

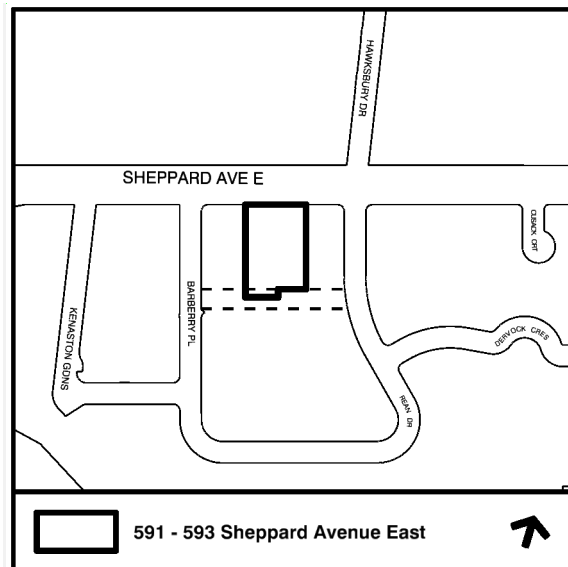
**591 and 593 Sheppard Avenue East - Official Plan Amendment, Zoning By-law Amendment and Site Plan Control Applications - Request for Direction Report**

<b>Date:</b>	July 24, 2014
<b>To:</b>	North York Community Council
<b>From:</b>	Director, Community Planning, North York District
<b>Wards:</b>	Ward 24 – Willowdale
<b>Reference Number:</b>	12 298398 NNY 24 OZ & 12 298406 NNY 24 SA

**SUMMARY**

The applications propose an amendment to the Official Plan, the Sheppard East Subway Corridor Secondary Plan and former City of North Zoning By-law No. 7625 to permit a mixed use development with residential, retail and office uses and a new place of worship at 591 and 593 Sheppard Avenue East. The proposal comprises a 6 to 10-storey mixed use building containing 186-units, two floors of 1,676m<sup>2</sup> of retail and office space along the Sheppard Avenue East frontage, a new free-standing 1,279m<sup>2</sup> place of worship to replace an existing facility on 593 Sheppard Avenue East, 267 parking spaces and 160 bicycle parking spaces. The total proposed is 18,513m<sup>2</sup> resulting in a density of 3.97 FSI.

On February 11, 2014 the applicant appealed the Official Plan and Zoning By-law amendment applications to the Ontario Municipal Board (OMB) due to Council’s failure to make a decision within the prescribed time frames set out in the *Planning Act*. On June 19, 2014 the applicant appealed associated Site Plan Control application to the OMB. A pre-hearing conference was held on July 14, 2014. A second prehearing is scheduled for September 26, 2014.



On June 11, 2014 the applications were formally revised and under review at the time of the appeals.

The report seeks Council's direction to oppose the applications in their current form. The proposal does not address the 1:1 building height to street width ratio policy of the Secondary Plan, built form changes to the proposal are necessary to satisfy the on-site parkland dedication requirements and the potential impacts that the proposal may have on the heritage property immediately west of the site need to be assessed. The report also outlines concerns with the design of the proposed place of worship, the need to provide additional indoor and outdoor amenity spaces on the site, and the provision for a mid-block pedestrian connection through the site, and Section 37 contributions. The report also advises there are a number of outstanding technical matters that still need to be resolved to the satisfaction of Engineering and Construction Services.

Staff is recommending the City Solicitor and appropriate staff be authorized to continue discussions with the applicant in an attempt to resolve the issues raised in this report.

## **RECOMMENDATIONS**

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

1. City Council instruct the City Solicitor, together with City Planning staff and any other City staff as appropriate, to attend the OMB hearing in opposition to the proposal in its current form.
2. City Council authorize City staff to continue discussions with the applicant to negotiate an appropriate development proposal which addresses the issues set out in this report.
3. As part of the continued discussions respecting the proposal, the issues set out in this report shall be addressed including:
  - i) revising the treatment of bulk and mass along the south elevation of the residential building so that the upper floors are stepped back from the main building wall and such floors include detailed elevation articulation such as material changes and/or glazing to address the 1:1 building height to street width ratio policy of the Secondary Plan and revise the design of the lower floors of the south elevation to include a stronger base expression to complement the scale of the place of worship;
  - ii) providing a 5 metre wide landscaped pedestrian walkway along the entire west property line to accommodate a mid-block pedestrian connection between Sheppard Avenue East and the future east-west public street, and the northwest corner of the site be designed to include a "Gateway" feature in keeping with the objectives of the Southeast Bayview Node Context Plan;

- iii) the front yard setback of the place of worship increased to provide sufficient space for a forecourt, continuous weather protection, seating opportunities and main entrance as well as modifications to the building design to give the building a stronger civic presence;
  - iv) providing common indoor and outdoor recreational amenity areas at a rate of 1.5 m<sup>2</sup> per dwelling unit;
  - v) the submission of a Heritage Impact Statement to the satisfaction of the Manager, Heritage Preservation Services;
  - vi) the owner addressing the requirements outlined in the memorandum dated June 27, 2014 to the satisfaction of the General Manager, Parks, Forestry and Recreation;
  - vii) the owner addressing the outstanding comments outlined in the memorandum dated July 16, 2014 from the Manager, Engineering and Construction Services, North York District;
  - viii) a reduction in the gross floor area as a result of addressing the recommendations above; and
  - ix) the owner addressing any further comments received from the revised submission and further processing of the application.
4. In the event that the Ontario Municipal Board allows the appeal on the Official Plan and Zoning By-law Amendment applications in whole or in part, City Council authorize the City Solicitor to request the OMB to withhold its Order until such time as:
- a) An appropriate Official Plan Amendment and Zoning By-law Amendment for the subject lands is prepared to the satisfaction of the Director, Community Planning, North York District and the City Solicitor. The implementing Zoning By-law should incorporate performance standards which include, but not be limited to, regulations on parking and bicycle parking spaces and loading, maximum building heights, maximum gross floor area, minimum building setbacks, maximum number of dwelling units and unit sizes, phasing, minimum common indoor and outdoor recreational amenity areas and appropriate Section 37 contributions;
  - b) The Owner has entered into an agreement with the City to secure community benefits pursuant to Section 37 of the *Planning Act* to the satisfaction of the Director, Community Planning, North York District and City Solicitor that are generally in keeping with other Section 37 contributions within the Secondary Plan area and which may involve a

Site Specific Official Plan Amendment for the provision of specific uses and facilities not listed in Figure 4.3.3 Incentives in the Sheppard East Subway Corridor Secondary Plan;

The following matters are also recommended to be secured in the Section 37 Agreement in support of the development:

- i. The gross floor area of the common indoor recreational amenity area exempted from the calculation of gross floor area;
  - ii. The gross floor area of the Place of Worship exempted from the calculation of gross floor area; and
  - iii. The Owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009.
- c) the Board withholding its Order on the Site Plan Control application appeal until it has been advised by the City Solicitor that the City's Notice of Approval Conditions has been finalized and any pre-approval conditions satisfied.
5. Subject to the applicant addressing the issues raised in this report, and the parkland dedication requirements to the satisfaction of the General Manager, Parks, Forestry and Recreation, City Council approve a development charge credit against the Parks and Recreation component of the Development Charges for the design and construction by the owner of Above Base Park Improvements for a 406m<sup>2</sup> linear park to be conveyed to the City to the satisfaction of the General Manager, Parks, Forestry and Recreation. The development charge credit shall be an amount that is the lesser of the cost to the owner of designing and constructing the Above Base Park Improvements, as approved by the General Manager, Parks, Forestry and Recreation, and the Parks and Recreation component of development charges payable for the development in accordance with the City's Development Charges By-law.

### **Financial Impact**

There are no financial implications resulting from the adoption of this report.

### **DECISION HISTORY**

On April 9, 2013, North York Community Council had before it a Preliminary Report from the Director, Community Planning, North York District. The report provided background information on the proposal and recommended that a community consultation meeting be scheduled with the Ward Councillor and that notice for the public meeting be given according to the regulations of the *Planning Act*.

Community Council adopted the staff recommendations and directed that the notice area for the community consultation meeting be expanded beyond the 120m radius of the site to include all landowners and residents in the area bounded by Finch Avenue East to the north, Highway 401 to the south, the Canadian National Railway line to the east and Bayview Avenue to the west.

The Decision Document and Preliminary Report is available at the following web link:  
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.NY23.28>

On February 19 and 20, 2014 City Council had before it a Member Motion introduced by the local Councillor pertaining to the acquisition of the lands necessary to complete an east/west road between Kenaston Gardens and Rean Drive. The east/west road is shown on Transportation Options Map 4 that forms part of the Southeast Bayview Node Context Plan (see Attachment 12). The Context Plan is a set of guidelines adopted by City Council in March 2000 for the area south of Sheppard Avenue East and east of Bayview Avenue. The Plan consists of urban design guidelines, a structure plan, height diagram and a block pattern diagram integrating the transportation and open space options to assist Council in its decisions on development applications in this area.

Block Pattern Map 3 in the Context Plan illustrates potential development blocks created by existing and new streets (see Attachment 11). Transportation Options Map 4 further illustrates the potential new roads in the area, including a new east/west road running from Rean Drive to Kenaston Gardens. Over the years, a portion of that new road has been constructed as a result of adjoining development applications.

City Council adopted the following:

1. City Council request the Director, Real Estate Services, in consultation with the Director of Transportation Services, North York District, the Director, Community Planning, North York District, and the City Solicitor, to identify the land acquisition necessary to complete the east/west road shown on Map 4 of the Southeast Bayview Node Context Plan, running from Rean Drive to Kenaston Gardens, and to report to Government Management Committee with respect to the means by which those lands may be acquired by the City and the potential cost and source of funds to complete the acquisitions.

The report from the Director, Real Estate Services is targeted to be considered by Government Management Committee at their August 11, 2014 meeting.

In the immediate vicinity of the site, the property at 13 Barberrry Place, located southwest of the application site, has been identified as one of the properties necessary to complete the east/west road shown on Map 4.

The Decision Document and Motion is available at the following web link:  
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.MM48.34>

## ISSUE BACKGROUND

### Proposal

On December 28, 2012, Official Plan and Zoning By-law Amendment applications and a Site Plan Control application was submitted to the City proposing a 10-storey mixed use building containing 210 dwelling units, two lower floors containing 929 m<sup>2</sup> of retail/office space along the Sheppard Avenue East frontage, a new free-standing 1,100 m<sup>2</sup> place of worship along the future east-west street to the south and 249 parking spaces. The proposal had a total gross floor area of 17,481 m<sup>2</sup> resulting in a density of 3.68 FSI.

The applications were formally amended with revised plans received June 11, 2014 and still under review at the time of the OMB appeals. The revised submission differs in some respects from the original submission, including modifications to the massing of the building, the site circulation and organization, the ground floor layout along Sheppard Avenue East and the introduction of ground floor residential units along the future east-west street along the southern portion of the site. As well, vehicular access from Sheppard Avenue East was eliminated. The revised plan is shown on Attachment 1 – Site Plan. Some of the recent revisions address design and technical issues from the initial submission however some issues remain outstanding while recent changes have resulted in additional issues.

While the number dwelling units has been decreased from 210 to 186 dwelling units, the gross floor area has been increased from 17,481 m<sup>2</sup> to 18,513 m<sup>2</sup> resulting in a density increase from 3.68 FSI to 3.97 FSI (including the permitted incentives). The increase in gross floor area largely results from an increase in the non-residential gross floor area (i.e., the place of worship and office/retail uses). In this regard, the non-residential floor area has been increased from 2,029 m<sup>2</sup> to 2,955 m<sup>2</sup>, while the residential component has slightly increased from 15,452 m<sup>2</sup> to 15,558 m<sup>2</sup>. The reduction from 210 to 186 dwelling is achieved by increasing the size of the dwelling units, not by decreasing the residential gross floor area. The 186 dwelling units would comprise 139 one-bedroom units ranging in size from 50 m<sup>2</sup>/538 ft<sup>2</sup> to 65 m<sup>2</sup>/700 ft<sup>2</sup>, and 47 two-bedroom units ranging in size from 75 m<sup>2</sup>/807 ft<sup>2</sup> to 128 m<sup>2</sup>/1,378 ft<sup>2</sup>.

