

275, 277 and 279 Sheppard Avenue West – Official Plan Amendment, Rezoning and Site Plan Control Applications – Final Report

Date:	April 9, 2010
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 23 – Willowdale
Reference Number:	09 112006 NNY 23 OZ & 09 112012 NNY 23 SA

SUMMARY

These applications were submitted on February 25, 2009 and are subject to the new provisions of the *Planning Act* and the *City of Toronto Act, 2006*.

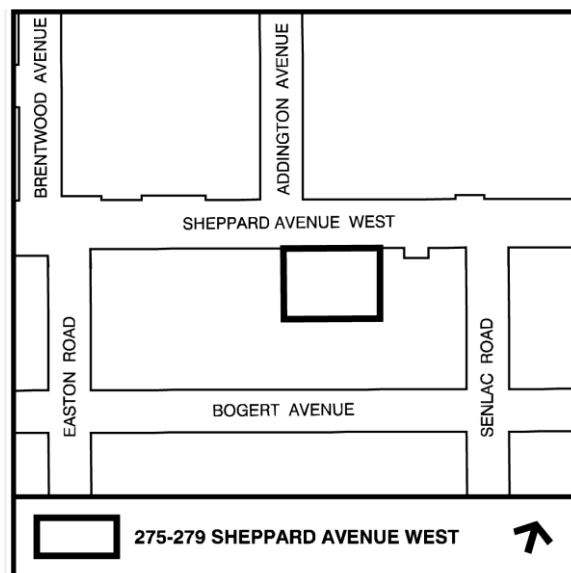
These applications propose a four storey professional office building with 33 parking spaces on lands located at 275, 277 and 279 Sheppard Avenue West.

This report reviews and recommends approval of the application to amend the Official Plan and Zoning By-law and to approve in principal the Site Plan Control application.

RECOMMENDATIONS

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. 8.



2. City Council amend Zoning By-law 7625 for the former City of North York substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 9.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan and Zoning By-law Amendments as may be required.
4. City Council approve in principle the site plan as indicated on drawing in Attachment 1, subject to the Draft Conditions of Site Plan Approval listed in Attachment 10; and
5. Before introducing the necessary Bills to City Council for enactment, require the applicant to enter into a Site Plan Agreement under Section 41(16) of the *Planning Act* and Section 114 of the *City of Toronto Act*.

Financial Impact

The recommendations in this report have no financial impact.

ISSUE BACKGROUND

Proposal

These applications propose a four storey (15.7 metre) professional office building with at grade related retail/commercial uses located at 275, 277 and 279 Sheppard Avenue West. The proposal has a gross floor area of 1,876 m² and a Floor Space Index (FSI) of 1.2.

The applicant is proposing a total of 33 parking spaces at grade located at the rear, 16 of which would be located underneath the 2nd to 4th floors of the building. This parking area would be accessed via a driveway at the west side of the site.

The retail/commercial uses on the ground floor would have pedestrian access to the Sheppard frontage. The applicant is also proposing a 1.5 metre landscape strip and a 1.8 metre fence along the rear property line.

Site and Surrounding Area

The site comprises three lots located on the south side of Sheppard Avenue, immediately west of Senlac Road. A single detached two storey dwelling is located on 275 Sheppard Avenue West; single detached one storey dwellings are located on 277 and 279 Sheppard Avenue West. The site has a 46 metre frontage on Sheppard Avenue West and a gross lot area of 1,533 m².

This portion of Sheppard Avenue West is undergoing transition, with single detached dwellings being redeveloped or converted for office uses. Abutting uses are as follows:

North: single detached dwellings converted to office uses; to the northeast is located the Lansing Residence Retirement Facility which has had recent approval for a five storey addition, and further to the east is located a local neighbourhood commercial area at the Sheppard and Senlac Avenues intersection;

South: single detached residential dwellings;

- East: single detached buildings, ranging in height from 1 to 4 storeys, the majority of which are used for office uses and which include a recently approved three storey office building at 261 Sheppard Avenue West, and a recently constructed two storey professional office building at 229 Sheppard Avenue West (File # 08 116815 NNY 23 SA); and
- West: single detached dwellings, some converted to office uses; further west is located a six storey residential building at the Sheppard Avenue and Easton Road intersection.

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 by the *Planning Act*, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The subject lands are designated *Mixed Use Area "A"* within the Sheppard Avenue Commercial Area Secondary Plan. This designation provides for detached dwellings, financial institutions, institutional uses, office uses, necessary public utilities and accessory uses.

The general objective of the Sheppard Avenue Commercial Area Secondary Plan is to permit and encourage development and redevelopment which will create a commercial district accommodating primarily office and health care uses. Recognizing that development has generally occurred through conversion of existing 1 to 2 storey residential dwellings, the Plan encourages the retention of existing house form buildings or new buildings that complement the existing house form character of the area.

To insure compatibility with adjacent residential uses, the Secondary Plan requires that all uses other than residential will require an amendment to the Zoning By-law and appropriate site plan control measures.

The Sheppard Avenue Commercial Area Secondary Plan provides for a maximum Floor Space Index (FSI) for all permitted uses of 1.0 times the lot area, subject to a number of development criteria. Building setbacks must protect for the possible widening of Sheppard Avenue and sufficient on-site parking must be provided for all permitted uses and located behind the principal structures. To ensure that structures are compatible with adjacent residential areas, and do not overshadow houses and their rear yards, building heights within the Sheppard Avenue Commercial Area Secondary Plan are limited to 8 metres, measured between established grade and the finished ceiling of the uppermost storey. In addition, the height of a building cannot exceed the horizontal distance between the building and the rear lot line.

The siting, massing and appearance of new buildings within the Sheppard Avenue Commercial Area Secondary Plan must also have regard for the siting, roof lines, fenestration design, floor levels and materials used in existing house form buildings. New buildings on properties having a frontage greater than 18 metres must also be designed to reflect the existing predominate scale of small, individual house fronts, have mechanical equipment which is screened from view and maximize the provision of front yard landscaping.

To protect adjacent residential neighbourhoods, the Secondary Plan also requires opaque fencing and a 1 metre landscape strip along the rear property line, garbage receptacles that are screened from view and lighting and signage that does not impact the adjacent residential area nor detracts from the overall residential appearance of the area.

Zoning

The subject lands are zoned Special Commercial Area Zone (C6) in Zoning By-law 7625 for the former City of North York. This zoning permits business and professional offices, professional medical offices, financial institutions, places of worship and accessory uses such as a community hall or residence for a caretaker or head of the congregation, public libraries, museums, art galleries, and day nurseries. A single family residential dwelling used as a dwelling on May 15, 1991, is also permitted.

This zoning requires a minimum front yard setback of 18 metres from the centre line of Sheppard Avenue, and a minimum of 7.5 metres setback from the rear property line. A maximum building height of 8 metres is permitted, as measured between the established grade and the underside of the ceiling of the uppermost storey. A penthouse, tower, cupola, steeple or other roof structure which is used only as an ornament or to house the mechanical equipment of any building is excluded from the calculation of the 8 metre height limit.

The C6 zone also requires a minimum 1 metre landscape strip along the rear property line.

Site Plan Control

A concurrent Site Plan Control Application has been submitted and the approval of this application will be required prior to the issuance of building permits (Draft Conditions of Site Plan Approval are attached as Attachment No. 10). The applicant will also be required to enter into a Site Plan Agreement which will include a requirement to convey lands for future road widening purposes.

Reasons for the Application

The Sheppard Avenue Commercial Area Secondary Plan limits the maximum Floor Space Index (FSI) for all permitted uses to 1.0 times the lot area and the maximum building height to 8 metres. The Secondary Plan also requires new buildings to have a house form character, compatible with the residential character of the surrounding neighbourhood.

The proposed professional office development has an FSI of 1.2, and is 4 storeys or 15.7 metres in height. The proposed design of the professional office building does not meet the specific design requirements of the Secondary Plan which stipulate new buildings must have small scale, individual house fronts or “house form” design. Furthermore, the retail uses which are proposed to be located on the ground floor are not one of the uses permitted in this designation. An amendment to the Secondary Plan is therefore required.

The C6 zoning that applies to this site also permits a maximum building height of 8 metres. Although the proposed professional office use is permitted, the proposed building height of 15.7 metres does not comply. The retail/commercial uses which are proposed to be located on the ground floor of the building are also not a use permitted in the C6 zone. A zoning amendment is therefore required to implement the necessary zoning standards to regulate the new development.

Community Consultation

A community consultation meeting was held on May 28, 2009. The meeting was attended by the Ward Councillor, City Planning staff, the owner and his architect, and approximately 14 members of the public, including the President of the West Lansing Homeowners Association.

