

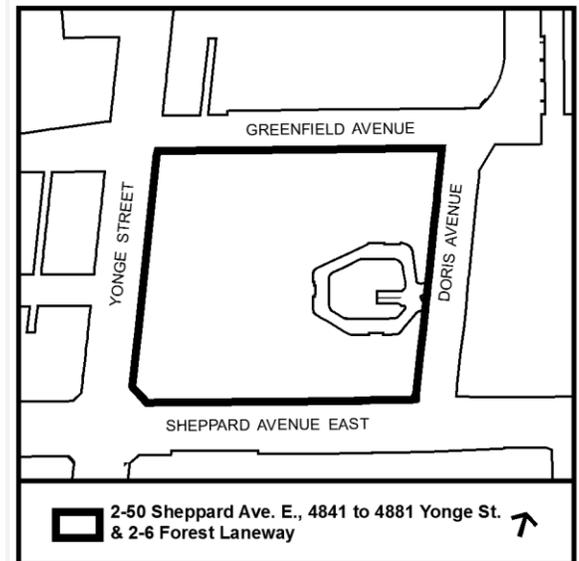
**2 & 50 Sheppard Avenue East –
4841 to 4881 Yonge Street and 2 to 6 Forest Laneway –
Official Plan Amendment, Zoning By-law Amendment
and Rental Housing Demolition Applications –
Preliminary Report**

Date:	October 31, 2013
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 23 – Willowdale
Reference Number:	13 171700 NNY 23 OZ and 13 171720 NNY 23 RH

SUMMARY

These applications are on the site of the Sheppard Centre at the northeast corner of Yonge Street and Sheppard Avenue. The lands are the entire city block bounded by Yonge Street, Sheppard Avenue East, Greenfield Avenue and Doris Avenue. The proposed development is a 39 storey and 343 unit residential apartment building located mid-block on the Greenfield Avenue frontage, additional retail commercial uses with improved connections to both the Yonge Street and Sheppard Avenue frontages, and the demolition and replacement of 25 existing residential rental units in a new 8 storey building located mid-block on the Sheppard Avenue East frontage.

A Rental Housing Demolition and Conversion application under Section 111 of the City of Toronto Act (Chapter 667 of the Municipal Code) has been made and will be reviewed concurrently with the Zoning By-law application.



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

RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff be directed to schedule a community consultation meeting for the lands at 2 and 50 Sheppard Ave East., 4841 to 4881 Yonge Street and 2 to 6 Forest Laneway 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.

Pre-Application Consultation

Several pre-application consultation meetings were held with the applicant to discuss complete application submission requirements.

ISSUE BACKGROUND

Proposal

The applications propose a 39 storey, 343 unit residential apartment building, replacement of 25 existing rental units into a new 8 storey building, containing 4 storeys of rental units, and an additional 10,451 m² of retail space.

The existing retail uses on the Yonge Street and Sheppard Avenue frontages are proposed to be renovated and directly connected to the existing sidewalks by extending the main walls of the building outwards. This would essentially enclose the existing lower level 'moats' currently separating the retail uses from the streetscape and public sidewalk. Additional renovations to the interior of the building are proposed including to the existing cinema and to the pedestrian circulation through the internal commercial retail uses.

The proposed 39 storey residential apartment building would be located mid-block on the Greenfield Avenue frontage of the Sheppard Centre between the 9-storey office building on the southeast corner of Yonge Street and Greenfield Avenue, and the 29-storey rental apartment building at 2 Forest Laneway. The location of the proposed 27,278 m² apartment building is currently occupied by landscaped open space and 25 residential rental townhouse units on the south side of Greenfield Avenue. A 574 m² daycare is also being proposed in this portion of the block.

The application proposes to replace 25 existing residential rental units at the south-end of the block along Sheppard Avenue East. The replacement units would be located in a 4 storey, 3,722m² rental apartment building above a 4 storey retail addition along Sheppard Avenue. The rental building would include 7 one-bedroom units, 9 two-bedroom units and 8 three-bedroom units with the residential lobby off Forest Laneway. The rental replacement building would be located on Sheppard Avenue East and between the existing 19 storey office building at Yonge Street and the 29 storey residential apartment at 6 Forest Laneway. This location is currently occupied by 16 former rental townhouse units which were vacated and the interiors demolished under previous Rental Housing Protection Act approvals, and a fitness centre.

The proposed development does not change the location of vehicle access to the existing 3-level underground parking garage. Access to the existing underground parking ramp would remain from Doris Avenue at the northeast corner of the site. The total number of parking spaces in the garage would be reduced from 1,942 spaces to 1,892 due to, among other reasons, below-grade structural changes necessary to accommodate the new buildings. 253 of these parking spaces are proposed to serve only the new residential building, with the remaining 1,639 shared parking spaces being for the other non-residential, rental replacement and residential visitor uses. 484 bicycle parking spaces are also proposed.

The proposal includes both new and renovated loading facilities. The existing loading area on Greenfield Avenue is currently disruptive and is proposed to be expanded with all operations moved within the building. An additional, smaller and internalized loading area is also proposed accessing to Sheppard Avenue and located just west of the existing apartment at 2 Forest Laneway.

It is contemplated that the proposed development would occur in phases of demolition and construction. For example, the replacement rental units would be built in the 8 storey building on Sheppard Avenue prior to demolition of the existing rental units on Greenfield Avenue and construction of the residential apartment building and expanded loading area.

The proposed conceptual site plan is in Attachment 1, elevations in Attachments 2 and 3, and the detailed site statistics are included in the Application Data Sheet in Attachment 8.

