



## STAFF REPORT ACTION REQUIRED

### 1181 Sheppard Ave East – OPA & Rezoning Application – Final Report

<b>Date:</b>	May 22, 2009
<b>To:</b>	North York Community Council
<b>From:</b>	Director, Community Planning, North York District
<b>Wards:</b>	Ward 24 – Willowdale
<b>Reference Number:</b>	08 196808 NNY 24 OZ

#### SUMMARY

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This application was made on August 25, 2008 and is subject to the new provisions of the *Planning Act* and the *City of Toronto Act*, 2006.

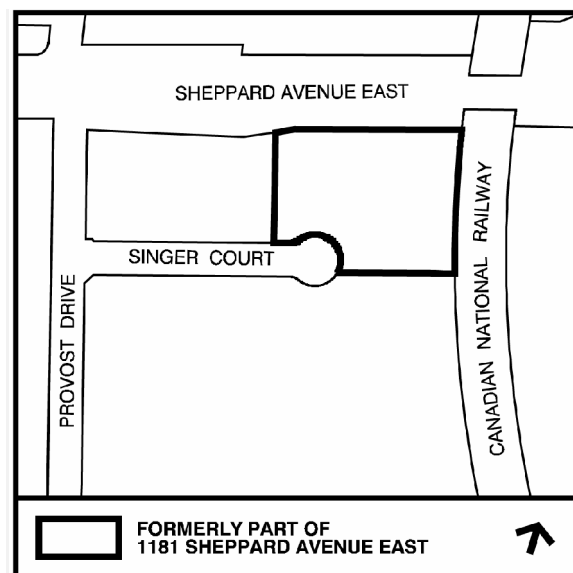
This application proposes a new head office building for the Canadian Tire Corporation, ancillary retail and a daycare facility at 1181 Sheppard Avenue East. A Holding Provision under Section 36 of the *Planning Act* is included in the proposed zoning by-law which may be lifted when conditions respecting a safety feature on the subject property related to the CN rail line and Site Plan Approval have been addressed to the satisfaction of the City. The proposal is consistent with the objectives and policies of the Official Plan. This report reviews and recommends approval of the application to amend the Official Plan and Zoning By-law.

#### RECOMMENDATIONS

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**The City Planning Division recommends that:**

1. City Council amend the Official Plan substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 7.



2. City Council amend Zoning By-law 7625 substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 8.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and draft Zoning By-law Amendment as may be required.
4. The cash contribution of \$1,000,000.00 toward the provision of a public community centre on the former Canadian Tire Lands, as offered by the applicant is to be secured prior to Site Plan Approval and the owner is required to enter into an agreement with the City to the satisfaction of the City Solicitor, pursuant to Section 37 of the *Planning Act*.
5. Prior to Site Plan Approval, the following is to be secured in an agreement to be registered on title to the satisfaction of the City Solicitor:
  - a) construct streetscape improvements for the public and private portions of the Sheppard Avenue frontage that is adjacent to the subject lands in accordance with the Sheppard Avenue Streetscape Master Plan and provide a Letter of Credit for the cost of the streetscape improvements to the satisfaction of the Director, Community Planning, North York District, prior to Site Plan Approval;
  - b) on-site public art to be provided at a value of not less than 1% of Gross Construction Cost in accordance with Subdivision Approval 66M – 2432 Clause H.7.2 and a Public Art Plan and cost estimate for the subject site to the satisfaction of the Chief Planner and Executive Director to be provided prior to Site Plan Approval; and,
  - c) undertake to incorporate features and technologies in the proposed building that are required to facilitate Daylight Harvesting to the satisfaction of the Director Community Planning, North York District in consultation with the Toronto Environment Office.
6. Prior to lifting the Holding Provision in the draft Zoning by-law the applicant shall:
  - a) provide plans and studies prepared by a qualified consultant to determine the necessity for any required safety features to be located along the CN rail line or on the subject lands, for review and approval of the City;
  - b) the plans and studies in (a) above shall be subject to a Peer Review process, involving an independent external consultant, to be approved by the City and to be retained by the applicant;
  - c) enter into an agreement with CN rail and the City respecting public safety and site specific risk assessment to be registered against the title of the lands for the development;

- d) the items identified in a), b) and c) above shall be to the satisfaction of CN Rail, the Chief Planner and Executive Director of City Planning and the City Solicitor;
  - e) all required safety features are to be incorporated into the Site Plan application;and,
  - f) obtain site plan approval and enter into a Site Plan Agreement under Section 41 of the *Planning Act* including but not limited to the requirements contained in this report to the satisfaction of the Director of Community Planning, North York District.
7. The requirements of the TTC which are contained in Attachment No. 6 shall be included in a Site Plan Agreement under Section 41 of the *Planning Act*.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

The subject site is part of the former Canadian Tire lands which are located on the south side of Sheppard Avenue between the Leslie subway station and the Bessarian subway station and extend south to Highway 401. The lands are 20 hectares (50 acres) in area and are contained within the Sheppard Avenue East Subway Corridor Secondary Plan.

In 2000 Canadian Tire filed an application for a mixed use re-development for the 20 hectare property. In order to evaluate the application and provide further guidance for a comprehensively planned, mixed use community, the Bessarian-Leslie Context Plan was undertaken and, after community consultation, was approved in 2002. The Context Plan identified an appropriate public road network, streetscape character, pedestrian connections, development density and building heights for the property. A Zoning by-law (1094-2002) and a Plan of Subdivision implemented the Bessarian-Leslie Context Plan. Canadian Tire sold the lands to Concord Adex in the fall of 2006 but retained ownership of the subject site identified as formerly part of 1181 Sheppard Avenue East and located at the south west corner of Sheppard Avenue East and the CN rail line, west of Leslie Street.

The City's "Agenda for Prosperity" recommends creating an Investment Service to expedite municipal approvals for the industrial and office tax base and to create permanent jobs in the city. The Canadian Tire Head Office proposal has been designated by the General Manager of Economic Development Culture & Tourism as a Gold Star Investment based on its size (63,550 m<sup>2</sup>) and the number of jobs retained.

### **ISSUE BACKGROUND**

#### **Proposal**

Canadian Tire has indicated an interest in consolidating its head office operation from

several mid-town and other locations across the GTA to their lands at Sheppard Avenue East and Leslie Street. The purpose of the applications is to permit an increase in density on this site in order to accommodate Canadian Tire head office space needs. Amendments are also required to permit the extension of the building into the 30 metre setback requirement adjacent to the CN rail line.

The subject site is 0.84 hectares (2.08 acres) in size. An 18 storey (75.2m) office building with 63,550 m<sup>2</sup> (673,369 ft<sup>2</sup>) of floor space is proposed at a Floor Space Index of 7.5. The office building includes a 738 m<sup>2</sup>, 72 space daycare with 419 m<sup>2</sup> outdoor play space, and as specified in Zoning By-law 1094-2002, the floor area of the daycare is not included in the calculation of total floor area. The east side yard setback, adjacent to the CN rail line is proposed to be reduced from 30 metres to 3 metres in order to accommodate the additional density requested without increasing the building height.

The 18 storey office building is proposed with a 4 storey base building along Sheppard Avenue. The base building would have pedestrian entrances at the Sheppard Avenue frontage and the internal public walkway to the south, Singer Court. Another entrance with a forecourt is proposed for the south elevation. The north and south building entrances both provide pedestrian connections to an underground retail concourse, which leads directly to the Leslie subway station. A pedestrian connection from the Leslie subway station was constructed concurrently with the development of the subway with a knock out panel to facilitate the connections proposed with this development. The uses proposed in the base building include a Canadian Tire corporate reception area, conference facility and other corporate support activities.

Two vehicular accesses are proposed. One is from Singer Court which connects to Provost Drive. The second is a driveway connection from Esther Shiner Boulevard through the Concord Adex residential block underground parking structure located on the lands to the south. A total of 1,129 parking spaces are provided in an underground garage. The application data sheet is contained in Attachment No. 5.

