

Authority: Scarborough Community Council Item SC 7.2,
as adopted by City of Toronto Council on July 16, 17 and
18, 2019

CITY OF TORONTO

BY-LAW 1167-2019

To adopt Amendment 459 to the Official Plan for the City of Toronto respecting the lands known municipally in the year 2018 as 3850 and 3900 Sheppard Avenue East and 2350-2362 Kennedy Road.

Whereas authority is given to Council under the Planning Act, R.S.O. 1990, c. P.13, as amended, to pass this By-law; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act;

The Council of the City of Toronto enacts:

1. The attached Amendment 459 to the Official Plan is hereby adopted pursuant to the Planning Act, as amended.

Enacted and passed on July 18, 2019.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

AMENDMENT 459 TO THE OFFICIAL PLAN

**LANDS MUNICIPALLY KNOWN IN THE YEAR 2018 AS
3850 AND 3900 SHEPPARD AVENUE EAST AND 2350-2362 KENNEDY ROAD**

The Official Plan of the City of Toronto is amended as follows:

1. Map 19, Land Use Plan, is amended by deleting a portion of the existing designation (*Mixed Use Areas*) from the lands municipally known in 2018 as 3850 and 3900 Sheppard Avenue East and 2350-2362 Kennedy Road and is replaced with *Parks and Open Space Areas (Parks)* designation, as shown on the attached Schedule '1'.
2. Schedule 2, The Designation of Planned but Unbuilt Roads, is amended by adding the following planned but unbuilt roads:

STREET NAME	FROM	TO
Agincourt New Link A	Kennedy Road	Agincourt New Link D
Agincourt New Link B	Sheppard Avenue	Agincourt New Link A
Agincourt New Link C	Sheppard Avenue	Bonis Avenue
Agincourt New Link D	Bonis Avenue	Agincourt New Link C
Agincourt New Link E	Sheppard Avenue	Agincourt New Link D
Agincourt New Link F	Bonis Avenue	Agincourt New Link A

Refer to Chapter 7, Site and Area Specific Policies, Site and Area Specific Policy 572, Structure Plan - Map 1, for the general location of the planned but unbuilt roads.

3. Chapter 6, Secondary Plans, Section 1, Agincourt Secondary Plan, is amended by deleting the density reference of 1.5 on Map 1-2 (Maximum Densities Pre-Subway) for the lands known municipally in 2018 as 3850 and 3900 Sheppard Avenue East, 2330 and 2350-2362 Kennedy Road and 175-215 Bonis Road, as shown on the attached Schedule '2'.
4. Chapter 6, Secondary Plans, Section 1, Agincourt Secondary Plan, is amended by revising the boundary of the lands subject to Site and Area Specific Policy 1 on Map 1-1 (Urban Structure Plan) to only encompass the lands known municipally in 2019 as 3850 and 3900 Sheppard Avenue East and 2350-2362 Kennedy Road, as shown on the attached Schedule '3'.
5. Chapter 6, Secondary Plans, Section 1, Agincourt Secondary Plan, Policy 6, Site and Area Specific Policies, is amended by deleting Site and Area Specific Policy 1 for the lands known municipally in 2019 as 3850 and 3900 Sheppard Avenue East and 2350-2362 Kennedy Road, and replacing it with the following:
 1. **Lands located at the northwest quadrant of Sheppard Avenue East and Kennedy Road municipally known as 3850 and 3900 Sheppard Avenue East and 2350-2362 Kennedy Road.**

For the lands shown as 1 on Map 1-1, redevelopment of the lands shall be in accordance with Site and Area Specific Policy 572 in Chapter 7 of the Official Plan.

6. Chapter 7, Site and Area Specific Policies, is amended by adding Site and Area Specific Policy 572 for the lands known municipally in 2019 as 3850 and 3900 Sheppard Avenue East and 2350-2362 Kennedy Road, as follows:

572. 3850 and 3900 Sheppard Avenue East and 2350-2362 Kennedy Road

1. General

The redevelopment of the lands subject to this Site and Area Specific Policy (SASP) will ensure the creation of a complete mixed-use community. The lands will redevelop in multiple phases with a mix of residential uses, retail and commercial facilities, office uses, community service facilities and parks and open spaces at a density that will support nearby existing and future higher order transit.

2. Physical Structure Plan

The redevelopment of the lands will be generally structured as shown on Structure Plan - Map 1 which consists of the following:

- a. A network of interconnected public streets that will define future development blocks. The structure of streets and blocks will improve connectivity and mobility options throughout the lands and to the surrounding area.
- b. New public parks that are conceptually identified with the exact size, location and configuration of each park determined through a future planning process. The redevelopment will create two public parks:
 - i. Park Block 'A' will be in the order of 1.0 hectares in size and serve as focal point linking new community uses with the Agincourt Library and Ron Watson Park.
 - ii. Park Block 'B' will be in the order of 0.25 hectares in size along Sheppard Avenue East and designed as an urban park to enhance the Sheppard Avenue streetscape.
- c. Privately Owned Publicly-Accessible Spaces (POPS) which are conceptually identified to enhance the public realm framework of streets and parks. POPS will be designed generally in accordance with the City's Design Guidelines for Privately Owned Publicly-Accessible Space. The provision of POPS will not be in lieu of any required parkland dedication.

