

5, 7, 9, 11 & 15 Kenaston Gardens and 577 Sheppard Avenue East - Official Plan and Zoning By-law Amendment Applications - Preliminary Report

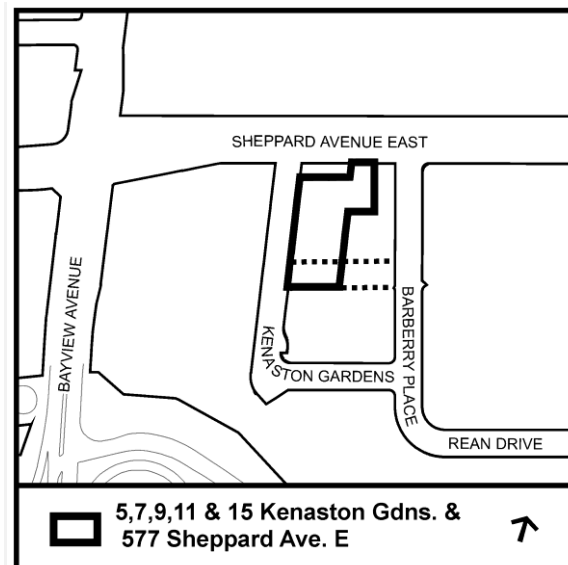
Date:	October 27, 2013
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 24 – Willowdale
Reference Number:	13 225019 NNY 24 OZ

SUMMARY

This application proposes an amendment to the Official Plan and Zoning By-law to permit a mixed use development at 5, 7, 9, 11 and 15 Kenaston Gardens and 577 Sheppard Avenue East. The proposal comprises a 12-storey mixed use building containing 262 dwelling units with 249 m² of retail space, 233 below grade parking spaces, 198 bicycle parking spaces, a new public road and an on-site parkland dedication along the Sheppard Avenue East frontage. The development would have a gross floor area of 19,858 m² resulting in a density of 4.35 FSI.

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

The report recommends that a community consultation meeting be scheduled by City Planning staff, in consultation with the Ward Councillor. A Final Report and a Public Meeting under the *Planning Act* is



targeted for Spring 2014 providing the applicant submits all required information in a timely manner.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff be directed to schedule a community consultation meeting for the lands at 5, 7, 9, 11 & 15 Kenaston Gardens and 577 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

On February 26, 2009, the previous owners of 5 and 7 Kenaston Gardens filed a rezoning application to develop the two sites with a 6-storey, 56-unit condominium building. The preliminary staff report adopted by North York Community Council on May 14, 2009 is available on the City's website at:

<http://www.toronto.ca/legdocs/mmis/2009/ny/bgrd/backgroundfile-20571.pdf>

The previous owner did not proceed with the application that was subsequently closed on February 11, 2012. The sites were acquired by the current owners, Pine Ridge Building Corporation, and form part of a larger land assembly that includes four other properties municipally known as 9, 11 & 15 Kenaston Gardens and 577 Sheppard Avenue East.

Pre-Application Consultation

A pre-application consultation meeting was held with the applicant to discuss complete application submission requirements.

ISSUE BACKGROUND

Proposal

The applicant is proposing to amend the Official Plan and former City of North York Zoning By-law No. 7625 and City of Toronto Zoning By-law 569-2013 to permit a 12-storey (38.4 metre high) mixed use building containing 262 dwelling units with 249 m² of grade related retail space, 233 below grade parking spaces, 198 bicycle parking spaces, a new public road and an on-site parkland dedication along the Sheppard Avenue East

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frontage. The proposed unit mix comprises 8 studio units, 165 1-bedroom units and 89 2-bedroom units. The development would have a gross floor area of 19,858 m² resulting in a density of 4.35 FSI.

The proposed mixed use building would be L-shaped in plan with an 9-storey building wing along Sheppard Avenue and a 12-storey wing along the Kenaston Gardens frontage (refer to Attachment 1). The Sheppard Avenue façade would be stepped back at the 7th floor and at the 7th and 10th floors on the Kenaston Gardens façade (see Attachment 4 – Perspectives). The proposed 249 m² of retail space would be located at the Sheppard Avenue East/Kenaston Gardens corner of the building. The building design also includes 429 m² of indoor amenity space on the ground floor and 10th floor. The amenity space on the 10th floor is adjacent to a 471 m² outdoor rooftop amenity area.

The ground floor of building would be set back 3 metres from an existing public parkette along Sheppard Avenue East, 3.5 metres from Kenaston Gardens and 2.1 to 4.5 metres from the proposed public road. The proposal incorporates a 227 m² on-site parkland dedication along Sheppard Avenue East in front of 577 Sheppard Avenue East. The 12.9 metre wide dedication would function as a continuation of the public parkette located at the southeast corner of Sheppard Avenue East and Kenaston Gardens (see Attachment 1).

The southerly 16.5 metres of the site is proposed to be dedicated to the City for public road purposes. The proposal also includes the construction of a portion of a municipal road that would eventually be extended to Barberry Place with the future redevelopment of the adjacent properties east of the site. Vehicular access to the development would be provided at the east end of the proposed public road. The private driveway would provide access to the loading area for the building, three surface parking spaces designated for the proposed retail uses and to a 3-level underground parking garage that would contain 205 parking spaces for tenants and 28 parking spaces shared between residential visitors and retail customers. The first two levels of the underground parking structure covers the site while the third parking level would be a partial level (17 spaces). A portion of the 2-level underground parking structure (containing 20 parking spaces, bicycle parking and stormwater storage facilities) would extend beneath the boulevard of the proposed public road.