## **Site and Surrounding Area**

The subject site is located at the Leslie station on the Sheppard Subway line. It has 105 metres frontage on Sheppard Avenue East and rises in elevation from the west to the east. The site also slopes downward to Singer Court, the new local street to the south.

The abutting properties include:

North: Sheppard Avenue, a small park, commercial uses and low density residential neighbourhood

East: CN rail line, Leslie TTC Subway Station, Oriole GO Station, office and institutional buildings

South: proposed residential condominium buildings (Concord Adex Blocks 19 & 20), Esther Shiner Boulevard and the IKEA store

West: gas bar, McDonalds restaurant, Provost Drive and the Canadian Tire store

## Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

## Official Plan

The subject site is identified as part of the Sheppard Avenue East 'Avenue' shown on Map 2 Urban Structure of the Official Plan. 'Avenues' are corridors along major streets which are intended to accommodate new housing and job opportunities, supported by public transit. The lands are designated *Mixed Use Areas* which are to be made up of a broad range of commercial, residential and institutional uses, in single use or mixed use buildings.

The subject site is located within the Sheppard East Subway Corridor Secondary Plan. Policies in the Plan provide for mixed use development and a density of 2.5 FSI for the north east quadrant which contains the subject lands as shown on Attachment No. 4. The Secondary Plan also provides for the transfer of density when land for public uses such as parkland or roads is provided. In order to obtain the lands required for these public purposes the density transferred is not counted as part of the density calculation for the receiving sites. The density transferred from parkland and roads proposed for the lands west of Provost Drive are reflected in the gross floor areas permitted for the lands east of Provost Drive in the area Zoning By-law 1094-2002.

## Zoning

The subject lands are zoned C1(111) in Zoning By-law 1094-2002. Permitted uses include business and professional offices, retail stores and personal shops and a day nursery. The maximum building height is 20 storeys and 76 metres.

As noted earlier, density above that indicated in the Official Plan for the lands east of Provost Drive is reflected in the permitted maximum gross floor area for the subject site. The Official Plan permits a density of 2.5 Floor Space Index or 21,030 m<sup>2</sup>. Zoning By-law 1094-2002 permits a maximum gross floor area of 37,500 m<sup>2</sup> or 4.5 FSI, which is an increase of 19,400 m<sup>2</sup> and represents the amount of the density transfer from the lands west of Provost Drive to the subject property.

A density incentive is also provided for the subject site. The maximum gross floor area of 37,500 m<sup>2</sup> can be increased by 2,944 m<sup>2</sup> if a finished, furnished and equipped day nursery and 401 m<sup>2</sup> of contiguous outdoor play space is provided. With the density

incentive, the maximum permitted gross floor area is 40,444 m<sup>2</sup> or a Floor Space Index of 4.8. The east yard setback, adjacent to the CN rail corridor is 30 metres.

### **Site Plan Control**

The applicant has not filed an application for Site Plan Control.

### **Reasons for Application**

An Official Plan Amendment application is required in order to permit an increase in density. An amendment to Zoning By-law 1094-2002 is required to permit an increase in the maximum gross floor area and to alter setback requirements along the easterly limit of the property, adjacent to the CN rail corridor and to amend building envelope requirements concerning setback and step back conditions.

### **Community Consultation**

A community consultation meeting was held on January 26, 2009 and Council had directed that the notice area be expanded. Approximately 25 residents attended and written comments were submitted. The issues discussed included the amount of additional density requested, the heavy traffic volumes on Provost Drive and Esther Shiner Boulevard once development is complete for the eastern portion of the new community, the safety implications of the proposed reduction in the setback to the CN rail line, the effect of eliminating the step-back provisions particularly on the Sheppard Avenue frontage, the value of community benefits to be obtained from the requested increase in density and impacts of lights from tall buildings on adjacent neighbourhoods of single detached homes.

### **Agency Circulation**

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards.

## **COMMENTS**

### **Provincial Policy Statement and Provincial Plans**

Staff have reviewed the proposal and determined it is consistent with the Provincial Policy Statement (PPS). The PPS promotes strong communities, a clean and healthy environment and a strong economy. It acknowledges the importance of land use and development patterns which optimize the use of public investment in infrastructure. This application for office development provides for the retention of employment uses in the City of Toronto thus contributing to a strong economy. It provides office and ancillary retail uses, contributing commercial uses as part of the new 20 hectare (50 acre) mixed use community planned for the former Canadian Tire lands. The proposed office building will have a direct underground connection to the Sheppard Subway line at the Leslie station and contribute to increased use of this subway line. The proposal also conforms to the Growth Plan for the Greater Golden Horseshoe.

## Land Use

The *Mixed Use Areas* designation of the Official Plan permits a broad range of commercial, residential and institutional uses in a single use or mixed use buildings. The Sheppard Avenue East Subway Corridor Plan identifies development nodes at each of the subway stations. The subject site is located in the Leslie Node which is identified as an employment development node due to the concentration of existing office and institutional uses as well as the Oriole GO station at Old Leslie Street. The proposed office and ancillary retail uses contribute to the employment function of the Leslie Node. The proposed office building will be directly connected to the Leslie subway station and is close to the Oriole GO Station.

## Density

### Official Plan

The proposed office building has a gross floor area of 63,550 m<sup>2</sup> resulting in an FSI of 7.5. The increase in density is supportable for the following reasons. The proposed development is in a location well served by transit and transportation infrastructure and will provide a direct underground pedestrian access to the Leslie Subway Station. The Sheppard Avenue East Subway Corridor Secondary Plan provides for higher densities in proximity to subway stations. The Area Traffic Study and Certification Report demonstrates that the impact of the additional floor space proposed in the subject application will be minimal. The proposed development is consistent with Provincial and City planning policy and initiatives.

### Zoning

Zoning by-law 1094-2002 permits a maximum gross floor area of 37,500 m<sup>2</sup> which can be increased by 2,944 m<sup>2</sup> with the provision of a day nursery and outdoor play space. The permitted gross floor area, with the density incentive, results in a permitted gross floor area of 40,444m<sup>2</sup> and a Floor Space Index of 4.8 for the subject site. As noted above, the application proposes 63,550 m<sup>2</sup> of floor space or 7.5 Floor Space Index.

## Height and Massing

This building is located on a highly visible site with respect to topography, the extent of frontage on a major arterial and by having a direct connection to the Sheppard Subway line. The design and character of the proposed office differentiates itself from buildings typical of the local area and from standard building types. It creates a significant feature for the local skyline. The building design is a long and thin slab form in order to maximize opportunities for solar harvesting as an energy conservation measure. As such, it is not in the point tower form and does not meet Tall Building Guidelines for minimizing the floor plate size.

Zoning by-law 1094-2002 prescribes a building envelope for the subject site. The building envelope was based on a conceptual built form analysis undertaken through the Bessarian-Leslie Context Plan. The proposed building features a four storey base building with entrances on both the Sheppard Avenue frontage and the Singer Court frontage. A 5 metre stepback at the top of the podium has been provided for the north

side of the development. The proposed building meets the Tall Building Guidelines for adequate space between tall buildings, including the approved residential buildings to the south and potential future development on the block to the west.

The permitted building height is 20 storeys and 76 metres whereas 18 storeys and 75 metres is proposed. The east side yard setback, adjacent to the CN rail line is proposed to be reduced from 30 metres to 3 metres in order to accommodate the additional density requested without increasing the building height. The residential condominiums approved on the adjacent blocks to the south are taller which is in keeping with the Bessarian-Leslie Context Plan for the new community.

The proposed building requires amendments to yard setback and building stepback provisions contained in Zoning By-law 1094-2002. These amendments accommodate the building design with a long and thin building footprint which facilitates a green building technology known as “daylight harvesting”.