- d. Two POPS Connectors which will improve connectivity throughout the lands and to the surrounding areas by ensuring the provision of additional pedestrian and/or cycling links. POPS Connectors will maintain safe connections for the public that are clear of physical obstructions.

3. Land Use and Density

- a. Land Use - Map 2 illustrates three land use designations, *Mixed Use Areas 'A'*, *Mixed Use Areas 'B'* and *Parks and Open Space Areas - Parks*. Each *Mixed Use Areas* designation will contain its own special character, purpose and built form compositions while respecting the existing and planned context.
- b. Uses permitted on lands designated *Mixed Use Areas 'A'* and *'B'* and *Parks and Open Space Areas - Parks* will be in accordance with Chapter 4 of the City of Toronto Official Plan.
- c. Lands designated *Mixed Use Areas 'A'* will be developed at a mid-rise scale. The development of a cluster of community service facilities in proximity to the Agincourt Library, Ron Watson Park and Park Block 'A' is strongly encouraged in *Mixed Use Areas 'A'*. Retail uses on lands designated *Mixed Use Areas 'A'* will primarily be located along Sheppard Avenue East to support pedestrian activity and vibrancy.
- d. Lands designated *Mixed Use Areas 'B'* are the primary areas for intensification and where the greatest building heights and densities will be located. Retail uses on lands designated *Mixed Use Areas 'B'* will primarily be located along Sheppard Avenue East, Agincourt New Link A and Agincourt New Link B. Retail uses are encouraged along Kennedy Road. The provision of community service facilities within the podium of towers may also be considered.
- e. A minimum of 9,000 square metres of new office space will be provided on lands designated *Mixed Use Areas 'B'*.
- f. Drive-through facilities are not permitted on the lands.
- g. The maximum gross floor space index (FSI) permitted will be no more than 3.5 times the area of the lands subject to this SASP.
- h. The gross floor area of space dedicated to publicly-owned and non-profit community service facilities will be excluded for the purposes of calculating FSI. For the purposes of this SASP, community service facilities eligible for this exclusion are limited to the following uses only: recreation, community centres, libraries, child care, and spaces for the provision of public health services, human services, cultural services and employment service.

- i. As plans for and/or implementation of higher order transit advance, or when the City reviews attributes of the lands within the surrounding context of the Sheppard Avenue corridor, the density and other policies applicable to this SASP may be reviewed and considered for potential greater intensification, pursuant to applicable policies and circumstances at that time.

4. Public Realm

- a. Key components of the public realm network include public streets, private streets, public parks, POPS and POPS Connectors. The public realm will be designed to be a connected network of spaces, allowing residents, employees and visitors to gather, interact and enjoy active and passive recreational opportunities as well as improve access to and from the surrounding community in creating a vibrant and connected community.
- b. The public realm will be designed to ensure pedestrian comfort and safety through the provision of generous landscape boulevards with street tree planting and wide sidewalks, complemented by parks and open spaces that foster the ability for people to gather, interact and enjoy public spaces.
- c. New buildings along public streets with residential uses at grade will be setback a minimum of 3 metres, excluding Sheppard Avenue East, and Agincourt New Links A and B.
- d. New buildings along public streets with retail, commercial and office uses at grade will be setback a minimum of 1.5 metres.
- e. Notwithstanding Policies 4 c. and d. above, on development blocks where both retail and residential uses have frontage on the same public street, new buildings will be setback a minimum of 1.5 metres to provide a consistent street edge.
- f. New buildings along Sheppard Avenue East will be setback a minimum of 5 metres to provide opportunity for a generous pedestrian clearway, enhanced tree planting and spill out retail to animate the street edge.
- g. New buildings along the Agincourt New Link A will be setback a minimum 1.5 metre on the south side and 3 metres on the north side to provide opportunity for an enhanced public realm and place-making opportunities supporting the future cluster of retail uses.
- h. New buildings will be setback a minimum of 1.5 metres on the west side and 5 metres on the east side of Agincourt New Link B in order to provide opportunity for a generous pedestrian clearway, enhanced tree planting and spill out retail to animate the street edge.

- i. New buildings will be setback a minimum of 5 metres from public parks to accommodate active at-grade uses such as residential patios and high quality tree and understorey planting to enhance the park edge.
- j. Where active retail and commercial ground floor uses are located, a minimum ground floor height of 4.5 metres will be provided along public streets with continuous weather protection to ensure pedestrian comfort.
- k. Vehicular access, drop-off and loading areas will be located within the block or below ground, or if above ground will be appropriately screened to minimize visual impact on the property and surrounding properties to improve the safety and attractiveness of adjacent streets.
- l. Prior to the full build-out of the development, certain uses may require surface parking spaces to support existing or interim uses. As the lands are comprehensively redeveloped, parking will be located underground to ensure an attractive public realm is prioritized for pedestrians and cyclists.
- m. Public Art will be provided at key strategic locations to enhance the quality of the public realm and facilitate expression of community identity and other themes that contribute to a sense of place. The locations for Public Art will be determined through a future District Public Art Plan.

5. Built Form

General

- a. The scale and form of development will be contextually appropriate with adjacent sites on lands designated *Neighbourhoods* and *Apartment Neighbourhoods*.
- b. Development will frame streets, parks and open space with good proportion.
- c. Consistent built form edges will create a regular alignment for the streetwall to define the public realm and contribute to improving the civic and pedestrian experience.
- d. Along Sheppard Avenue East and Kennedy Road, a streetwall height of 6-storeys will be established to maintain a consistent built form edge and comfortable pedestrian scale.
- e. Mid-rise buildings along Sheppard Avenue East will provide a 3 metre setback for all built form above the 6th storey.
- f. Base buildings and mid-rise buildings that are more than 60 metres in length will be articulated or broken up visually.