Issues raised during the discussion of the proposal were related to the following matters:

- the type of development review applications submitted for this proposal;
- traffic and parking impacts that would result from employee and visitor parking overflow onto neighbouring streets and the delivery and loading needs for the proposal;
- landscaping, light spillage, security and garbage management at the rear of the building and insuring screening and privacy for the adjacent residential neighbourhood to the south of the site;
- drainage at the rear of the site and existing water ponding issues;
- the number of stories, height and future uses of the proposed building;
- anticipated future development for the Sheppard West corridor and its relationship with the density, height, design and character policies of the Sheppard Avenue Commercial Area Secondary Plan; and
- the degree of variance the proposal sets from the policies of the Sheppard Avenue Commercial Area Secondary Plan and the possible precedent the proposal will establish.

As a result of the concerns expressed by local residents and the President of the West Lansing Homeowners Association, the Ward Councillor convened a supplementary meeting to permit area residents further review and discussion of the proposal.

This second meeting was held on October 15, 2009 at the North York Civic Centre, in the Councillor's Offices Boardroom, and was attended by the Ward Councillor, City Planning staff, the President of the West Lansing Homeowners Association and 7 residents from the residential area immediately to the south of the proposed development.

Many of the issues raised reflected concerns previously expressed, and are summarized as follows:

- what the strategic plan is for future development along the Sheppard Avenue corridor and the opportunity to undertake an Avenue Study;
- potential traffic impacts of the proposal and additional delivery and loading needs for the proposed building;
- potential for impact on residential property values;
- the need for security lighting at the rear of the proposal while minimizing light spillage onto the residential properties to the south;
- site grading and opportunities to solve existing water ponding issues; and

- opportunities to preserve existing trees, upgrade fencing and augment the landscape screening along the south property line, with the potential for additional plantings on the neighbouring residential properties abutting the subject lands.

Correspondence was also received from the West Lansing Homeowners Association regarding the proposal. Copies of the most recent plans, including landscape and fencing details, were provided to the Association and immediate residential neighbours.

At the request of adjacent residents to the south of the proposal, an additional meeting was held on March 23, 2010. This meeting was hosted by a home-owner immediately south of the proposal and attended by approximately 14 area residents, the President of the West Lansing Homeowners Association, and City Planning staff.

The proposal was presented to the meeting with subsequent discussion summarized as follows:

- the rationale for the building height and type of retail proposed for the ground floor;
- the City's road widening requirement and its impact on the buildable area of the site;
- the building design and adherence to the angular plane requirements of the Secondary Plan;
- the proposal's green roof; and
- the proposed landscaping on the subject lands and neighbouring residential properties, fencing and size of trees proposed to be planted.

Agency Circulation

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

COMMENTS

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (2005) (PPS) includes policies to manage and direct land use to achieve efficient development and land use patterns. Municipal planning decisions are required to be "consistent with" the PPS. The PPS requires that a range of land uses be provided and that intensification and redevelopment opportunities are identified and promoted.

The PPS promotes intensification and redevelopment opportunities through a more compact building form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities. The proposal is consistent with the PPS.

The proposal also conforms with and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

Land Use and Density

The Sheppard Avenue Commercial Area Secondary Plan encourages development that will lead to the eventual formation of a commercial district accommodating primarily office and health care uses. The Plan also encourages the retention of existing houseform buildings, or new buildings which complement

existing houseform buildings. Along this portion of Sheppard Avenue West, a maximum Floor Space Index (FSI) of 1.0 the lot area is permitted.

The professional office use component of the proposed development is compatible with the land use objectives of the Plan. The proposal also introduces grade related retail/commercial uses. Given the design of the building and the resulting reduced area of the ground floor, any retail/commercial uses would be limited in size and likely oriented towards serving the needs of the immediate office users and residential community.

The proposal represents a consolidation of three lots and presents an opportunity for comprehensive development. Notwithstanding the required road-widening on the site, the proposed density of 1.2 FSI represents a modest 20% increase to the as-of-right permitted gross floor area and will not have an adverse effect on the residential uses to the south.

Height and Massing

As proposed, the professional office building would have a height of 4 storeys or 15.7 metres.

The building has been located as close as possible to the new front property line without encroaching on future City property. As designed, the building also incorporates a number of design elements which introduce changes in façade, colour and window treatments to the streetscape. Together with vertical and horizontal differentiations, the design would introduce a vibrant and interesting addition to the building edge along Sheppard Avenue.

The building would be located 11 metres from the rear property line to the second and third floor, which is its closest point. The fourth floor is “stepped-back” at the rear so that it would have a 13 metre set back from the rear property line (see Building Cross Section, Attachment No.3). To minimize impact on the adjacent residential neighbourhood, there would not be any access for the occupants of the proposed building to the open portions of the fourth floors and windows at the rear would also be louvered.

The building has also been designed with 16 of the proposed 33 at grade parking spaces located under the building. This results in a ground floor building plate that is half the size of the total depth of the building, and which would be open at the rear. As seen from the south, the building would have an opening on the ground floor, and be stepped back at the fourth floor, providing a visual relief to the massing of the building.

In response to the concerns of adjacent residential neighbours, the applicant has also proposed a 1.5 metre landscape strip and an upgraded 1.8 metre double board privacy fence with concrete piers along the south property line, and the planting of 12 new trees, 8 of which would be located on the adjacent residential lots.

This landscape strip planted with trees and with the proposed fence will mitigate views of the proposed building and minimize privacy impacts on the existing residential buildings and their rear yards to the south.

Road Widening

It has been determined that a 7.94 metre road widening dedication along the Sheppard Avenue frontage of the subject lands is required. This will be a condition of Site Plan approval and secured prior to enactment of the Official Plan and By-law Amendments to permit the proposed development.

Traffic Impact, Access and Parking

The proposed development would have vehicular access via a driveway from Sheppard Avenue at the west side of the subject lands. The building is designed so that the second to fourth floors would be built above this driveway, which provides access to 33 at grade parking spaces at the rear, and includes one handicapped space. The applicant submitted a Parking Study substantiating that the 33 parking spaces on site are sufficient to accommodate anticipated parking demand without impacting the local residential area. A Loading Study was also submitted proposing that given the configuration of the site and limited on site manoeuvrability, a loading area would be shared within the proposed parking area. City Transportation staff have concurred with the findings of the studies.

As noted above, 16 parking spaces would be located beneath the building, while the remaining 17 parking spaces would be located along the south property line. As the grade is lower along the south property line, and with the proposed 1.5 metre landscape strip and privacy fencing mentioned above, vehicular impact on the adjacent residential properties to the south should be minimal.

Servicing, Grading and Stormwater Management

The proposed development as designed, complies with the Best Management Practices for Stormwater Management and the City of Toronto's Wet Weather Flow Management Guidelines, which requires grades that allow overland water flow. As per City practise, the proposed professional office development will be required to arrange for private contractor collection of recyclables and refuse.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 1.57-2.99 hectares of local parkland per 1,000 people. The site is in the second highest quintile of current provision of parkland. The site is in a parkland priority area, as per Alternative Parkland Dedication By-law 1420-2007.

The development of the site to construct the 1,876m² office building will be subject to a 2% parkland dedication requirement to fulfil Section 42 of the *Planning Act* R.S.O. 1990 c.P.13. The parkland dedication is equivalent to 22.7m².

City Parks, Forestry and Recreation staff advise that the applicant proposes to satisfy the parkland dedication requirement by cash-in-lieu and this is appropriate as 22.7m² is too small to create a park. The actual amount of cash-in-lieu to be paid will be determined by the Facilities and Real Estate Division at the time of issuance of the building permit.

Streetscape

The design of the proposal would result in an attractively landscaped pedestrian oriented street-edge along Sheppard Avenue. The minimal building setback from the new property line also creates a defined street "wall" that delineates the street. The proposed retail uses on the ground floor would help animate the street and with the large amount of glazing and views provided from inside the building would offer a safe and comfortable pedestrian experience. 3 existing street trees would be augmented by an additional 5 new City trees and an abundance of landscape shrubbery along the building edge.

In keeping with the overall objectives of the Secondary Plan, this provides an opportunity to create an attractive and safe pedestrian experience that will encourage walking and local retailing along this portion of Sheppard Avenue.

Toronto Green Standard

The applicant has been encouraged to consider sustainable development opportunities by utilizing the Toronto Green Standard, approved by City Council in December, 2008. The proposal incorporates a passive green roof and other sustainable design measures, such as solar panels, natural ventilation, water reclamation systems, low maintenance landscaping and permeable paving. The applicant has indicated they wish to create a modern, green and sustainable building eligible for recognition under the Leadership in Energy and Environmental Design (LEED) rating system.