The project statistics are included in the Application Data Sheet in Attachment 8.

Site and Surrounding Area

The 0.46 hectare (1.13 acre) site is located on the south side of Sheppard Avenue East and the east side of Kenaston Gardens directly opposite the Bayview subway station entrance. It is situated within a planned community often referred to as NY Towers. The site is a land assembly comprising 6 residential lots municipally known as 5, 7, 9, 11 & 15 Kenaston Gardens and 577 Sheppard Avenue East. It has frontages of approximately 59 metres along Sheppard Avenue East (including 42.5 metres along an existing public parkette), 54 metres along Kenaston Gardens and 42.5 metres along a proposed public

road at the south edge of the site. The site is currently developed with 5 one-storey single detached dwellings fronting Kenaston Gardens and a 2-storey dwelling at 577 Sheppard Avenue East.

The following is a summary of the area context:

- North: Sheppard Parkette and Sheppard Avenue East then Bayview Village Shopping Centre;
- South: an 8-storey condominium apartment building at 17 Kenaston Gardens (NY Place) then the east-west leg of Kenaston Gardens ;
- East: single detached dwellings then Barberry Place;
- West: Bayview Subway Station, YMCA and Kenaston Gardens Park.

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 lands are designated *Mixed Use Areas* on Land Use Map 16 of the Toronto Official Plan (see Attachment 6- Official Plan). This designation provides for a broad range of commercial, residential and institutional uses in single-use or mixed-use buildings as well as parks and open spaces. Policies relevant to this application include Policies 3.1.1 (Public Realm), 3.2.1 (Built Form), 4.5(2) (Development Criteria in *Mixed Use Areas*) and 5.1.1 (Section 37 – Height and/or Density Incentives).

The Toronto Official Plan is available on the City's website at:

http://www.toronto.ca/planning/official_plan/pdf_chapter1-5/chapters1_5_aug2007.pdf

Sheppard East Subway Corridor Secondary Plan

The site is also subject to the Sheppard East Subway Corridor Secondary Plan set out in Chapter 6, Section 9 of the Toronto Official Plan. The Secondary Plan contains policies

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that are area-specific and at a greater level of detail than those in the Official Plan. The site is part of a Key Development Area in the Bayview Node of the Secondary Plan which assigns a maximum density of 3.0 FSI, as indicated on Map 9-2 of the Plan.

The Secondary Plan provides for development at a pedestrian scale with buildings framing the streets and heights generally in proportion to the width of adjacent streets. The Secondary Plan states that generally, the highest densities and building heights should be promoted closest to the subway stations, and to a lesser extent along the arterial roads. Along those parts of the Sheppard Avenue frontage not in close proximity to subway stations, the Plan states the maximum building height will generally be 6 storeys. The building height policy goes on to state that exceptions may be considered where it is demonstrated that creative architectural features (including terracing and detailed elevation articulation) would result in a built form that enhances the Sheppard Avenue street edge. Council may enact Zoning By-laws that provide for these exceptions to the maximum height without amendment to the Secondary Plan where it is demonstrated the intent of the Plan has been respected.

Figure 4.3.3 of the Secondary Plan shows incentives for the provision of specific uses and facilities on lands designated *Mixed Use Areas*. The specific uses and facilities listed include: the provision of private recreational uses; public community centre; fire station; social facility or transit terminal; the provision of, or retention of, a place of worship; the designation of a heritage building; and the provision of pedestrian connections to transit terminals. The Secondary Plan states the gross floor area of these facilities would be exempted from the calculation of densities and may be secured through various means including agreements pursuant to Section 37 of the *Planning Act*.

The Secondary Plan also includes policies regarding density transfers. In order to assist in obtaining the dedication of lands required for public roads, road widenings and publicly owned parkland, it is a policy of the Plan that the density attributable to such lands may be transferred to another parcel of land within the same development node at nominal cost to the City.

In addition to the above noted general policies of the Secondary Plan, the site is subject to the area specific development policies of *Section 4.2.2 – Kenaston Gardens/Sheppard Square Area*. Area specific criteria relevant to this application include considerations such as coordinated development, encouraging comprehensive land assembly, building designs with a "mainstreet" approach along Sheppard Avenue with mid-rise building heights compatible with the commercial and residential uses north of Sheppard Avenue and improved pedestrian connections to the Bayview Subway Station.

The Sheppard East Subway Corridor Secondary Plan is available on the City's website at: http://www.toronto.ca/planning/official_plan/pdf_secondary/9_sheppard_subway_aug2007.pdf

Context Plan for the Southeast Bayview Node

The Secondary Plan includes an implementation policy that contemplates the use of Context Plans for sites within key development areas to ensure development is coordinated in conformity with the Secondary Plan. Context Plans are generally required for large sites and comprehensive developments.

A Context Plan for this area was adopted by City Council in March 2001. While the Secondary Plan provides a vision for the level and form of development along the corridor, the Context Plan helps define the specific pattern and built form characteristics of development in the southeast quadrant of the Bayview/Sheppard intersection. The Context Plan covers the area bounded by Bayview Avenue, Sheppard Avenue East, Rean Drive and Highway 401 and will be used to evaluate and inform the application.