- g. The separation distance between mid-rise buildings or the base of tall buildings on development blocks will ensure adequate sunlight access and privacy between facing units.
- h. Buildings will be located and massed to fall beneath a 45 degree angular plane measured from the existing parks and *Neighbourhoods* that are located northwest and northeast of the subject lands.
- i. Slender point-form towers with compact floor plates are encouraged to minimize shadow impact and improve access to sky view. New development will demonstrate that floor plate design will respect the applicable Tall Buildings Urban Design Guidelines.
- j. Mechanical penthouses, access stairs and rooftop amenity areas will not be considered a storey for the purposes of determining building height, provided they limit impacts generally in accordance with applicable SASP provisions and Urban Design Guidelines.

Mixed Use Areas 'A'

- k. The maximum height of mid-rise development along Sheppard Avenue East will not exceed 11-storeys or 36 metres.
- l. The maximum height of mid-rise buildings across from or adjacent to Park Block 'A' will not exceed 7-storeys. Grade related units with a streetwall height up to 4-storeys are encouraged along the perimeter of Park Block 'A'.
- m. Unless specifically exempted by Policies 5. k. or l. above, buildings in *Mixed Use Areas 'A'* will not exceed a maximum of 6 storeys on all other public street frontages.
- n. Notwithstanding Policy 5. l. above, on the development block located immediately south of the Agincourt Library, heights of up to 11-storeys may be considered if the building includes community service facilities and affordable housing. A base height of 4-storeys is encouraged with setbacks provided above the 4th and 7th storeys.

Mixed Use Areas 'B'

- o. The maximum height permitted on lands designated *Mixed Use Areas 'B'* will not exceed 40 storeys or 137 metres.
- p. On development blocks designated *Mixed Use Areas 'B'*, where multiple towers can be accommodated, only one tower is permitted to achieve the maximum height provided for by this SASP with other towers developed at lower heights to create articulation and variability in the skyline.

- q. New development on lands designated *Mixed Use Areas 'B'* will respect and provide appropriate transition in height and scale to existing tower heights on the adjacent northerly lands that are designated *Apartment Neighbourhoods*.
- r. A minimum tower separation distance of 30 metres between existing and proposed towers internal and external to the lands will be provided to allow for improved sky view, privacy and daylighting.
- s. Base building heights of towers on development blocks designated *Mixed Use Areas 'B'* will be provided as follows:
 - i. A maximum of 6-storeys along all public streets;
 - ii. Notwithstanding Policy 5. s. i. above, on development blocks that are across from or adjacent to Park Block 'A', no more than 7-storeys will be permitted. Grade related units with a streetwall height up to 4-storeys are encouraged along the perimeter of Park Block 'A'; and
 - iii. Notwithstanding Policy 5. s. i., the development block located immediately north of Park Block 'B', no more than 7-storeys will be permitted. A minimum setback of 3 metres will be provided above a 6-storey streetwall.
- t. A minimum setback of 5 metres will be provided from all base buildings to towers along all public streets and POPS Connectors. Greater setbacks will be encouraged along Sheppard Avenue East, Kennedy Road and Agincourt New Link A.
- u. Notwithstanding Policies 5. r. and t. above, should the development block located immediately north of Park Block 'B' be reduced in size for the purposes of public land conveyance, a lesser tower separation distance of 25 metres and lesser tower to base building setback of 3 metres may be considered.
- v. On development blocks along Agincourt New Link A, a streetwall height less than 6-storeys is encouraged to achieve a lower scaled pedestrian friendly-street. A minimum setback of 3 metres will be provided above the streetwall height to the base building.

6. Sun and Shadow

- a. Buildings will be located and massed to ensure a minimum of 75 percent of Park Block 'A' are in direct sunlight between 10:18 a.m. and 5:18 p.m. from March 21st to September 21st.

- b. Buildings located on development sites fronting on Agincourt New Link A will be located and massed to ensure that 50 percent or more of the north side of the sidewalk is in direct sunlight between 11:18 a.m. and 5:18 p.m. from March 21st to September 21st.
- c. Buildings will be located and massed to ensure 7 hours of consecutive sunlight on the existing *Neighbourhoods* located northwest of the lands and Ron Watson Park between 10:18 am to 5:18pm from March 21st to September 21st.
- d. Buildings will be located and massed to ensure 6 hours of consecutive sunlight for the existing *Neighbourhoods* that are located northeast of the subject lands between 9:18 a.m. to 3:18 p.m. from March 21st to September 21st.