Development Charges

It is estimated that the development charges for this project will be approximately \$19,300.20. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

CONTACT

Ben DiRaimo, Planner
Tel. No. (416) 395-7119
Fax No. (416) 395-7155
E-mail: bdiraimo@toronto.ca

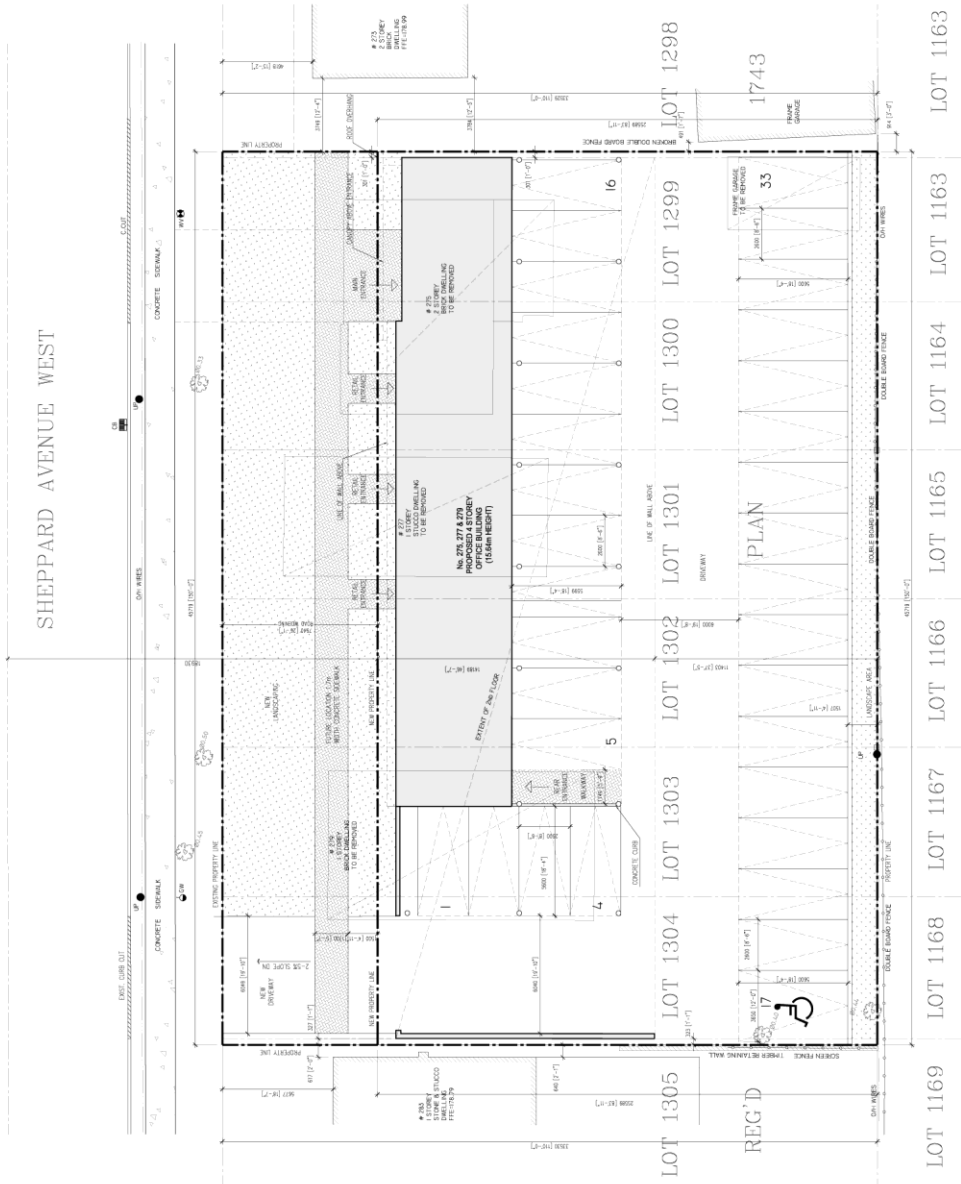
SIGNATURE

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

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: North and South Elevations
Attachment 3: Building Cross Section
Attachment 4: Landscape Plan
Attachment 5: Zoning
Attachment 6: Official Plan
Attachment 7: Application Data Sheet
Attachment 8: Draft Official Plan Amendment
Attachment 9: Draft Zoning By-law Amendment
Attachment 10: Draft Conditions of Site Plan Approval

Attachment 1: Site Plan



275, 277 & 279 Sheppard Avenue West

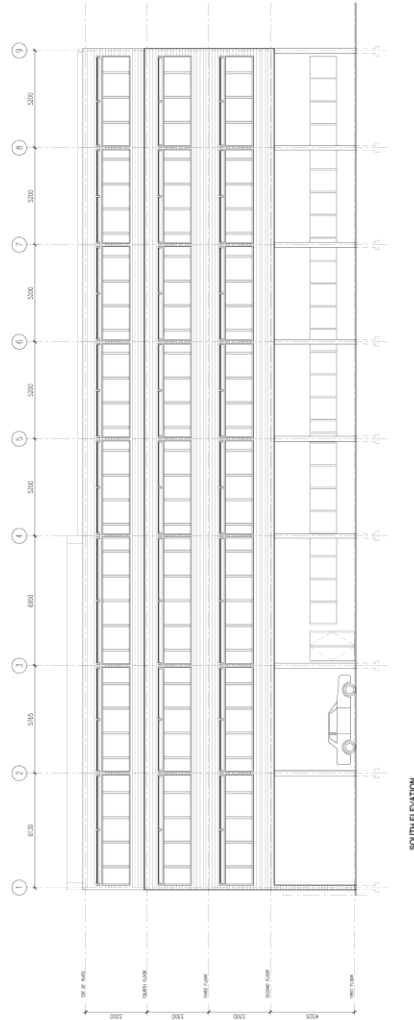
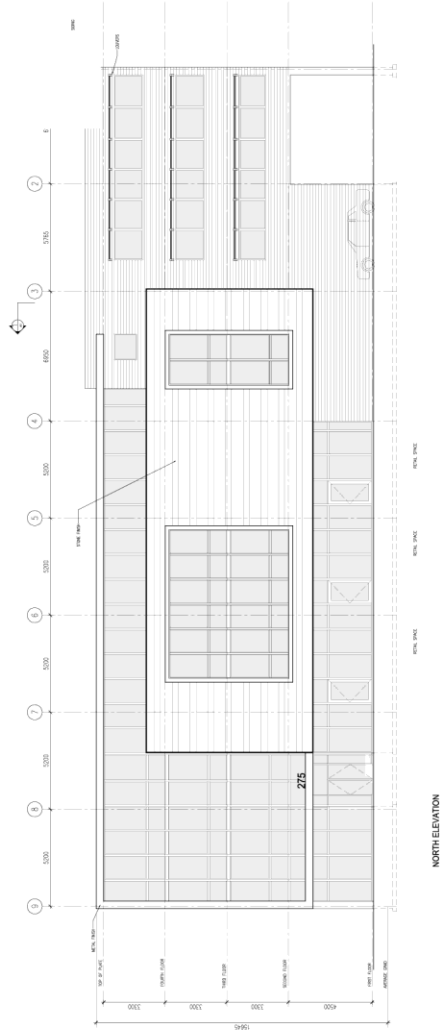
Site Plan