Site and Surrounding Area

The roughly square block has approximately 170 metres fronting on both Yonge Street and Doris Avenue, and 195 metres on Sheppard and Greenfield Avenues. The applications are for the entire City block bounded by Yonge Street, Sheppard Avenue East, Greenfield Avenue and Doris Avenue, and includes the addresses 2 and 50 Sheppard Avenue East, 4841 to 4881 Yonge Street, and 2 to 6 Forest Laneway. The majority of the proposed redevelopment is on the western portion of the block containing both the Sheppard Centre and Forest Laneway townhouse apartments. No above ground changes are proposed on the site of the 3 existing 29-storey residential rental apartments at 2, 4 and 6 Forest Laneway. The site under application includes the entire block because there is a site specific Official Plan policy and Zoning By-law (discussed further below) that came into effect before the block was severed into two partially stratified ownerships consisting of the 3 rental apartments, and the other retail, office and rental townhouse units.

The Sheppard Centre was one of the first major developments built in North York in the mid-70's and around the same time as the Yonge Subway line extension. Around 1990, additional approvals were obtained for a cinema, additional retail uses and a 16 storey office building on the Yonge Street frontage between the 2 existing office buildings. While the cinema was built, the approved 16 storey office building was never constructed. These approvals also included the demolition and on-site replacement of 16 rental townhouses known as 6 Forest Laneway under the Rental Housing Protection Act.

The site slopes down approximately 3 metres along the Sheppard Avenue sidewalk from Yonge Street to Doris Avenue. This grade change was accommodated in the existing development by having exterior stairs both up and down to commercial/retail uses.

The surrounding land uses are:

North: on the north side of Greenfield Avenue are 2 storey commercial uses on Yonge Street and further east on Greenfield Avenue, a 25 storey residential condominium apartment, the 3 storey Cardinal Carter Academy of the Arts, and a 23 storey residential condominium

East: on the east side of Doris Avenue and fronting onto Sheppard Avenue are the 4 storey offices of the Toronto Catholic District School Board

South: on the south side of Sheppard Avenue East is a 33 storey residential condominium with retail uses at grade, and on the southeast corner of Yonge Street and Sheppard Avenue the Hullmark Centre is under construction with a 45 storey office and residential condominium, 5 storey office condominium and 35 storey residential condominium apartment

West: on the west side of Yonge Street are 2 storey retail and commercial uses

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. Housing policies in the PPS require planning authorities to provide for an appropriate range of housing types and densities to meet the requirements of current and future residents, and the provision of housing in locations with appropriate levels of infrastructure and services. 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. The Growth Plan identifies and provides policy direction for guiding high density growth in a network of Urban Growth Centres in the greater Toronto region, of which North York Centre is one. 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/North York Centre Secondary Plan

The entire block and site is designated *Mixed Use Area* in the City's Official Plan. The Official Plan also contains policies addressing the need to preserve and increase the City's supply of rental and affordable housing. Policy 3.2.1 of the Official Plan includes housing policies that encourage the provision of a full range of housing in terms of form, tenure and affordability. Applicants proposing to demolish six or more residential rental units, except where all of the rents are above the mid-range rent category, are required to replace the rental units with at least the same number, size and type of rental housing units and maintain them with rents similar to the rental of existing units on the site for a period of 10 years and to retain them as rental for 20 years. An acceptable tenant relocation and assistance plan is also required to address moving related costs, alternative accommodation, and other assistance to lessen hardship.

Within the North York Centre Secondary Plan, the lands are further designated '*Mixed Use Area A*' and '*Mixed Use Area C*', with '*A*' not permitting residential uses, and '*C*' permitting up to 100% residential uses (Attachment 5). The site is permitted a density of 4.5 times the area of the land plus available density incentives up to a maximum of an additional 33% or almost 6 times. The permitted height over the entire block is 100 metres and while site specific increases in height are discouraged by the Secondary Plan, they are possible where an improved built form is achieved, and there are no appreciable impacts on stable residential neighbourhoods.

Yonge Street and about half of this block's frontage on Sheppard Avenue are identified as 'Prime Frontage Areas'. Buildings in these locations are to provide pedestrian-oriented uses to animate the public sidewalks by incorporating street related retail uses with windows and store entrances at the adjacent grade. The Secondary Plan discourages below-grade and internalized retail uses. To support the pedestrian environment, the Secondary Plan further requires setbacks to achieve a 10 metre wide publicly accessible boulevard and building heights and setbacks from the Yonge Street and Sheppard Avenue rights-of-way.

The Secondary Plan supports the creation of pedestrian links within the Centre, and the need to maintain them during all phases of a development project. The Secondary Plan also requires both common outdoor space for non-residential development, and private outdoor recreational space for residential development.

The Secondary Plan includes a site specific policy over the entire block (Attachment 6). The policy identifies maximum floor areas that may be considered as density incentives including walkways on Level 2 to a maximum of 4,189m², and a cinema on Level 3 to a maximum of 3,318 m². The floor area of retail uses on Levels 1 and 2 may also be permitted as density incentives to a maximum of 1.5 times the area of the lands. The site specific policy also recognizes the height of the existing non-conforming apartment building at 6 Forest Laneway.

Zoning

The entire block is zoned C1 with a site specific By-law detailing the permitted uses and associated standards. North York By-law Number 31291 permits the broad range of residential and commercial uses that are currently found on the lands. The By-law permits a maximum of 1,042 units in 94,874m² of residential floor area and a maximum of 58,549 m² of non-residential gross floor area. The site-specific By-law also includes a definition for each 'Level' within the building. The By-law's definition of 'Gross Floor Area' excludes uses located on specific levels of the building from the total permitted gross floor area. This includes areas such as a cinema, recreation club, pedestrian circulation areas, and various other retail and commercial uses. The By-law establishes setback and height standards, maximum standards for height and width of commercial units fronting on Yonge Street, minimum landscaping provisions and minimum and maximum parking requirements. While the lands have been severed into two lots, the site-specific By-law continues to apply to the block as a whole.