The Context Plan consists of a structure plan, height diagram and block pattern diagram integrating the transportation and open space options for the area as well as urban design guidelines to assist Council in its decisions on development applications. Together, the maps and design principles provide a framework for the co-ordinated and incremental development of land in this neighbourhood. Refinements to the development criteria are to be examined as applications proceed through the review process.

The Context Plan provides for mid-rise buildings defining the south side of Sheppard Avenue creating the north edge of the neighbourhood. Buildings are to generally be 10 storeys in height at the intersection of Bayview Avenue and Sheppard Avenue stepping down to 6 storeys at the eastern edge of the neighbourhood.

As noted above, the Context Plan for the area includes a Block Pattern diagram that illustrates potential development blocks created by existing and new streets and parks (see Attachment 7 – Block Pattern). The proposal comprises six lots (5, 7, 9, 11 & 15 Kenaston Gardens and 577 Sheppard Avenue East) on the westerly portion of Block C between Sheppard Avenue East and the public road (on 15 Kenaston Gardens). The remaining lands within this Block include four lots on the west side of Barberrry Place comprising 579 Sheppard Avenue East and 27, 25 and 23 Barberrry Place. Through the development approval process a portion of 23 Barberrry Place would be conveyed and dedicated to the City as a public road to complete the east-west local road connection between Kenaston Gardens and Barberrry Place. As noted previously, to assist in obtaining the dedication of lands required for public parks and roads, policy 4.3.2 of the Secondary Plan (General Transfers) states the density attributable to such lands may be transferred to development permitted on another parcel of land within the same development node (in this instance the Bayview Node).

The Context Plan also speaks to "special sites" that are shown on the Structure Plan and referred to as "Potential Gateway" or "Potential Terminus" sites. Gateway sites are corner properties at Kenaston Gardens, Barberrry Place and Rean Drive where they intersect with Sheppard Avenue East, such as the subject site. The Context Plan states buildings located

on these sites must be massed and articulated to frame the public gateway with a memorable image. Potential terminus sites are those that terminate a street space and have the potential to create a memorable image at the end of a street.

The Context Plan for the Southeast Bayview Node is available on the City's website at: http://www.toronto.ca/planning/urbdesign/pdf/36southeast_bayviewnod.pdf

Zoning

The property at 5 Kenaston Gardens is zoned R4 (One Family Detached Dwelling Fourth Density Zone) in former City of North York Zoning By-law No. 7625. The zoning permits single detached dwellings and accessory buildings as well as a wide range of recreational and institutional uses. The remaining lands at 7, 9, 11 & 15 Kenaston Gardens and 577 Sheppard Avenue East are zoned RD (f115; a550)(x5) – Residential Detached Zone by City of Toronto Zoning By-law 569-2013. The zoning also permits single detached dwellings and accessory buildings as well as a range of recreational and institutional uses.

Site Plan Control

A Site Plan application has not been filed with the application but will be required.

Tree Preservation

An Arborist Report and tree inventory plan has been submitted with the application and will be reviewed to determine the condition of existing trees and any necessary tree protection and maintenance plan. The owner will be required to obtain the necessary permits prior to removing any trees pursuant to Private Tree Protection By-law No. 780-2004 and the 'Trees On City Streets' By-law.

Reasons for the Application

An amendment to the Secondary Plan is required respecting maximum density. The proposed density of 4.35 FSI exceeds the maximum density of 3.0 times the area of the lot as shown on Map 9-2 – Key Development Areas. The proposed development will also require an amendment to former City of North York Zoning By-law No. 7625 and City of Toronto By-law 569-2013 to permit the proposed use and other standards including height, density, coverage, setbacks and parking rates. Appropriate standards would be established through a site specific exception.

COMMENTS

Application Submission

The following reports/studies were submitted with the application:

- Plan of Survey
- Architectural Plans and Drawings
- Landscape Master Plan and Rooftop Landscape Plan

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- Planning Justification Report
- Pedestrian Level Wind Study
- Sun/Shadow Study
- Transportation Assessment Study
- Functional Servicing Report and Stormwater Management Report
- Tree Preservation Plan/Arborist Report
- Toronto Green Standards Checklist

A Notification of Complete Application was issued on October 1, 2013.

Issues to be Resolved

On a preliminary basis, matters to be addressed through the review of this application include:

- the appropriateness of the proposed height and density of the development;
- the compatibility of the proposed development with the surrounding context including appropriate built form and massing;
- appropriate ground floor uses along Sheppard Avenue East and the future public road to the south to support a safe pedestrian environment;
- an analysis of the remaining *Mixed Use Areas* lands within the Block to ensure they can be developed in conformity with the provisions of the Secondary Plan;
- the traffic impact study and local roads must be assessed to ensure there is sufficient capacity to accommodate the additional traffic generated by the development.
- potential traffic and parking impacts on local streets;
- the appropriateness of providing a 16.5 metre right-of-way for a public road rather than a 20 metre wide right-of-way;
- the appropriateness of below grade parking structure encroachments within the boulevard of the proposed right-of-way;
- assessment of the proposed access, parking supply, and vehicular circulation;
- assessment of the loading, refuse and recycling operations of the proposed development;
- assessment of the stormwater management and servicing of the proposed development;
- potential parkland dedication and location;
- review of pedestrian access including sidewalks and entrances and their relationship with adjacent public streets and properties;
- a review of the streetscape design along the Sheppard Avenue East, Kenaston Gardens and the future public road frontages of the site;
- adequacy of indoor and outdoor residential amenity spaces;
- the availability and adequacy of community services and facilities in the area to support the proposed residential development;
- compliance with the Toronto Green Standards Tier 1 performance measures; and
- the determination of appropriate Section 37 community benefits.