A Holding provision under Section 36 of the *Planning Act* may be placed on lands where the ultimate desired use of the lands is specified but development cannot take place until conditions set out in the by-law are satisfied. A Holding provision concerning safety measures respecting the CN rail line and requirements of site plan approval is included in the proposed zoning by-law in Attachment No. 8 and is discussed further in this report.

## **Streetscape**

The Sheppard Avenue Streetscape Master Plan provides for the improvement of the public realm and private lands that front this significant street. Specific improvements include; decorative paving, street trees, planters, irrigation systems, pedestrian scale lighting and landscaping. The Sheppard Avenue boulevard along the frontage of the subject site is generally 10 metres wide. This is wider than the boulevard along most of Sheppard Avenue due to the grading in relation to the CN Rail line in this location. While the proposed building would be located close to the property line, the wide boulevard provides for the implementation of the Sheppard Avenue Streetscape Master Plan. The applicant is to provide plans and fund streetscape improvements for the boulevard and private lands in accordance with the Master Plan through the site plan approval process.

## **Sun, Shadow, Wind**

The applicant’s shadow analysis shows that the public parks in the vicinity of the site are not adversely impacted by shadows from this building. A Pedestrian Wind Assessment by RWDI Consulting Engineers dated September 18, 2008 recommends further testing to confirm its initial findings and to recommend wind control features. Further wind testing needs to include the retail entrances proposed on Sheppard Avenue, that descriptions of mitigation measures need to be specific, and mitigation should be recommended for the main entrance on the north façade and for the pedestrian drop-off area at the south façade. A revised Pedestrian Wind Assessment will be required with the application for Site Plan Approval and the necessary



improvements to mitigate the wind impacts will be reviewed at the time of site plan application.

## **CN Rail Setback**

The CN rail line is located immediately to the east of the proposed development and the frequency of trains is approximately 20 during the day and 6 at night. Zoning By-law 1094-2002 requires a 30 metre setback from the rail property line to any building with the exception of a parking structure. The applicant proposes a 3 metre setback from the rail property line. CN Rail has indicated it is prepared to accept a 3 metre setback for the subject application and defers to the municipality to consider the impacts to the proposed use. In correspondence with the City, CN Rail indicates that setback requirements for residential uses adjacent to rail lines are required, commercial and industrial setbacks are recommended rather than required. CN indicates that earthen berms or crash walls are considered safety features and specification guidelines are provided for the information of applicants and municipalities.

In a letter dated May 1, 2009, the applicant agrees to design a safety feature along the rail corridor. A Holding provision has been included in the proposed zoning by-law to ensure the applicant completes the necessary studies, a peer review has taken place and the applicant enters into an agreement with the City with respect to public safety and site specific risk assessment matters. Once this has been done, the holding provision may be lifted.

## **Traffic Impact and Parking**

A comprehensive area traffic study and traffic certification report was completed by MMM Group Ltd in 2002 for the 20 hectare (50 acre) new community on the former Canadian Tire lands. The land uses and densities permitted by Zoning By-law 1094-2002 reflect the findings of that comprehensive traffic study.

The applicant has submitted a Transportation Study and a Traffic Certification Report prepared by iTrans and dated August 2008. The study concludes that the existing road network would not be significantly impacted by the proposed increase in office density. These reports have been reviewed by Transportation Services and are satisfactory.

The Transportation Study also contains a Parking Assessment. Transportation Services has commented that as conditions of approval of the application the owner be required to provide a specified parking supply for the ancillary commercial uses including visitor parking (33 parking spaces) and a specified parking supply for the proposed daycare use (39 spaces). The required parking ratios are reflected in the draft zoning by-law in Attachment No.7. All parking space dimensions shall conform to parking By-law 494-2007 (the new harmonized parking by-law) and a minimum of three loading spaces shall be provided. A total of 1,129 parking spaces are provided in an underground garage. A space, 244 m<sup>2</sup> in area, is provided for bicycle parking.

## **Servicing**

A Functional Servicing Report and Stormwater Management Report was submitted by the applicant and is acceptable to Technical Services.

## **Economic Development**

A stated objective of Toronto's Agenda for Prosperity is to maintain and grow employment in the city. Prior to the recession of the early 1990's non-residential construction was flourishing and employment reached an all time high of about 1.35 million jobs. Since this time, the development of employment uses has slowed considerably as has employment growth. In comparison, other areas of the GTA experienced substantial employment growth and non-residential building construction. The subject application presents a unique opportunity to secure a significant, high profile corporate office employment use and to retain this use within the City of Toronto.

The subject site is the only block within the former Canadian Tire lands zoned solely for office and ancillary use development. Through the preparation of the Bessarian-Leslie Context Plan it was anticipated that Canadian Tire Corporation would develop an office building here. The location, fronting on Sheppard Avenue and directly adjacent to a subway station and the office use makes the site appropriate for a higher density.

### **Municipal Tax Increment Program**

The Municipal Tax Increment Program was approved by City Council on December 11, 2007 and supports new building construction through tax deferrals for targeted sectors across the City. The subject application may be eligible for this program because it is a proposed head office, retains employment in the City of Toronto, proposes 63,550 m<sup>2</sup> in floor area and is adjacent to public transit, the Leslie Subway Station. A qualifying development could benefit from a deferral of approximately 60% of the tax change for new development. Economic Development Culture & Tourism staff have provided Canadian Tire Corporation with an application form for the Municipal Tax Increment Program. At its meeting of May 27, 2008 City Council adopted By-law 516-2008 which designates the City of Toronto as a Community Improvement Project Area and the Community Improvement Plan (CIP) which is attached to the by-law. The CIP provides financial incentives for brownfields remediation and the development of specific employment uses. At its meeting of May 27, 2008, City Council included "Corporate Headquarters" as an eligible, specific employment use.

## **Open Space/Parkland**

The former Canadian Tire lands, now owned by Concord Adex are planned as a new community on the south side of Sheppard Avenue between the Bessarian and Leslie subway stations. Through the approved plan of subdivision, which contains the subject property, a 3.7 hectare park is to be developed on lands on the eastern portion of the new community. The current proposal to increase the gross floor area by an additional 23,106m<sup>2</sup> will be subject to a 2% cash-in-lieu of parkland dedication payment in addition to the parkland provisions required in the plan of subdivision.

The actual amount for the letter of credit and cash-in-lieu payment for the additional gross floor area will be determined at the time of issuance of the building permit.

## **Toronto Green Standard**

The Toronto Green Standard addresses items such as improving air quality, energy and water efficiency, light pollution reduction and adherence to Bird Friendly Development Guidelines. The applicant has completed the Toronto Green Standard Checklist and the proposed development achieves several targets set out in the checklist. It will provide for the direct integration of a transit entrance, a green roof installed with 50% minimum coverage, provision of shading for at least 50% of all hardscape, 90% of materials low emitting, 40% improvement in energy performance, 70% of fixtures Energy Star, ambient daylight in 75% of the internal space is 250 Lux, runoff disinfected and 80% of total solids removed, runoff retained on site from small design events, rainwater harvesting, high efficiency water fixtures, meet Bird Friendly Guidelines and no lighting directed towards the sky.

The proposed building is configured to maximize access to natural daylight and promotes a sustainable design technique called “daylight harvesting”. The applicant’s architect Sweeney, Sterling, Finlayson & Co indicates that air conditioning typically consumes most of the energy in office buildings with lighting as a close second. The architects indicate that they have found that building orientation is often one of the most important factors in designing buildings that can reduce energy consumption in both air conditioning and lighting. Accordingly, the proposed building has been designed so that the floor plates are oriented east-west and are long and thin with the greatest possible exposure to the south and southwest sun. Heat gain is reduced by having the long face of the building perpendicular to the sun when the sun angle is the highest. When sun angle is highest it is easier to control or shade. In shading the sun, UV penetration into the building is reduced while reflecting more natural diffuse light into the building. This reduces the need for artificial lighting. The requirement to incorporate daylight harvesting technology into the building will be secured in the Section 37 agreement.