Site Plan Control

A Site Plan Control application would be required for the proposed development but has not yet been submitted. At this time it is anticipated that the site would be redeveloped in phases, for example to build the replacement rental housing on Sheppard Avenue prior to building the residential apartment on Greenfield Avenue. It may be that Site Plan Control applications will also be submitted for each major phase of the site as it redevelops over time.

Rental Housing Demolition and Conversion

The Rental Housing Demolition and Conversion By-law (885-2007), contained in Chapter 667 of the City's Municipal Code, implements the City's Official Plan policies protecting rental housing. The By-law prohibits demolition or conversion of rental housing units without obtaining a permit from the City issued under Section 111 of the *City of Toronto Act, 2006*.

Proposals involving six or more rental housing units or where there is a related application for a Zoning By-law amendment require a decision by City Council. Council may refuse an application, or approve the demolition with conditions that must be satisfied before a demolition permit is issued. Council approval of demolition under Section 33 of the *Planning Act* is required where six or more residential units are proposed for demolition before the Chief Building Official can issue a permit for demolition under the *Building Code Act*. The By-law provides for the co-ordination of all the approval authorities needed for the demolition of the rental housing.

When there is an application for rezoning as well as an application under Chapter 667 for rental demolition or conversion, typically City Council considers both applications at the same time after receiving a joint report on both from Planning. Unlike Planning Act applications, decisions made by the City under Chapter 667 are not appealable to the OMB.

The applicant has submitted an application for a Section 111 permit pursuant to Chapter 667 of the City of Toronto Municipal Code for the demolition and replacement of 25 residential rental units. A Housing Issues Report has been submitted with the required application and is currently under review for consistency with the Official Plan. This application will be reviewed in conjunction with the rezoning and Official Plan applications, with the intent of making recommendations on all applications to City Council at the same time.

Reasons for the Application

The Secondary Plan's site specific policy exempts certain retail and associated floor area from the calculation of density, and permits this floor area to be included as a density incentive. The proposed amendment to the site-specific Official Plan policy is to change the amount and location of various retail and associated floor area to be exempted from the calculation of density, and also include the floor space associated with rental replacement housing as an available density incentive.

The application proposes the following approach to density and density incentives:

Base Density (34,094 m ² site area x 4.5 FSI)	153,423 m ²
Proposed Density Incentives	
- Private Recreational Use Accessory to a Residential Use (343 units x 1.5 m ² and 25 rental replacement units x 2m ²)	580 m ²
- Social Facility/Daycare	2,296 m ²
- Street-Related Retail	44,067 m ²
- Rental Replacement Units	3,657 m ²
Total Proposed Density Incentives	50,600 m ²
Total Proposed Density (34,094 m ² site area x 5.985 FSI)	204,053 m ²

The proposed Official Plan Amendment would also increase the permitted height from 100 metres to a site-specific height limit of 120 metres in the location of the proposed 39 storey residential building.

The proposed amendment to site-specific Zoning By-law 31560 would, among other matters, provide revised and new definitions for the levels of floor space within the building, define bicycle parking, specify the uses, maximum amounts and locations of floor areas excluded from the definition of gross floor area; increase the number of permitted residential units from 1,042 to 1,376; lower the total maximum permitted non-residential gross floor area from 58,549 m² to 35,930 m²; increase maximum residential gross floor area from 94,874 m² to 117,493 m²; establish new minimum and maximum parking requirements; and, reduce the required minimum level of landscaping.

COMMENTS

Application Submission

The following reports/studies were submitted with the applications:

- Planning Rationale Report
- draft Official Plan Amendment and draft /Zoning By-law Amendment
- Toronto Green Standards Checklist
- Transportation Study
- Functional Servicing Report
- Archaeological Report
- Environmental Report
- Pedestrian Wind Study
- Noise and Vibration Study
- Arborist Report

A Notification of Complete Application was issued on June 21, 2013, and notification of a Complete Application to demolish rental housing under Municipal Code Chapter 667 was issued on July 22, 2013.

Issues to be Resolved

The application proposes to renovate and infill approximately half of an entire city block, and it is anticipated that additional issues will be identified through the review of the application, agency comments and the community consultation process. At this preliminary stage, the review of the proposed development will need to consider a number of matters:

Proposed Total Density and Density Incentives

One main issue, from which others may be identified, is the appropriateness of the density incentives. The applications propose a total density of 5.98 times the area of the lands and gross floor area of 204,053 m². This is an increase from the 167,925 m² of total gross floor area currently on the site. The land area and density has been based upon the size of the site lands that include conveyances done since the current site-specific zoning was in effect. The total proposed gross floor area consists of an increase from 95,479 m² of residential floor space up to 121,730 m². The Secondary Plan permits development of 100% residential uses in the area of the proposed 39-storey residential apartment, however the review will need to determine if sufficient density under the Secondary Plan remains on the lands to accommodate the proposed addition of 27,278 m² in residential uses.

The application proposes an increase in non-residential floor space from 72,446 m² to 82,897 m². The gross floor area of density incentives are also proposed to increase from a total of 31,342 m² to 53,003 m² the bulk of which (44,067 m²) consists of proposed retail floor space exemptions, as discussed in more detail below.

Based upon the proposed site size, the total proposed gross floor area and resulting density is at the maximum limit of the North York Centre Secondary Plan. An issue to be resolved will be whether the gross floor areas in both the proposed density and density incentives are appropriate and in conformity with the maximum limits in the Secondary Plan.