A statistical summary of the changes is provided in the table on the next page:

	<b>Initial Submission (December 2012)</b>	<b>Revised Submission (June 2014)</b>
<b>Gross Floor Area</b>		
Residential GFA	15,4523 m <sup>2</sup>	15,558 m <sup>2</sup>
Non-Residential GFA	2,029 m <sup>2</sup>	2,955 m <sup>2</sup>
<b>Total proposed GFA</b>	<b>17,481 m<sup>2</sup></b>	<b>18,513 m<sup>2</sup></b>
<b>Density (FSI)</b>		
Gross FSI	3.68	3.97
Net FSI*	3.44	3.70
<b>Dwelling Units</b>		
1-bedroom	171 units	139 units
2-bedroom	39 units	47 units
<b>Total Dwelling Units</b>	<b>210 units</b>	<b>186 units</b>
<b>Vehicle Parking</b>		
Surface	14 spaces	7 spaces
Underground	235 spaces	258 spaces
<b>Total Vehicle Parking</b>	<b>249 spaces</b>	<b>265 spaces</b>
<b>Bicycle Parking Spaces</b>		
Long-term	130 spaces	130 spaces
Short-term	30 spaces	30 spaces
<b>Total Bicycle Parking</b>	<b>160 spaces</b>	<b>160 spaces</b>

\* Net FSI excludes the gross floor area of the new place of worship building and private indoor recreational amenity area in accordance with Secondary Plan incentive policy.

The development is proposed to be phased, with the place of worship to be developed first followed by the mixed-use building. The following is a summary describing the most recent changes.

#### Place of Worship

The overall design and general location of the place of worship has not been revised from the original proposal. The building continues to be proposed at 2-storeys with a pitched roof and is located at the southeast corner of the site with access provided from the future east-west public street. The revised scheme proposes an increase in the gross floor area of the place of worship from 1,100 m<sup>2</sup> to 1,279 m<sup>2</sup>. As well, the building has been shifted approximately 4 metres to the east up to the east property line and shifted closer to the new street from 4.1 metres to 2.8 metres. A wider pedestrian walkway along the west side of the place of worship and set of stairs has been proposed.

#### Mixed-Use Building

The proposed mixed use building continues to be L-shaped in plan with an overall height of 10-storeys (refer to Attachment 1 – Site Plan), however the height along Sheppard Avenue East has been reduced from 8 to 6-storeys and the upper 7<sup>th</sup> and 10<sup>th</sup> storey of the building are stepped back 7 metres from the front edge of the building. The design of the lower floors along Sheppard Avenue East includes a two-storey base that has a depth of 1.75 metres

Changes have also been made to the siting of the building. The building is now set back 5 metres from Sheppard Avenue East, previously it was 8 meters. However, the setback at the east end of the building along the frontage is setback (notched) an additional 3 metres to line up with the front wall of the adjacent mixed use building to east (refer to Attachment 1 – Site Plan and Attachment 2 – Concept Landscape Plan).

Revisions are also proposed to the location of the underground parking structure. Previously it was set back 8 metres from Sheppard Avenue East, now it is proposed to be set back 3 metres.

Along the future east-west road frontage of the site, the revised proposal introduces three, 2-level, grade-related residential units. The setback has been reduced from 7.5 metres to 2.3 metres. The residential lobby previously proposed facing the future street has been relocated internally and accessed from the private driveway which has been slightly reconfigured. Further, proposed building now extends over the entrance driveway.

Internal to the site, the driveway/ramp entrance to the underground parking garage has been relocated from the internalized central portion of the building to the north side of the place of worship. The roof over the driveway/ramp would be a green roof. The number of surface parking spaces has been reduced from 14 to 7 spaces to accommodate the new location. The 7 surface spaces are proposed to be used by place of worship users and visitors. The remaining 258 parking spaces are proposed underground.

The rear (southerly) portion of the lands at 591 Sheppard Avenue East (6.91 metres) is proposed to be dedicated to the City for public road purposes. Lands behind the place of worship at 593 Sheppard Avenue East were dedicated to the City when the development application south of the future road (12 Rean Drive) was approved by Council.

The project statistics are also included in the Application Data Sheet in Attachment 13.

## **Site and Surrounding Area**

The site is located on the south side of Sheppard Avenue East in the block between Barberry Place and Rean Drive in the area east of Bayview Avenue. It is located approximately 186 metres east of the Bayview Subway Station entrance. The site comprises two lots municipally known as 591 and 593 Sheppard Avenue East. It has a frontage of approximately 56 metres along Sheppard Avenue East, an area of 4,659 m<sup>2</sup> and also has frontage along the future east-west public street to the south. The site is currently developed with a one-storey single detached dwelling at 591 Sheppard Avenue East and a single-storey place of worship (The Evangelical Presbyterian Church) at 593 Sheppard Avenue East. As noted previously, the site slopes up from the northwest corner of the site to the south by approximately 3 metres.

The following is a summary of the area context:



- North: Sheppard Avenue East then a one-storey structured parking lot of Bayview Village Shopping Centre. Northeast are three, 19-storey apartment buildings at the northeast corner of Hawksbury Drive and Sheppard Avenue East;
- South: a future east-west public road then an existing 8-storey retirement home at 15 Barberrry Place (Amica at Bayview) and an existing 9-storey apartment building at 12 Rean Drive (The Claridges);
- East: a 7-storey mixed-use development immediately east of the site at 18 Rean Drive (NY2 Condos by the Daniels Corporation) then a 7-storey mixed use building at the southeast corner of Sheppard Avenue East and Rean Drive, a 10-storey residential building along the east side of Rean Drive (Amica at Bayview Gardens) and a 9-storey building fronting Dervock Crescent (Merci Condominiums by the Daniels Corporation) located within the Key Development Area; and
- West: 2-storey single detached dwellings with frontages on Sheppard Avenue East and 2-single detached dwellings with frontages onto Barberrry Place including the Thomas Clark heritage building at 9 Barberrry Place, also located with the Key Development Area.

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

The Provincial Policy Statement (PPS), 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; wise use and management of resources and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. City Council's planning decisions are required to be consistent with the PPS.

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

## **Official Plan**

The lands are designated *Mixed Use Areas* on Land Use Map 16 of the Toronto 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).

Section 3.1.5 of the Official Plan provides guidance and policy direction with respect to the City's heritage resources. Policy 3.1.5.1 seeks to conserve significant heritage resources through listing or designating properties, and designating areas with a concentration of heritage resources as Heritage Conservation Districts and adopting conservation and design guidelines to maintain and improve their character. Policy 3.1.5.2 requires that development adjacent to listed or designated heritage buildings respect the scale, character and form of the heritage buildings. The adjacent property to the west, at 9 Barberry Place, includes the Thomas Clarke House, a building designated under Part IV the Ontario Heritage Act by the former City of North York on June 22, 1994.

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](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 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.

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 provides for development at a pedestrian scale by framing the street with buildings at a size equivalent to the street width. Along those parts of the Sheppard Avenue East frontage not in close proximity to subway stations, the maximum height will generally be 6 storeys. The Secondary Plan states that exceptions to this height 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 East 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.

Policy 6 of the Secondary Plan states the City will maximize its opportunities to provide a combination of public and private open space and recreational facilities to meet the needs of the present and future community residents and that parkland dedication will be required for each development in the form of land or cash-in-lieu, or combination thereof. Further the Plan states land taken by the City is to meet criteria including parkland consolidation.

A Conceptual Parks Plan is shown on Map 9-4 of the Secondary Plan. The map identifies existing parks and preferred locations for new parkland and parkland linkages. The map identifies a Linear Greenway along the south side of Sheppard Avenue East between Bayview Avenue and Provost Drive. A portion of the Linear Greenway extends across the frontage of the subject site.

In addition to the 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, design criteria to ensure compatibility with adjacent stable residential areas and improved pedestrian connections.

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](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 layout of public streets, parks and open spaces 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 principles 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 contemplates mid-rise buildings defining the south side of Sheppard Avenue East 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 East 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 11). The proposal comprises two lots (591 and 593 Sheppard Avenue

East) centrally located on a portion of Block D on the Block Pattern diagram. Lands immediately east of the site fronting Sheppard Avenue East/Rean Drive/Future Road are currently being developed with a 7-storey mixed used building (Daniels Corporation). The remaining lands within this Block include 7, 9 and 13 Barberry Place and 589 Sheppard Avenue East.

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 property at 9 Barberry Place includes the Thomas Clarke House, a building designated under Part IV the Ontario Heritage Act by the former City of North York on June 22, 1994. The Context Plan speaks to this building being retained with its historical and physical relationship to Sheppard Avenue East restored through the replacement of the two houses to the north (7 Barberry Place and 589 Sheppard Avenue East) with a public park or publicly accessible open space designed to enhance the setting of the heritage property. The Context Plan notes in the future, the designated heritage building at 9 Barberry Place could become a public building to be used as a community facility.

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, Barberry Place and Rean Drive where they intersect with Sheppard Avenue East, and at the northwest corner of 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](http://www.toronto.ca/planning/urbdesign/pdf/36southeast_bayviewnod.pdf)

## **Zoning**

The subject lands at 591 and 593 Sheppard Avenue East were excluded from City of Toronto Zoning By-law No. 569-2013. As such, the former City of North York Zoning By-law No. 7625 continues to apply.

The lands are zoned R4 (One Family Detached Dwelling Fourth Density Zone) in former City of North York Zoning By-law No. 7625. The zoning permits 2-storey single detached dwellings and accessory buildings as well as a wide range of recreational and institutional uses.

## **Site Plan Control**

An application for Site Plan Approval is being reviewed (File No. 12 298406 NNY 24 SA). On February 22, 2013 the Ward Councillor requested the application be referred to North York Community Council and City Council for approval in accordance with Site Plan Delegation By-law No. 483-2000.

The Site Plan appeal was filed on June 19, 2014, shortly after receiving the revised the resubmission. At time of finalizing the report the revised June 11, 2014 submission was still under review.

### **Tree Preservation**

The applicant provided an Arborist Report with the application. The report indicates the proposal will require the removal of 7 City owned trees and the preservation/protection of two other City owned trees regulated under the City Street Tree-By-law. The report further indicates there are 12 privately owned trees and injury to or potential removal of five other privately owned trees situated on adjacent properties to the west that are regulated under the City Private Tree By-law. 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 3.97 FSI (3.7 FSI net) 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 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.

### **Ontario Municipal Board Appeal**

On February 11, 2014 the City Clerk's Office received notification that the applicant filed an appeal of the Official Plan and Zoning By-law Amendments application to the OMB, citing Council's failure to make a decision on the application within the prescribed timelines of the Planning Act.

On June 19, 2014, the applicant filed an appeal of the Site Plan Application also citing Council's failure to make a decision on the application within the prescribed timelines of the Planning Act.

A pre-hearing conference was held on July 14, 2014. A second conference prehearing conference is scheduled for September 26, 2014.

### **Community Consultation**

On June 10, 2013 a community consultation meeting was held at Bayview Middle School. Approximately 40 members of the public attended along with the applicant, Ward Councillor and City Planning. Planning staff presented an overview of the planning process and the applicant presented their proposal. The following issues and concerns were expressed:

- Sheppard Avenue East is congested in the morning and evening rush hours and the proposal would add to the congestion;
- southbound trains at the Yonge-Sheppard TTC Station are overcrowded in morning rush hours resulting in ridership delay;
- traffic congestion in the morning rush hour results in long queues for motorists on Rean Drive and Barberry Place accessing Sheppard Avenue East;
- traffic infiltration will increase in the residential neighbourhoods north and south of Sheppard Avenue East;
- the increase in traffic and heavy trucks generated by the development will create safety concerns and delays to emergency services destined to the Amica retirement home and Claridges condominium located opposite the site on the south side of the future east-west public street;
- inadequacy of the proposed parking supply, particularly the lack of parking provided for commercial customers as it could result in on-street parking;
- the proposed height and density will create a negative precedent for future development applications in the area and the current density permission of 3x coverage in the Secondary Plan should be observed;
- the proposal will create a nuisance during the construction phase (i.e., noise, dust, fumes, mud, debris, traffic and on-street parking);
- the owner of heritage site at 9 Barberry Place, immediately west of the site, suggested a more comprehensive development/land assembly should be considered which included 9 Barberry Place. Since the community meeting the owner has expressed further concerns with respect to tree removal, the proposed west side yard setbacks, overview and privacy concerns;
- the development will put more strain on an already out dated hydro grid;
- EMS and health care facilities are not keeping pace with the rapid population growth in the Sheppard Corridor; and
- based on the current conditions along the stretch of Sheppard Avenue East the community was not convinced commercial space was going to be successful.