Additional issues may be identified through the review of the application, agency comments and the community consultation process.

CONTACT

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E-mail: sforrest@toronto.ca

SIGNATURE

Allen Appleby, Director
Community Planning, North York District

ATTACHMENTS

Attachment 1: Site Plan

Attachment 2: Elevations (South and East)

Attachment 3: Elevations (North and West)

Attachment 4: Perspectives

Attachment 5: Zoning

Attachment 6: Official Plan

Attachment 7: Block Pattern – Southeast Bayview Node Context Plan

Attachment 8: Application Data Sheet

Attachment 1: Site Plan



Site Plan

5,7,9,11, & 15 Kenaston Gardens & 577 Sheppard Ave. E.

Applicant's Submitted Drawing

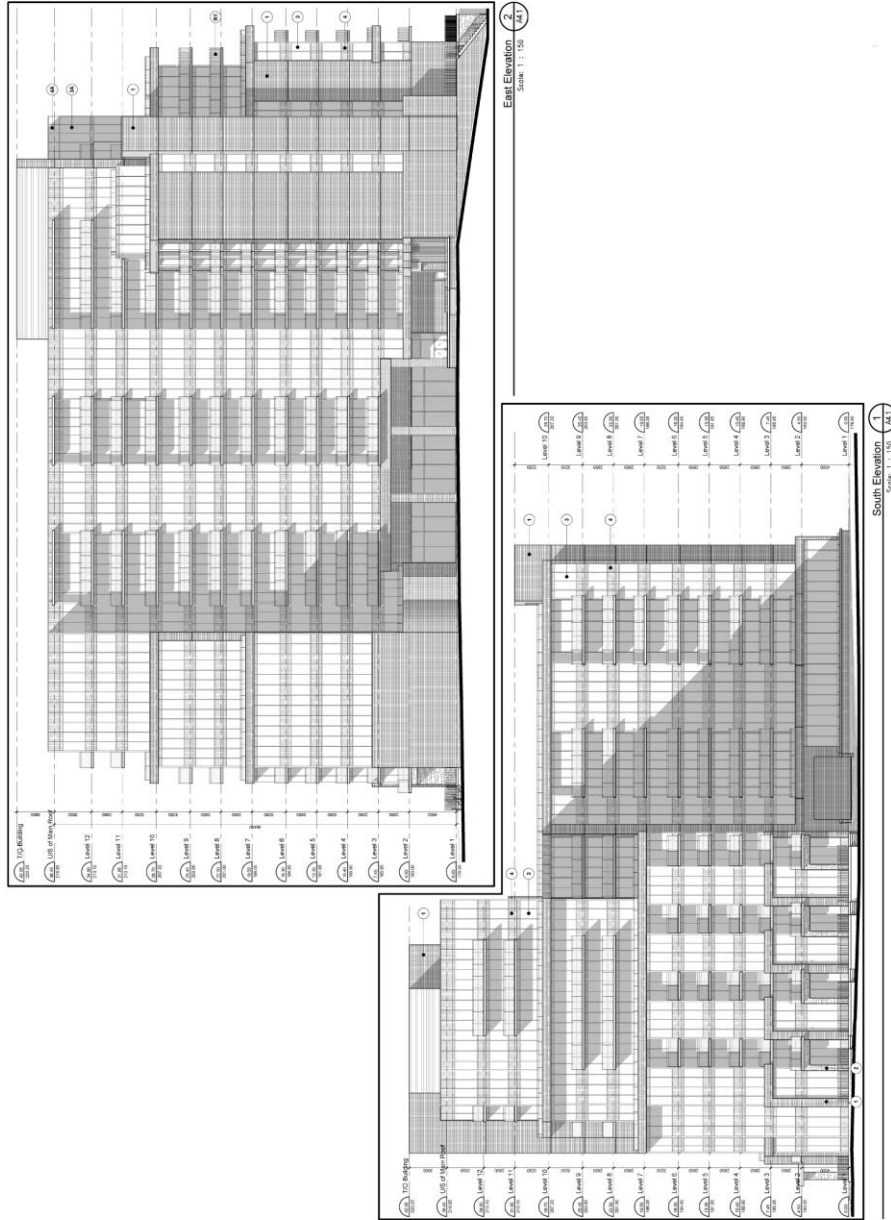
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Attachment 2: Elevations (South and East)