Applicant's Submitted Drawing

Not to Scale
04/07/2010

File # 09_112006

Attachment 2: North and South Elevations



North and South Elevations

Applicant's Submitted Drawing

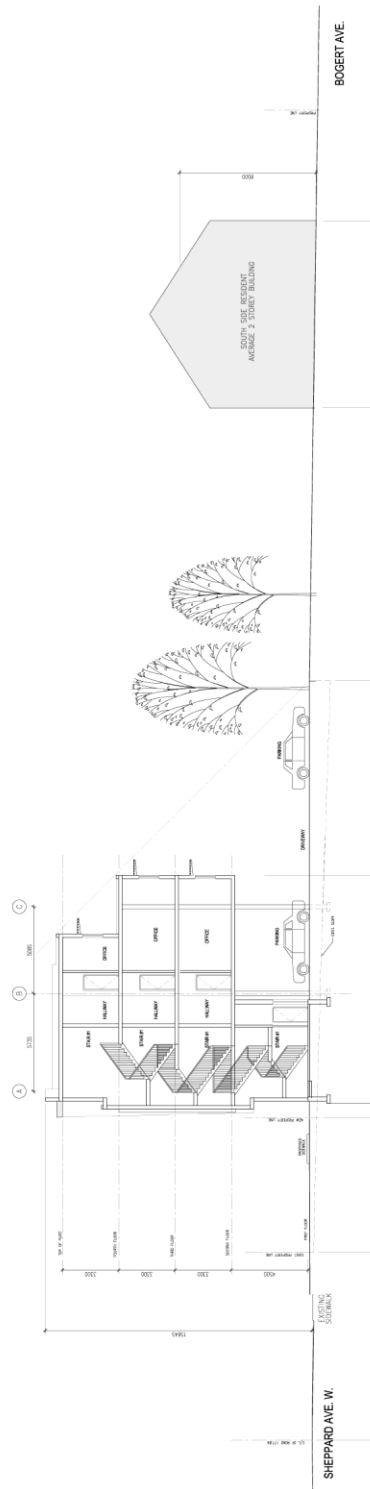
Not to Scale
04/07/2010



275, 277 & 279 Sheppard Avenue West

File # 09_112006

Attachment 3: Building Cross Section



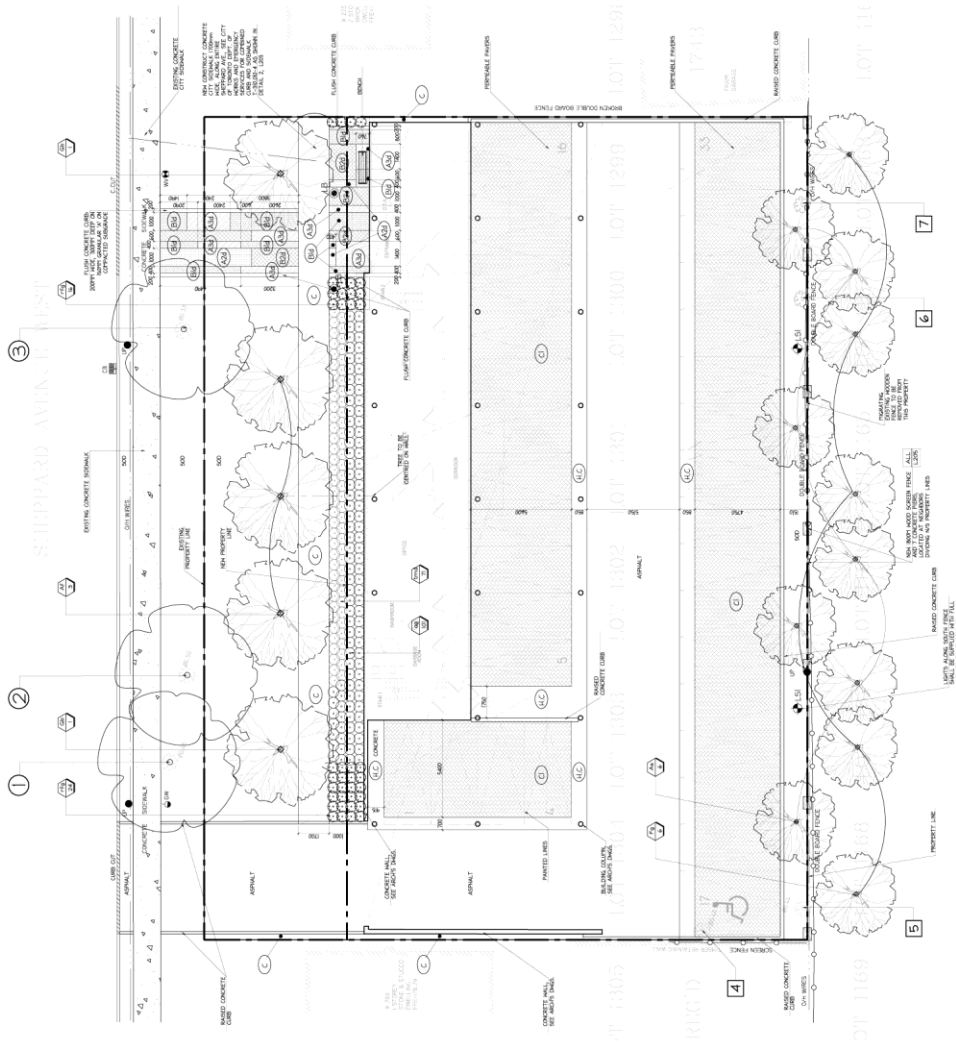
Cross Section
 Applicant's Submitted Drawing