## **Revised Circulation**

The initial application was circulated to all appropriate agencies and City divisions however on June 11, 2014 the applicant submitted a revised submission which has been circulated to all appropriate agencies and City divisions for review and comment. The revised submission is still under review. This report recommends that the OMB withhold its Order approving the amending the Official Plan and Zoning By-law and approving the Site Plan until the applicant has satisfactorily addressed any outstanding requirements resulting from the further review.

## **COMMENTS**

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

City Council's planning decisions are required to be consistent with the PPS. The 2014 PPS is implemented through the Official Plan. Conformity with the policies of the Official Plan and Secondary Plan need to be addressed by the applicant before staff can determine whether or not the proposal is consistent with the policy directions in the 2014

PPS and would conform to, or not conflict with, the Growth Plan for the Greater Golden Horseshoe.

## **Land Use**

The *Mixed Use Areas* designation of the Official Plan permits a broad range of commercial, residential and institutional uses in single use or mixed use buildings. The Plan envisions that development in mixed use areas will be a balance of high quality commercial, residential, institutional and open space uses that reduce automobile dependency and meet the needs of the local community. The Secondary Plan provides further descriptive guidance with regard to the development of *Mixed Use Areas* stating that such areas “may be permitted to be developed primarily for residential uses, however, mixed use developments with non-residential uses such as retail or small offices at grade with multiple residential or offices located above grade are encouraged along the Sheppard Avenue East frontage”.

The revised plan continues to propose a mix of land uses including residential, office and retail as well as a new place of worship which is consistent with the land use permissions in the Official Plan and Secondary Plan. A mix of uses would complement the existing residential uses within the Southeast Bayview Node.

The proposed mix of uses, including the grade related commercial use fronting Sheppard Avenue East, would be consistent with the Official Plan and Secondary Plan objectives for *Mixed Use Areas*. The grade related commercial uses would also help fulfill the role of the planned function of the *Mixed Uses Areas* designation of the Official Plan.

## **Comprehensive Development**

Area Specific Policy 4.2.2 (*Kenaston Gardens/Sheppard Square Area*) of the Sheppard East Subway Corridor Plan encourages comprehensive land assemblies to achieve the maximum permitted density and to prevent piecemeal development.

The Context Plan for the area includes a Block Pattern diagram that illustrates potential development blocks created by existing and new streets and parks (Attachment 11). The proposal includes two lots at 591 and 593 Sheppard Avenue East centrally located on Block D on the Block Pattern diagram. The remaining lands within this Block are designated *Mixed Use Areas* and include the recently constructed 7-storey mixed use building on lands located immediately east of the site fronting Sheppard Avenue East, Rean Drive and the future east-west public street. The remaining lands in the Block include 7, 9 and 13 Barberry Place and 589 Sheppard Avenue East.

As noted previously in this report, the land assembly includes lands that have been identified for public road purposes. The applicant has agreed to convey these lands to the City to form part of the public right-of-way.

Two sites along Sheppard Avenue East (7 Barberry Place and 589 Sheppard Avenue East) are identified in the Context Plan as potential parks and open space. The property to the south at 9 Barberry Place includes the Thomas Clarke House, a building designated

under Part IV the Ontario Heritage Act by the former City of North York on June 22, 1994. While the site fronts onto Barberry Place, the house historically faced Sheppard Avenue East. The Context Plan speaks to this building being retained with its historical and physical relationship to Sheppard Avenue East restored through the replacement of the two houses to the north (7 Barberry Place and 589 Sheppard Avenue East) with a public park or publicly accessible open space designed to enhance the setting of the heritage property. The Context Plan notes in the future, the designated heritage building at 9 Barberry Place could become a public building to be used as a community facility. The remaining site within Block D is 13 Barberry Place. The majority of these lands have been identified as land necessary to complete the public road between Rean Drive and Barberry Place.

As stated above the Sheppard East Subway Corridor Plan encourages comprehensive land assemblies to achieve the maximum permitted density and to prevent piecemeal development. Further, it is worth noting the Secondary Plan includes a policy with respect to density transfers. To assist in obtaining the dedication of lands required for public purposes, Policy 4.3.2 (General Transfers) of the Plan indicates the density attributable to lands required for public purposes may be transferred to another parcel of land within the same development node if the lands are conveyed to the City for public parkland or for the purposes of providing new public roads and road widenings.

While the City cannot compel land owners to acquire and/or sell land, City Planning staff encouraged the applicant to meet with the adjacent owners with a view to acquiring their lands to facilitate a more comprehensive development on Block D. The applicant has informed staff satisfactory terms and/or conditions could not be reached. It is staff's opinion the proposal constitutes a comprehensive land assembly as encouraged by the Secondary Plan.

### **Height, Massing and Density**

The Official Plan contains policies that provide direction and criteria on site design matters pertaining to the location and organization of buildings, vehicle parking, access locations and service areas. The Official Plan's built form policies indicate that new development should be designed to fit with its existing and/or planned context; frame and support adjacent streets, parks and open spaces; and limit its impacts on neighbouring streets, parks, and properties. The Secondary Plan for the area provides further direction on these matters.

The Sheppard East Subway Corridor Secondary Plan sets out a general height limit of 6 storeys on sites fronting Sheppard Avenue East that are not in close proximity to a subway station. There are no specific height requirements in the Official Plan or Secondary Plan that pertain to height on the balance of the site. Rather, development is guided by the built form policies found in Sections 3.1.2 (*Built Form*), and 4.5.2 (Development Criteria in *Mixed Use Areas*) of the Official Plan, Area Specific Policy 4.2.2 (*Kenaston Gardens/Sheppard Square Area*) and Section 4.4 (*Urban Design Principles*) of the Secondary Plan, as well as the Urban Design Principles of the Context



Plan. These policies speak to the appropriate built form for new buildings and considerations of neighbourhood context and fit.

The Context Plan for this area includes a height diagram and urban design guidelines to assist Council in its decisions on development applications. Together, they provide a framework for the co-ordinated and incremental development of land in this neighbourhood. The Context Plan is intended to have some flexibility, with opportunities for refinement as projects proceed in the quadrant, as long as they conform to the urban design principles of the Context Plan. It should be noted that buildings in the area with heights higher than those contemplated on the Height Diagram have been evaluated on a site by site basis and approved as they met the urban design principles of the Context Plan.

The above noted policies and guidelines have informed the review and assessment of the subject proposal.

As noted previously in this report, the height of the proposed mixed use building along the Sheppard Avenue East frontage has been reduced from 8 to 6-storeys and the upper 7<sup>th</sup> and 10<sup>th</sup> storey of the building stepped back 7 metres from the front edge of the building. The upper floors would be in line with the upper floor of the existing building to the east. In addition, the design of the Sheppard Avenue East elevation includes a two-storey base, a design feature encouraged by Secondary Plan policy. The base has a depth of 1.75 metres. The front wall of the 6-story element would be in line with the adjacent building to the east thereby creating a consistent street wall condition as envisioned by the Plan. Subject to the applicant addressing the recommendations in this report the treatment of the floors above the six storeys would enhance the Sheppard Avenue East street edge and would satisfy Urban Design policy 4.4.2(f) of the Secondary Plan.

The proposal also includes a 10-storey wing along the west side of the building. It is stepped back 7 metres from the front (Sheppard Avenue East) edge of the building and extends south towards the new east-west public street. A portion of this wing does not meet the maximum height requirement set out in Policy 4.4.2 (e) of the Secondary Plan. The Official Plan calls for new buildings to frame adjacent streets and open spaces in a manner that respects the existing and/or planned street width. Similarly, Policy 4.4.2 (e) of the Secondary Plan states new buildings should be designed with a maximum height based on a 1:1 height to street width ratio. The policy goes on to state exceptions to this standard may be accommodated through the treatment of bulk and mass of buildings, as well as detailed elevation articulation.

There is an existing grade differential on the site from Sheppard Avenue East towards the southern portion of the site of approximately 3 metres (equivalent to one storey). Owing to this grade differential across the site, the building would be viewed as 10-storeys along Sheppard Avenue East and 9-storeys from the future east-west public street. The grade differential across the site is best illustrated on the west elevation in Attachment 6 and the cross section in Attachment 8. As illustrated on the cross section a portion of the building is outside the angular plane generated by the 1:1 height to street ratio line. Staff

recommends the upper floors along the southern portion of the building be stepped back to fall beneath the angular plane and upper floors designed to include detailed elevation articulation in keeping with policy 4.4.2 (e).

Opposite the site, on the south side of the new east-west street, the lands are developed with an 8-storey building (the Amica at Bayview retirement building at 15 Barberry Place), a 9-storey condominium building (The Claridges at 12 Rean Drive) and further east, on the east side of Rean Drive, a 10-storey building (Amica at Bayview Gardens retirement home). In view of the surrounding context, the overall height is supportable subject to the applicant addressing the 1:1 height to street ratio policy in the Secondary Plan.

The proposed development has been designed to be a streetwall building with setbacks from adjacent streets consistent with other developments in the neighbourhood. The building is L-shaped with a portion along Sheppard Avenue East and a north-south wing along the west property line as contemplated by the Context Plan.

The north portion of the building (at Sheppard Avenue East) and south portion (at the future east-west street) are located at the property line. The central portion of the building has been set back approximately 5 metres from the west property line to respond to the proximity of the adjacent heritage building at 9 Barberry Place and its possible open space setting as contemplated by the Context Plan. Staff is recommending a 5 metre landscaped wide pedestrian walkway be provided along the entire west property line to accommodate a mid-block pedestrian connection between Sheppard Avenue East and the future east-west public street.

Staff is also recommending the northwest corner of the building along Sheppard Avenue East be designed to include a "Gateway" feature in keeping with the objectives of the Southeast Bayview Node Context Plan. Further, the design of the west elevation, including the west elevation at the south end of the building (at the future east-west public road), include detailed elevation articulation and/or building finishes that complement the architectural character of the main façade. This treatment would be secured through the Site Plan approval stage.

In order to provide safe, animated streets the Context Plan encourages grade-related units. The revised submission incorporates three grade related residential units along the south side of the building adjacent to the future public street. The Sheppard Avenue East frontage also includes a main entrance to the residential component. The secondary residential entrance and drop-off area is provided off the internal forecourt and accessed from the future east-west public road. Staff would support this arrangement on the basis that the main residential entrance from Sheppard Avenue East remains.

The main entrance to the residential component and commercial space along Sheppard Avenue East and the grade-related units along the east-west future street are considered positive ground floor uses that would promote safety and provide animation to the streets.

However, staff would like to continue discussions with the applicant on the design and built form of the proposed place of worship along the future east-west public street.

As a two-storey building within a neighbourhood of taller buildings, the place of worship would be something uniquely different than the rest of the neighbourhood and as such should be treated as something civic and special. Its civic role is also recognized in the Secondary Plan through the incentives policy. To encourage their retention or relocation, the gross floor area for a place of worship is exempt from calculation of gross floor. It is staff's view the building architecture and design needs to support this role and uniqueness. Changes to the design should include improving the street relationship and the building setback (as originally proposed) to allow for a forecourt and accommodate the social activities typically associated with this type of use and the provision of canopies and/or overhangs to support pedestrian activity in a variety of weather conditions. In addition, an increased setback would allow for the main entrance to be located at grade facing the street. The proposed main entrance off an internal driveway and up a significant set of stairs west of the building and is not considered appropriate and raises safety concerns.

## **9 Barberry Pace**

Section 3.1.5 of the Official Plan provides guidance and policy direction with respect to the City's heritage resources. Policy 3.1.5.1 seeks to conserve significant heritage resources through listing or designating properties, and designating areas with a concentration of heritage resources as Heritage Conservation Districts and adopting conservation and design guidelines to maintain and improve their character.

Policy 3.1.5.2 requires that development adjacent to listed or designated heritage buildings respect the scale, character and form of the heritage buildings. The property to the west at 9 Barberry Place includes the Thomas Clarke House, a building designated under Part IV the Ontario Heritage Act by the former City of North York on June 22, 1994.

As the subject site is adjacent to a property on the City of Toronto's *Inventory of Heritage Properties*, Heritage Preservation Services staff is recommending the applicant submit a Heritage Impact Statement (HIS) to evaluate the impact the proposed development will have on the cultural resource(s) and which may recommend an overall approach to the conservation of the resource(s).

This report recommends the OMB withhold its Order approving the Official Plan and Zoning By-law amendments as well as issuing a decision on the Site Plan until the applicant has submitted an HIS to the satisfaction of the Manager, Heritage Preservation Services.

