs that are not out of date will be migrated into the new Secondary Plan.

Thank you for your consideration of these comments. We look forward to engaging in further discussions with staff as the draft Secondary Plan evolves, and would be pleased to meet with you at your earliest convenience to discuss these comments as they relate to 71 Talara Drive and 680-688 Sheppard Avenue East.

If you require any clarification or wish to discuss these matters further, please do not hesitate to contact the undersigned or Paradise McDaniel of our office.

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Yours truly,
Bousfields Inc.



Mike Dror, MPL, RPP, MCIP

cc: *clients*



Project No. 20213-3

November 29, 2024

Alex Alpoim
c/o Rockbrook Developments Inc.
Tribute Communities
1815 Ironstone Manor, Unit 1
Pickering, ON L1W 3W9

<Sent via email>

Dear Mr. Alpoim,

**Re: NY19.11 - Renew Sheppard East Secondary Plan - Final Report
71 Talara Drive, City of Toronto (the "subject site")**

As you know, we are the planning consultants to Rockbrook Developments Inc. with respect to the subject site. We have been monitoring the ongoing ReNew Sheppard East Secondary Plan study since 2018, including attending various consultation events including the City's recent Community Consultation Meeting on September 24, 2024, and reviewing the proposed changes to the draft Proposed Policies for Consultation – October 2024.

As you are aware, we prepared a letter on your behalf to City staff dated October 21, 2024, which provided comments on the draft Proposed Policies for Consultation – October 2024, identifying a number of concerns with the proposed secondary plan directions at that time.

Since then, we have reviewed draft Official Plan Amendment 777 and the other materials posted to the December 3, 2024 North York Community Council agenda, including the November 18, 2024 staff report, Transportation Planning Study Final Report, Community Services & Facilities Strategy and Servicing Capacity Assessment, and wish to offer the following additional comments.

While staff did address some of our comments, we want to raise four additional concerns for your information, which are set out below as well.

Comments

Our comments and concerns have been organized thematically below:

1. Numerical Standards

For the reasons set out in our October 21, 2024 letter to staff, it is our opinion that the inclusion of prescriptive numerical standards are not appropriate in the draft secondary plan and blurs the relationship between policy and regulation.

While we appreciate the inclusion of the word “generally” in some instances in response to our previous correspondence to City staff on this matter, the word “generally” does not address the fundamental issue of set out in our letter except for reducing the administrative need for an OPA in some cases.

We continue to recommend removing these numerical standards to allow for greater flexibility in responding to site-specific conditions and rewriting these policies with a focus on a planning and urban design outcome, rather than on a prescriptive numerical standard.

2. Encroachments

Proposed Policy 7.3.9 was modified to provide that “encroachments into a required step back are not permitted, except for minimal projections, such as those features required for the functioning of the building”. While we appreciate the revision to add the word “required”, this modification does not fully address our concern.

It is our continued opinion that encroachments should generally be permitted even into required setbacks. In this regard, there are numerous tall building developments both within the surrounding area and across the City where encroachments such as balconies, among others, are permitted to encroach into required setbacks.

This includes the subject site. On 71 Talara Drive, site-specific By-law 891-2022 permits numerous elements into the required setbacks, including balconies up to 2.5 metres, among other things.

As such, we recommend that Policy 7.3.9 should be modified to acknowledge that balconies, architectural features, and various other encroachments projections are essential elements for the design of tall buildings. Our suggested policy would be: “Encroachments into a required setback are to generally be set back from the edges of base buildings”.

3. Multi-use Trail and Mid-Block Connections

Based on recent discussions with MTO, it is our understanding that there may be practical concerns, on a site-by-site basis, with locating the proposed trail too close to existing MTO lands.

We therefore recommend that the words “where possible” be added to the end of this policy, to acknowledge that in some cases it may not be feasible to plant trees or provide landscaping on both sides of the trail, since the trail may have to be located at the northerly end of the required MTO setback.

4. Site and Area Specific Policies (SASP)

Finally, while we understood that previous approvals are to be incorporated into Section 11, the approved SASP approved through the Official Plan Amendment for the subject site has not been included.

If you require any clarification or wish to discuss these matters further, please do not hesitate to contact the undersigned or Paradise McDaniel of our office.

Yours truly,
Bousfields Inc.



Mike Dror, MPL, RPP, MCIP
cc: Rockbrook Developments Inc.