Proposed Rental Replacement Floor Area as a Density Incentive

The Official Plan amendment application proposes to include the gross floor area of the rental replacement housing as a Section 37 community benefit, as this potential exemption is not within the prevailing Secondary Plan's specific list of available density incentives. The Secondary Plan supports amendments to the plan that are minor in nature and local in scope. This proposed site-specific amendment could potentially have broader impacts on the Secondary Plan and will need to be evaluated to determine whether it is appropriate.

Proposed Retail Floor Area as a Density Incentive

The other major density incentive issue to be considered is the proposed exemption of 44,067 m² of street-related retail uses. A large amount of the retail space, pedestrian walkways and cinemas have already been exempted from the density through previous site-specific approvals; and the proposed infill and direct connection of new retail uses on the Yonge Street and Sheppard Avenue frontages may add considerably to the pedestrian environment and streetscape. The issue is how the proposed reconfiguration of retail space and associated entrances, lobbies and common areas can meet the Secondary Plan's objectives to support pedestrians and grade related retail uses in prime frontage areas on Yonge Street and Sheppard Avenue and also to discourage below-grade and internalized retail uses. Pedestrian circulation around, to and through these publicly accessible spaces is an important part of any transit-based, mixed use development proposal. These publicly accessible concourses and gallerias are complementary to the network of public sidewalks and open spaces. The access will need to be visible and open to public use. The challenge is about how to accommodate the significant grade difference between the retail and the existing public sidewalks on each frontage in a way that does not negatively impact, but instead positively contributes towards the streetscape. Pedestrian circulation through the site should seamlessly accommodate grade changes between the public realm and internal retail spaces. Publicly accessible internal spaces will need to be civic in nature and made directly accessible and visible from the public sidewalk. This includes considering how the proposed development relates to the existing below-grade pedestrian located under Yonge Street and connecting to the federal government building.

Proposed Built Form

The height of the proposed 39 storey residential apartment building located mid block on the south side of Greenfield Avenue requires an amendment to the Official Plan from the current 100 metre permission to a height of 120 metres. The proposed height and location of the building needs to be reviewed in the context of the Secondary Plan criteria that discourages such amendments unless an improved built form is achieved and there are no appreciable impacts on stable residential areas. The City's Tall Building Guidelines will

also be used to assess the proposed height, floor plate dimensions and separation distances of the proposed new tall building to existing buildings. The separation distances of the proposed 8 storey rental replacement and commercial building on Sheppard Ave to the existing buildings will also need to be assessed. The application will also need to be reviewed against the criteria in the Secondary Plan regarding setbacks and stepbacks of proposed new or expanded building envelopes in particular on the Yonge Street and Sheppard Avenue frontages.

The TGS Checklist has been submitted by the applicant and is currently under review by City staff for compliance with the Tier 1 performance measures.

CONTACT

Robert Gibson, Senior Planner
Tel. No. 416-395-7059
Fax No. 416-395-7115
E-mail: rgibson@toronto.ca

SIGNATURE

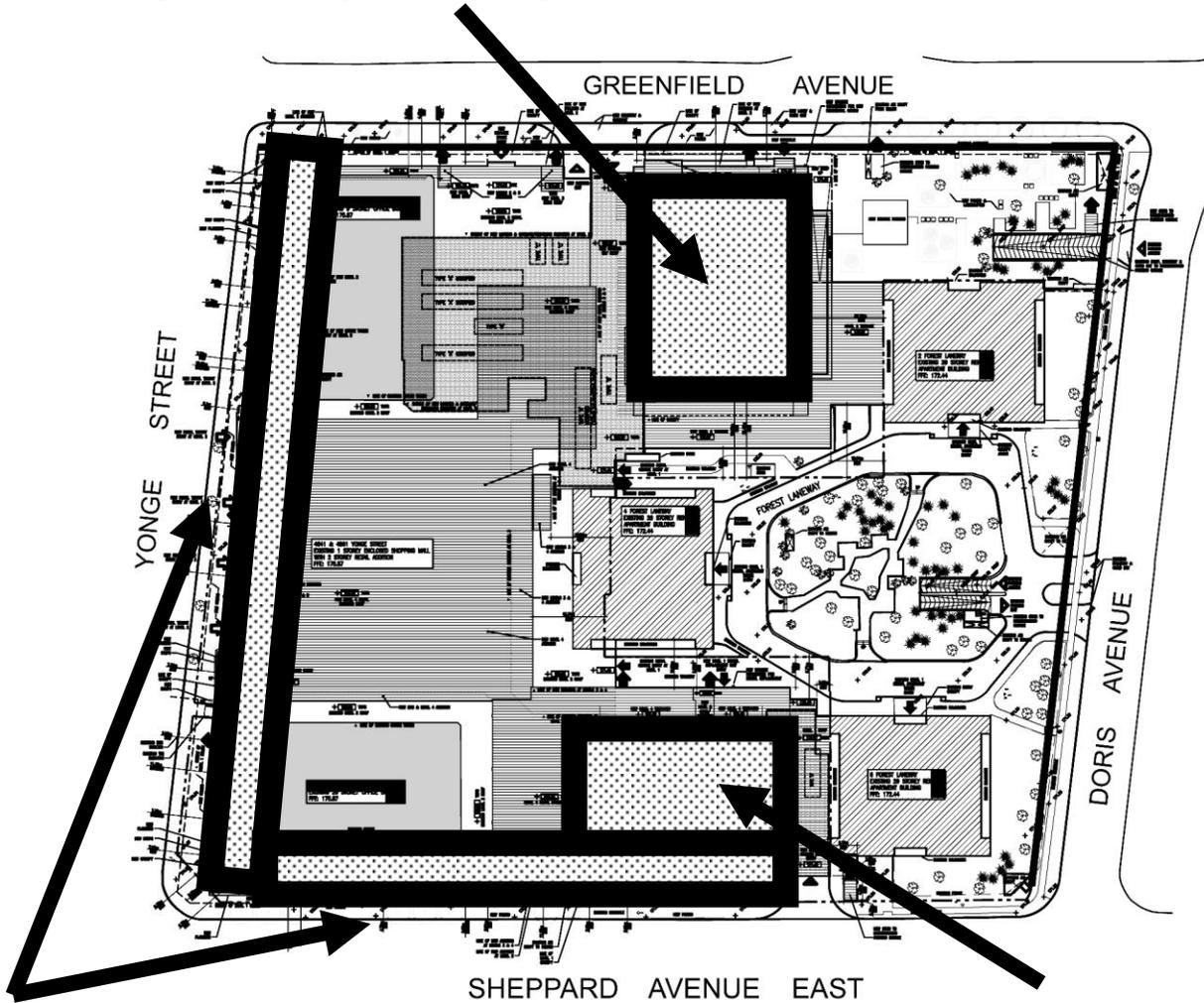
Allen Appleby, Director
Community Planning, North York District