7. Mobility

Street Network

- a. Development will be designed to enhance connectivity and mobility options with the surrounding area through a combination of streets and connections.
- b. Six new unencumbered public streets are required to be provided on the lands as generally shown on Structure Plan - Map 1. The exact location and alignment of each new street will be refined through the review and approval of a future Draft Plan of Subdivision application. The right-of-way widths of the new public streets are as follows:

STREET NAME	RIGHT-OF-WAY WIDTHS
Agincourt New Link A	23.0 metres
Agincourt New Link B	23.0 metres
Agincourt New Link C	23.0 metres
Agincourt New Link D	20.0 metres
Agincourt New Link E	18.5 metres
Agincourt New Link F	18.5 metres

- c. Improved pedestrian and cycling facilities will be fully integrated within the public realm along public streets and connections as shown on Structure Plan - Map 1.
- d. A publicly accessible multi-use connection which includes pedestrian and cycling facilities will be fully implemented on the POPS Connector located at the northerly portion of the lands to provide a connection from Agincourt New Link 'C' to Kennedy Road as shown on Structure Plan - Map 1.

Transit

- e. New development will provide enhanced connections throughout the lands and to the surrounding area to support existing and future higher order transit. New development along Sheppard Avenue East will protect for the potential for future transit improvement to the satisfaction of the City.

Transportation Demand Management

- f. Applications for draft plan approval and/or an amendment to the Zoning By-law will be required to provide a Transportation Demand Management (TDM) Strategy. The TDM Strategy will include a multi-modal assessment of transportation conditions and outline the site-related TDM infrastructure improvements, strategies and programs in each phase that support travel options, reduce single occupancy vehicle use and encourage other modes of transportation including transit, cycling and walking.
- g. Conditions of draft Plan of Subdivision approval will identify how the TDM Strategy will be implemented during each phase of development.

8. Implementation

Phasing

- a. A Phasing and Sequencing Strategy and an Implementation Plan will be required as part of a complete application for future Zoning By-law Amendment and Draft Plan of Subdivision applications to ensure that infrastructure, facilities and amenities will be provided as needed to support each phase of development.
- b. The Phasing and Sequencing Strategy will recognize which existing uses may continue and the potential new, less intense interim uses that may be constructed in each phase prior to the ultimate development of the subject lands.
- c. The Phasing and Sequencing Strategy will:
 - i. Identify the location, size and sequencing of development in each Phase;
 - ii. Identify the maximum number of units within each Phase;
 - iii. Identify the maximum non-residential floor area for each Phase;
 - iv. Identify the community service facilities and any other infrastructure required to be provided prior to the initiation and/or completion of each Phase;

- v. Demonstrate how new development will appropriately interface with the adjoining office building to the east (2330 Kennedy Road) and the Agincourt Library (155 Bonis Avenue) and how it will provide required parking for these lands together with temporary and permanent easements and rights-of-way for parking, pedestrian and vehicular access, servicing and maintenance to the satisfaction of the City; and
 - vi. Be implemented through the Zoning By-law(s) and Draft Plan(s) of Subdivision secured through appropriate legal agreements, including public easements, where required.
- d. The first phase of development may proceed provided that it is preceded by, or developed concurrently with the following:
- i. Suitable arrangements securing the conveyance and/or construction of one of the two new public parks; and
 - ii. Provision of affordable housing as determined and secured through future applications for Zoning By-law Amendment and draft Plan of Subdivision approval.

Holding (H) Provision

- e. Any implementing Zoning By-law may define and incorporate a Holding (H) provision pursuant to Section 36 of the Planning Act. When a Zoning By-law has been enacted with a Holding (H) provision, it will specify both the uses of lands and buildings that are permitted upon removal of the Holding (H) provision by amendment to the By-law and any uses, including existing uses, interim uses and minor alterations thereto, that are permitted while the lands remain subject to the Holding (H) provision.
- f. The use of a Zoning By-law and/or conditions of draft approval will be used to define and incorporate the conditions that must be satisfied prior to the removal of the Holding (H) provision and/or registration of a plan. In addition to the conditions identified in Official Plan Policy 5.1.2.2, conditions to be met prior to the removal of the Holding (H) provision and/or registration of a plan may include:
 - i. Submission of a Housing Issues Report identifying the proposed delivery method for how the required affordable housing will be provided on the lands;
 - ii. The construction of non-residential gross floor area as required by this Site and Area Specific Policy;

- iii. The implementation or provision of an appropriate financial security to implement the street network and/or related transportation infrastructure improvements required to support existing conditions, recently approved developments and new development; and
 - iv. The construction or securing of water, sewer and/or stormwater management infrastructure required to support existing conditions, recently approved developments and the subject development.
- g. City Council may remove the Holding (H) provision from all or some of the lands when the associated conditions have been satisfied and matters are appropriately secured.

Draft Plan of Subdivision

- h. Development will not proceed within the lands without the approval of a Draft Plan of Subdivision for the associated lands.
- i. Division of land will be in conformity with this Site and Area Specific Policy and will create land parcels that facilitate development consistent with the intent of this Site and Area Specific Policy.