## **Section 37**

When the Official Plan and Zoning By-law were approved in 2002, the City received the future provision of two finished, furnished and equipped Daycare Centres. One of the Daycare Centres is identified as a density incentive for the subject site in Zoning By-law 1094-2002 and has been carried forward in the proposed By-law.

The Official Plan contains policies pertaining to the provision of community benefits for increases in height and/or density pursuant to Section 37 of the *Planning Act*. Where there is a Secondary Plan in place, the policies of the Secondary Plan prevail. The density incentive policies of the Sheppard East Subway Corridor Secondary Plan are specific and prevail over the Section 37 policies in the Toronto Official Plan. The Secondary Plan provisions provide that, if specified community benefits are constructed the gross floor area of those community benefits are exempted from the calculation of the gross floor area of the development, and depending on the type of

community benefit, additional density may also be granted in accordance with the provisions (policy 4.3.3 of the Sheppard East Subway Corridor Secondary Plan). The density incentives do not authorize the securing of cash-in-lieu for community benefits. To vary from Policy 4.3.3 in the Secondary Plan with respect to the type of benefit or the incentives provided, an amendment to the Secondary Plan is required.

Because it is neither practical or feasible for the applicant to provide certain community benefits listed in Figure 4.3.3 of the Plan, staff is recommending a site-specific amendment to the Secondary Plan to allow for a density incentive with respect to the provision of a public community centre as shown in draft Official Plan Amendment in Attachment No. 7. It is recommended that a monetary contribution be provided from the applicant toward the cost of constructing and equipping the public community centre proposed for the former Canadian Tire lands, now owned by Concord Adex. As a contribution to a community benefit in exchange for the proposed increase in density the applicant has offered \$1,000,000..

The applicant is requesting that the amount of the Section 37 contribution payment be proportional to the amount of additional permitted density that is actually used, over and above the existing permitted density of 40,444 square metres. For example, assuming an additional 26,106 square metres of density is permitted, if the site plan application shows a building that uses all of the additional density, then 100% of the one million dollars would be paid to the City upon site plan approval. If the additional density used was only 80% of the additional density permitted, then the payment would be 80% of the one million dollars.

## **Public Art**

Public art for the new community on the former Canadian Tire lands was secured as a condition of draft plan approval for the subdivision plan and the related subdivision agreement requires that each development after Phase I (Canadian Tire Store) contribute 1% of the gross construction cost for public art.

In accordance with the subdivision agreement, the owner Concord Adex, prepared a District Art Plan for all the lands within the approved plan of subdivision. The “Concord Park Place District Public Art Plan” was approved by City Council on December 2, 2008. Although the District Art Plan applies to the entire plan of subdivision, the estimated public art contribution amount does not include the public art monies attributable to the development blocks currently owned by the Canadian Tire Corporation who will prepare their own Public Art Plan and cost estimate for this site. This report recommends that the applicant prepare a Public Art Plan and cost estimate for its lands prior to site plan approval.

## **Site Plan Control**

A Holding provision requiring site plan approval is included in the proposed zoning by-law in Attachment No. 8. Normally, applications for site plan approval are submitted concurrently with Official Plan and zoning amendment applications. A Holding Provision is proposed in order to ensure that a well designed and functional development is achieved through site plan approval which occurs after the Official

Plan and zoning by-law amendments are in place. The specific matters to be addressed through the Site Plan Application include but are not limited to the following:

- a) landscaping matters related to; retaining walls stepped to ensure heights shall not exceed 1 metre, landscaped slopes shall not exceed 3:1, landscape emphasis at entrances and other key features;
- b) additional wind testing as recommended in the RWDI Consulting Engineers Study dated September 18, 2008 and incorporation of recommendations in the site plan to limit adverse or unacceptable wind conditions at entrances, public streets, outdoor amenity, playground, seating areas and walkways;
- c) a well defined, high quality (generous, safe, comfortable, landscaped) direct pedestrian walkway connection from Singer Court through to Sheppard Avenue, to the Leslie Subway Station and to adjacent development;
- d) elimination of on-site surface parking or pedestrian drop off between the building and Singer Court; and
- e) interior and exterior bicycle parking facilities in accordance with the City's Bicycle Parking Guidelines.

## **Development Charges**

It is estimated that the development charges for this project will be \$204,360. This is based on the proposed ancillary retail area only as office space is not included in the calculation. This is an estimate, the actual charge is assessed and collected upon issuance of the Building Permit.

## **CONTACT**

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## **SIGNATURE**

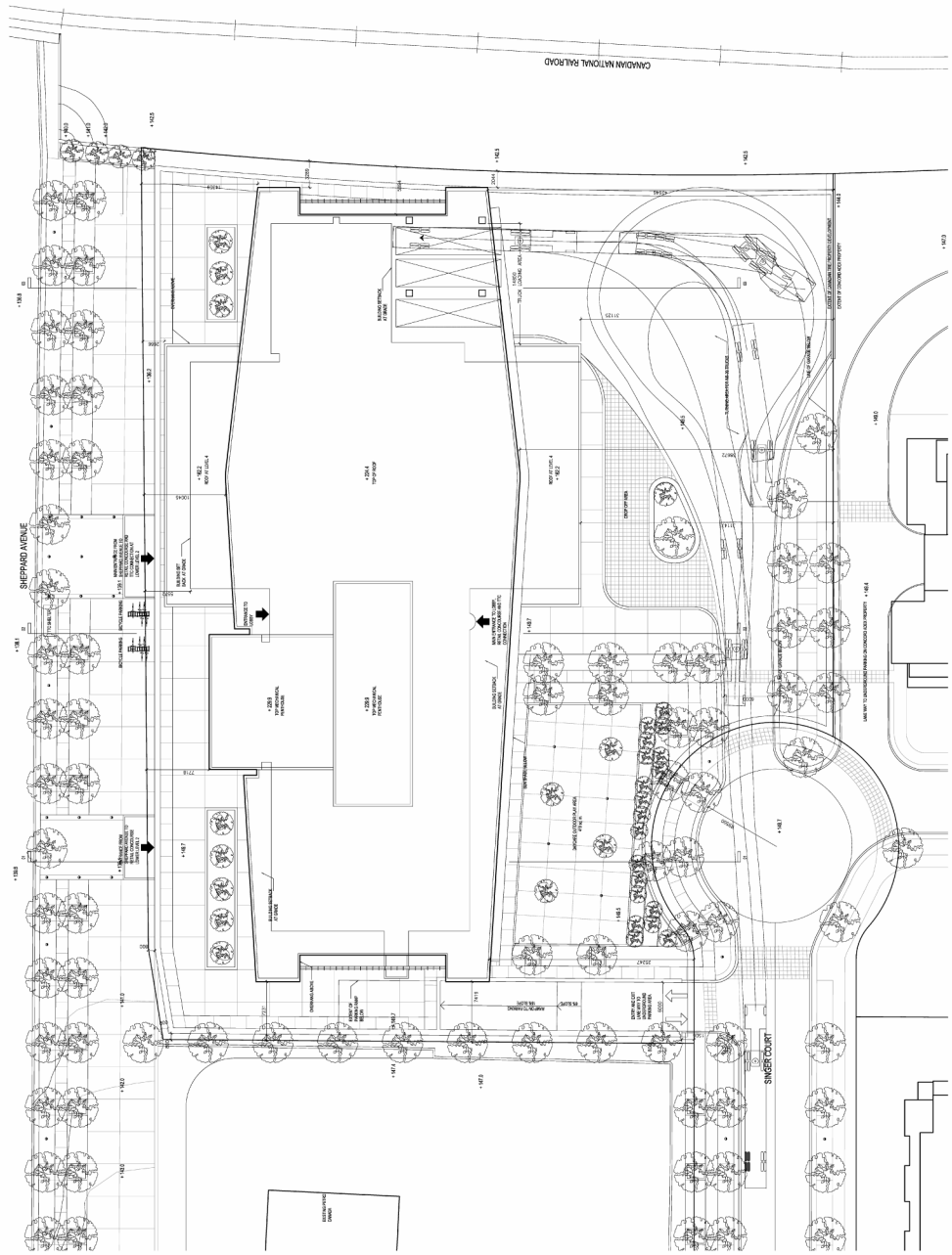
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Thomas C. Keefe, Director  
Community Planning, North York District