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: North and South Elevations
Attachment 3: East and West Elevations
Attachment 4: Official Plan
Attachment 5: North York Centre Secondary Plan – Land Uses
Attachment 6: North York Centre Secondary Plan – Site Specific Policy
Attachment 7: Zoning
Attachment 8: Application Data Sheet

Attachment 1: Site Plan

Proposed 39-storey Residential Apartment



Proposed New Retail Uses

Proposed Rental Replacement

Site Plan

Applicant's Submitted Drawing

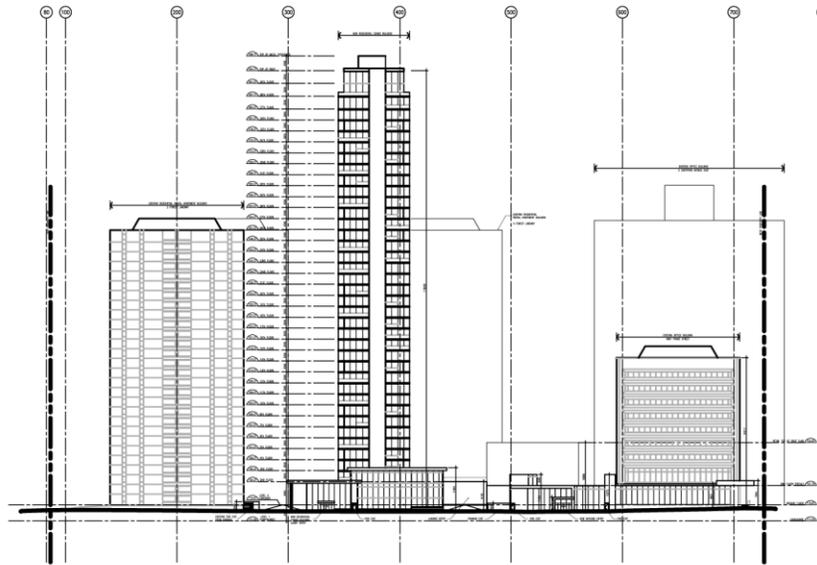
Not to Scale
09/18/2013



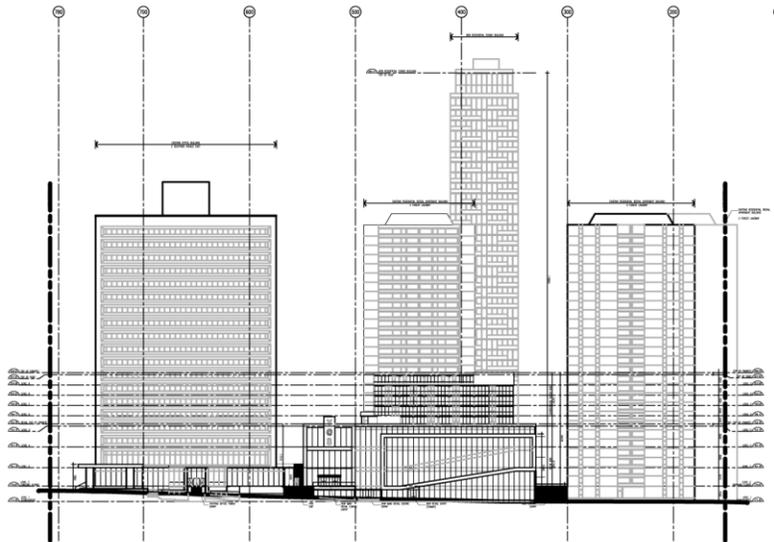
2-50 Sheppard Avenue East, 4841 to 4881 Yonge Street
& 2-6 Forest Laneway

