

**2025-2045 Sheppard Avenue East  
Official Plan Amendment and Zoning By-law  
Amendment Applications - Preliminary Report**

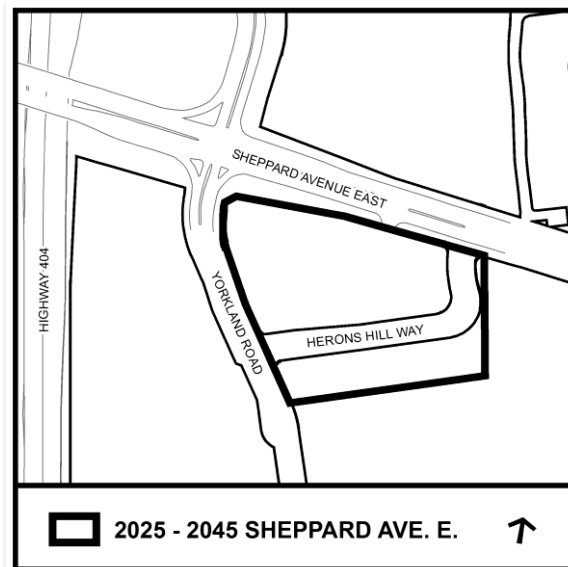
<b>Date:</b>	September 19, 2013
<b>To:</b>	North York Community Council
<b>From:</b>	Director, Community Planning, North York District
<b>Wards:</b>	Ward 33 – Don Valley East
<b>Reference Number:</b>	13 219804 NNY 33 OZ

**SUMMARY**

This application proposes to amend the Section 37 provisions contained in the site specific Official Plan policy and zoning by-law for the lands at 2025-2045 Sheppard Avenue East. The proposal is to amend the timing in the Section 37 provision requiring the substantial completion of an office/commercial building prior to occupancy of the third residential building. The application does not involve any change to the built form, density or use permissions applicable to the lands.

This report provides preliminary information on the above-noted application and seeks Community Council's directions on further processing of the application and on the community consultation process.

The report recommends that a community consultation meeting be scheduled together with the Ward Councillor. A Final Report and a Public Meeting under the Planning Act will be scheduled following the resolution of outstanding issues.



## **RECOMMENDATIONS**

### **The City Planning Division recommends that:**

1. Staff be directed to schedule a community consultation meeting for the lands at 2025-2045 Sheppard Avenue East together with the Ward Councillor.
2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the site.
3. Notice for the public meeting under the Planning Act be given according to the regulations of the Planning Act.

### **Financial Impact**

The recommendations in this report have no financial impact.

## **DECISION HISTORY**

The Ontario Municipal Board, in a Decision issued in 2004 and an Order issued in 2007, approved an Official Plan Amendment and zoning by-law for the lands at 2025-2045 Sheppard Avenue East. Official Plan Amendment No. 586 to the North York Official Plan and Zoning By-law 295-2010 which were approved by the OMB permit development of 3 residential buildings and commercial uses on the lands on the north side of a new public road, with office and commercial uses on the south side of the road and set out a number of Section 37 provisions. One of the Section 37 requirements was that a commercial building which has a minimum gross floor area of 3,995 m<sup>2</sup> on the south side of the new road shall be substantially completed prior to the occupancy of the third residential building. This provision was also secured in the Section 37 agreement registered on the lands.

On July 14, 2011, City Council enacted Official Plan Amendment No. 588 to the North York Official Plan and Zoning By-law 928-2011 to amend the site-specific Official Plan and zoning by-law dealing with the Section 37 provisions, by reducing the required size of the commercial building to be completed on the southerly parcel from 3,995 m<sup>2</sup> to 1,970 m<sup>2</sup> and securing an additional Section 37 requirement that Monarch provide a further contribution of \$300,000 for pedestrian related improvements along Sheppard Avenue East.

### **Pre-Application Consultation**

Pre-application consultation meetings were held with the applicant to discuss the proposal and complete application submission requirements.

## **ISSUE BACKGROUND**

### **Proposal**

Following approval by the OMB of the redevelopment of the subject site, in 2007 Monarch relocated their head office from this site to a new location at 2550 Victoria Park Avenue with a 10 year lease. Monarch advises that it is their intention to relocate their head office back to the subject site following expiry of their lease in August 2017.

However, Monarch anticipates that the third residential building will be ready for occupancy in May 2014. As a result, Monarch is seeking amendments to the Official Plan, zoning by-law and Section 37 Agreement provisions requiring the substantial completion of the commercial building prior to occupancy of the third residential building. Monarch is proposing that security would be provided to the City in the form of land and a letter of credit to ensure the construction and completion of the commercial building.