## **ATTACHMENTS**

Attachment 1: Site Plan  
Attachment 2: Elevations  
Attachment 3: Zoning  
Attachment 4: Official Plan  
Attachment 5: Application Data Sheet  
Attachment 6: TTC comments  
Attachment 7: Draft Official Plan Amendment  
Attachment 8: Draft Zoning By-law Amendment  
Staff report for action – Final Report – 1181 Sheppard Ave E

Attachment 1: Site Plan



Site Plan  
Formerly part of 1181 Sheppard Avenue East

Applicant's Submitted Drawing  
Not to Scale  
05/14/2009



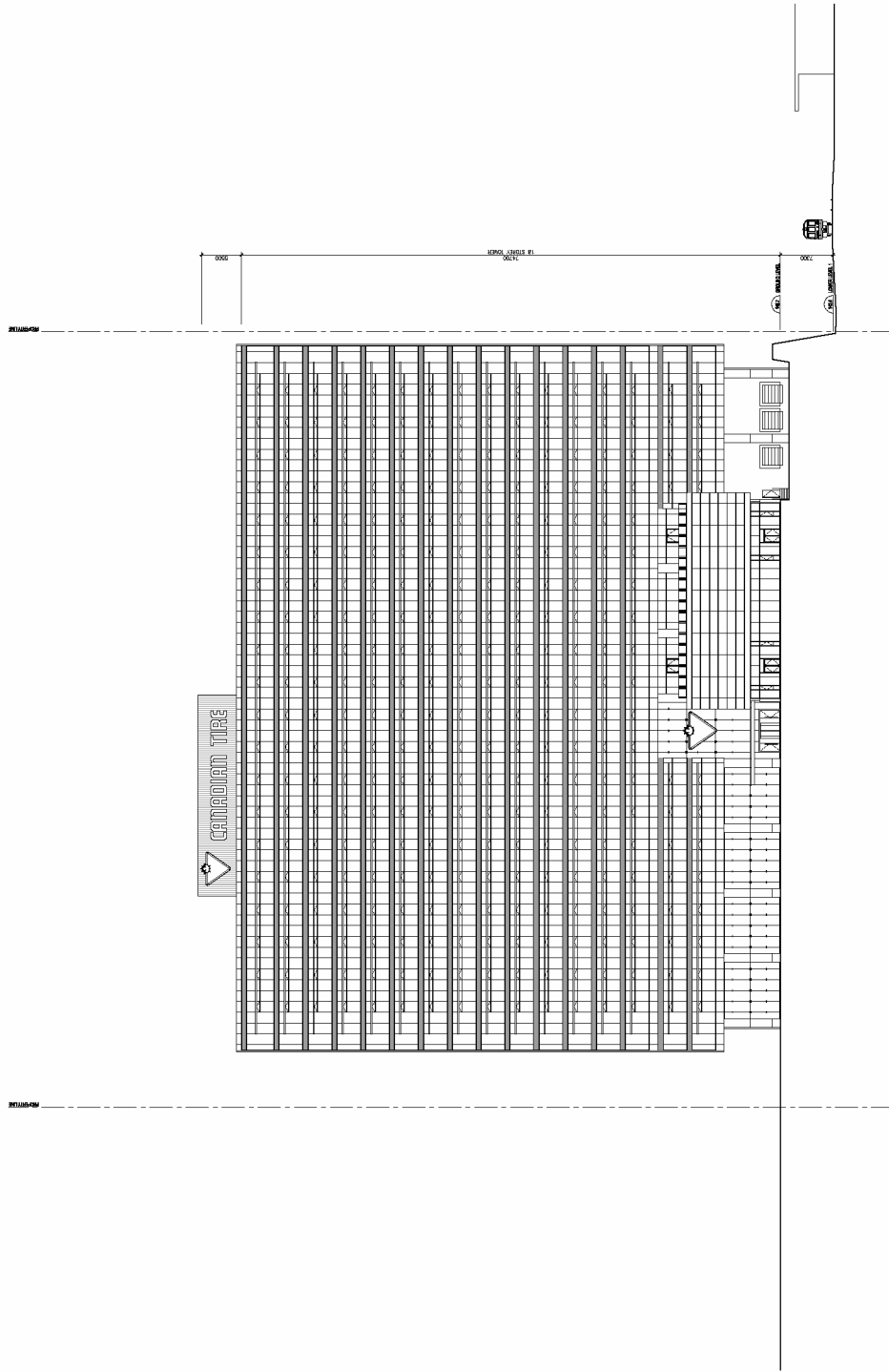
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This architectural site plan illustrates the layout of a development. It features two primary building footprints: a large, rectangular structure on the left and a smaller, more complex structure on the right. The plan includes extensive parking areas, with one lot labeled 'PARKING' and another 'PARKING LOT'. A road labeled 'ROAD' runs along the bottom edge. Various other features are labeled, including 'WALKWAY', 'BIKEWAY', 'LANDSCAPE', and 'TREES'. The plan also shows a 'FUTURE DEVELOPMENT' area and a 'PROPOSED' area. Dimensions and scale are indicated by a north arrow and a scale bar.