File # 13 171700 NNY 23 OZ

Attachment 2: North and South Elevations



NORTH ELEVATION



SOUTH ELEVATION

Elevations

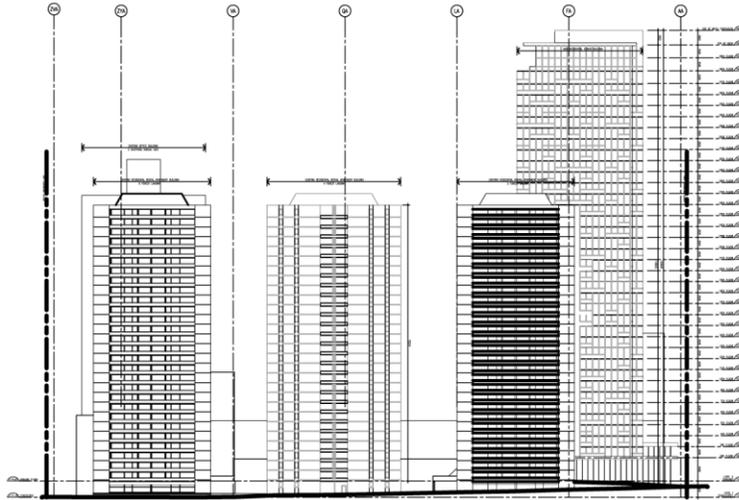
Applicant's Submitted Drawing

Not to Scale
09/18/2013

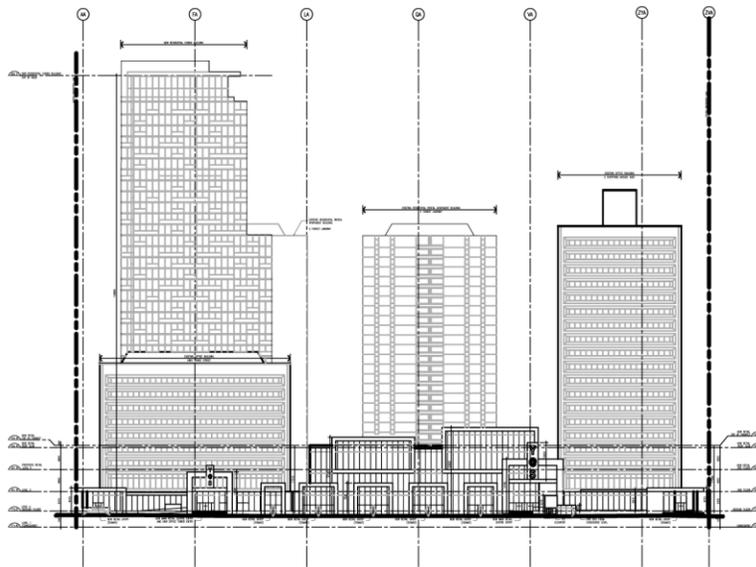
2-50 Sheppard Avenue East, 4841 to 4881 Yonge Street
& 2-6 Forest Laneway