## **Sun, Shadow**

Policy 3.1.2.3 of the Official Plan requires new development to limit its impacts on neighbouring streets, parks, open spaces and properties by adequately limiting any resulting shadowing of, and uncomfortable wind conditions on these areas. The Official

Plan places particular importance on limiting shadow impacts on parks and on low-rise *Neighbourhoods* designations. There are no lands designated *Neighbourhoods* in the vicinity of the site.

In order to assess shadow impacts, a shadow study was undertaken for the proposed building. The shadow studies submitted by the applicant indicate the incremental shadows produced by the proposed height and massing would not result in unacceptable shadow impacts on adjacent lands. The study demonstrates there would be shadow impacts during the early morning hours of the September and March equinox on the lands immediately west of the site and no impacts on the public sidewalks on the north side of Sheppard Avenue East at any time of the day. The study also demonstrates that west half of the park would be in sun at 4:18 p.m. and would be in full sun from 5:18 p.m. onwards.

### **Traffic Impact**

The Secondary Plan's transportation policies have two main goals: first, that development in the Secondary Plan area proceed only if or when sufficient transportation infrastructure is in place to support it; and, second, that existing neighbourhoods north of Sheppard Avenue East be protected from the impact of development-related traffic. Policy 4.5.2 of the Secondary Plan states that prior to the enactment of any Zoning By-law, the City must be satisfied that the proposed development can be accommodated within the existing road network or that any transportation improvements required to support the development have been identified and all necessary provisions made for their implementation. The Secondary Plan requires a Traffic Impact Study and traffic certification by a qualified transportation consultant for any proposed development larger than 5,000m<sup>2</sup>.

A Traffic Impact Study (TIS) prepared by the applicant's traffic consultant Cole Engineering, was submitted with the application in January 2013. In response to initial comments from Transportation Services staff a revised TIS was submitted by the traffic consultant on June 11, 2014. Comments on the revised TIS were issued by Transportation Services on July 16, 2014.

The revised TIS estimates the project will generate approximately 95 and 93 two-way trips during the a.m. and p.m. peak hours, respectively. Given these estimated trips, the consultant concludes that the study area intersections and site access driveway are expected to operate at acceptable levels of service in the future total traffic condition.

Transportation Services staff finds the conclusions of the TIS generally acceptable.

### **Access**

One full-moves driveway is proposed to the future east-west public street. Originally, an additional entrance was proposed to Sheppard Avenue East however from an operations perspective the driveway to Sheppard Avenue East could not be supported by Transportation Services staff. Additionally, in view of the on-site parkland dedication requirements discussed later in this report, an entrance driveway to Sheppard Avenue

East, through a future linear park, would not be supported by Parks, Forestry and Recreation staff.

Concerns have been expressed by residents of the neighbouring Claridges condominium building and the Amica at Bayview retirement home regarding the increase in traffic that would be generated by the development on the future east-west public street and the impacts traffic would have on the health and safety of the residents within these buildings.

Transportation Services has advised the location of the access driveway and conclusions in the TIS are generally acceptable.

As noted previously in this report, Transportation Options Map 4 that forms part of the Context Plan for the area is based on a grid network of connecting streets based on a combination of existing north-south alignments (Rean Drive and Barberry Place) and by creating new east-west public streets south of Sheppard Avenue East to serve as a mid-block connector and complete the grid (see Attachment 12 – Transportation Options). The east-west roads are intended to provide alternative routes for traffic and pedestrians to safely and more conveniently access local parks, Sheppard Avenue East and the subway station.

As development proposals come forward, opportunities for funding and land acquisition improvements are explored to implement the Secondary Plan and objectives of the Context Plan. Portions of the future east-west road south of the site have been acquired and built on an interim basis. Ultimately, the public right-of-way would be improved to City standards including an 8.5 metre wide travelled portion with tree lined public boulevards and public sidewalks north and south of the street.

Transportation Services staff has advised as part of the future widening and road construction along the southern frontage of the site, a conveyance of a 6.91 metre wide strip of land is required along the southern portion of the lands at 591 Sheppard Avenue East. The strip of land is identified as part 3 on plan 66R-20699. Engineering Construction & Services staff has advised easements will need to be established between the residential/commercial and place of worship uses on site for the loading activity and parking spaces. Further, staff has advised the applicant will be responsible to cover the cost of providing a 1.7 metre wide sidewalk across the Sheppard Avenue East and future east-west public street frontages as well as, the costs associated with constructing the future east-west road, based on the frontage of the site.

This report recommends the OMB withhold its Order approving the Official Plan and Zoning By-law amendments as well as issuing a decision on the Site Plan until the applicant has satisfactorily addressed the comments outlined in the July 16, 2014 memorandum from the Manager, Engineering & Construction Services.

## **Parking**

The Official Plan states development in *Mixed Use Areas* should take advantage of nearby transit services and provide an adequate supply of parking for residents and visitors. Similarly, the Secondary Plan states development must provide sufficient parking while still encouraging the use of public transit, walking and cycling as alternatives to automobile use. Parking rates within the Sheppard East Subway Corridor have been reduced to ensure that developments do not provide excessive parking spaces and thereby attract auto-oriented users. To achieve this goal, parking requirements in the corridor are established on a site-by-site basis having regard for factors such as distance to the subway, unit size and unit type.

A Parking Study was included in the applicant's Traffic Impact Study. The applicant proposes the following parking rates:

- 0.6 to 0.9 space per dwelling unit for a bachelor unit;
- 0.7 to 1.0 space per dwelling unit for a 1 bedroom unit;
- 0.9 to 1.3 spaces per dwelling unit for a 2 bedroom unit;
- 1.0 to 1.5 spaces per dwelling unit for a 3+ bedroom unit;
- 0.10 spaces per dwelling unit be provided for visitors;
- 1.0 to 4.0 spaces per 100 m<sup>2</sup> of gross floor area for retail and office uses; and
- 1 parking space per 100 m<sup>2</sup> of gross floor area for a place of worship.

Based on the number and type of dwelling units and the non-residential gross floor areas these proposed rates would generate the need to provide 211 to 328 parking spaces. The plans indicate a total of 267 spaces would be provided comprising 7 surface spaces and 260 spaces in two levels of underground parking.

Transportation Services staff advise the overall parking supply is acceptable, however the allocation of only 21 parking spaces for the place of worship use is not acceptable. City of Toronto Zoning B-law No. 569-2013 requires parking for the place of worship to be provided at a rate of 18 m<sup>2</sup> per 100 m<sup>2</sup> of worship area. Based on the size of the worship area, a minimum of 38 spaces must be provided. As a result, 17 parking spaces of the overall parking supply will have to be reallocated to the place of worship use. In addition, Transportation Services staff advise the separation of resident and visitor/retail/place of worship parking spaces must be labelled on the site plan and all parking spaces must be assigned. These matters would be addressed at the Site Plan stage.

Transportation Services staff is recommending the above noted residential and commercial parking rates, and a rate of 18 m<sup>2</sup> per 100 m<sup>2</sup> of worship area for the church, be included in a site specific zoning by-law for the project.

## **Bicycle Parking**

The Official Plan contains policies that encourage reduced automobile dependency as well as promoting alternative modes of transportation. The policies contained within the Plan attempt to increase the opportunities for better walking and cycling conditions for residents of the City. Policy 2.4.7 states, "Policies, programs and infrastructure will be

introduced to create a safe, comfortable, and bicycle friendly environment that encourages people of all ages to cycle for everyday transportation and enjoyment including the provision of bicycle parking facilities in new developments”.

The development proposes to provide a total of 157 bicycle parking spaces of which a minimum of 135 spaces would be allocated to occupants and a minimum would of 22 spaces would be allocated to visitors.

### **Loading Facilities**

Official Plan policy requires service areas, ramps and garbage storage to be located and screened to minimize the impact on adjacent streets and residences. This objective is also contained in the Context Plan.

Transportation Services staff are recommending the loading space requirements under City of Toronto Zoning By-law No. 569-2013 be applied since they are based on more recent information.

Transportation Services staff advise the proposed shared Type G/B loading space is acceptable for the proposed development. However, vehicle manoeuvring diagrams must be provided showing the swept path of a heavy vehicle using the loading space and entering/exiting the site in a forward motion.

The above noted design related matters would be addressed through the Site Plan process.

The amending Zoning By-law for the site will need to include the above noted loading space specifications.

### **Amenity Space**

Policy 4.2.2(f) of the Official Plan requires that new development provide adequate indoor and outdoor recreation space for building residents. The Official Plan is not prescriptive as to the location or amount of open space rather each application is assessed based on its own merits and context.

Common indoor recreational amenity space is proposed at a rate of 1.29 m<sup>2</sup> per dwelling unit to support the proposed development. Based on 186 units this rate equates to 297 m<sup>2</sup> of space. The indoor amenity area would be located at grade along the west side of the building adjacent to a common outdoor residential amenity area. The common outdoor amenity area is proposed at a rate of 0.92 m<sup>2</sup> per dwelling unit which equates to 172 m<sup>2</sup> of space.

Staff recommends a minimum rate of 1.5 m<sup>2</sup> be provided for both indoor and outdoor common recreational amenity areas. This rate is consistent with the minimum rate approved for other developments in the area.

## **Servicing**

The applicant submitted a Site Servicing, Grading and Stormwater Management Report to the City with the application. A revised submission was filed on June 11, 2014 responding to comments issued by Engineering and Construction Services on March 4, 2013.

The most recent comments from Engineering and Construction Services staff were issued to the applicant on July 16, 2014. The comments indicate that further revisions and/or information is required in order for City engineering staff to assess the application and complete its review.

This report is recommending City Council authorize the City Solicitor to request the OMB to withhold its Order on the appeals until the outstanding matters raised in the memorandum dated July 16, 2014 from the Manager, Engineering and Construction Services are addressed.

## **Section 37**

Section 37 of the Planning Act allows the City to grant increased density and/or height in exchange for community benefits. Community benefits are specific capital facilities (or cash contributions for specific capital facilities) and can include: parkland and/or park improvements above and beyond the parkland dedication; public art; streetscape improvements on the public boulevard not abutting the site; and other works detailed in Section 5.1.1.6 of the Official Plan. They must also bear a reasonable planning relationship to the proposed development including at a minimum, an appropriate geographic relationship and the addressing any planning issues associated with the development (e.g., local shortage of parkland, provision of new parks facilities).

Figure 4.3.3 of the Secondary Plan shows density incentives for the provision of specific uses and facilities on lands designated *Mixed Use Areas*. The policy states the gross floor areas of such facilities are exempted from the calculation of densities and may be secured through various means such as agreements pursuant to Section 37 of the Planning Act. The public benefits in Figure 4.3.3 include the provision of private recreational uses, a community centre, fire station, new social facility such as a child or elder daycare, transit terminals and underground connections thereto, the designation of a heritage building and/or the provision or retention of a Place of Worship.

The provision of private recreational uses and a Place of Worship are proposed for the development. In accordance with Secondary Plan policy, the gross floor areas devoted to these uses areas would be exempted in the calculation of density resulting in a density of 3.7 FSI. Planning staff are generally in support of the proposal, subject to the applicant addressing the recommendations outlined in this report and any outstanding matters resulting from the review of the June 11, 2014 re-submission. As such, City Planning staff can support the additional 2,960 m<sup>2</sup> of gross floor area subject to securing Section 37 benefits in return for the increase in density.



As it is neither practical nor feasible for the applicant to provide certain community benefits listed in Figure 4.3.3 of the Secondary Plan, it would be appropriate to secure off-site and/or other community benefits through a site-specific Official Plan Amendment. A site specific amendment could enable the community benefit to be in the form of a cash contribution towards specific matters and facilities such as public art, parkland improvements, streetscape improvements on public boulevards not abutting the site or non-profit arts, cultural, community or institutional facilities.

This report is recommending appropriate staff be authorized to continue discussions with the applicant in an attempt to resolve the issues outlined in this report including securing an appropriate community benefit(s) and a contribution that is in keeping with other Section 37 contributions within the Secondary Plan area.

In addition, the following matters would also be secured in the Section 37 Agreement in support of the development:

- i. The gross floor area of the indoor private recreational amenity area exempted from the calculation of gross floor area;
- ii. The gross floor area of the Place of Worship exempted from the calculation of gross floor area; and
- iii. The Owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009.

This report also includes a recommendation that City Council authorize the City Solicitor to request the OMB to withhold its Order(s) approving the Official Plan and Zoning By-law Amendment until such time as the above matters are addressed.

### **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 located in an area with less than 300 people. The site is located in a parkland priority area, as per City Wide Parkland Dedication By-law 1020-2010.