Elevations

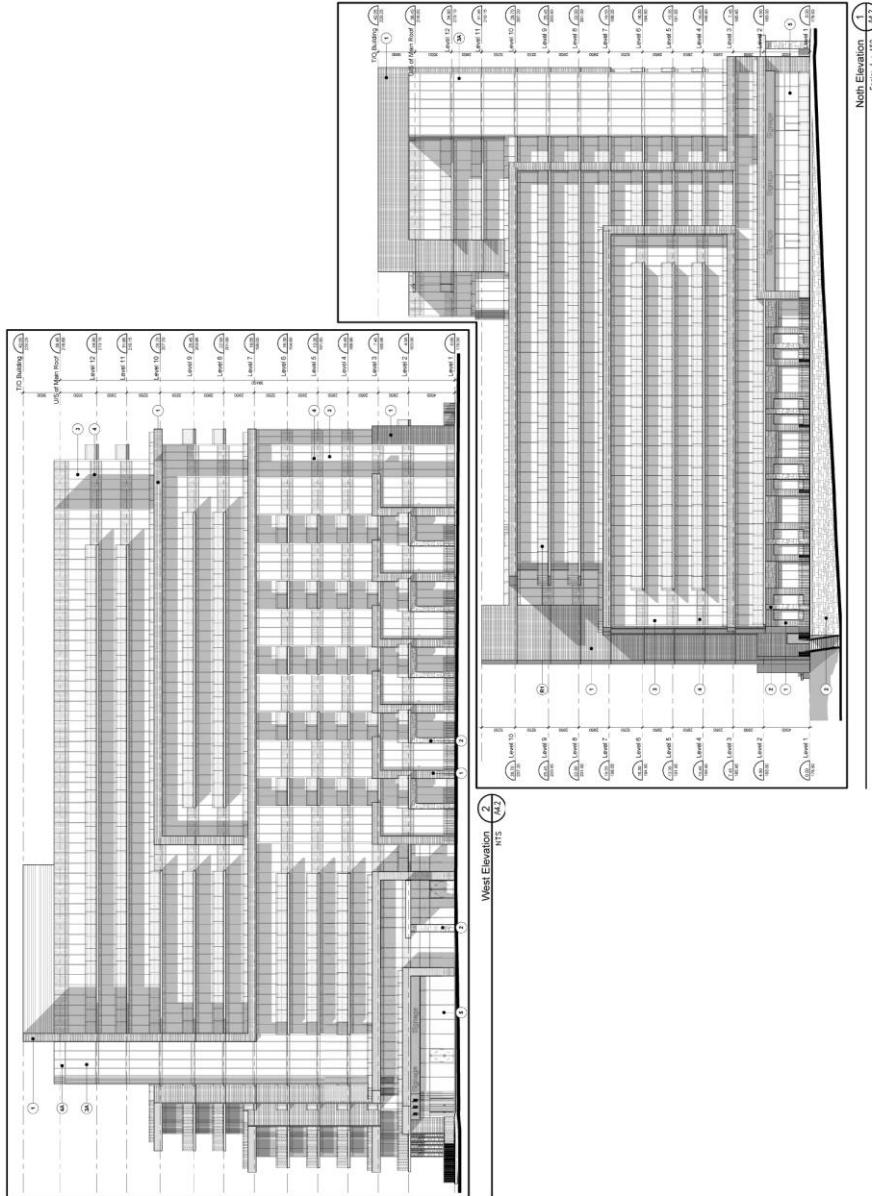
Applicant's Submitted Drawing

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5,7,9,11, & 15 Kenaston Gardens & 577 Sheppard Ave. E.

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Attachment 3: Elevations (North and West)



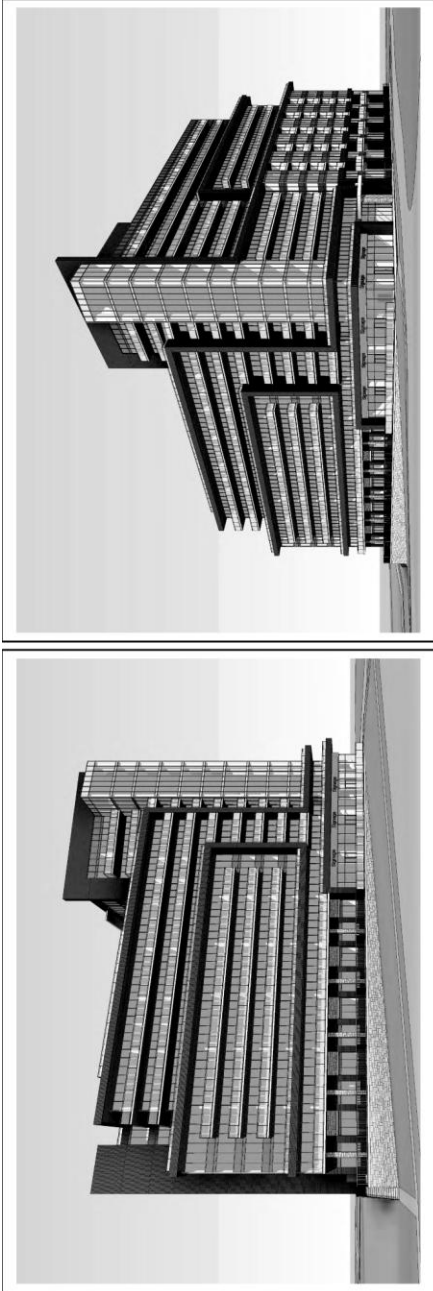
Elevations
5,7,9,11, & 15 Kenaston Gardens & 577 Sheppard Ave. E.