Formerly part of 1181 Sheppard Avenue East

Not to Scale  
09/11/2008

File # 08 196808 E2



## Formerly part of 1181 Sheppard Avenue East

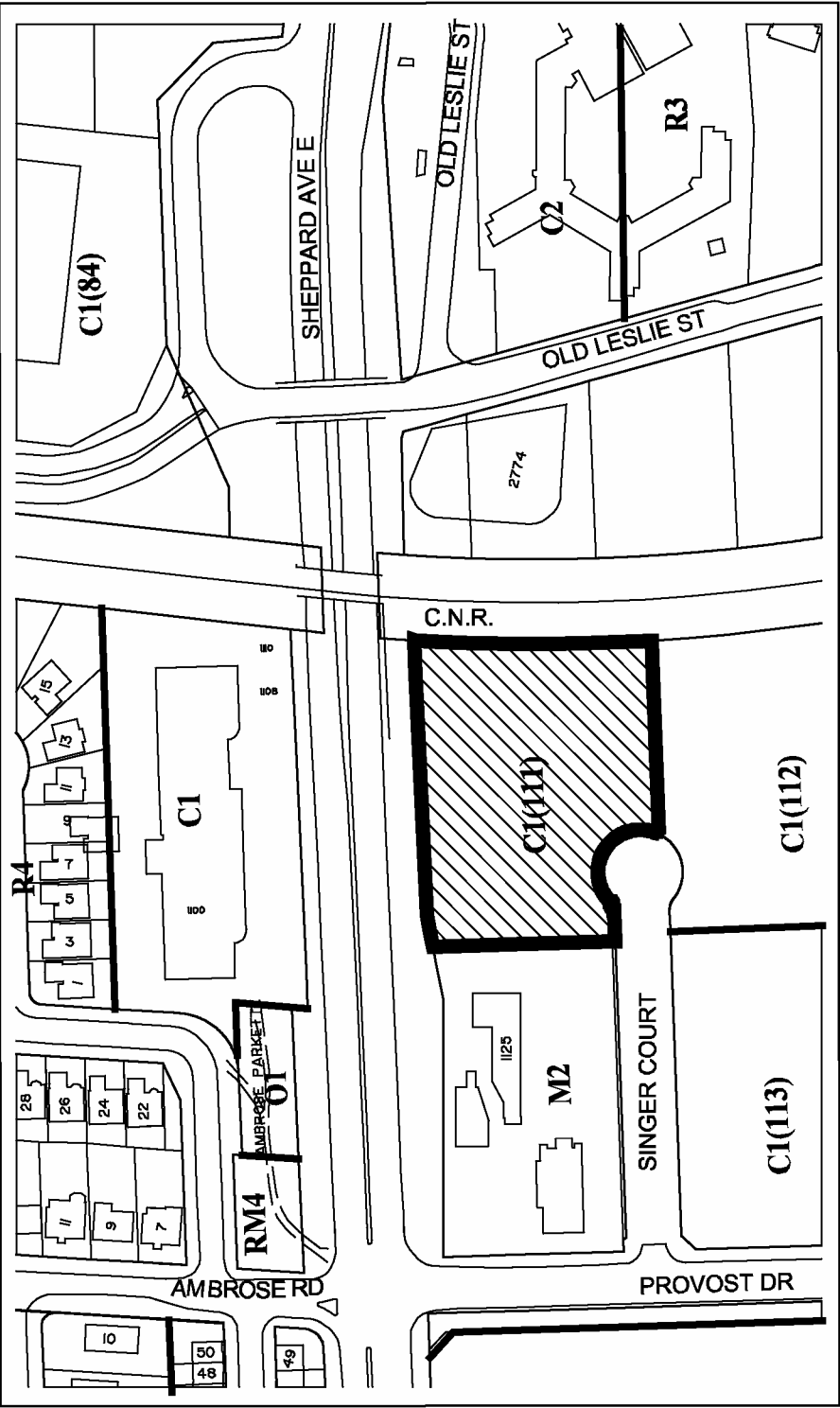
Applicant's Submitted Drawing

Not to Scale  
09/11/2008

File # 08 196808 E3



Attachment 3: Zoning



Formerly part of 1181 Sheppard Avenue East  
File # 08 196808

Not to Scale  
Zoning Bylaw 7825  
Extracted 09/09/2008

- R3 One-Family Detached Dwelling Third Density Zone
  - RM4 Multiple-Family Dwellings Fourth Density Zone
  - RM3 Multiple-Family Dwellings Third Density Zone
  - RM6 Multiple-Family Dwellings Sixth Density Zone
  - C1 General Commercial Zone
  - C2 Local Shopping Centre Zone
  - M2 Industrial Zone Two
  - O1 Open Space Zone
- NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category

This map illustrates the Don Mills area, highlighting four specific study areas (A, B, C, and D) and their surrounding infrastructure. The map includes the following details:

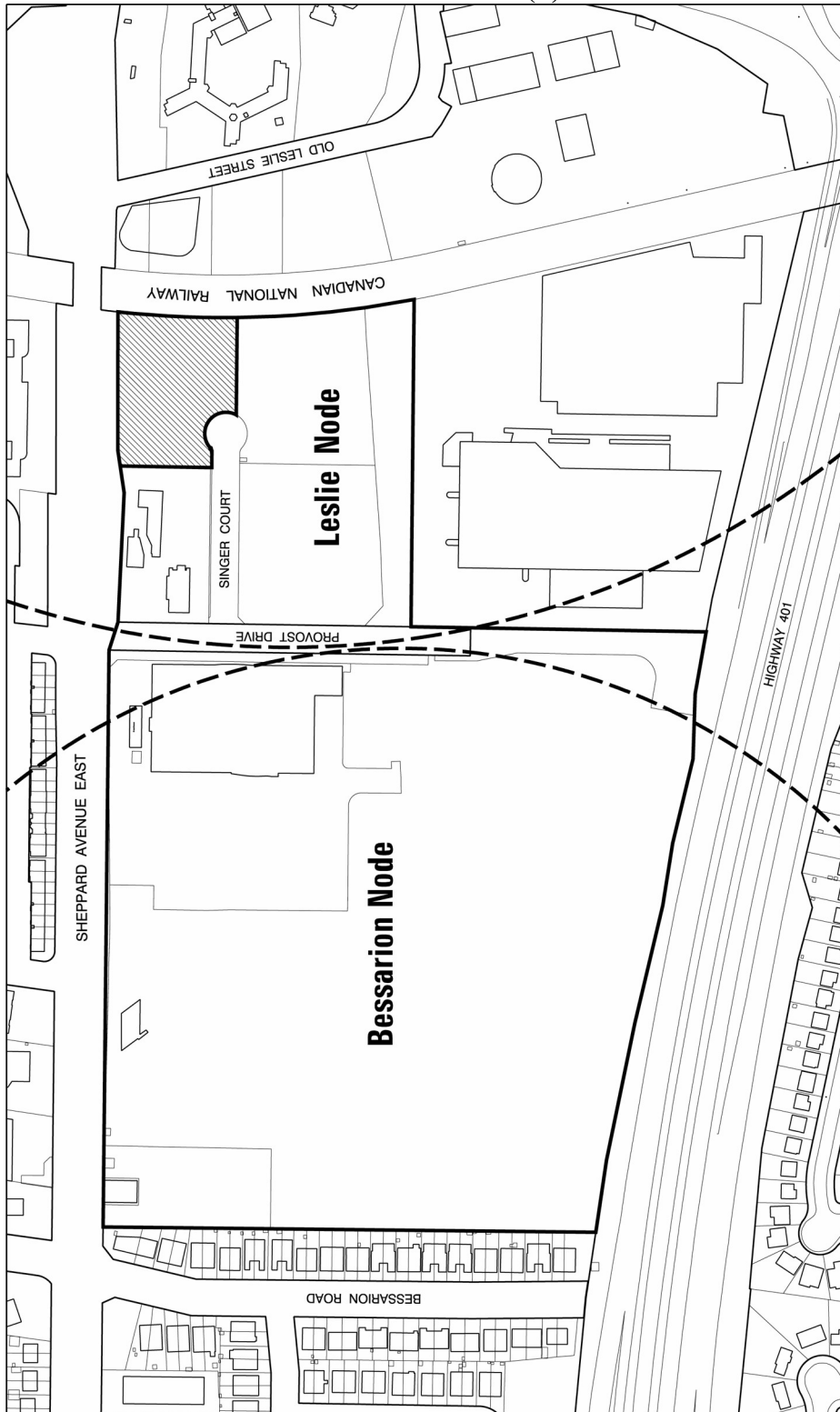
- Study Areas:**
  - Area 'A' (Bayview Node):** Located in the northwest, bounded by Bayview Avenue to the north and Sheppard Avenue East to the south. It includes a small area labeled '3.59'.
  - Area 'B' (Bessaron Node):** Located in the west-central part of the map, bounded by Sheppard Avenue East to the north and Bayview Avenue to the south. It includes a small area labeled '3.59'.
  - Area 'C' (Leslie Node):** Located in the east-central part of the map, bounded by Sheppard Avenue East to the north and Bayview Avenue to the south. It includes a small area labeled '3.59'.
  - Area 'D' (Don Mills Node):** Located in the northeast, bounded by Sheppard Avenue East to the north and Bayview Avenue to the south. It includes a small area labeled '3.59'.
- Infrastructure:**
  - Highway 401:** Runs vertically through the center of the map.
  - Highway 404:** Runs horizontally across the top of the map.
  - Sheppard Avenue East:** A major road running horizontally across the middle of the map.
  - Bayview Avenue:** A major road running vertically through the center of the map.
  - Leslie Street:** A road running horizontally across the bottom of the map.
  - Burbank:** A road running horizontally across the bottom of the map.
- Other Features:**
  - Don Mills Road:** A road running horizontally across the bottom of the map.
  - Don Mills Station:** A transit station located near the intersection of Sheppard Avenue East and Bayview Avenue.
  - Don Mills Node:** A node located near the intersection of Sheppard Avenue East and Bayview Avenue.
  - Don Mills Area:** The overall area shown on the map.