Not to Scale
 04/07/2010



File # 09_112006

Attachment 4: Landscape Plan



275, 277 & 279 Sheppard Avenue West

Landscape Plan

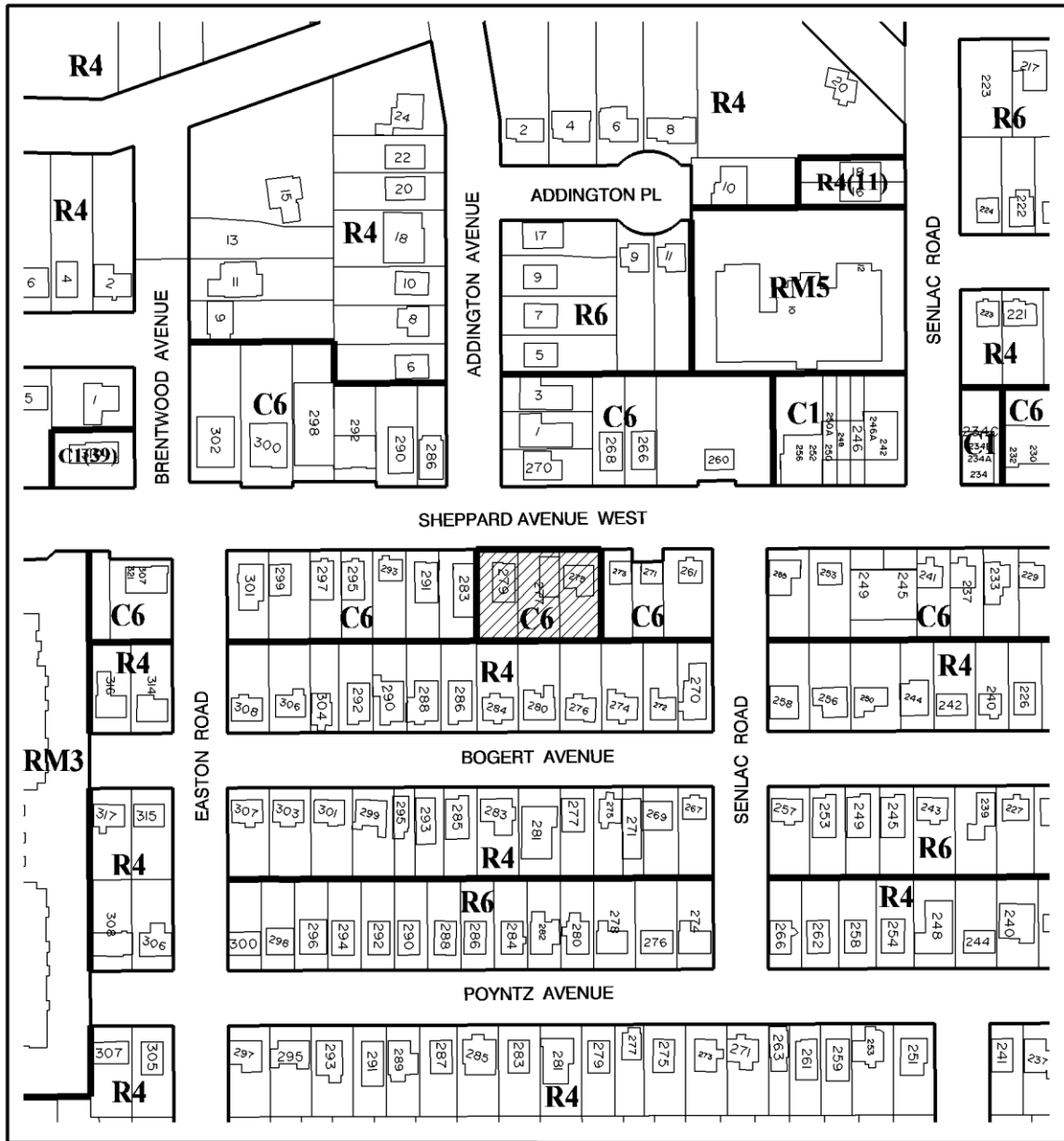
Applicant's Submitted Drawing



Not to Scale
03/30/2010

File # 09_112006

Attachment 5: Zoning



275 - 279 Sheppard Avenue West

File # 09_112006

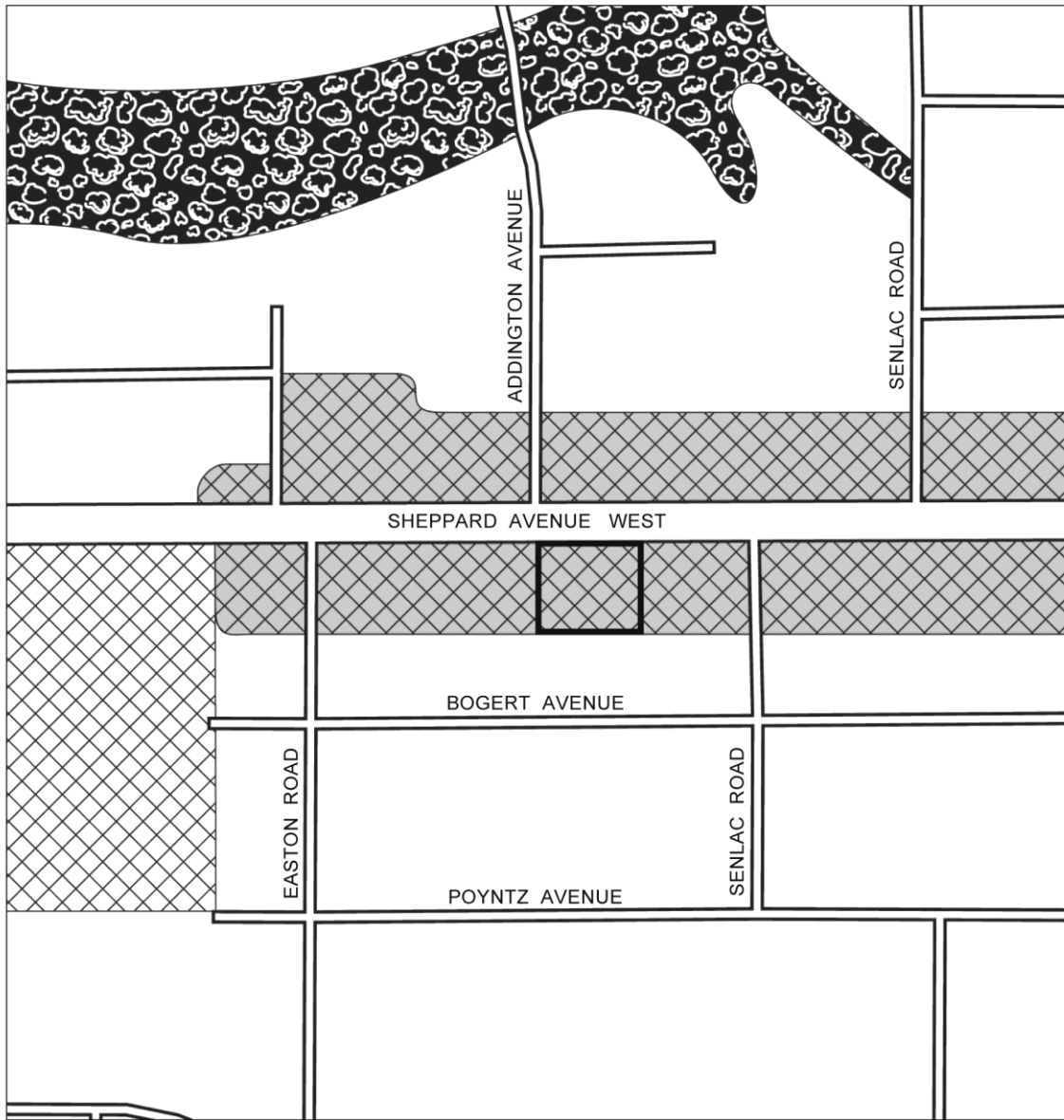
- R4 One-Family Detached Dwelling Fourth Density Zone
- R6 One-Family Detached Dwelling Sixth Density Zone
- RM3 Multiple-Family Dwellings Third Density Zone
- RM5 Multiple-Family Dwellings Fifth Density Zone
- NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category

- C1 General Commercial Zone
- C6 Special Commercial Area Zone



Not to Scale
Zoning By-law 7625
Extracted 03/09/2009

Attachment 6: Official Plan



TORONTO City Planning
Official Plan

275-279 Sheppard Avenue West

File # 09_112006

- | | |
|--|--|
|  Site Location |  Parks & Open Space Areas |
|  Neighbourhoods |  Natural Areas |
|  Apartment Neighbourhoods | |
|  Mixed Use Areas | |



Not to Scale
 03/09/2009

Attachment 7: Application Data Sheet

APPLICATION DATA SHEET

Application Type	Site Plan Approval	Application Number:	09 112012 NNY 23 SA
Details		Application Date:	February 25, 2009

Municipal Address:	275, 277 and 279 SHEPPARD AVE W
Location Description:	PLAN 1743 LOT 1303 LOT 1304 **GRID N2305
Project Description:	Proposed 4 storey professional office building with 33 parking spaces (32 regular; 1 handicapped) located at the rear on grade accessed via a driveway from Sheppard Avenue. Concurrent OPA/Rezoning/Site Plan Control applications.

Applicant:	Agent:	Architect:	Owner:
URBANSCAPE GROUP			2176799 ONTARIO INC

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	
Zoning:	C6	Historical Status:	
Height Limit (m):		Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	1533	Height:	Storeys:	4	
Frontage (m):	45.73		Metres:	15.7	
Depth (m):	33.53				
Total Ground Floor Area (sq. m):	194.73				Total
Total Residential GFA (sq. m):	0		Parking Spaces:	32	
Total Non-Residential GFA (sq. m):	1,875.96		Loading Docks	0	
Total GFA (sq. m):	1,875.96				
Lot Coverage Ratio (%):	12.5				
Floor Space Index:	1.22				

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

			Above Grade	Below Grade
Tenure Type:				
Rooms:	0	Residential GFA (sq. m):	0	0
Bachelor:	0	Retail GFA (sq. m):	186.73	0
1 Bedroom:	0	Office GFA (sq. m):	1,681.23	0
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:	Ben DiRaimo, Planner
	TELEPHONE:	(416) 395-7119

Attachment 8: Draft Official Plan Amendment

Authority: North York Community Council Item ~ [or Report No. ~, Clause No. ~] as adopted by City of Toronto Council on ~, 2010

Enacted by Council: ~, 2010

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2010

**To adopt Amendment No. 115 to the Official Plan
for the City of Toronto
respecting the lands known municipally in the year 2009 as
275, 277 and 279 Sheppard Avenue West**

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

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 HEREBY ENACTS as follows:

1. The attached Amendment No. 115 to the Official Plan for the City of Toronto, consisting of the attached text and schedule is hereby adopted pursuant to the *Planning Act*, as amended.

ENACTED AND PASSED this ~ day of ~, A.D. 2010.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

AMENDMENT NO. 115 TO THE OFFICIAL PLAN
LANDS MUNICIPALLY KNOWN IN THE YEAR 2009 AS
275, 277 and 279 Sheppard Avenue West

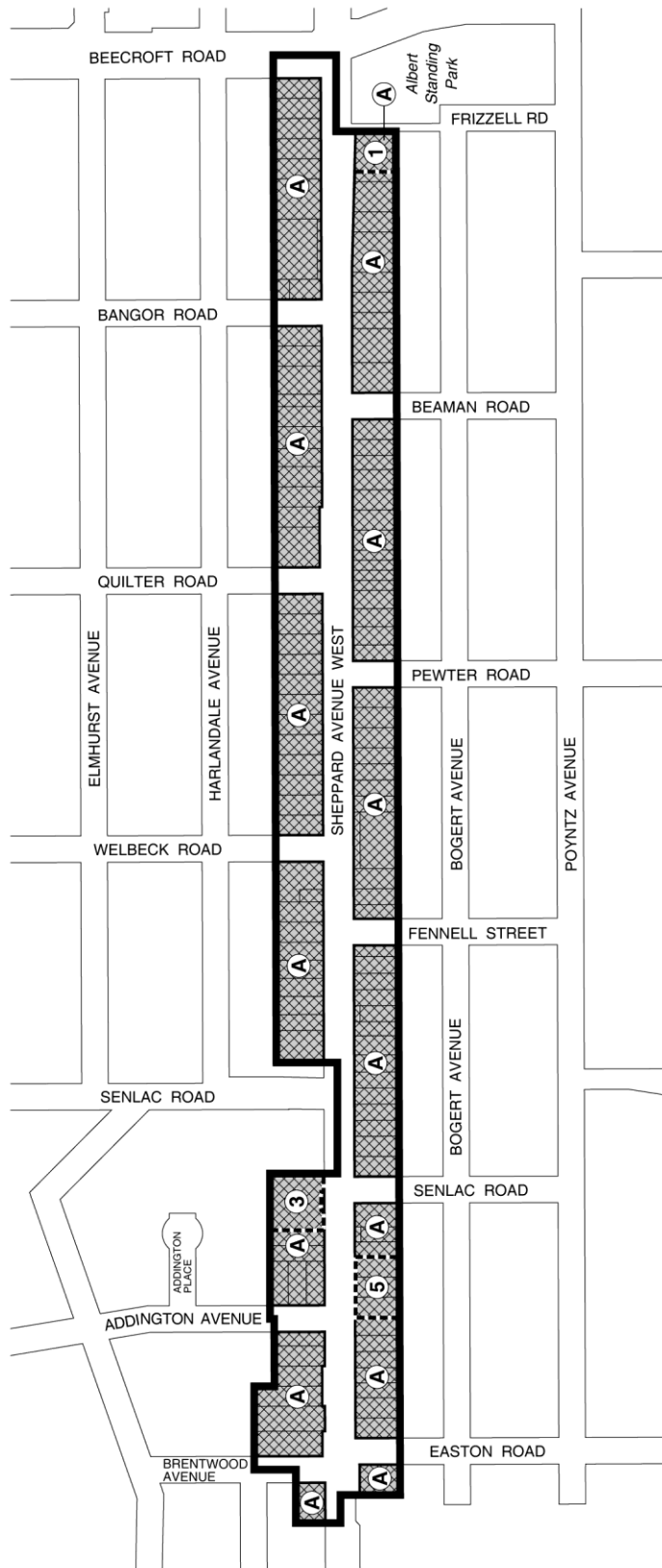
The Official Plan of the City of Toronto is amended as follows:

1. Chapter 6, Section 29, Sheppard Avenue Commercial Area Secondary Plan is amended by adding the following subsection to Section 4.0, Site and Area Specific Policies:

“4.5 Lands located on the South Side of Sheppard Avenue West, known municipally as 275, 277 and 279 Sheppard Avenue West (5 on Map 29-1)

Retail and service uses are permitted on the ground floor. A maximum building height of 4 storeys and 15.7 metres, and a maximum F.S.I. of 1.2 are permitted. The polices of Section 3.2.2 do not apply.”

2. Map 29-1, Land Use Areas of the Sheppard Avenue Commercial Area Secondary Plan, is amended to show the lands known municipally in 2009 as 275, 277 and 279 Sheppard Avenue West (Lots 1299, 1300, 1301, 1302, 1303 and 1304, Registered Plan 1743) as Site and Area Specific Policy Area Number 5, as shown on the attached Schedule A.



Not to Scale

TORONTO City Planning
Official Plan Amendment #115 – Schedule A

275, 277 & 279 Sheppard Avenue West

File # 09_112006

Secondary Plan Boundary

Mixed Use Areas

Site and Area Specific Policy Areas

Map 29-1, Sheppard Avenue Commercial Area Secondary Plan Land Use Areas Map of Chapter 6, Secondary Plans,
 29. Sheppard Avenue Commercial Area Secondary Plan is amended by adding Site and Area Specific Policy Area 5

April 2010

Attachment 9: Draft Zoning By-law Amendment

Authority: North York Community Council Item ~ [or Report No. ~, Clause No. ~]
as adopted by City of Toronto Council on ~, 2010
Enacted by Council: ~, 2010

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2010

**To amend former City of North York Zoning By-law No. 7625, as amended,
With respect to the lands known municipally in the year 2009, as
275, 277 and 279 Sheppard Avenue West**

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*;

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

1. Schedules “B” and “C” of By-law 7625 of the former City of North York are amended in accordance with Schedule “1” of this By-law.
2. Section 64.23 of By-law 7625 is amended by adding the following subsection:

“64.28 (6) C6 (6)

DEFINITIONS

- | | | |
|-----|-------------------|---|
| (a) | Established Grade | Means the geodectic elevation of 177.85 metres taken at the centre line of Sheppard Avenue West at the mid-point of the abutting lot. |
| (b) | Net Site | For the purposes of this exception, Net Site means the gross site minus any lands conveyed to the City of Toronto for road widening purposes, with such Net Site comprising an area of 1,135.6 square metres. |

PERMITTED USES

- (c) In addition to the uses permitted in a C6 zone, an Artist Studio; Commercial Gallery; Dry Cleaning and Laundry Collecting Establishments; Personal Service Shop; Retail Store; or Service Shop which is located wholly on the ground floor shall be permitted on the lands identified on Schedule “C6 (6)”.

EXCEPTION REGULATIONS FOR A COMMERCIAL BUILDING

- (d) The minimum yard setbacks shall be as identified on Schedule “C6 (6)”.
 - (e) The maximum building height shall not exceed 15.7 metres or 4 storeys. Roof-top mechanical equipment shall be excluded from the calculation of height but shall be screened from view by a parapet.
 - (f) The maximum total gross floor area on the net site shall be 1,876 square meters.
 - (g) All portions of the building or structure erected and used above established grade shall be located wholly within the maximum potential building envelope identified on Schedule “C6 (6)”.
 - (h) The minimum number of parking spaces shall be 33.
 - (i) A 1.5 metre landscape strip shall be provided along the south property line as shown on Schedule “C6 (6)”.
 - (j) A room for the storage of refuse and recyclables measuring a minimum of 8 square metres shall be maintained on the ground floor of the building.
 - (k) The provisions of Sections 6A(16) (loading space requirements) and 22.10 (gross floor area), as amended shall not apply.
 - (l) Notwithstanding any severance, partition or division of the site shown on Schedule “C6 (6)”, the provisions of this By-law shall apply to the whole of the site as if no severance, partition or division occurred.
- 3.** Within the lands shown on Schedule "C6 (6)" 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.”

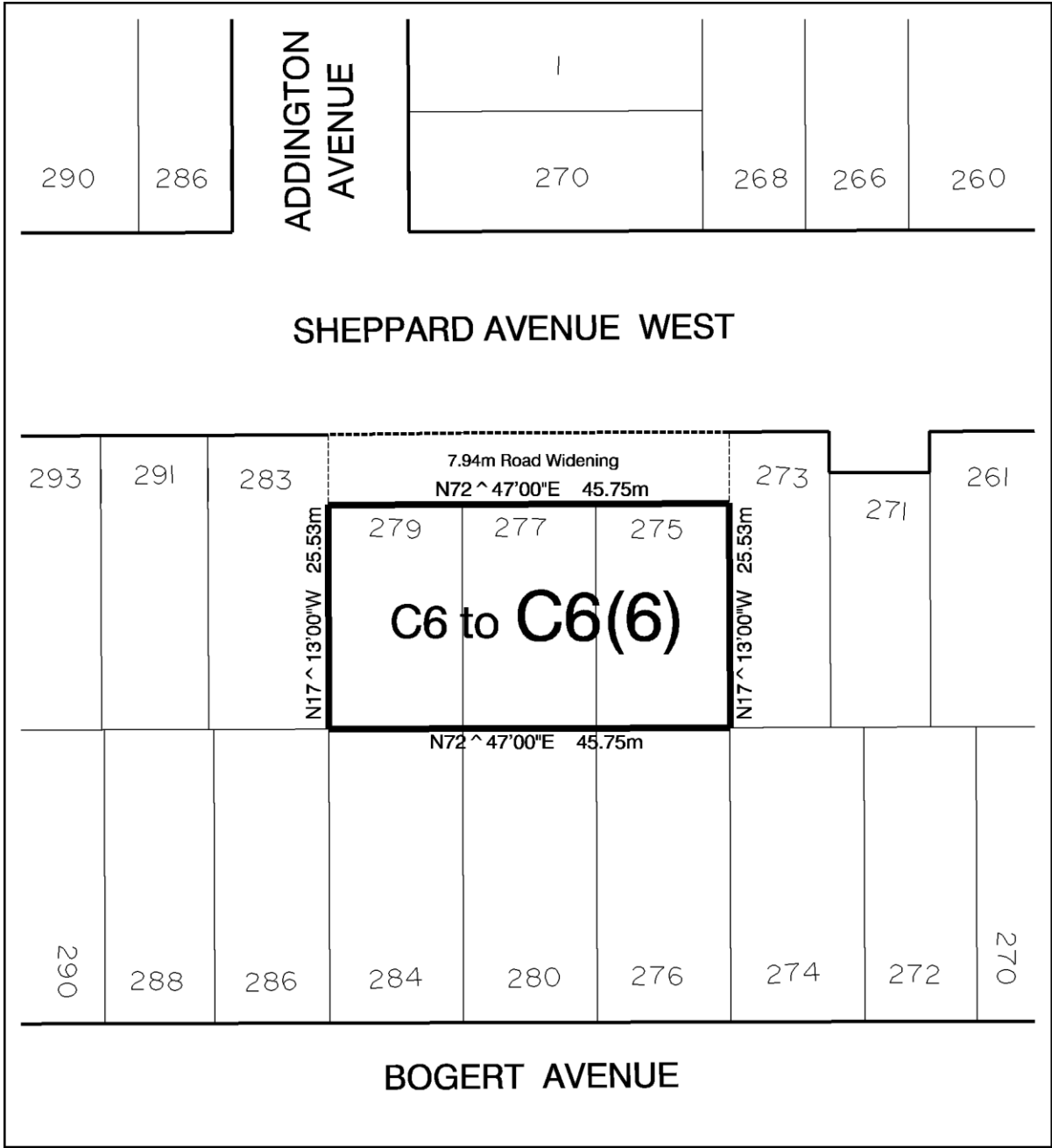
4. Section 64.28 of By-law No. 7625 is amended by adding Schedule “C6 (6)” attached to this By-law.