The application proposes 186 residential units and 2,955 m<sup>2</sup> of non residential gross floor area (retail/office/place of worship) on a site with a net area of 4,659 m<sup>2</sup>. At the alternative rate of 0.4 hectares per 300 units specified in By-law 1020-2010, the parkland dedication requirement is 2,480m<sup>2</sup> or 63% of the site area. However, for sites that are less than 1 hectare in size, a cap of 10% is applied to the residential use while the non-residential use is subject to a 2% parkland dedication. In total, the parkland dedication requirement is 406m<sup>2</sup>.

Parks, Forestry & Recreation (PF&R) staff advise the applicant is required to satisfy the parkland dedication requirement by providing an on-site parkland dedication across the Sheppard Avenue East frontage of the site to form part of the linear greenway indicated in the Conceptual Parks Plan in the Sheppard East Subway Corridor Secondary Plan (from Bayview Avenue to Provost Drive).

It should be noted, providing the full amount of land necessary to satisfy the on-site parkland requirement along the Sheppard Avenue East frontage of the site would require revisions to the plans and drawings. The building is currently set back 5 metres from Sheppard Avenue East and the two-level underground parking structure is currently set back 3 metres. The building and underground parking garage would need to be set back a minimum of 7.5 metres to accommodate the full amount of parkland dedication. The setback may need to be increased further pending the information requested from PF&R staff regarding access to the grade related retail units and potential limiting distance requirements.

PF&R staff has requested the applicant provide a revised landscaping plan indicating the continuous linear greenway/park system including the area of the proposed linear park associated with the development to the immediate east at 18 Rean Drive. Further, the applicant is requested to clarify how entrances to the proposed grade related retail units will impact the parkland. PF&R staff notes any proposed sidewalk along the retail frontage shall not infringe upon, and shall be clearly delineated from, the parkland.

Since the proposed development will be located adjacent to City parkland, PF&R staff has indicated the applicant may be required to enter into a Limited Distance Agreement with the City to achieve the required building setback required by the Ontario Building Code.

Subject to the applicant addressing the issues raised in this report and the above noted parkland dedication requirements to the satisfaction of the General Manager, Parks, Forestry & Recreation, PF&R staff are recommending a development charge credit against the Parks and Recreation component of the Development Charges for the design and construction by the Owner of the Above Base Park Improvements to the satisfaction of the General Manager, Parks, Forestry and Recreation. PF&R staff also recommend the Owner receive a development charge credit in an amount that is the lesser of the cost to the owner of designing and constructing the Above Base Park Improvements, as approved by the General Manager, Parks, Forestry and Recreation, and the Parks and Recreation component of development charges payable for the development in accordance with the City's Development Charges By-law.

PF&R staff advise that while it is not routine practice to provide a development charge credit for parks improvements, from time to time, especially when a new park is proposed as part of a development, Council has approved a development charge credit against the Parks and Recreation component of the development charges for the design and construction by the developer of the Above Base Park components (i.e., playgrounds, splash pads, landscaping etc.). Parks staff has advised they have consulted with staff in

Finance before making the recommendation to use the parks and recreation component of the development charges.

This report includes a recommendation that City Council authorize the City Solicitor to request the OMB to withhold its Order(s) approving the Official Plan and Zoning By-law amendments until such time as the above matters are addressed and secured through the appropriate agreement(s) with the City.

## **Tree Preservation**

A permit is required to remove, cut down or injure a tree with a diameter of 30 cm or more on City or private property. The Tree Inventory and Arborist Report filed with the application proposes the removal of 7 City owned trees and 12 privately owned trees that meet the criteria for protection under the applicable City of Toronto Tree By-laws. The Tree Inventory and Arborist Report also indicates injury to or potential removal of 5 other privately owned trees on the adjacent property to the west. UFS staff notes the determination of ownership of any tree is the responsibility of the applicant and any civil or common-law issues which may exist between the owners with respect to trees must be resolved by the applicant.

### Privately-owned trees

Urban Forestry Services (UFS) staff requires a submission of a complete Permit Application to Injure or Destroy Trees on Private Property and an application fee in the amount of \$5,100 (\$300 per tree) for the removal and injury of 17 privately-owned trees. Urban Forestry requires a total of 51 large growing native deciduous or coniferous trees to be planted on site on the site. UFS staff note the landscape plan submitted with the application does not show any new large growing canopy trees on the site, therefore in accordance with the City's Private Tree By-law, the applicant will be required to submit a payment of \$29,733 (representing 120% of the cost of planting and maintaining trees for a two year period) in lieu of planting the 51 trees on the site.

### City-owned trees

UFS staff advises the Arborist Report proposes the removal 7 City-owned trees as shown on Tree Preservation Plan T1-1. UFS staff requires a submission of a completed Application to Remove Healthy City-owned Trees with a permit fee of \$2,100 for permission to remove the trees and if approved, a payment of \$11,148.78 representing the amenity value for the 7 trees. As well, the applicant will need to complete and submit an "Agreement for Contractors to Perform Arboricultural Services on City-owned Street Trees".

The landscape plan provided with the application proposes 8 City trees for the City road allowance on Sheppard Avenue East and 5 City trees on the road allowance of the future east-west street. UFS staff requires a revised Landscape Plan to address recommended tree species and spacing requirements as well as, a Tree Planting Deposit to ensure the planting of the City-owned on the City road allowance.

UFS advises the removal of any City-owned or privately owned tree may only occur upon receipt of a "Tree Removal Permit" issued by the General Manager of Parks, Forestry and Recreation and after the building and/or demolition permits have been issued.

The requirements of Urban Forestry Services would be dealt with through the Site Plan Approval process.

### **Toronto Green Standard**

On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment.

The applicant is required to meet Tier 1 of the TGS and measures to ensure this will be secured through the Site Plan process.

### **School Boards**

The Toronto District School Board advises there is sufficient space at the local schools to accommodate students from this development. The local schools are Crestview Public School, Woodbine Junior High School and Georges Vanier Secondary School. The Board further advises that although local schools are operating at capacity, the impact from this development is insufficient to require any warning clauses, which would normally be requested. The Toronto District Catholic School Board did not provide any comments on the application. It should be noted however, that the Catholic School Board has an Education Development Charge by-law in place. Payments are required at the time of issuance of the first building permit.

### **Site Plan Control**

This report recommends City Council authorize the City Solicitor to request the OMB to withhold its Order approving the Official Plan and Zoning By-law amendments until the owner has addressed all outstanding matters related to the Site Plan application including entering into a Site Plan Agreement. This will ensure the streetscape and landscape, built form and urban design matters including the design of the place of worship, and the provision of high quality materials and articulated facades appropriate to its location, will be addressed to staff's satisfaction and appropriately align with a rezoning approval.

### **Construction Management**

One of the concerns expressed by residents related to construction activity and the related off-site impacts. As a condition of Site Plan Control approval, the applicant will be required to submit a Construction Management Plan for approval. The plan will include information regarding the construction timetable and protocols to address construction

activities such as noise, dust, temporary loss of facilities and services, parking of vehicles, standards for cleanliness of public spaces and contact numbers for complaints.

## **CONTACT**

Steve Forrester, Senior Planner

Tel. No. (416) 395-7126

Fax No. (416) 395-7155

E-mail: sforrest@toronto.ca

## **SIGNATURE**

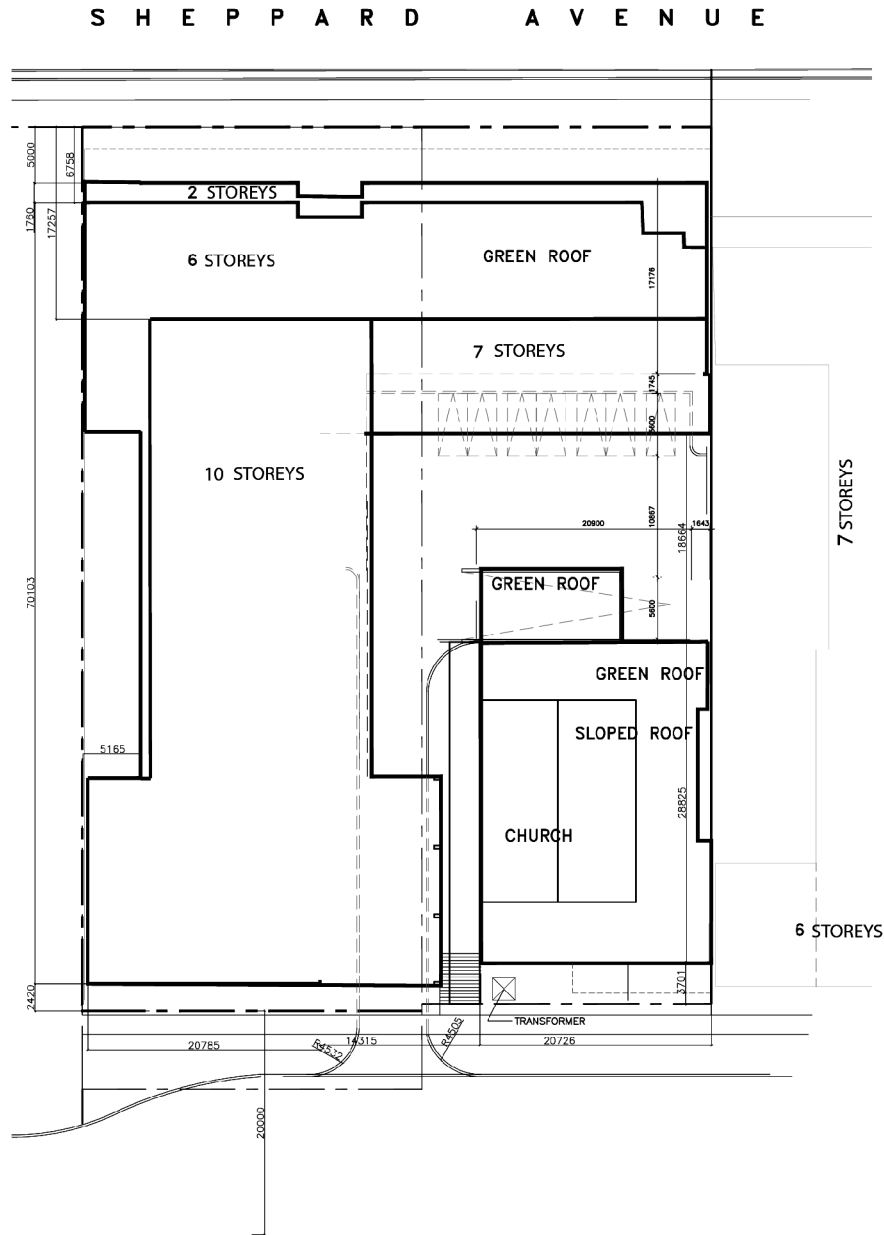
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Allen Appleby, Director  
Community Planning, North York District

## **ATTACHMENTS**

- Attachment 1: Site Plan
- Attachment 2: Landscape Concept Plan
- Attachment 3: North Elevation
- Attachment 4:: South Elevation
- Attachment 5: East Elevation
- Attachment 6: West Elevation
- Attachment 7: Sheppard Avenue East Streetscape
- Attachment 8: Section
- Attachment 9: Zoning
- Attachment 10 Official Plan
- Attachment 11 Block Pattern - Southeast Bayview Node Context Plan
- Attachment 12: Transportation Options - Southeast Bayview Node Context Plan
- Attachment 13 Application Data Sheet