### **Site and Surrounding Area**

The 2.68 ha site is located on the south side of Sheppard Avenue at Yorkland Road, just east of Highway 404. The site is comprised of 2 parcels of land separated by a new public road (Herons Hill Way). Construction of the Herons Hill development began in 2008. The first phase of the redevelopment is complete and consists of a 25 storey residential building and a 5 storey mixed use podium building on Sheppard Avenue with a total of 330 units and a 3 storey recreation complex. The second residential building (39 storeys with 423 units) is nearing completion and the third residential building (33 storeys with 402 units) is under construction. On the south side of the new public road (Herons Hill Way) Monarch has their sales centre, construction office and construction parking area.

North: On the north side of Sheppard Avenue East are three 22 storey residential buildings.

South: 3 storey office building and industrial buildings

East: car wash, restaurant, auto repair and gas station

West: two 8 storey office buildings and a private school

### **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.

Staff will review the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

## **Official Plan**

The site is subject to the former City of North York Official Plan. The land located north of Herons Hill Way is designated Mixed Use and the land located south of Herons Hill Way is designated Industrial. The site is subject to site specific policy C.9.277 of the North York Official Plan which permits residential and commercial uses on the land designated Mixed Use and permits commercial uses on the land designated Industrial. The policy also sets out the maximum number of residential units and gross floor area and also sets out a number of Section 37 provisions which are also included in the site specific zoning by-law including the following:

"one or more buildings which collectively have a minimum gross floor area of 1,970 square metres on the south side of the new public road shall be substantially completed prior to the occupancy of the third residential building".

It is this provision that Monarch is seeking to amend.

## **Zoning**

The site is subject to former City of North York Zoning By-law 7625. The site is zoned C1(127) General Commercial with a site specific exception and Committee of Adjustment variances that permit the following:

- Residential and commercial uses on the lands located north of the new road with 3 residential buildings with heights of 25, 39 and 33 storeys with a maximum of 1,155 dwelling units and a maximum gross floor area of 88,021 m<sup>2</sup>.
- Commercial and office uses on the lands located south of the new road.
- A maximum gross floor area for all the lands of 93,814 m<sup>2</sup>.

The zoning by-law sets out a number of Section 37 provisions including financial contributions for community facility improvements, public art, pedestrian related improvements, traffic monitoring, and the provision of a shuttle bus service to the Don

Mills subway station. These Section 37 provisions have been fulfilled. The by-law also includes the following Section 37 provision:

"one or more buildings which collectively have a minimum gross floor area of 1,970 square metres on the south side of the new public road shall be substantially completed prior to the occupancy of the third residential building".

Monarch is seeking to amend this provision to modify the timing of when the commercial building on the south side of the new public road has to be substantially completed.

## **Site Plan Control**

On July 8, 2013 the applicant submitted a site plan application for a 3 to 4 storey office building for the portion of the site located on the south side of the new public road (Heron's Hill Way) shown as Parcel 2 on Attachment 1 to this report.

## **Reasons for the Application**

The Section 37 provisions of the site specific North York Official Plan policy and North York zoning by-law require that prior to occupancy of the third residential building, a commercial building with a minimum gross floor area of 1,970 m<sup>2</sup> is to be substantially completed. Monarch has indicated that occupancy of the third residential building is anticipated in May 2014 and that the commercial building will not be completed by this date. Consequently an amendment to the site specific Official Plan policy and zoning by-law and Section 37 Agreement are needed.

## **COMMENTS**

### **Application Submission**

The following reports/studies were submitted with the application:

Planning Rationale Letter

A Notification of Complete Application was issued on August 23, 2013.

### **Issues to be Resolved**

Monarch is seeking changes to the timing of construction of the commercial building that it is required to build as part of the residential development. While the third residential building is under construction, the commercial building has not yet commenced.

Planning staff are concerned with changing the timing of construction of the commercial building, the security needed to ensure the commercial building is constructed and setting a firm date as to when the building would be completed. Additional issues may be identified through the review of the application, agency comments and the community consultation process.