File # 13 171700 NNY 23 0Z

Attachment 3: East and West Elevations



EAST ELEVATION



WEST ELEVATION

Elevations

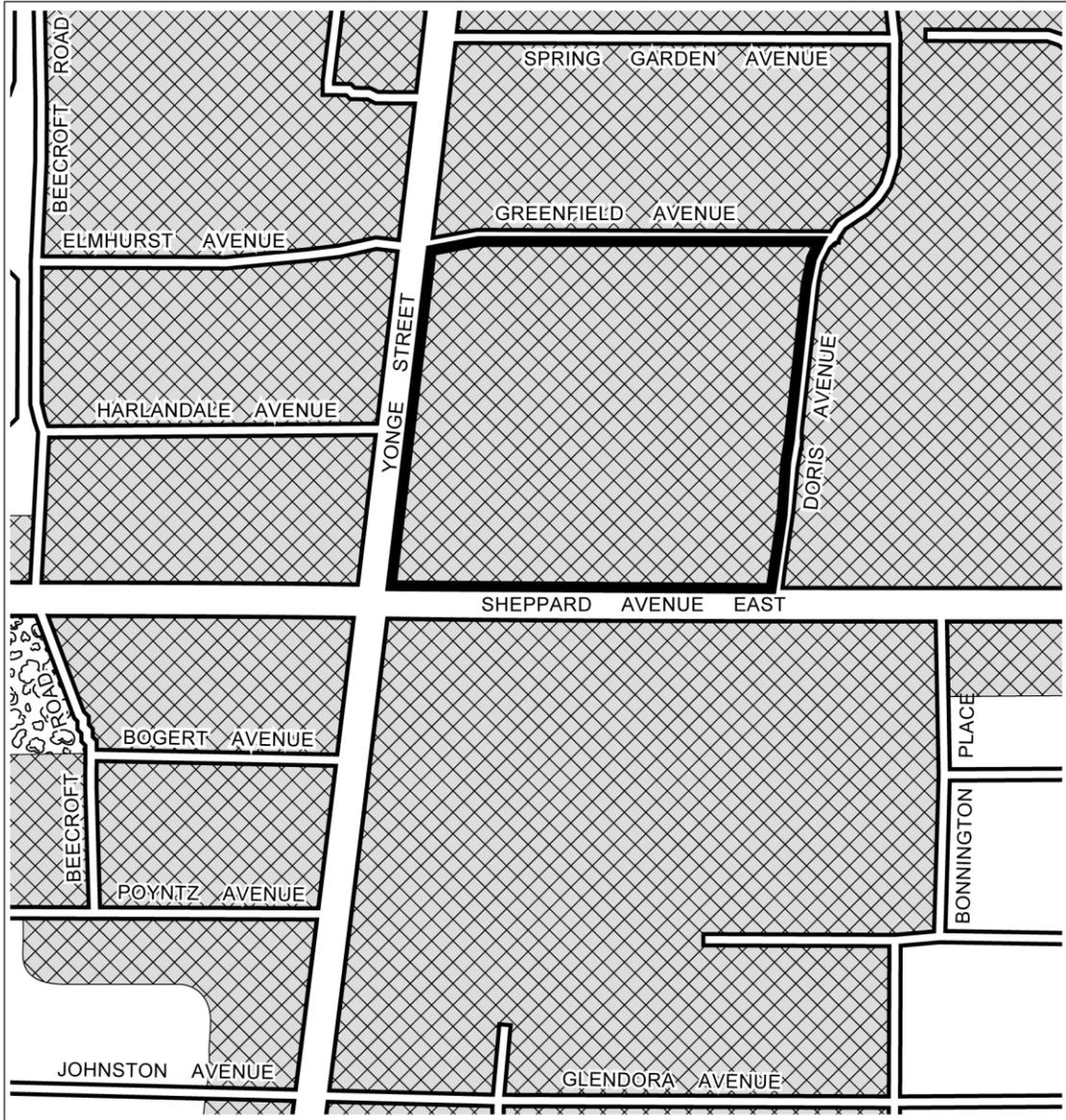
Applicant's Submitted Drawing

Not to Scale
09/18/2013

**2-50 Sheppard Avenue East, 4841 to 4881 Yonge Street
& 2-6 Forest Laneway**

File # 13 171700 NNY 23 0Z

Attachment 4: Official Plan



TORONTO City Planning
Official Plan

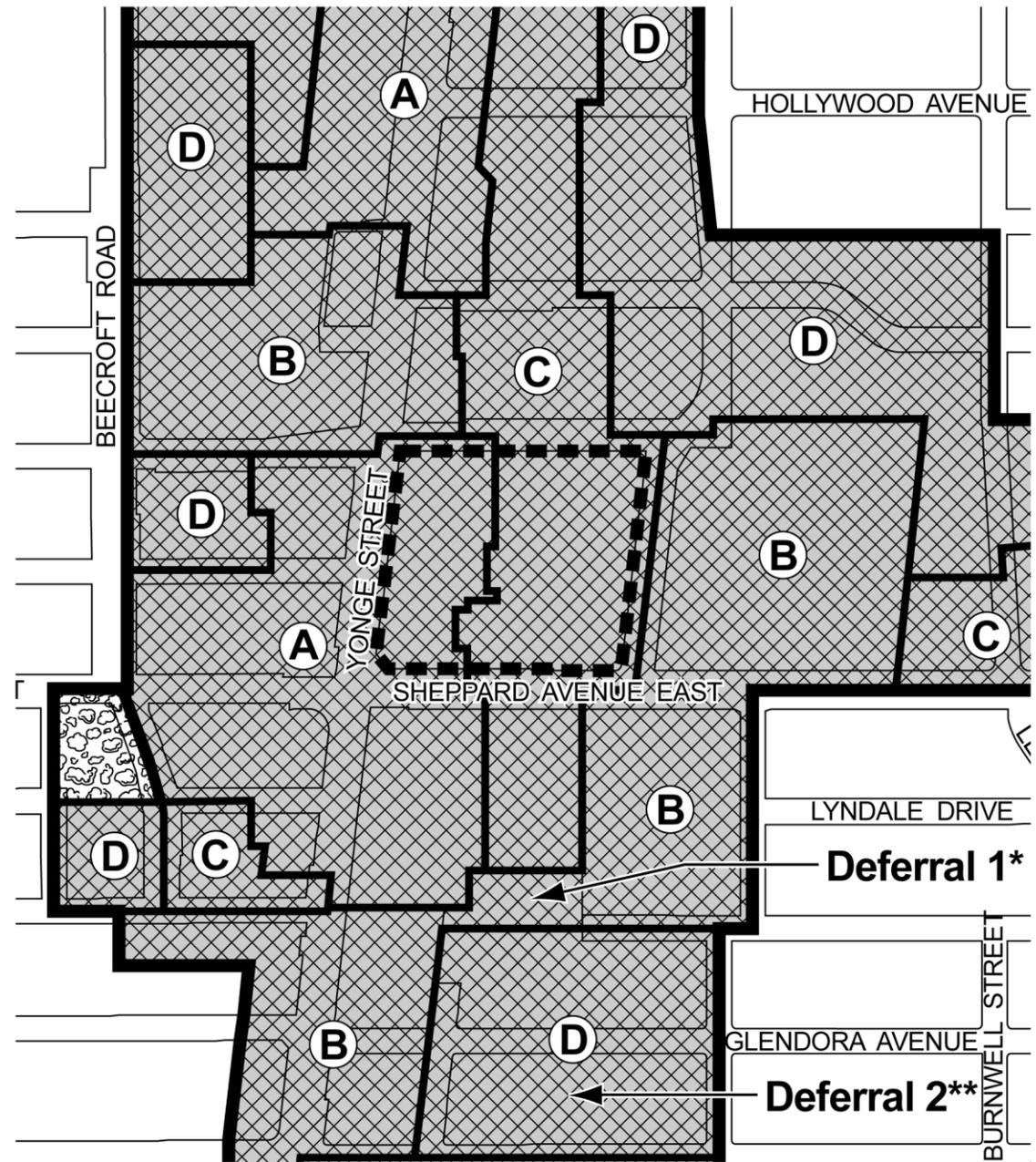
**2-50 Sheppard Avenue East, 4841 to 4881 Yonge Street
 & 2-6 Forest Laneway**

File # 13 171700 NNY 23 02

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


 Not to Scale
 09/17/2013

Attachment 5: North York Centre Secondary Plan – Land Uses



North York Centre Secondary Plan

MAP 8-3 North York Centre South Land Use Areas

-  Secondary Plan Boundary
-  Mixed Use Areas
 - Area A - 0% Residential Use
 - Area B - Maximum 50% Residential Use
 - Area C - Maximum 100% Residential Use
 - Area D - Maximum 100% Residential Use
-  Subject Property
-  Parks and Open Space Areas

*Deferral 1 No decision made by Ministry on lands identified as Deferral 1
 **Deferral 2 Lands identified as Deferral 2 have not yet received approval from the OMB

**2-50 Sheppard Avenue East,
 4841 to 4881 Yonge Street &
 2-6 Forest Laneway**

File # 13 171700 NNY 23 0Z

Not to Scale
 09/24/2013 

Attachment 6: North York Centre Secondary Plan – Site Specific Policy



North York Centre Secondary Plan
MAP 8-12 North York Centre South Site Specific Policies

- ■ ■ Subject Property
- ▬ Secondary Plan Boundary
- Site Specific Policy Areas*

* The shaded areas on this map are subject to the specific policies set out in the North York Centre Secondary Plan, Section 12.
 This map forms part of the Official Plan and should be interpreted in conjunction with the written text.