# Attachment 1: Site Plan



## Site Plan

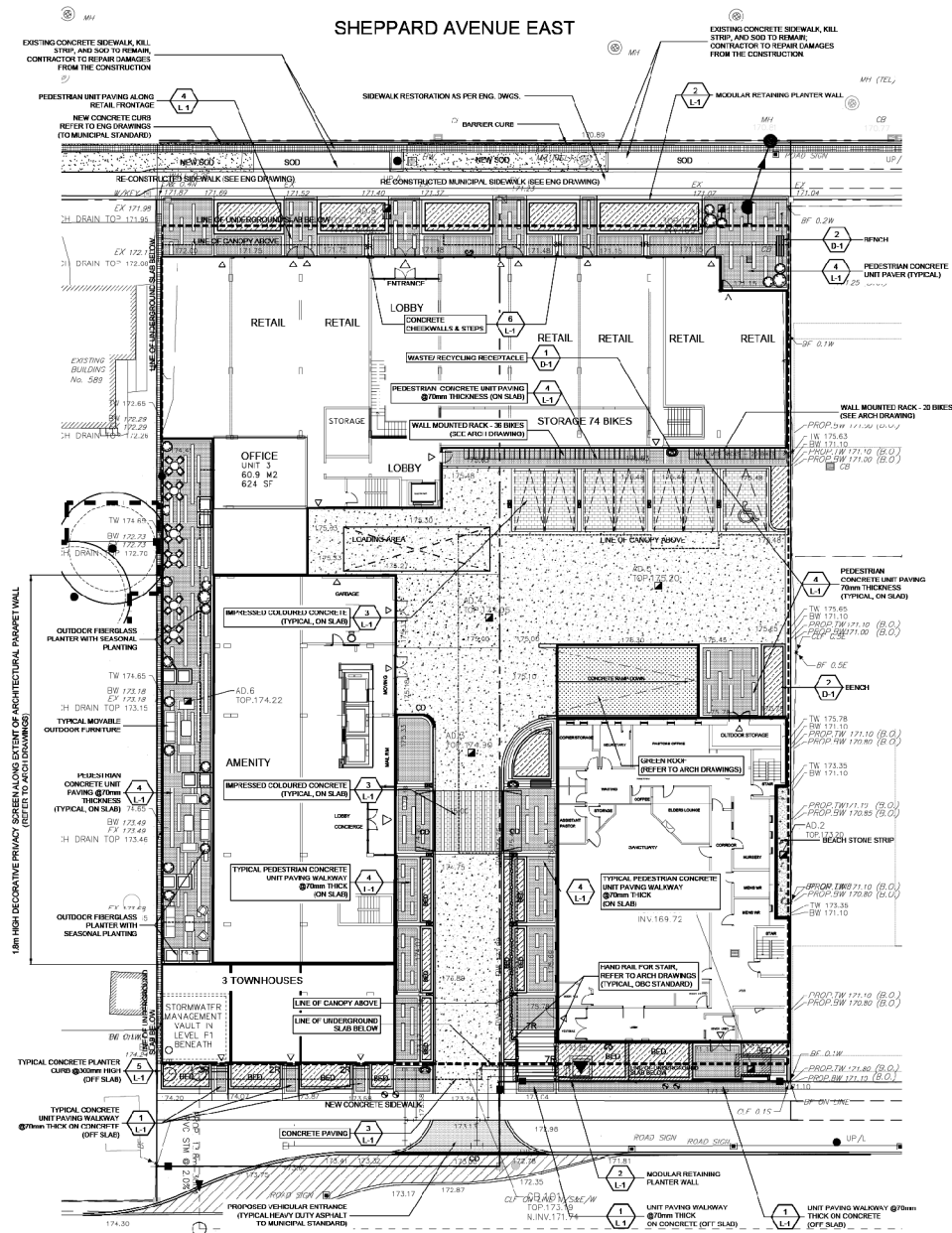
591 - 593 Sheppard Avenue East

Applicant's Submitted Drawing

Not to Scale  
07/22/2014

File # 12 298398 NNY 24 03

# Attachment 2: Landscape Concept Plan



## Landscape Plan

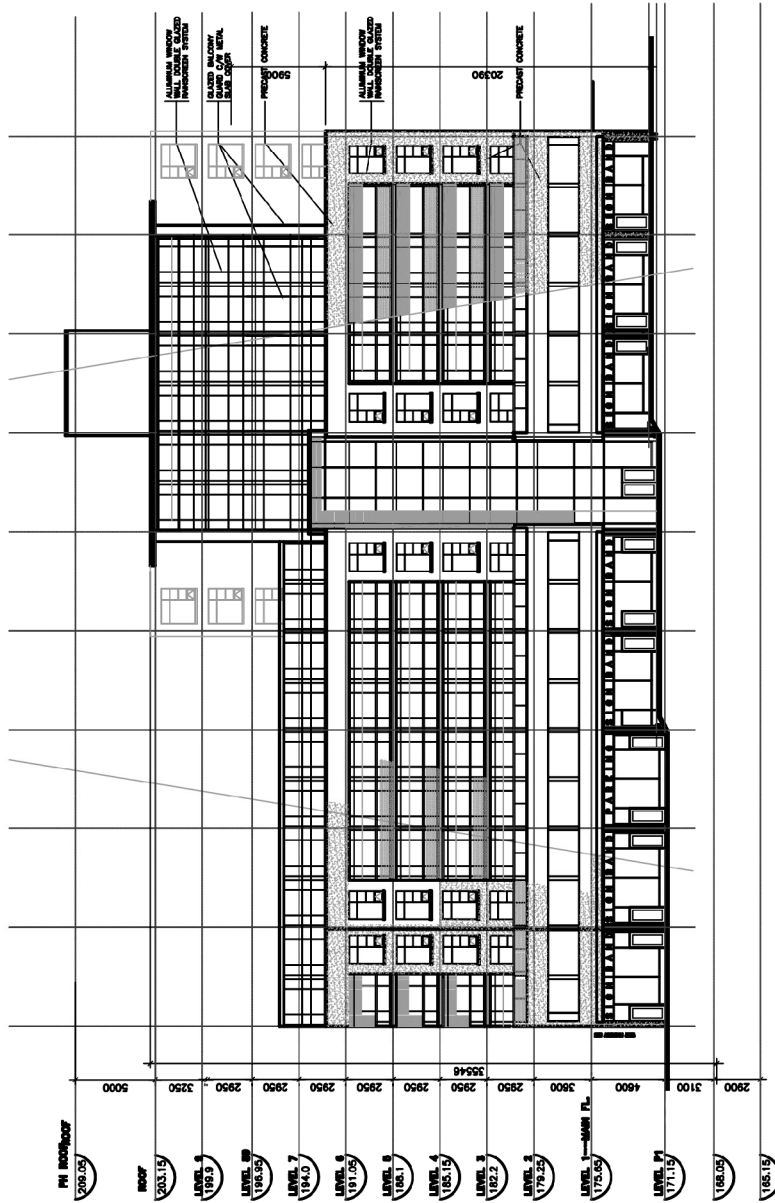
Applicant's Submitted Drawing

Not to Scale  
07/18/2014

## 591 - 593 Sheppard Avenue East

File # 12 298398 NNY 24 03

### Attachment 3: North Elevation



NORTH ELEVATION

591 - 593 Sheppard Avenue East

Elevations

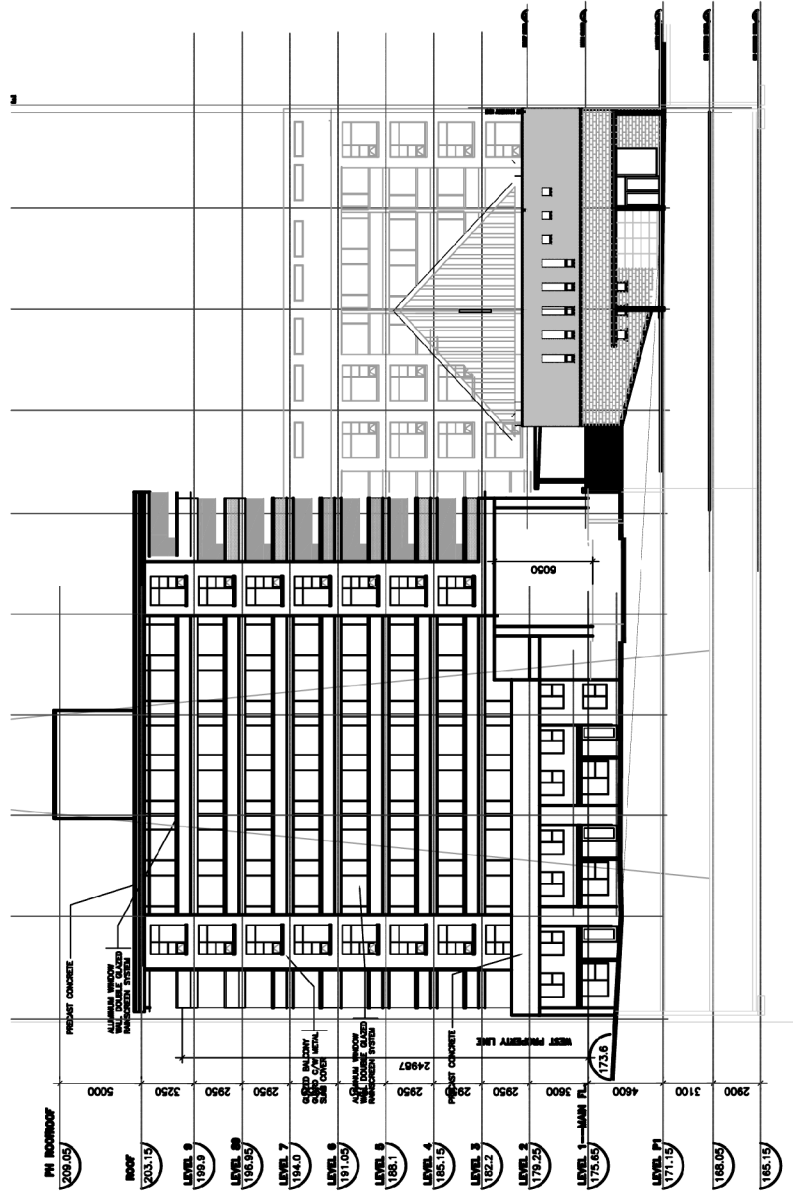
Applicant's Submitted Drawing

Not to Scale  
07/18/2014

File # 12 298398 NNY 24 03



Attachment 4: South Elevation



SOUTH ELEVATION

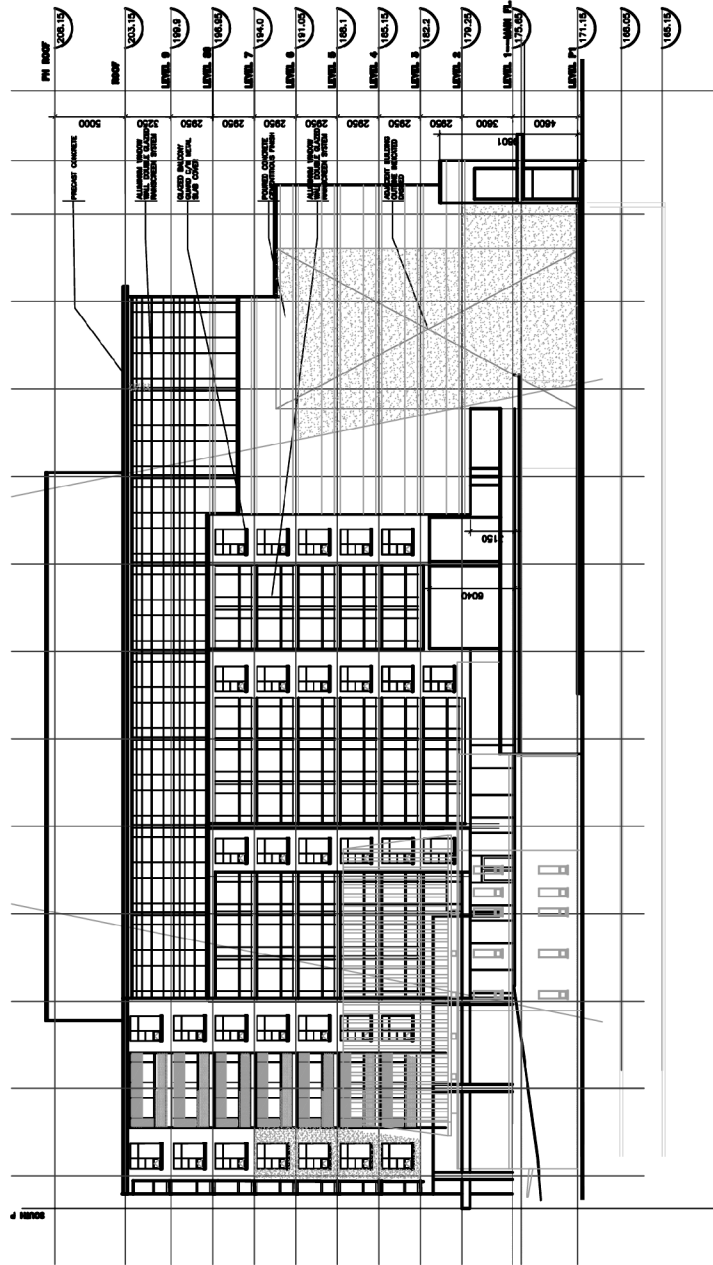
591 - 593 Sheppard Avenue East

Elevations  
Applicant's Submitted Drawing

Not to Scale  
07/18/2014

File # 12 298398 NNY 24.03

Attachment 5: East Elevation



EAST ELEVATION

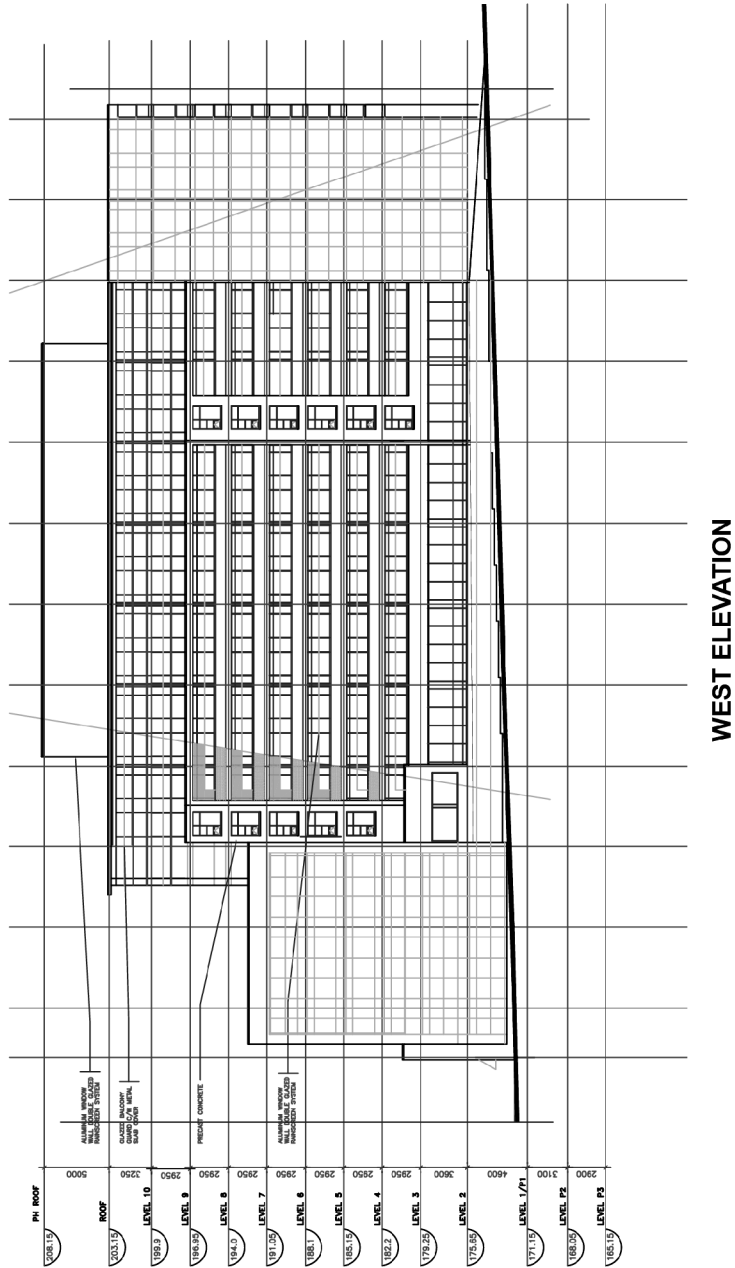
591 - 593 Sheppard Avenue East

Elevations  
Applicant's Submitted Drawing

Not to Scale  
07/18/2014

File # 12 298398 NMY 24 03

# Attachment 6: West Elevation



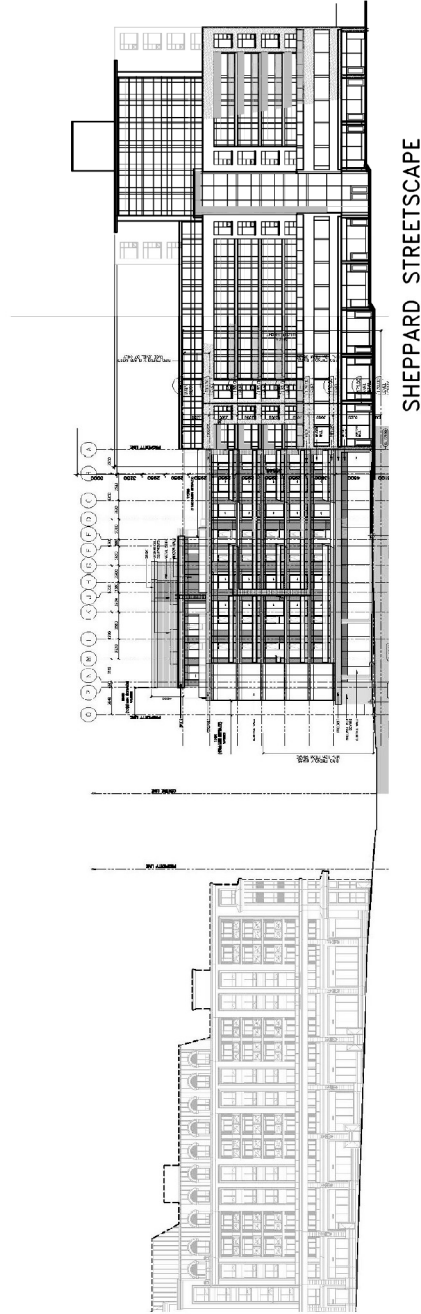
591 - 593 Sheppard Avenue East

**Elevations**  
Applicant's Submitted Drawing

File # 12 298398 NNY 24 03

Not to Scale  
07/18/2014

**Attachment 7: Sheppard Avenue East Streetscape**



**591 - 593 Sheppard Avenue East**

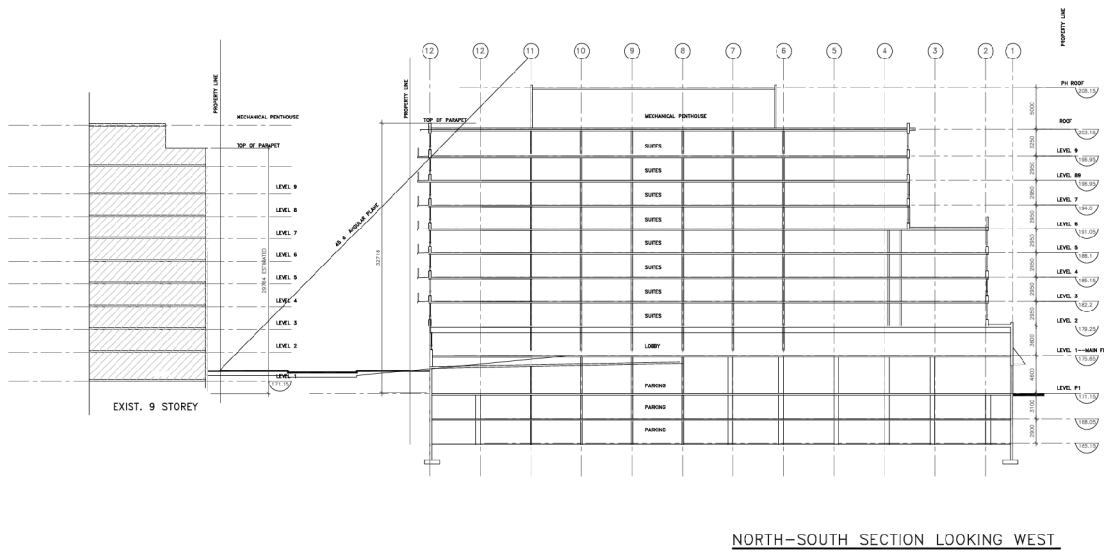
File # 12 298398 NNY 24 03

**Streetscape**

Applicant's Submitted Drawing

Not to Scale  
07/02/2014

## Attachment 8: Section



### Sections

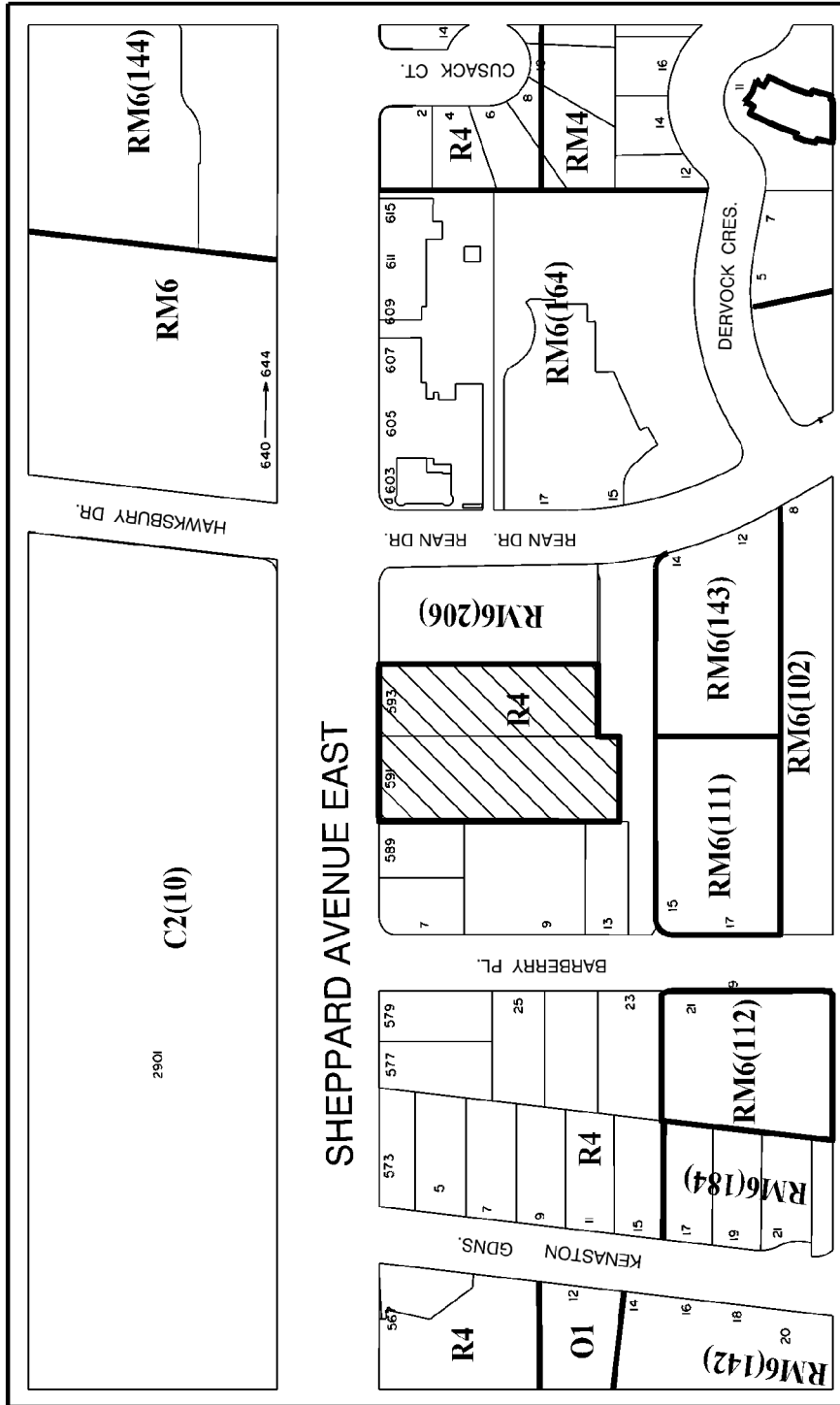
Applicant's Submitted Drawing

Not to Scale  
07/02/2014

591 - 593 Sheppard Avenue East

File # 12 298398 NNY 24 03

Attachment 9: Zoning