Applicant's Submitted Drawing

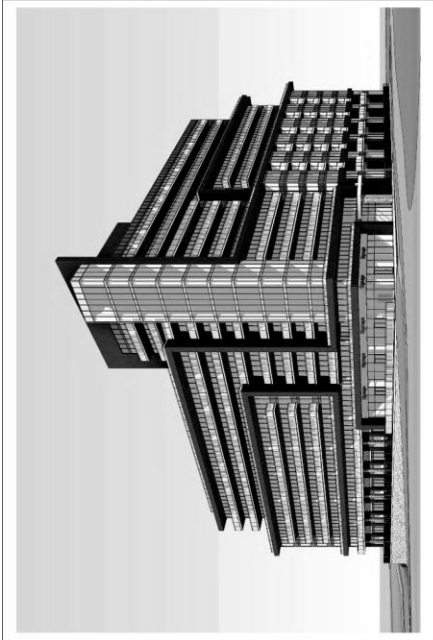
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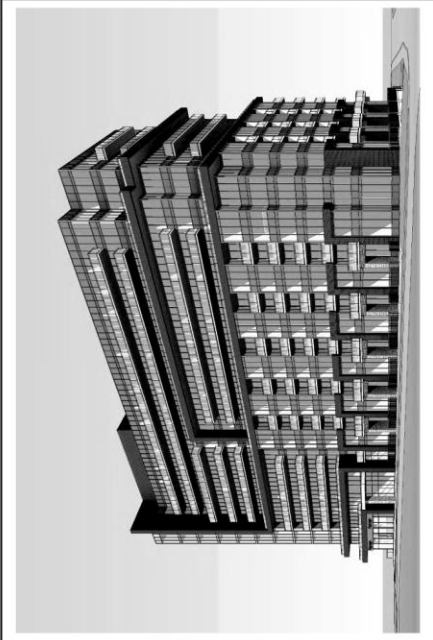
Attachment 4: Perspectives