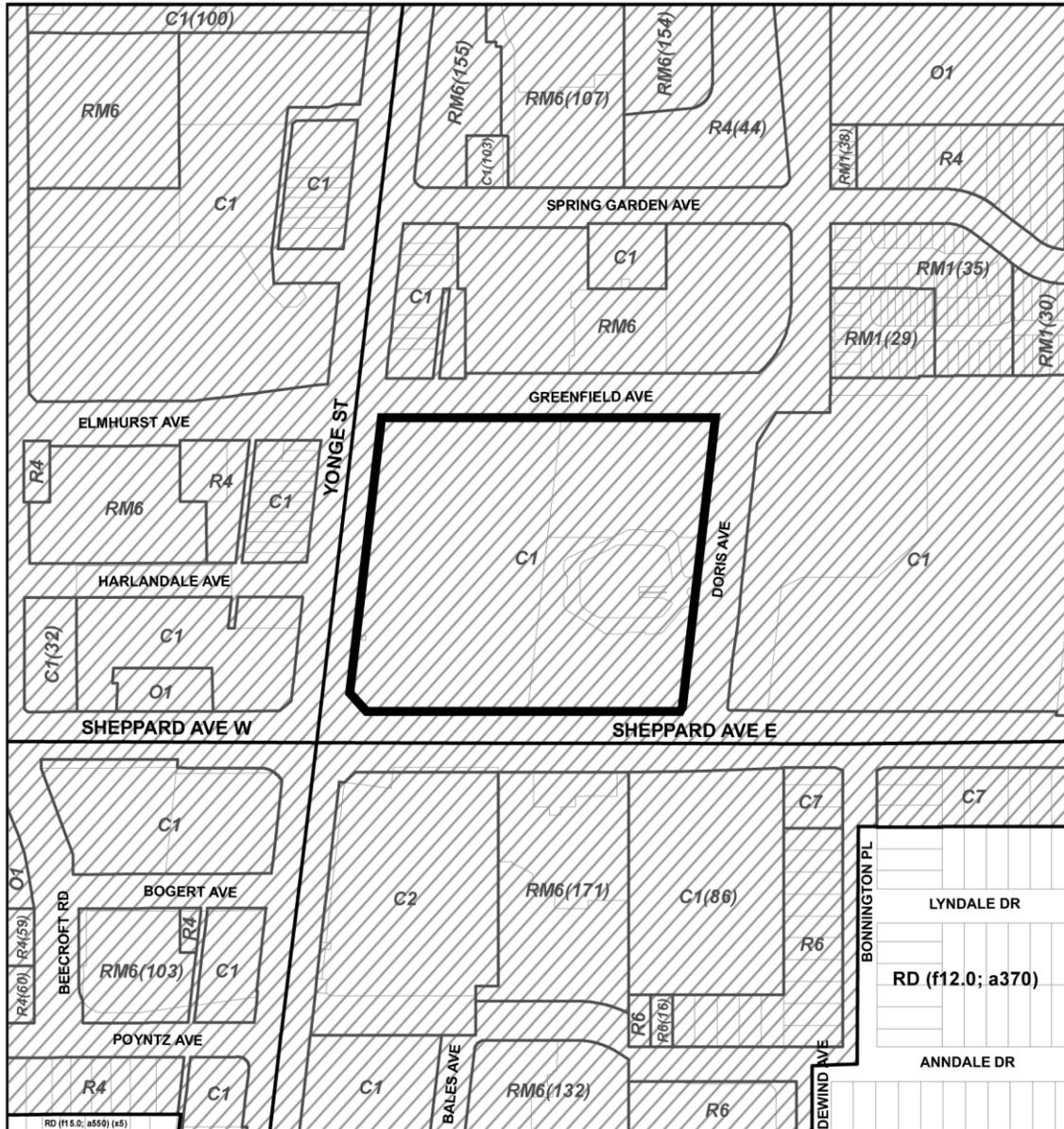
**2-50 Sheppard Avenue East,
 4841 to 4881 Yonge Street &
 2-6 Forest Laneway**

File # 13 171700 NNY 23 0Z

Not to Scale
 09/24/2013



Attachment 7: Zoning



TORONTO City Planning
Zoning By-law 569-2013

**2-50 Sheppard Avenue East, 4841 to 4881 Yonge Street
 & 2-6 Forest Laneway**
 File # 13 171700 NNY 23 0Z

- Location of Application
- R4** One-Family Detached Dwelling Fourth Density Zone
- R6** One-Family Detached Dwelling Sixth Density Zone
- RM6** Multiple-Family Dwellings Sixth Density Zone
- RM1** Multiple-Family Dwellings First Density Zone

- See Former
- C1** General Commercial Zone
- C2** Local Shopping Centre Zone
- C7** Mixed Use Commercial Zone
- O1** Open Space Zone

Not to Scale
 Extracted 09/20/2013