# Sheppard East Subway Corridor Secondary Plan

 Secondary Plan Boundary  
 Neighbourhoods  
 Apartment Neighbourhoods  
 Mixed Use Areas  
 1.5 Density  
 Subway Station



Staff report for action – Final Report – 1181 Sheppard Ave E

# Attachment 4(b): Official Plan



Formerly Part of 1181 Sheppard Avenue East

File # 08\_196808

-  Subject Site (Retained by Canadian Tire)
-  Concord Adex Lands (formerly Canadian Tire)



Not to Scale

10/29/2008

## Attachment 5: Application Data Sheet

### APPLICATION DATA SHEET

Application Type	Official Plan Amendment & Rezoning	Application Number:	08 196808 NNY 24 OZ
Details	OPA & Rezoning, Standard	Application Date:	August 25, 2008

Municipal Address: 1181 SHEPPARD AVE E

Location Description: CON 2 EY PT LOT 15 RP 64R11130 PART 1 \*\*GRID N2406

Project Description: Increase the permitted gross floor area from 37,500 m<sup>2</sup> to 64,000 m<sup>2</sup> and modify the setback and building step back standards. To permit an 18-storey office building with retail uses and day care facility.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
WALKER NOTT DRAGICEVIC AND ASSOCIATES LTD	n/a	Sweeney Sterling Finlayson & Co Architects	CANADIAN TIRE CORPORATION

#### PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	
Zoning:	C1(111)	Historical Status:	
Height Limit (m):	20 storeys (76 m)	Site Plan Control Area:	yes

#### PROJECT INFORMATION

Site Area (sq. m):	8,411	Height:	Storeys:	18
Frontage (m):	110		Metres:	75.2
Depth (m):	83			
Total Ground Floor Area (sq. m):	2,915			<b>Total</b>
Total Residential GFA (sq. m):	0		Parking Spaces:	1,135
Total Non-Residential GFA (sq. m):	63,550		Loading Docks	3
Total GFA (sq. m):	63,550			
Lot Coverage Ratio (%):	34.6			
Floor Space Index:	7.5			

#### DWELLING UNITS

#### FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:			Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	0	0
Bachelor:	0	Retail GFA (sq. m):	0	2058
1 Bedroom:	0	Office GFA (sq. m):	54472	7020
2 Bedroom:	0	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0	0
Total Units:	0			

**CONTACT:**      **PLANNER NAME:**      **Lynn Poole, Senior Planner**

**TELEPHONE:**      **(416) 395-7136**

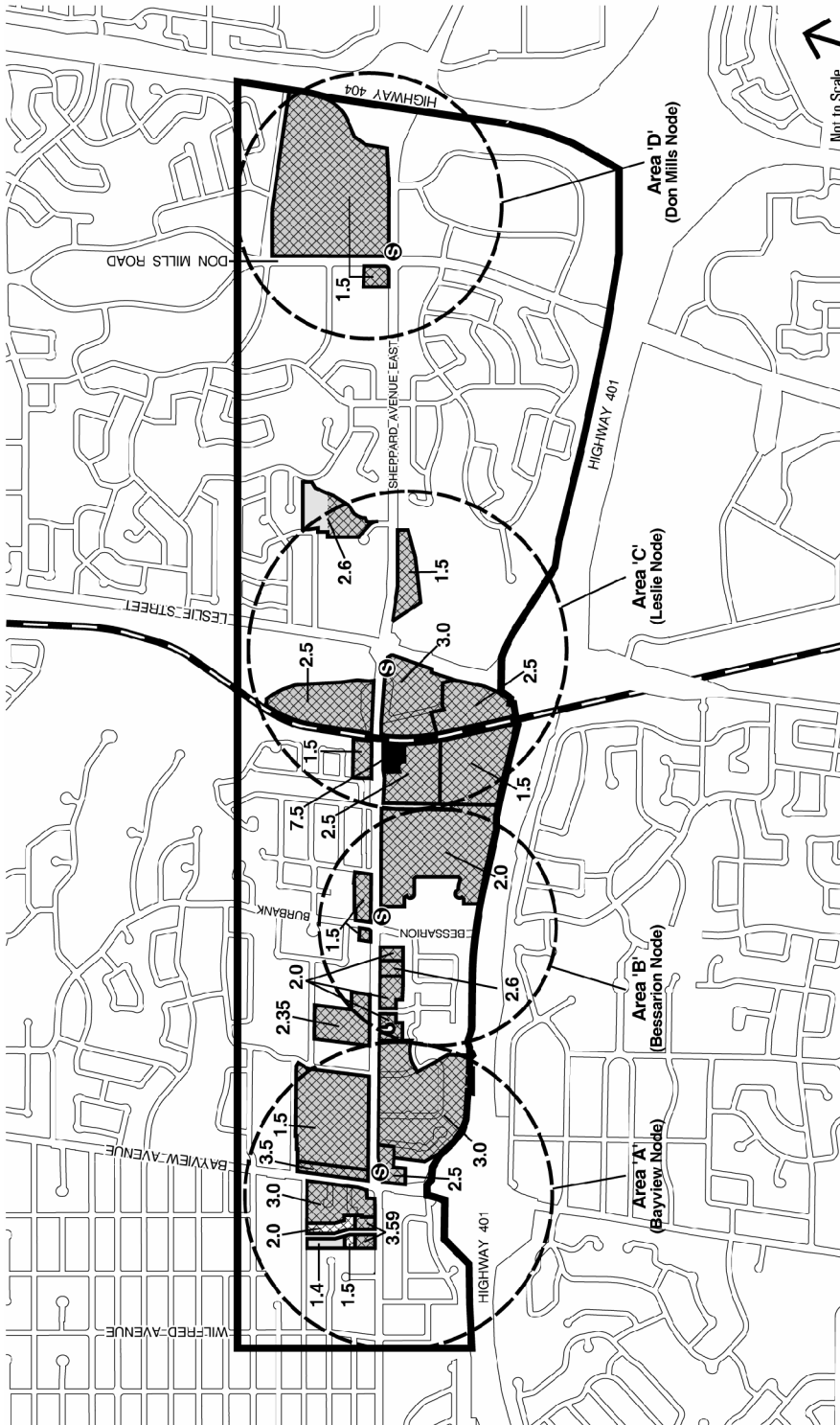
## **Attachment 6: Agency Comments**

The applicant shall undertake the following TTC requirements:

- a) Prior to starting any demolition or construction, or the issuance of the first or any building permit, the owner shall complete a Toronto Transit Commission (“TTC”) Technical Review of the proposed development as applicable to the particular permit under application, and obtain the TTC’s written acknowledgement that the owner has satisfied all of the conditions arising out of the review. As part of the review process, the owner shall provide the requisite information, and pay the associated review fee to the TTC;
- b) The owner agrees that warning clauses regarding the TTC right-of-way shall be inserted in all offers to purchase, agreements of purchase and sale or agreements to lease, and condominium declaration document(s) for each affected unit;
- c) The Developer shall construct, at its own expense, a fully accessible development entrance connection from the north east corner of the development to Leslie subway station, to TTC's then current standards and specifications and pay the then current connection fee;
- d) The Developer shall enter into an entrance connection agreement for the design, construction and operation of the Leslie subway station entrance connection.
- e) The proposed development is subject to a minimum 3 metre setback of all structures, shoring and utilities from all TTC structures and facilities unless expressly agreed to in writing by the TTC.

**Attachment 7: Draft Official Plan Amendment**  
**OFFICIAL PLAN AMENDMENT NO. 88**  
**TO THE CITY OF TORONTO OFFICIAL PLAN**

1. The Official Plan of the City of Toronto is amended as follows:
  - a) Chapter 6, Section 9 (Sheppard East Subway Corridor Secondary Plan), is amended to allow a density of 7.5 times the lot area for the lands municipally known as 1181 Sheppard Avenue East, by amending Map 9-2, Key Development Areas as shown on Schedule “1”.
  - b) Section 4.2.4 Southwest Quadrant of Leslie/Sheppard is amended by adding the following:
    - (f) In lieu of the provision of a public community centre, in exchange for the additional density of 23,106 m<sup>2</sup> for the lands municipally known as 1181 Sheppard Avenue East, Council may accept a monetary contribution towards the cost of constructing and equipping the public community centre proposed on the former Canadian Tire lands.