View From Sheppard Ave Looking South (1) NTS



View From Sheppard Ave Looking South-East (2) NTS



View From Kenaston Gardens Looking North-East (3) NTS



View From New Street Looking North-West (4) NTS

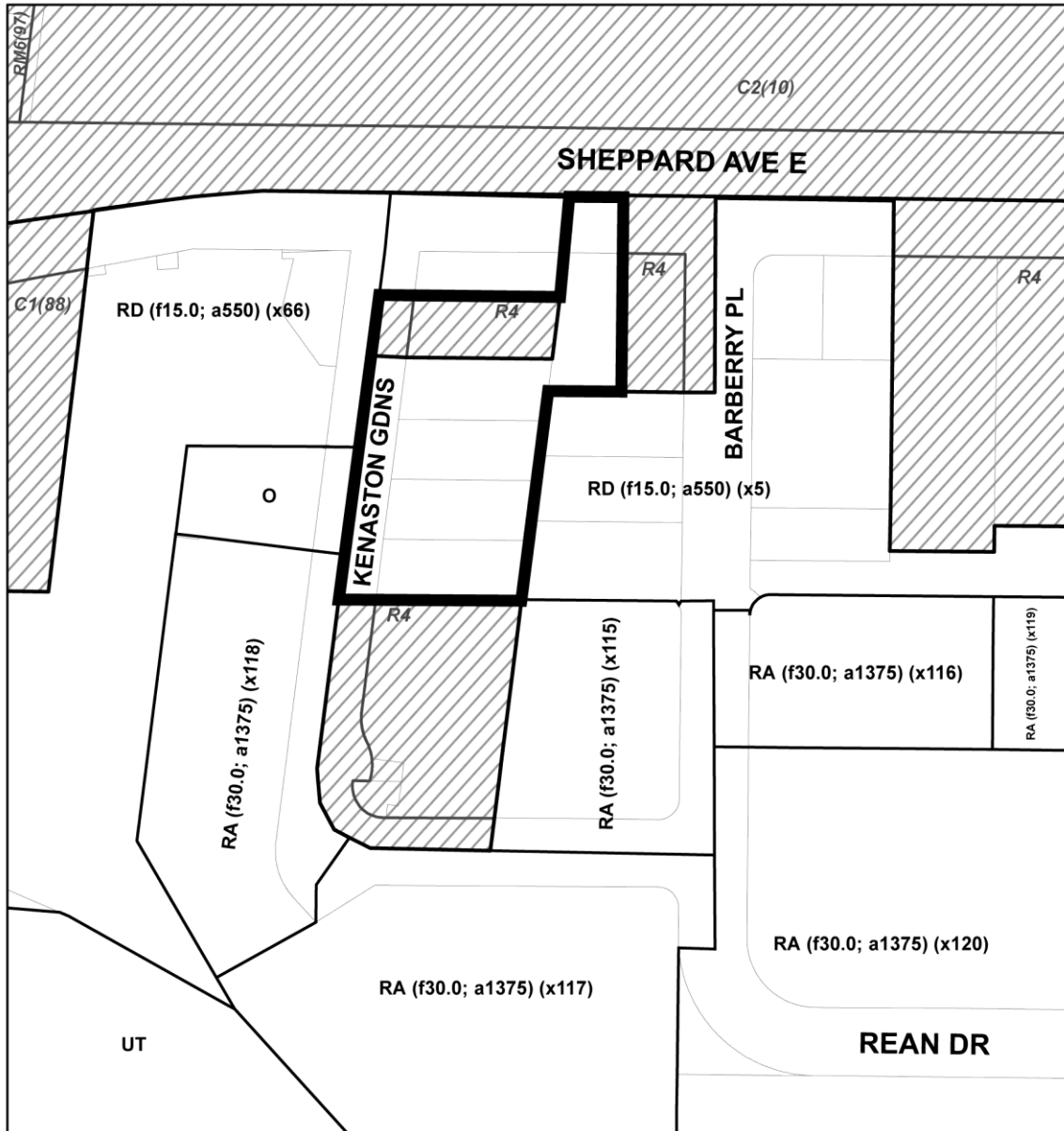
Perspective Views

Applicant's Submitted Drawing

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Attachment 5: Zoning



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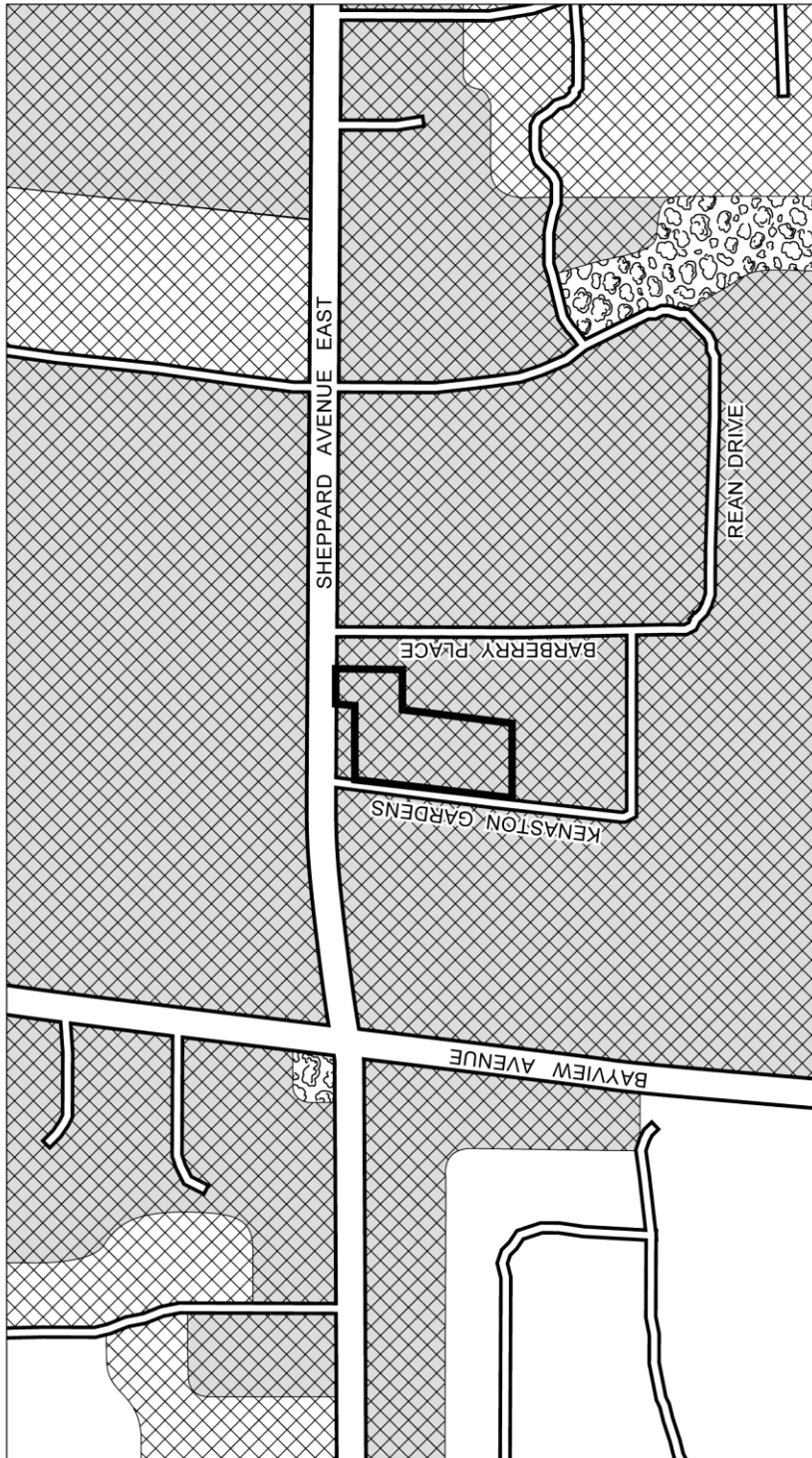
Zoning By-law 569-2013
File # 13 225019 NNY 24 02

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|--|--|
| <p> Location of Application</p> <p>R4 One-Family Detached Dwelling Fourth Density Zone</p> <p>C1 General Commercial Zone</p> <p>C2 Local Shopping Centre Zone</p> | <p> See Former By-law 7625</p> <p>RA Residential Apartment</p> <p>RD Residential Detached</p> <p>UT Utility and Transportation</p> <p>O Open Space</p> |
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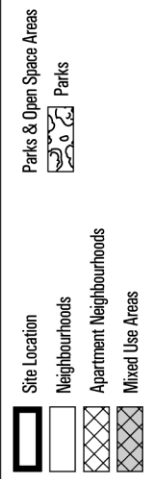
Attachment 6: Official Plan



5,7,9,11 & 15 Kenaston Gdns. & 577 Sheppard Ave. E.