Urban Design Guidelines

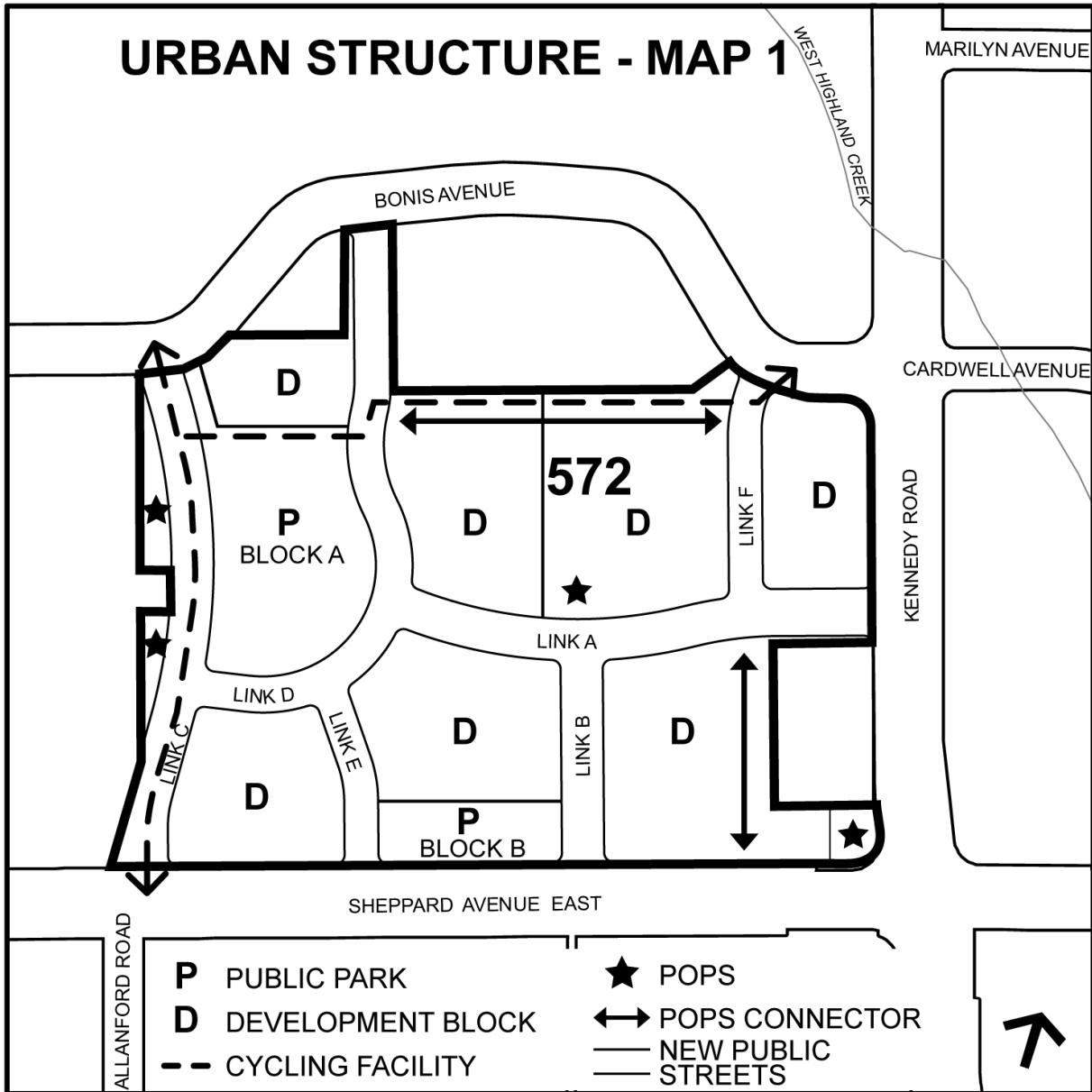
- j. Urban Design Guidelines will be developed concurrently with a future Zoning By-law Amendment application that will establish a framework for coordinated high quality development. The guidelines will provide direction for the preparation of development applications on these lands and in accordance with the Official Plan and this Site and Area Specific Policy.