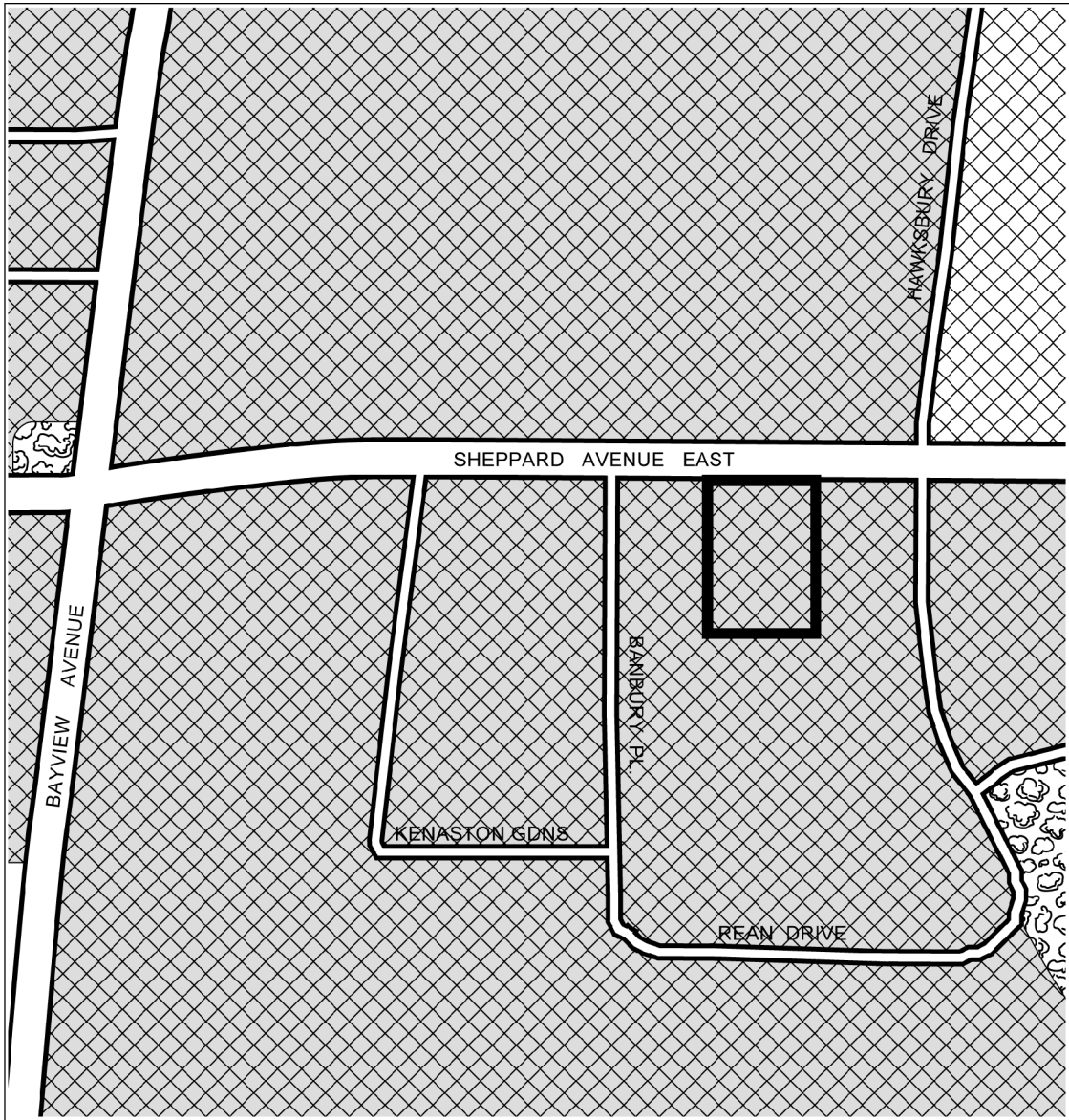


**Toronto** City Planning  
**Zoning**  
 591 - 593 Sheppard Avenue East  
 File # 12 298398 NMY 24 03

- 01 Open Space Zone
  - R4 One-Family Detached Dwelling Fourth Density Zone
  - RM4 Multiple-Family Dwellings Fourth Density Zone
  - RM6 Multiple-Family Dwellings Sixth Density Zone
  - C2 Local Shopping Centre Zone
- NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category

Not to Scale  
 Zoning Bylaw 7625  
 Extracted 02/04/2013







# Attachment 10: Official Plan



**TORONTO** City Planning  
**Official Plan**

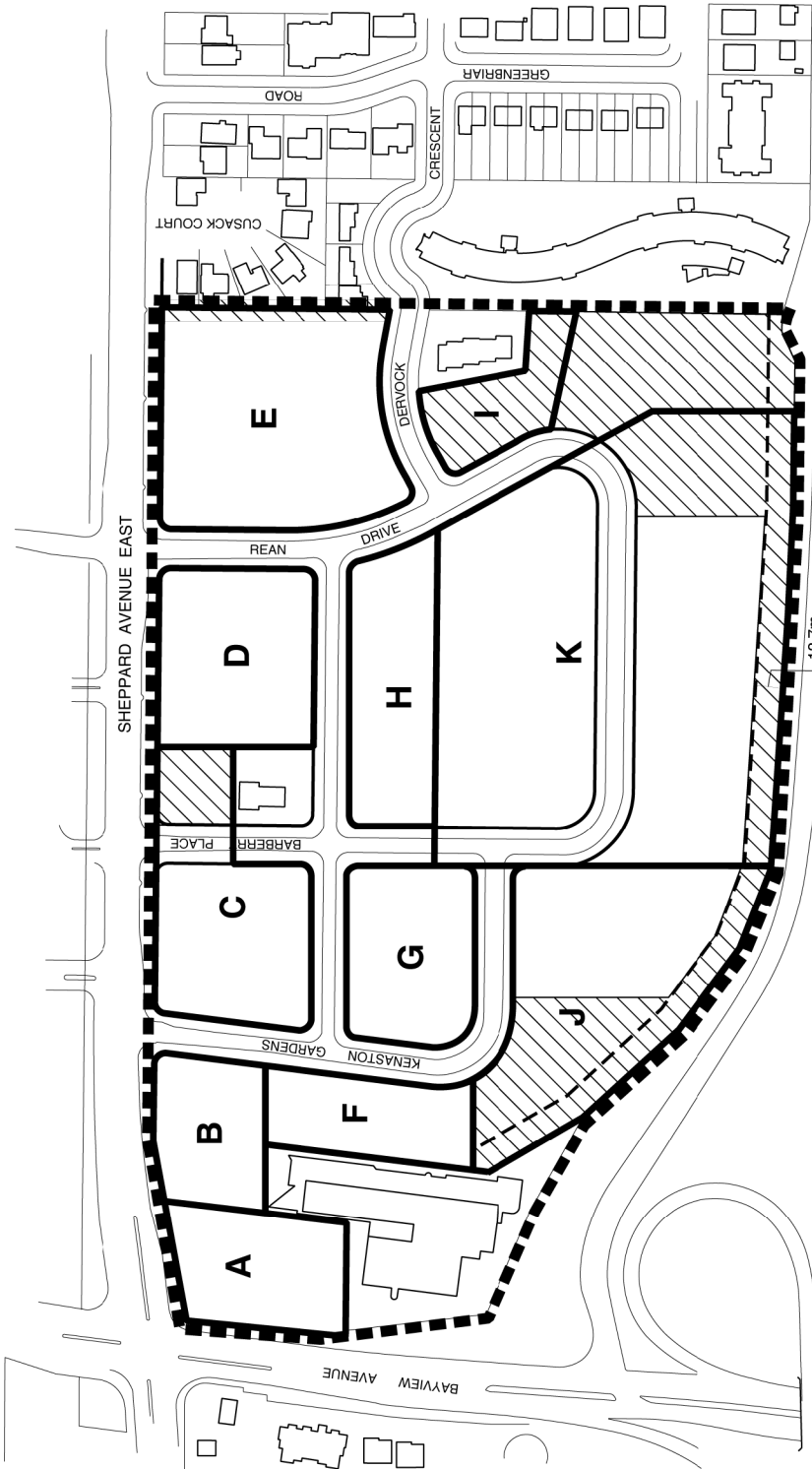
591 - 593 Sheppard Avenue East

File # 12 298398 NNY 24 03

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

↑  
 Not to Scale  
 02/04/2013

Attachment 11: Block Pattern – Southeast Bayview Node Context Plan



Block Pattern - Southeast Bayview Node Context Plan

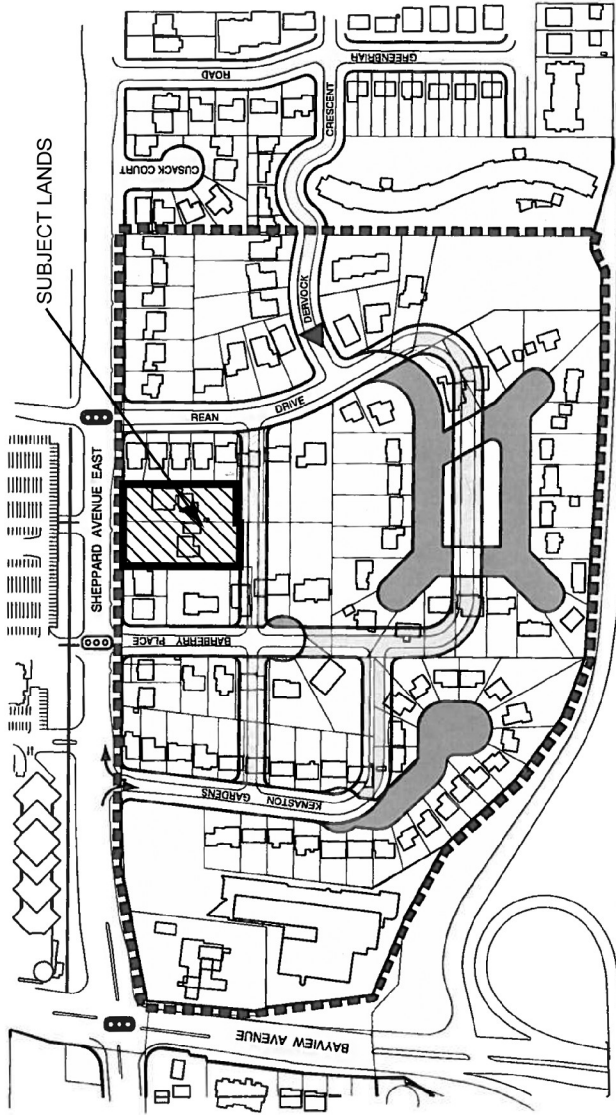
591 & 593 Sheppard Ave. East

- Context Plan Study Area
- ▨ Parks and Open Space

File # 12 298398 NMY 24 0Z



# Attachment 12: Transportation Options – Southeast Bayview Node Context Plan



MAP 4

## Transportation Options

- Context Plan Study Area
- Existing Road to be Retained
- Road to be Closed
- New Road Areas
- Existing Signalized Intersection
- Potential Signalized Intersection
- Potential Right-In / Right-Out Movement
- Potential Traffic Control Measures or Cul-de-Sac

↑  
Not to Scale  
04/03

### Transportation Options - Southeast Bayview Node Context Plan      591 & 593 Sheppard Avenue East

Applicant's Submitted Drawing

Not to Scale  
07/14/2014  
File # 12 298398 MNY 24 0Z

### Attachment 13: Application Data Sheet

Application Type: Official Plan Amendment & Rezoning      Application Number: 12 298398 NNY 24 OZ  