## **Attachment 8: Draft Zoning By-law Amendment**

Authority: North York Community Council Item ~ [or Report No. ~, Clause No. ~]  
as adopted by City of Toronto Council on ~, 20~  
Enacted by Council: ~, 20~

### **CITY OF TORONTO**

**Bill No. ~**

**BY-LAW No. ~-20~**

**To amend Zoning By-law No. 1094-2002, as amended, with respect to the lands  
municipally known as 1181 Sheppard Ave East**

WHEREAS authority is given to Council by Section 34 of 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*; and

WHEREAS authority is given to Council by Section 36 of the *Planning Act* by the use of the holding symbol in conjunction with any use designation, to specify the use to which lands, buildings or structures may be put at such time in the future as the holding symbol is removed by amendment to the zoning bylaw; and

WHEREAS Section 5.1.2 of the Official Plan provides that Council may append an “H” symbol to regulate development;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Section 64.23(111) of By-law No. 7625 of the former City of North York is amended by deleting 64.23(111) and replacing it with the following:

#### **64.23(111)(H)**

#### **DEFINITIONS**

(a) For the purpose of this exception the front lot line shall be defined in two segments; first as the property line at Singer Court “the Singer Court front lot line” and, second, the remaining, easterly portion of the front property line to the eastern property line at the CN rail line “the easterly front lot line”.

(b) For the purpose of this exception the mechanical penthouse shall not be counted as a storey.



(c) For the purpose of this exception, “established grade” is defined as 147.9 metres above sea level and is measured from the centre of the cul-de-sac of Singer Court.

### **PERMITTED USES**

(a) The following shall be the only uses permitted:

- Bank
- Business and professional office
- Commercial school
- Day nursery
- Dry cleaning and laundry collecting establishment
- Financial institution
- Fitness centre
- Personal service shop
- Professional medical office
- Restaurant including accessory outdoor cafe
- Retail store
- Take-out restaurant

### **SECTION 37 AGREEMENT**

(b) The owner of the lands zoned C1(111) shall enter into one or more agreements with the City of Toronto pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to secure the facilities, services and matters referred to below, which agreement or agreements may be registered against the title of the lands to which this By-law applies in the manner and to the extent specified in such agreements. The owner of the subject lands, at the owner’s expense and in accordance with, and subject to the agreements referred to above, shall provide or fund the following facilities, services and/or matters on terms satisfactory to the City of Toronto:

- (i) in order to permit an increase above a maximum gross floor area of 37,500 square metres:
  - A. A maximum gross floor area of 2,944 m<sup>2</sup> (density incentive) plus 736 m<sup>2</sup> (density exemption) for the provision of a finished, furnished and equipped day nursery; and
  - B. The provision of 401 m<sup>2</sup> of outdoor play space contiguous to a day nursery.

(ii) In order to permit an increase above a maximum gross floor area of 40,444 square metres:

A. secure the provision of a public community centre on the former Canadian Tire lands to provide a contribution of \$43.28 per square metre of gross floor area

The following shall be secured in an agreement under Section 37 of the *Planning Act*:

- a) construct streetscape improvements for the public and private portions of the Sheppard Avenue frontage that is adjacent to the subject lands in accordance with the Sheppard Avenue Streetscape Master Plan and provide a Letter of Credit for the cost of the streetscape improvements to the satisfaction of the Director, Community Planning, North York District, prior to Site Plan Approval;
- b) on-site public art to be provided at a value of not less than 1% of Gross Construction Cost in accordance with Subdivision Approval 66M – 2432 Clause H.7.2 and a Public Art Plan and cost estimate for the subject site to the satisfaction of the Chief Planner and Executive Director to be provided prior to Site Plan Approval; and,
- c) undertake to incorporate features and technologies in the proposed building that are required to facilitate Daylight Harvesting to the satisfaction of the Director Community Planning, North York District in consultation with the Toronto Environment Office.

## **EXCEPTION REGULATIONS**

(c) Lot Area and Lot Coverage

There shall be no lot area and lot coverage requirements.

(d) Front Lot Line

The front lot line shall be the south lot line.

(e) Yard Setbacks

- (i) The front yard setback shall be minimum 30 metres.
  - (ii) The east side yard setback shall be a minimum 3 metres.
  - (iii) The west side yard setback shall be minimum 6 metres.
  - (iv) The north yard setback shall be minimum 0.8 metres.
- (f) Gross Floor Area
- The maximum gross floor area shall be 63,550 m<sup>2</sup> and a 738 m<sup>2</sup> gross floor area Day Nursery shall be exempted as per c(i) above.
- (g) Building Height
- (i) A maximum of 3 storeys and 15 metres within 0.8 metres and a maximum of 18 storeys and 75.2 metres within 7.0 metres of the north lot line.
  - (ii) A maximum of 3 storeys and 12.6 metres within 12.6 metres of the Singer Court front lot line.
  - (iii) A maximum of 18 storeys and 76 metres within 25.3 metres of the Singer Court front lot line.
  - (iv) A maximum of 18 storeys and 76 metres within 30 metres of the easterly front lot line
- (h) Building Entrances
- Building entrances shall be provided on both the north and south building facades.
- (i) Outdoor Open Space
- (i) A minimum outdoor open space of 3,651 m<sup>2</sup> shall be provided.
  - (ii) No vehicular parking shall be permitted within the outdoor open space identified in (i) above.
- (j) A minimum of 1.0 and a maximum of 2.0 spaces per 100 m<sup>2</sup> of commercial gross floor area, including a visitor parking allowance of 0.1 spaces per 100 m<sup>2</sup> shall be provided;

A minimum number of parking spaces for the Day Nursery shall be provided as required by Section 6A (2) and shall be included in the commercial parking supply;

A minimum of 1 parking space per 95 m<sup>2</sup> of gross floor area to a maximum of 1 parking space per 48 m<sup>2</sup> of gross floor area shall be provided for business and professional offices; and,

A minimum of 0.13/100 m<sup>2</sup> bicycle parking spaces are to be provided.

(k) Severance

Notwithstanding any severance or division of the lands subject to this exception, the regulations of this exception shall continue to apply to the whole of the lands.

## 2. HOLDING SYMBOL

The lands shown on Schedule “C1 (111)” shall be subject to an (H) Holding provision and the following conditions are to be met prior to the removal of the (H) Holding provision:

- a) provide plans and studies prepared by a qualified consultant to determine the necessity of any required safety features to be located along the CN rail line or on the subject lands, for review and approval by the City;
- b) the plans and studies in (a) above shall be subject to a Peer Review process, involving an independent external consultant, to be approved by the City and to be retained by the applicant;
- c) enter into an agreement with CN rail and the City respecting public safety and site specific risk assessment to be registered against the title of the lands for development;
- d) all items identified in a), b) and c) above to be to the satisfaction of CN rail, the Chief Planner and Executive Director of City Planning and the City Solicitor;
- e) all required safety features are to be incorporated into the Site Plan application; and,
- f) obtain Site Plan Approval and enter into an agreement pursuant to Section 41(16) of the *Planning Act* and Section 114 of the *City of Toronto Act* to the satisfaction of the Director of Community Planning, North York District.

## 3. Within the lands shown on Schedule "C1(111)(H)" attached to this By-law, no person shall use any land or erect or use any building or structure unless the

following municipal services are provided to the lot line and the following provisions are complied with:

- (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and
- (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

DAVID R. MILLER,  
Mayor

ULLI S. WATKISS,  
City Clerk

(Corporate Seal)

**Schedule C1(111)**