Community Benefits

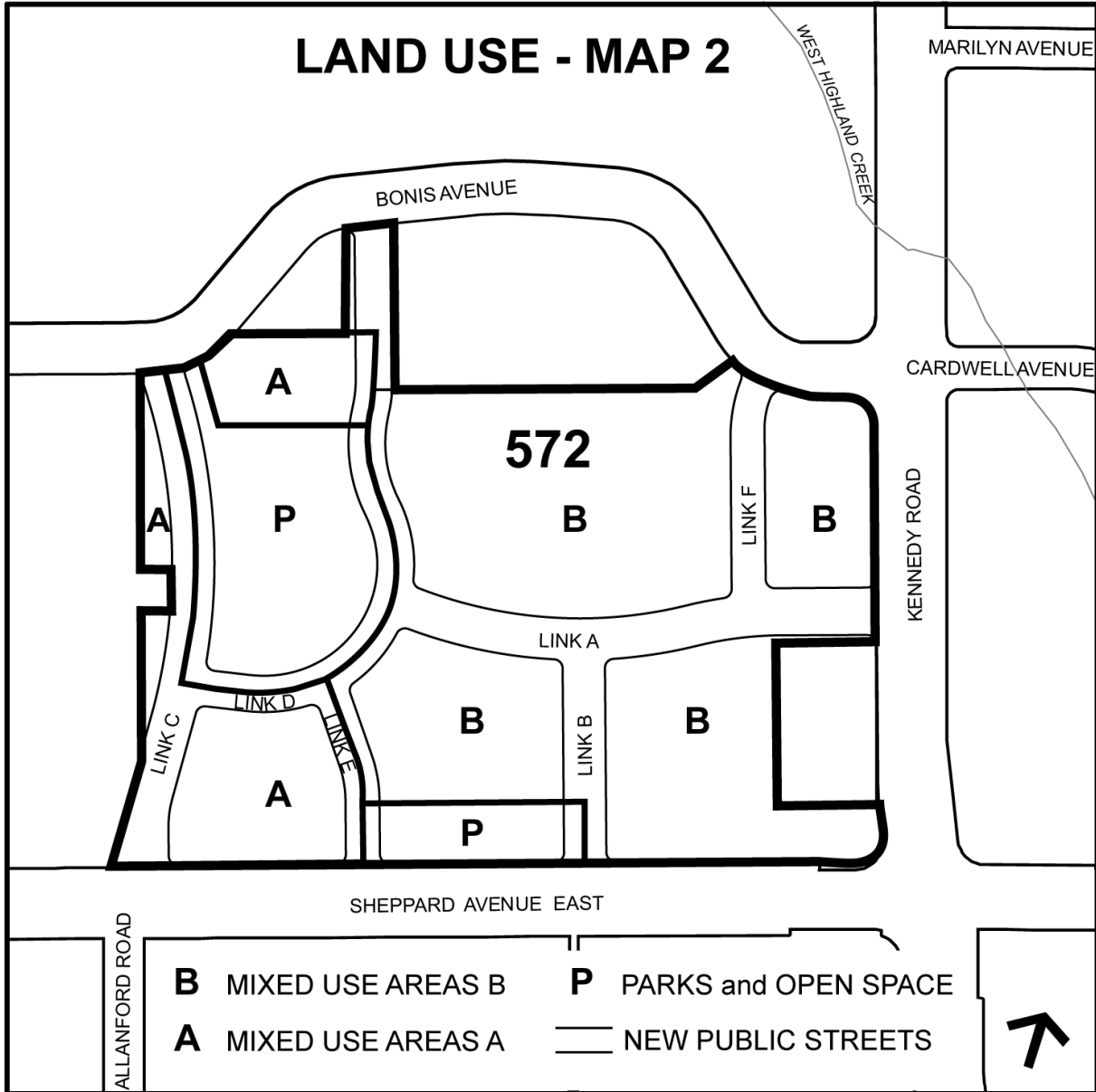
- k. In accordance with Policy 3.2.1.9 and 5.1.1, community benefits and contributions will be secured through a future planning process and may include the following:
 - i. Affordable housing (first priority);
 - ii. Child care(s);
 - iii. Expansion and/or improvements to Agincourt Recreation Centre;
 - iv. Improvements to Agincourt Library;
 - v. Flexible multi-purpose community agency space;
 - vi. Public art;
 - vii. Improvements to pedestrian and/or cycling connections; and
 - viii. Any additional community benefits identified throughout the community planning process.

1. The base value, in terms of total gross area, from which increased height and/or density may be permitted in return for community benefits, will be based on the existing Zoning By-law permissions. For the purposes of calculating and interpreting Policy 5.1.1.1 of the Official Plan, all residential and non-residential gross floor area will apply, save and except for community service facilities and office uses.

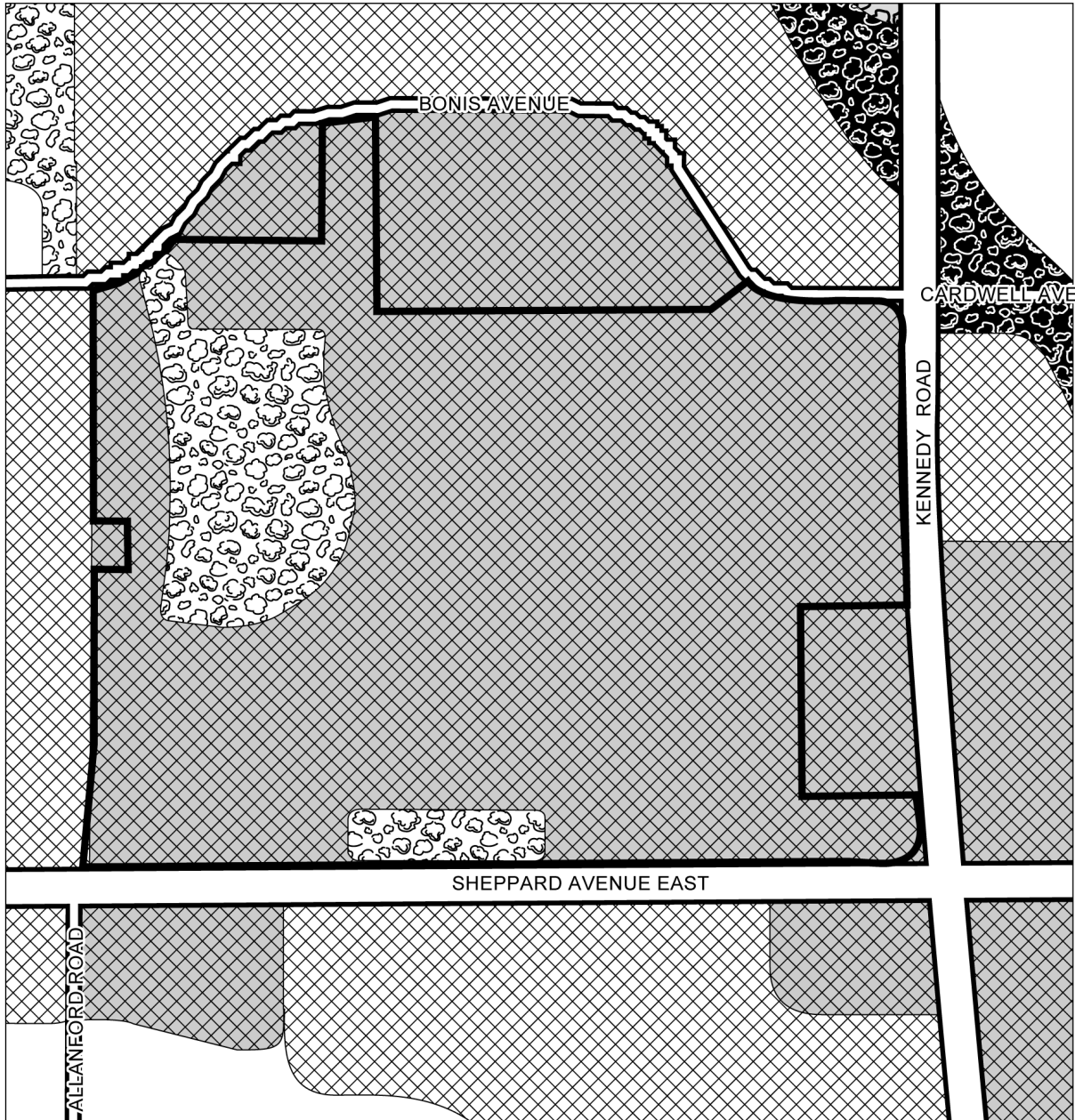
Structure Plan – Map 1 (Site and Area Specific Policy # 572)