## **CONTACT**

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## **SIGNATURE**

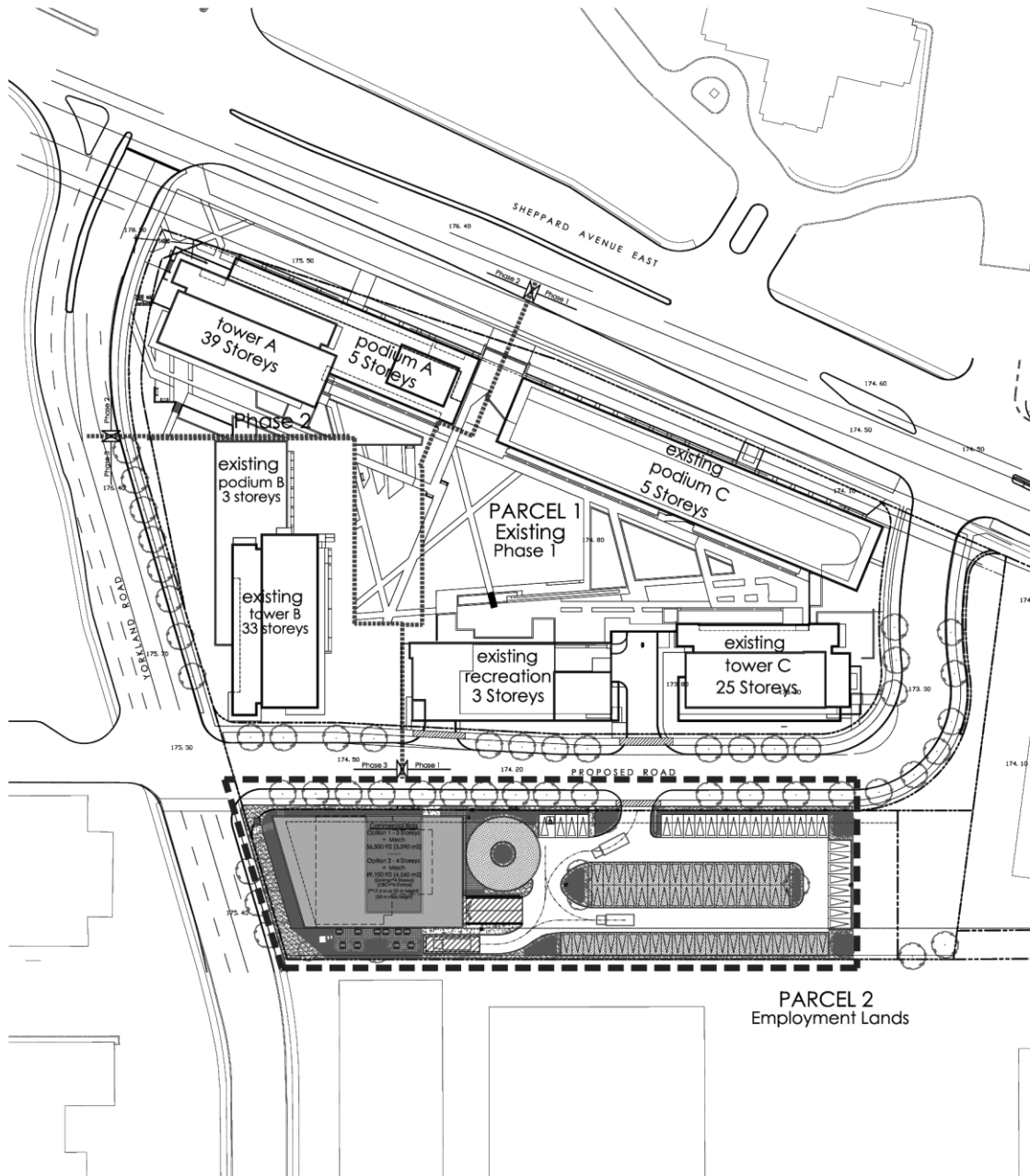
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Allen Appleby, Director  
Community Planning, North York District

## **ATTACHMENTS**

Attachment 1: Master Plan  
Attachment 2: Zoning  
Attachment 3: Application Data Sheet