Toronto City Planning
 Extract from Official Plan

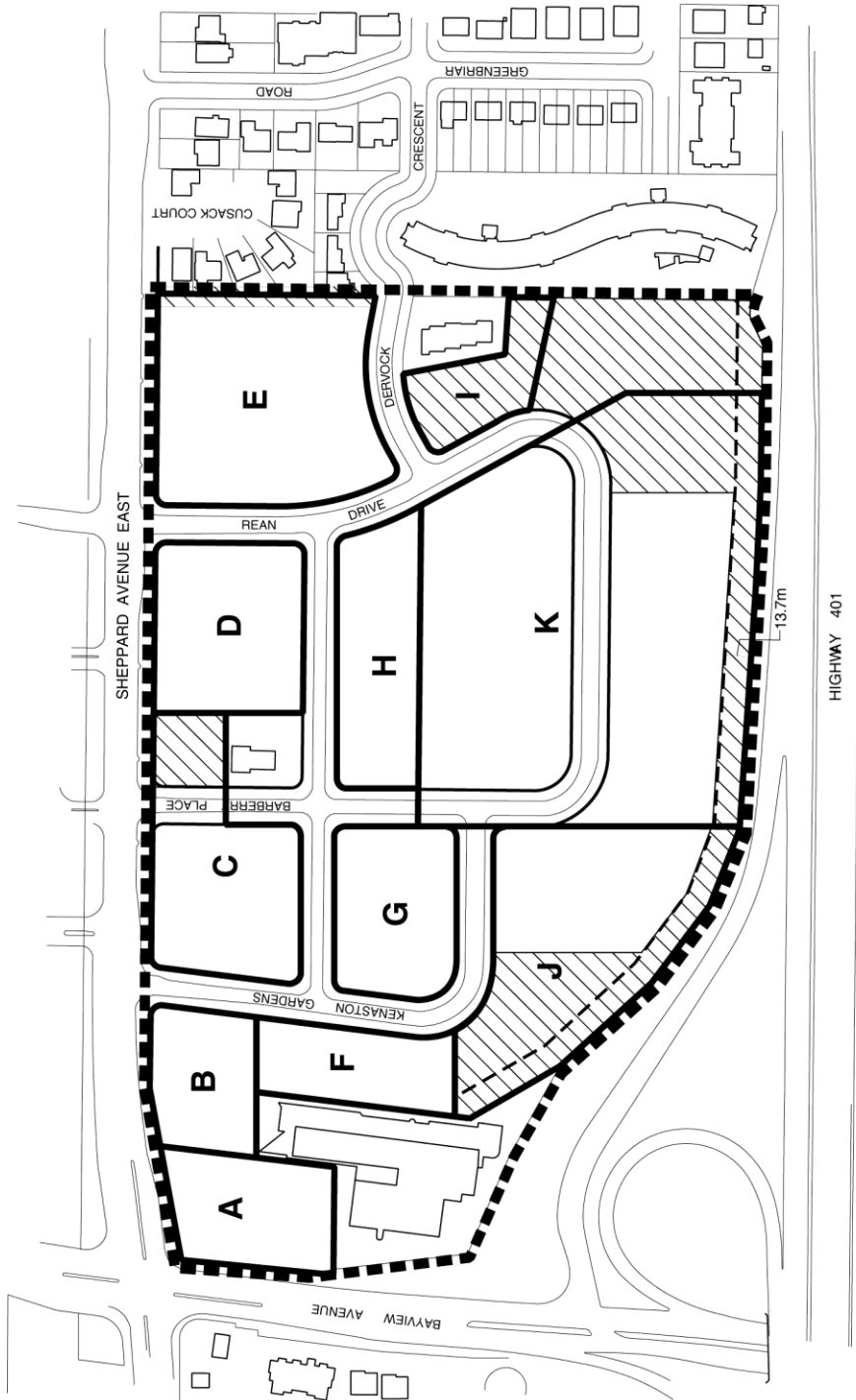
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Attachment 7: Block Pattern Plan



Block Pattern - Southeast Bayview Node Context Plan

591 & 593 Sheppard Ave. East



-  Context Plan Study Area
-  Parks and Open Space

File # 12 298398 NNY 24.0Z

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Attachment 8: Application Data Sheet

Application Type	Official Plan Amendment & Rezoning	Application Number:	13 225019 NNY 24 OZ
Details	OPA & Rezoning, Standard	Application Date:	August 22, 2013

Municipal Address: 5, 7, 9, 11 & 15 KENASTON GARDENS and 577 SHEPPARD AVE E
 Location Description: CON 2 EY PT LOT 15 **GRID N2406
 Project Description: 12-storey, 262-unit mixed use building with 249 square metres of grade related retail, 233 parking spaces, 198 bicycle parking spaces, a public park and a new public road.

Applicant:	Agent:	Architect:	Owner:
WESTON CONSULTING GROUP INC	RYAN GUETTER	KIRKOR ARCHITECTS & PLANNERS	2334094 ONTARIO LTD

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:
Zoning:	RD (f15.0,a550)(x5)	Historical Status:
Height Limit (m):		Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq. m):	4564.28	Height:	Storeys:	12
Frontage (m):	89.57		Metres:	42.05
Depth (m):	0			
Total Ground Floor Area (sq. m):	1924			Total
Total Residential GFA (sq. m):	19609.33		Parking Spaces:	233
Total Non-Residential GFA (sq. m):	249.18		Loading Docks	1
Total GFA (sq. m):	19858.51			
Lot Coverage Ratio (%):	42.15			
Floor Space Index:	4.3			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

			Above Grade	Below Grade
Tenure Type:	Condo			
Rooms:	0	Residential GFA (sq. m):	19609.33	0
Bachelor:	8	Retail GFA (sq. m):	249.18	0
1 Bedroom:	165	Office GFA (sq. m):	0	0
2 Bedroom:	89	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0	0
Total Units:	262			

CONTACT:	PLANNER NAME:	Steve Forrester, Senior Planner
	TELEPHONE:	(416) 395-7126

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