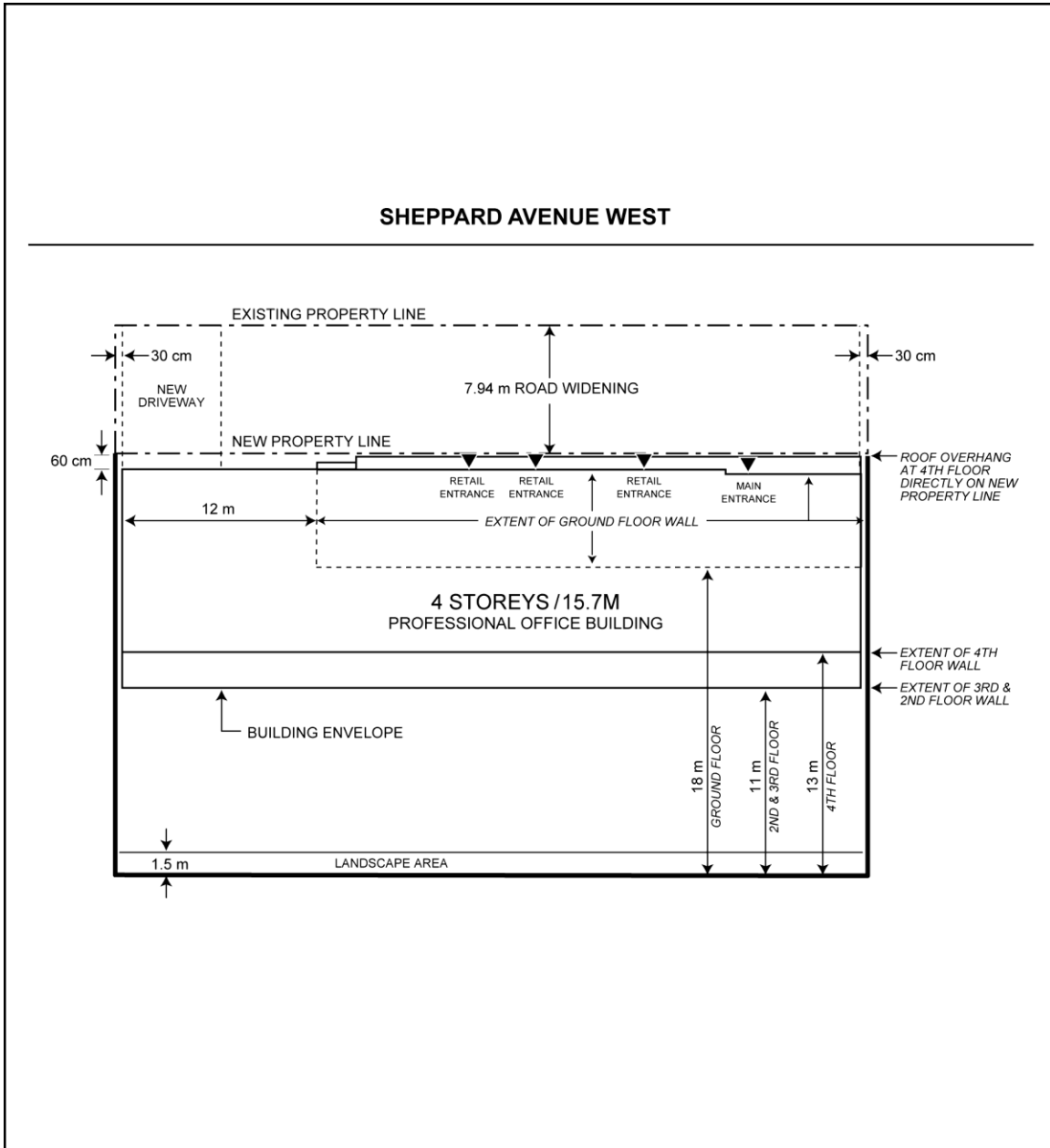
ENACTED AND PASSED this ~ day of ~, A.D. 2010.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)





Attachment 10: Draft Conditions of Site Plan Approval

Proposed four storey professional office building with at grade retail and 33 parking spaces located at the rear as outlined in the following plans and drawings:

1. **Site Plan (A-01)**, prepared by Urbanscape Group, revised April 5, 2010 and stamped received April 7, 2010, City of Toronto Planning, North York Civic Centre.
2. **First & Second Floor Plan (A-02)**, prepared by Urbanscape Group, revised April 5, 2010 and stamped received April 7, 2010, City of Toronto Planning, North York Civic Centre.
3. **Third & Fourth Floor Plan (A-03)**, prepared by Urbanscape Group, revised April 5, 2010 and stamped received April 7, 2010, City of Toronto Planning, North York Civic Centre.
4. **Roof Plan (A-04)**, prepared by Urbanscape Group, revised April 5, 2010 and stamped received April 7, 2010, City of Toronto Planning, North York Civic Centre.
5. **North & South Elevation (A-05)**, prepared by Urbanscape Group, revised April 5, 2010 and stamped received April 7, 2010, City of Toronto Planning, North York Civic Centre.
6. **East & West Elevation (A-06)**, prepared by Urbanscape Group, revised April 5, 2010 and stamped received April 7, 2010, City of Toronto Planning, North York Civic Centre.
7. **Rooftop Plan (L102)**, prepared by Land Art Design Landscape Architects Inc., revised February 9, 2010 and stamped received February 11, 2010, City of Toronto Planning, North York Civic Centre.
8. **Green Roof Detail (L206)**, prepared by Land Art Design Landscape Architects Inc., revised February 9, 2010 and stamped received February 11, 2010, City of Toronto Planning, North York Civic Centre.
9. **Details (L203)**, prepared by Land Art Design Landscape Architects Inc., revised February 9, 2010 and stamped received February 11, 2010, City of Toronto Planning, North York Civic Centre.
10. **Paver Selector (L204)**, prepared by Land Art Design Landscape Architects Inc., revised February 9, 2010 and stamped received February 11, 2010, City of Toronto Planning, North York Civic Centre.
11. **Ground Floor Plan (Landscape Plan)(L101)**, prepared by Land Art Design Landscape Architects Inc., revised February 9, 2010 and stamped received February 11, 2010, City of Toronto Planning, North York Civic Centre.

A. PRE-APPROVAL CONDITIONS

LEGAL SERVICES – Stephanie Morrow, Supervisor of Law Clerks, Phone #416-397-5379

Enter into the City's standard site plan agreement to and including registration of the site plan agreement on title to the subject lands by the City at the Owner's expense.

TECHNICAL SERVICES – Wayne Browne, Senior Engineer, Phone #416-395-6255

1. Prepare all documents and convey to the City, at nominal cost, a 7.94 m widening along Sheppard Ave W. in fee simple, such lands to be free and clear of all physical and title encumbrances, and subject to a right-of-way for access in favour of the Grantor until such time as said lands have been dedicated as a public highway, all to the satisfaction of the Executive Director of Technical Services and the City Solicitor;
2. Submit a draft Reference Plan of Survey to the Executive Director of Technical Services, for review and approval, prior to depositing it in the Land Registry Office. The plan should:
 - a) be in metric units and integrated with the Ontario Co-ordinate System (3° MTM, Zone 10, NAD 27, 1974 Adjustment);
 - b) delineate by separate PARTS the lands to be conveyed to the City, the remainder of the site and any appurtenant rights-of-way and easements; and
 - c) show the co-ordinate values of the main corners of the subject lands in a schedule on the face of the plan;
3. Pay all costs for registration and preparation of reference plan(s).
4. Retain a Qualified Person to conduct environmental site assessments for the lands to be conveyed to the City.
5. Submit all environmental site assessment reports prepared in accordance with the Record of Site Condition Regulation (O. Reg. 153/04) describing the current conditions of the land to be conveyed to the City and the proposed remedial action plan based on the site condition standards approach, to the Executive Director, Technical Services, for peer review.
6. Pay all costs associated with the City retaining a third-party peer reviewer including a 7% administrative cost to the City, and submit a certified cheque payable to the City of Toronto in the amount of \$3,000.00, as an initial deposit towards the cost of the peer review to the Executive Director; Technical Services. Submit further deposits when requested to cover all costs of retaining a third-party peer reviewer.
7. At the completion of the site remediation process, submit a Statement from the Qualified Person, to the Executive Director, Technical Services, for peer review and concurrence, that, based on all necessary supporting environmental documents:

- a) The land to be conveyed to the City meets the Site Condition Standards of the intended land use OR the most environmentally sensitive adjacent land use, whichever is more stringent; and
 - b) It is unlikely that there is any off-site contamination resulting from past land uses on or in the vicinity of the development site, that has migrated on to the adjacent rights-of-way, that would exceed the applicable Site Condition Standards.
- 8. File the Record of Site Condition (RSC) on the Ontario's Environmental Site Registry and submit the Ministry of the Environment's Letter of Acknowledgement of Filing of the Record of Site Condition (RSC) confirming that the RSC has been prepared and filed in accordance with O. Reg. 153/04, and that the MOE will not audit the RSC at this time or that the RSC has passed an MOE audit, to the Executive Director, Technical Services.
- 9. The owner shall deposit with the Technical Services Division prior to Site Plan Approval, certified cheques, for the following;
 - a) Relocation/Construction of a 1.7 metre wide sidewalk across the entire Sheppard Avenue West frontage of the site to the standard location of 1.0 metre from the widened property line. The cost of this work is estimated to be \$12,750.00.
 - b) \$637.00 representing the 5% Engineering review fee of the above construction works.