Land Use Plan – Map 2 (Site and Area Specific Policy # 572)



Schedule '1'



Official Plan Amendment # 459

Revisions to Land Use Map 19 to Redesignate lands from Mixed Use Areas to Parks

Note: This map was extracted from the July 2015 Land Use Plan. For current information refer to the February 2019 data.

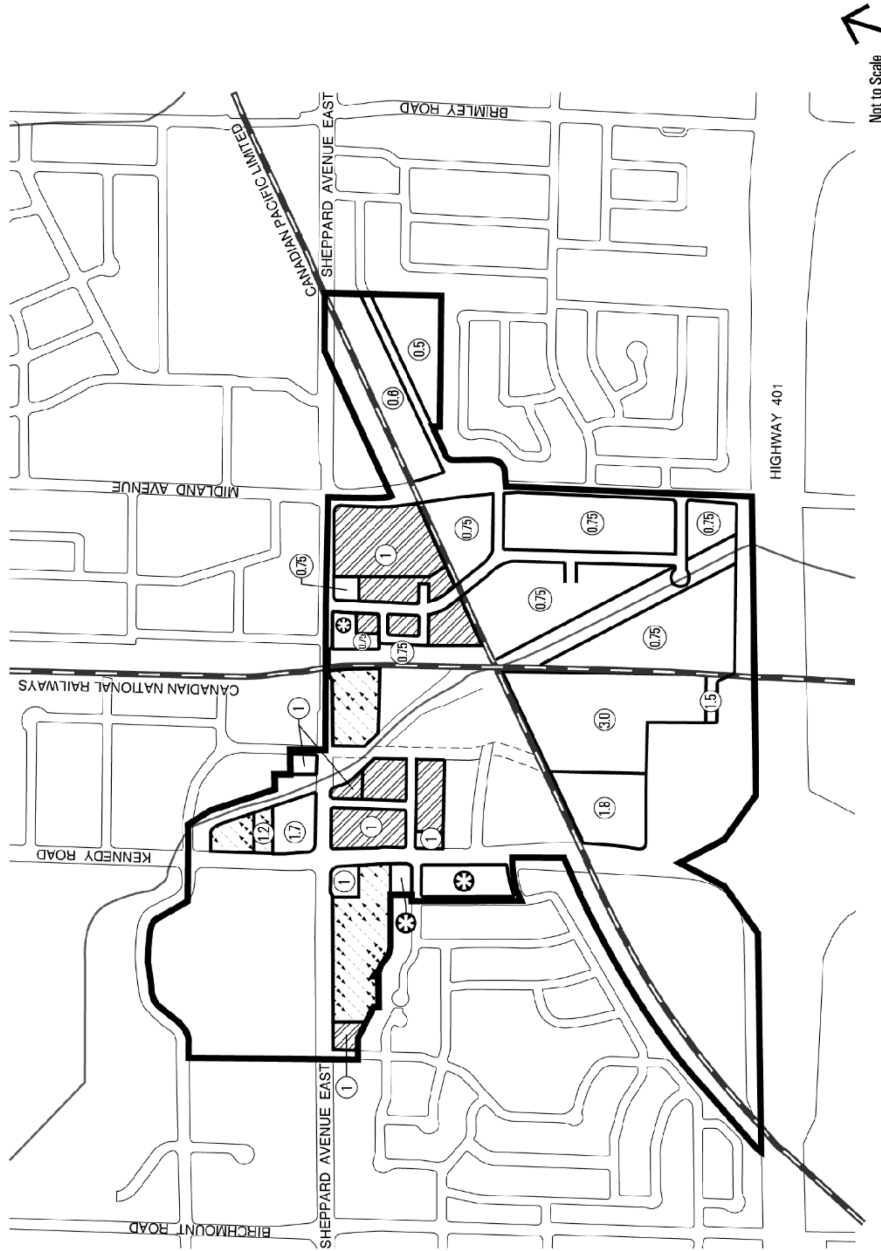
**3850, 3990 Sheppard Avenue East
 and 2350-2362 Kennedy Road**