# Attachment 1: Master Plan



Master Plan

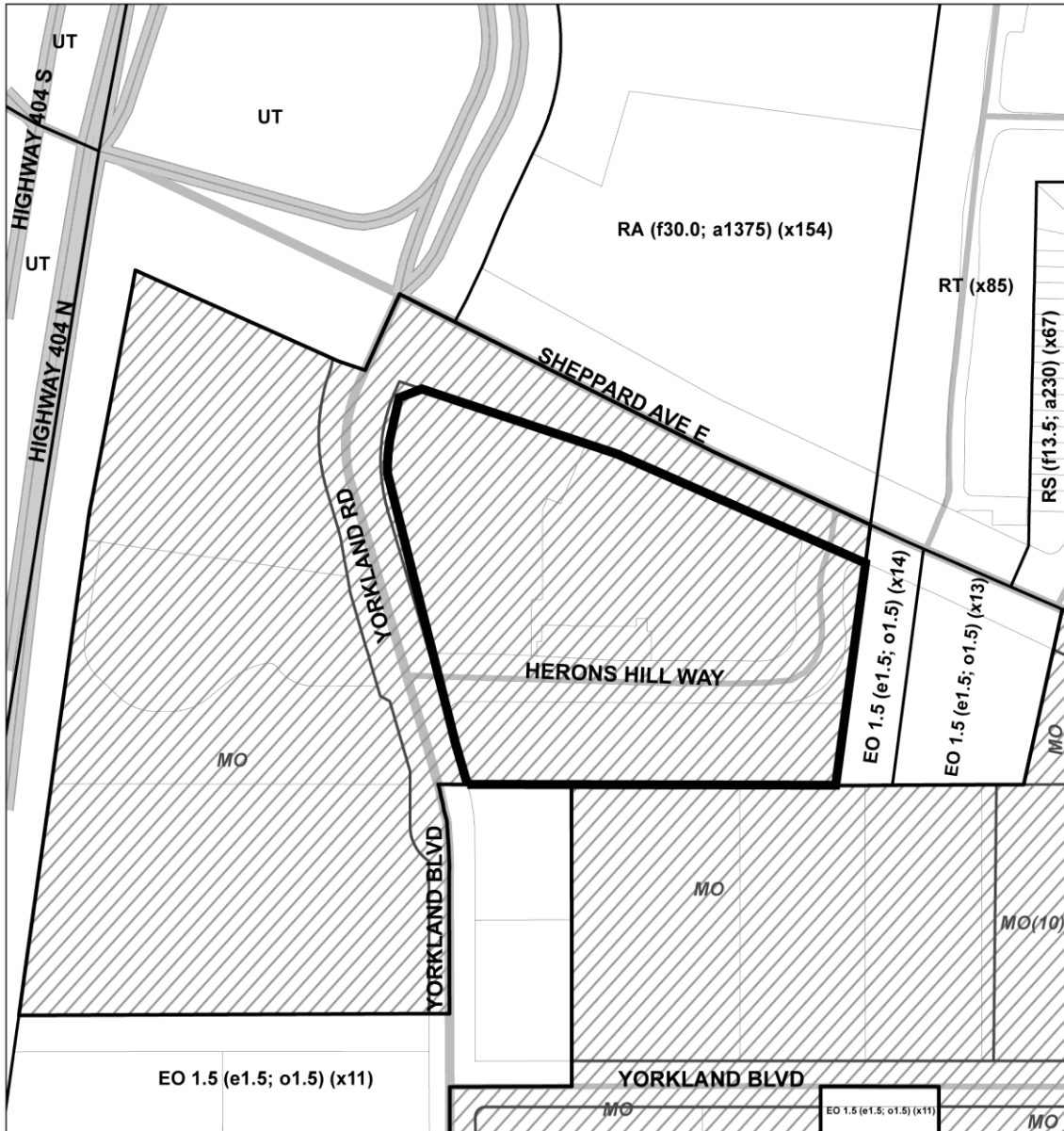
2025 - 2045 Sheppard Ave. E.

Applicant's Submitted Drawing

Not to Scale   
08/20/2013

File # 13 219804 NNY 33 0Z

## Attachment 2: Zoning



**Toronto** City Planning  
**Zoning By-law 569-2013**

**2025 - 2045 Sheppard Ave. E.**  
 File # 13 219804 NNY 33 0Z

<p> Location of Application</p> <p>RT Residential Townhouse</p> <p>RS Residential Semi-Detached</p> <p>RA Residential Apartment</p> <p>EO Employment Industrial Office</p>	<p>UT Utility and Transportation</p> <p> See Former City of North York Bylaw No. 7625</p> <p>MO Industrial-Office Business Park Zone</p>	<p> Not to Scale</p> <p>Extracted 08/20/2013</p>
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**Attachment 3: APPLICATION DATA SHEET**

Application Type	Official Plan Amendment & Rezoning	Application Number:	13 219804 NNY 33 OZ
Details	OPA & Rezoning, Standard	Application Date:	August 13, 2013

Municipal Address: 2025-2045 SHEPPARD AVE EAST  
 Location Description: CON 4 EY PT LOT 15 RP R4021 PART 1 TO 2  
 Project Description: To amend the Official Plan and Zoning By-law Section 37 provisions dealing with the timing for construction of a commercial building on the south side of the new public road prior to occupancy of the third residential building. No additional development is proposed.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
Monarch Heron's Hill Ltd.			Monarch Heron's Hill Ltd.

**PLANNING CONTROLS**

Official Plan Designation:	Mixed Use/Industrial	Site Specific Provision:	C.9.277
Zoning:	C1(127)	Historical Status:	
Height Limit (m):		Site Plan Control Area:	Y

**PROJECT INFORMATION**

Site Area (sq. m):	26794.19	Height:	Storeys:	
Frontage (m):	219		Metres:	
Depth (m):				
Total Ground Floor Area (sq. m):				<b>Total</b>
Total Residential GFA (sq. m):			Parking Spaces:	
Total Non-Residential GFA (sq. m):			Loading Docks	
Total GFA (sq. m):				
Lot Coverage Ratio (%):				
Floor Space Index:				

**DWELLING UNITS**

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

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

<b>CONTACT:</b>	<b>PLANNER NAME:</b>	<b>Nimrod Salamon, Senior Planner</b>
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