 Details: OPA & Rezoning, Standard      Application Date: December 28, 2012  
 Municipal Address: 591 AND 593 SHEPPARD AVENUE EAST  
 Location Description: PLAN 3583 LOT 3 \*\*GRID N2406  
 Project Description: Revised application proposes a mixed use development with building height of 6 to 10 storeys containing 186 dwelling units, 1,676 square metres of grade related retail space and second floor office space and 267 parking spaces in three levels of underground parking. The application also proposes a replacement place of worship building having a gross floor area of 1,279 square metres. The proposal yields a net density (excluding the place of worship and indoor amenity space) of 3.7 FSI.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
1834373 ONTARIO INC (LIBERTY DEV.)	MARK LIDDY	WAYNE LONG ARCHITECT	ELLIS STREET FREE CHURCH

#### PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	
Zoning:	R4	Historical Status:	
Height Limit (m):	8.8	Site Plan Control Area:	Y

#### PROJECT INFORMATION

Site Area (sq. m):	4659.02	Height:	Storeys:	6, 7, 10
Frontage (m):	30.48		Metres:	35 (Sheppard Ave)
Depth (m):	86.18			
Total Ground Floor Area (sq. m):	2144			<b>Total</b>
Total Residential GFA (sq. m):	15558		Parking Spaces:	267
Total Non-Residential GFA (sq. m):	2954		Loading Docks	1
Total GFA (sq. m):	18513			
Lot Coverage Ratio (%):	0			
Floor Space Index:	3.7 (net)			

#### DWELLING UNITS

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

Tenure Type:	Condo		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	15558	0
Bachelor:	0	Retail GFA (sq. m):	837.5	0
1 Bedroom:	139 (74%)	Office GFA (sq. m):	837.5	0
2 Bedroom:	47 (26%)	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	1279	0
Total Units:	186			

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