The above work shall be constructed by the City at the time of the road widening of Sheppard Avenue West once all the necessary land across Sheppard Avenue West frontages has been conveyed to the City.

CITY PLANNING – Ben DiRaimo, Planner, Phone #416-395-7119

- 1. The owner shall provide final architectural plans of the north, south, east and west elevations with cross sections, at 1:50 scale, to the satisfaction of the Director, Community Planning, North York District, as may be required.
- 2. The owner shall submit as a deposit a letter of credit or certified cheque for 75% of the value of the on-site landscaping, including and not limited to any plantings, fencing, decorative paving, retaining walls, terraces, lighting and/or other landscape features as detailed on the approved Site and Landscape Plans.
- 3. The owner shall provide final plans for a Green Roof incorporating the City of Toronto Green Development Standards. The final plans and a financial guarantee

to secure the provision of the green roof will be provided to the satisfaction of the Director, Community Planning, North York District.

4. The Owner shall provide a building materials list, landscape plans and lighting plans to the satisfaction of the Director, Community Planning, North York District, as may be required.

URBAN FORESTRY – Bruce Gordon, Phone #416-395-6686

1. Urban Forestry requires submission of a completed permit application along with a permit fee of **\$900.00** two private trees that qualify for protection under the private tree by-law.
2. Urban Forestry advises that a tree security guarantee deposit of **\$12,477.00** is required in the form of a certified cheque or Letter of Credit covering all associated tree value, removal and replacement costs prior to the granting of any building permits necessary for this project. The funds from the cheque or Letter of Credit will be drawn upon to cover any costs Urban Forestry incurs as a result of enforcing the Municipal Code and ensuring that the City owned trees are kept in a healthy and vigorous state. Prior to submitting the certified cheque or Letter of Credit, the applicant must contact the Supervisor of Tree Protection & Plan Review at 416 395 6134 to confirm the amount of the security deposit.
3. The Ground Floor Plan shows sufficient space to accommodate one (1) additional tree for the City street allowance. Urban Forestry requires that the applicant submit a revised Plan to show one (1) additional tree for the street allowance. Payment of **\$583.00** one (1) new tree to be planted within the street allowance.

We would like to suggest planting either a hackberry tree or an Freeman Autumn Blaze maple tree. Trees indicated for planting on the City road allowance must be planted in accordance with Planting Detail No. 101 for Balled and Burlapped Trees in Turf Areas, dated June 2002, see attached.

4. Submission of a revised Ground Floor Plan L101 to show one (1) new tree for the street allowance.
5. Submission of revised Plant List to substitute *Acer platanoides Freemanii* with *Acer x freemanii* “Jeffersred” (Autumn Blaze maple).

B. POST APPROVAL CONDITIONS

In addition to the above pre-approval conditions, the following post approval conditions are to be fulfilled by the Owner following site plan approval and will be incorporated into a site plan agreement:

The proposed development shall be carried out and maintained in accordance with the plans and drawings referred to herein, to the satisfaction of the City of Toronto.

TECHNICAL SERVICES

1. All site access driveways must be at least 1.0 metre from existing utilities. If required, the relocation of any public utilities (utility poles, guy wires, etc.) would be at the cost of the developer and shall be subject to the approval of the applicable governing agencies.
2. Remove all existing accesses, curb cuts, traffic control sign, etc. along the development site frontage that are no longer required and reinstate the boulevard within the right-of-way, in accordance with City standards and to the satisfaction of the Executive Director of Technical Services.
3. In accordance with Zoning By-Law 7625, all on-site driveways and parking areas must be surfaced and maintained with asphalt, concrete, or interlocking stone.
4. Snow must be stored on the site such that the pedestrian sidewalks are not obstructed parking supply is not reduced and vehicular site lines area not affected. Snow that cannot be adequately stored on-site must be removed from the site by the owner/building management after each snow fall.
5. The proposed driveway on City property must be graded downward towards the roadway and have a 2% to 6% slope.
6. The owner acknowledges that anything other than concrete sidewalks, trees and sod that they locate within the untravelled portion of the adjoining public highway(s) are encroachments that must be installed, planted and maintained at the owner's expense, specifically;
 - a) All landscape/streetscape features illustrated on the applicant's approved landscaping plan; and,
 - b) Plant irrigation systems.

These encroachments shall be permitted by the City of Toronto pursuant to the following terms:

- a) The property owner accepts this boulevard area in its current condition as of the date of the agreement, and shall not call upon the City to do or pay for any work or supply any equipment to make the boulevard more suitable for the uses specified herein.
- b) All encroachments within the boulevard areas of the adjoining public highways shall be constructed and maintained according to the approved

site and landscaping/streetscaping plan(s) approved by this Division, and the Executive Directors of Technical Services and City Planning.

c) To provide unobstructed driver sight lines, the owner shall ensure that all vegetation, street furniture, retaining walls and fences located within 4.5m of the travelled portion of the adjoining public highway do not exceed a maximum height of 0.85m measured from the travelled surface of the adjoining highway. The owner shall maintain all trees located within 4.5m of the travelled portion of the adjoining highway with a minimum clearance of 2.5m measured between the bottom of the tree canopy and the travelled portion of the street.

d) The owner agrees that they will, at their expense, maintain the encroachments in a state of good repair, free of graffiti, posters, litter, snow and ice, and that vegetation will be maintained in a healthy and vigorous state of growth. The owner shall not make any additions or modifications to the encroachments beyond what is allowed pursuant to the terms of this site plan agreement. The owner further acknowledges that should they neglect to maintain the encroachment(s), then the City, after providing 24 hours notice, shall, at the owner's expense, perform the required maintenance and remove graffiti, posters, litter, snow and ice, and the City may recover its costs in a like manner as municipal taxes.

e) The owner agrees that if the City should at any time undertake any widening or other alteration to the adjoining public highway(s) necessitating the removal of any encroachment(s), the City shall not be liable to pay any compensation whatsoever for such removal, nor shall it restore any encroachment that it removes. The encroachments permitted by this agreement shall be removed by the owner, at their expense, within 14 days of receiving written notice from the General Manager of Transportation Services or his/her designate. In default of the removal not occurring as requested, the City may carry out the removal, at the owner's expense, and may recover its costs in a like manner as municipal taxes.

f) The owners acknowledges that there may exist municipal and/or utility services within, upon or under the boulevard, and acknowledges that the City or the utility responsible for such service(s) may need to undertake repairs or carry out maintenance on such service(s) or to replace such service(s) or to install new service(s). The owner agrees that the City or utility shall have the right to remove the encroachments for the purpose of carrying out such installation, replacement, repair or maintenance. Prior to removing the encroachment, the City shall give 48 hours notice of its intention to remove the encroachment for maintenance purposes, except in the case of emergency, in which case no notice shall be required. On completing the installation, replacement, repairs or maintenance, the owner, at their sole expense, shall proceed immediately to restore the encroachments to the

condition it was in prior to the commencement of such installation, replacement, repairs or maintenance. Under no circumstances, shall the City be required to so restore the lands, or to compensate the owner for the cost of so doing so.

g) The owner agrees to defend, save and keep harmless and fully indemnify the City, its officers, employees, agents and other representatives, from and against all actions, claims, suits or damages whatsoever that may be brought or made against the City as a result of the owner's use of the boulevard area of the adjoining public highways.

CITY PLANNING

1. Provide and maintain the landscaping for the lands in accordance with the approved Landscape Plan to the satisfaction of the Director of Community Planning, North York District.