File # 17 181232 ESC 40 0Z

- | | |
|--------------------------|-------------------------------------|
| Location of Application | Parks & Open Space Areas |
| Neighbourhoods | Natural Areas |
| Apartment Neighbourhoods | Parks |
| Mixed Use Areas | Other Open Space Areas |

Not to Scale
 07/09/2019

Schedule '2'



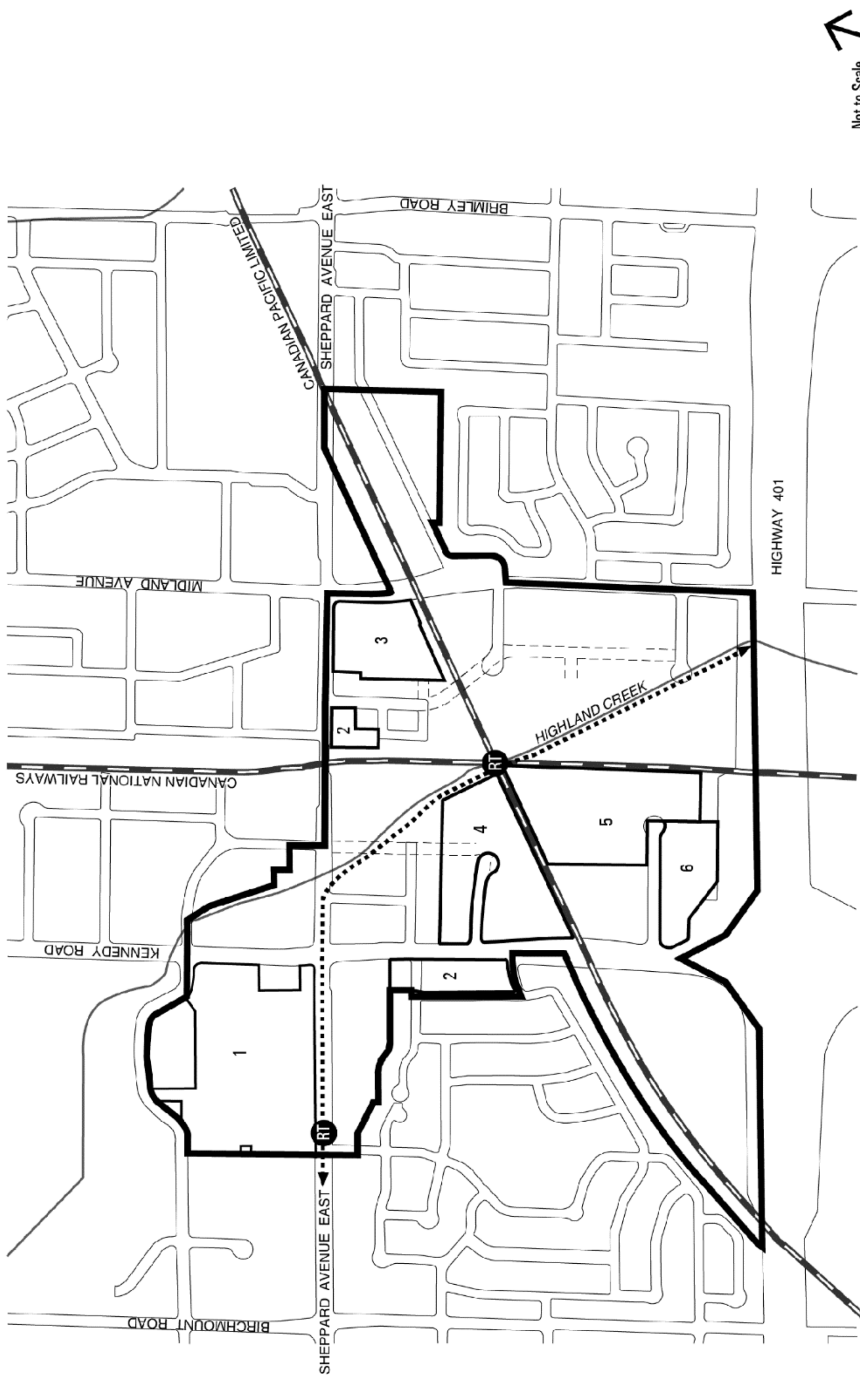
Toronto
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Agincourt Secondary Plan
 MAP 1-2 Maximum Densities Pre-Subway

Map 1-2 is amended to remove maximum density permissions from Site and Area Specific Policy 1 as shown on Map 1-1.

- Secondary Plan Boundary
- Residential (150 Dwelling Units per Hectare)
- Residential (100 Dwelling Units per Hectare)
- Figure Shown Equals Floor Area of all Uses Combined on Site Divided by the Site Area
- For Residential Density See Site and Area Specific Policies on Map 1-1
- Railway
- Highland Creek

Schedule '3'



Not to Scale

TORONTO
 Official Plan Amendment #459

Agincourt Secondary Plan
 MAP 1-1 Urban Structure Plan

Map 1-1, is amended to modify the boundary of the lands subject to Site and Area Specific Policy 1.

- Secondary Plan Boundary
- Proposed Rapid Transit Station
- Site and Area Specific Policies
- Proposed Road
- Proposed Rapid Transit
- Railway
- Highland Creek

June 2019