

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

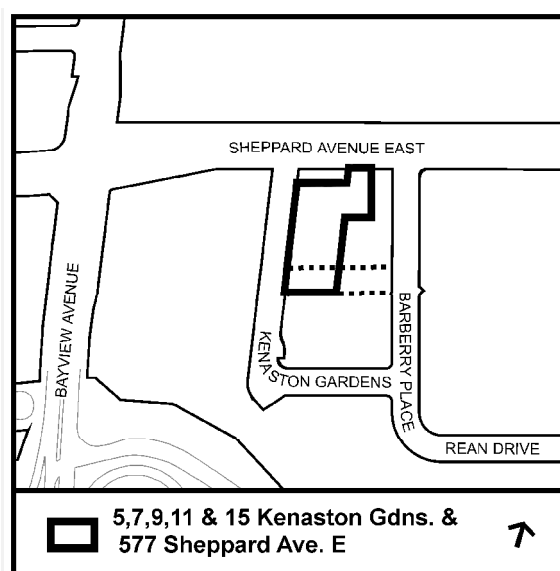
Date:	July 24, 2014
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 24 – Willowdale
Reference Number:	13 225019 NNY 24 OZ & 14 145584 NNY 24 SA

SUMMARY

The applications propose an amendment to the Official Plan, the Sheppard East Subway Corridor Secondary Plan, the former City of North Zoning By-law No. 7625 and City of Toronto Zoning By-law No. 569-2013 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 with a gross floor area of 18,223 m² containing 245 dwelling units, 249 m² of grade related retail space, 212 parking spaces and 188 bicycle parking spaces. The proposal yields a density of 3.99 FSI.

On June 12, 2014 the applicant appealed the Official Plan and Zoning By-law amendment applications and the Site Plan Control application 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*.

A hearing has been scheduled for November 5-7, 2014.



The report seeks Council's direction to oppose the applications in their current form. Built form changes are required to address the 1:1 building height to street width ratio policy of the Secondary Plan along Kenaston Gardens and satisfy the requirements of Transportation Services to provide a public road on the southern portion of the site. The report also outlines concerns with the proposed grade relationship along the Sheppard Avenue East frontage of the site adjacent to the existing/future linear park as well as concerns with the design of the building along the east elevation at Sheppard Avenue East. 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.

Given the locational attributes of the site within this neighbourhood, its close proximity to the Bayview Subway Station and approved and/or built form context in the area, staff could support density beyond the maximum 3.0 FSI assigned in the Secondary Plan at this location, subject to the applicant addressing the issues raised in this report.

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

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) The provision for a 20 metre wide public road along the southern portion of the site;
 - ii) A reduction in the building height along the Kenaston Gardens frontage and relocating some of the floor area to the northwest corner of the site;
 - iii) Extending the built form along Sheppard Avenue East as well as the southerly building wing to the east property lines to create a zero lot line/grade party wall condition;

- iv) East building elevations designed to include detailed elevation articulation and/or building finishes that complement the architectural character of the main façade and a "Gateway" feature at the northwest corner of the site in keeping with the objectives of the Southeast Bayview Node Context Plan; and
 - v) An improved grade relationship between the finished ground floor elevation of the proposed development and the existing/proposed linear park.
4. In the event that the OMB allows the appeal in whole or in part, City Council direct the City Solicitor to request that the Board withhold any Order to approve an Official Plan Amendment and Zoning By-law Amendments for the subject lands until such time as:
- i) 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, minimum indoor and outdoor recreational amenity areas and appropriate Section 37 contributions;
 - ii) 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 in generally 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;

In addition to the above, the following matters are also recommended to be secured in the Section 37 Agreement in support of the development:

- a) The gross floor area of the indoor private recreational amenity area exempted from the calculation of gross floor area;
- b) 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.

- iii) The Owner has submitted a Plan of Subdivision application to secure all matters relating to the public road and parkland including above base park improvements.
 - iv) 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 have been satisfied;
 - v) The Owner has addressed the requirements outlined in the memorandums dated October 7, 2013 and May 21, 2014 to the satisfaction of the General Manager, Parks, Forestry and Recreation;
 - vi) The Owner addressed the requirements outlined in the memorandum dated June 19, 2014 to the satisfaction of the Manager, Engineering and Construction Services, North York District; and
 - vii) the owner addressing any further comments received on the most recent submission and through the further review of the application.
5. Subject to addressing the issues raised in this report and satisfying the comments outlined in the October 7, 2013 and May 21, 2014 comments from 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 to a proposed 227 m² 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 November 19, 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*.

North York Community Council:

1. Deferred consideration of the Preliminary Report (October 27, 2013) from the Director, Community Planning North York District, to allow the applicant to consider revisions to the proposal to be more in keeping with the goal and objectives of the Sheppard East Subway Corridor Secondary Plan.

The Decision Document and Preliminary Report is available at the following web link:
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.NY28.26>

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 Map 4 that forms part of the Southeast Bayview Node Context Plan (see Attachment 12 – Transportation Options Map 4). 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 principles, 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.

Map 3 (Block Pattern) illustrates potential development blocks created by existing and new streets (see Attachment 11 – Block Pattern Map 3). Map 4 illustrates 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.

The lands at 15 Kenaston Gardens and the southern portion of 11 Kenaston Gardens, forming the southern boundary of the application site, have been identified as lands necessary to complete the east/west road shown on Transportation Options Map 4 of the Southeast Bayview Node Context Plan.

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

Further to North York Community Council's November 9, 2013 decision, on May 13, 2014, North York Community Council had before it a Further Preliminary Report from the Director, Community Planning, North York District. The report provided background information on a revised proposal received April 22, 2014 and sought Community Council's direction on further processing the application and on the community consultation process.

The revised proposal included a reduction in gross floor area from 19,858 m² to 18,223 m² (resulting in a reduced density from 4.35 FSI to 3.99 FSI) and a reduction in the number of dwelling units from 262 to 245 units and number of parking spaces from 233 to 214 spaces. Revisions also included a reduction in the height of the Sheppard Avenue East portion (wing) of the building from 9 to 8-storeys. While the height of the building along the Kenaston Gardens portion (wing) of the building remained 12-storeys, a series of building terraces and stepbacks at various floors were introduced along the street elevation and heights stepping down from 12 to 6 storeys towards the south end of the building.

In addition, the revised application no longer proposed the conveyance of a 16.5 metre wide parcel of land to the City on the southern portion of the development site for public road purposes. Instead, the applicant is proposing to retain the land and develop it with a private driveway and a portion of the underground parking garage.

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 Don Ravine to the east and Bayview Avenue to the west.

The Decision Document and Further Preliminary Report is available at the following web link: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.NY32.17>

ISSUE BACKGROUND

Proposal

The applicant is proposing to amend the Official Plan, the Sheppard East Subway Corridor Secondary Plan, the former City of North York Zoning By-law No. 7625 and City of Toronto Zoning By-law 569-2013 to permit a mixed use development at 5, 7, 9, 11 and 15 Kenaston Gardens and 577 Sheppard Avenue East. As noted previously, a revised proposal was submitted April 22, 2014 and is still under review.

The revised application proposes a mixed used building with an overall height of 12-storeys comprising 245 dwelling units, 249 m² of grade related retail space at the corner of Sheppard Avenue East and Kenaston Gardens, 212 parking spaces (209 below grade and 3 surface), 188 bicycle parking spaces, and a 227 m² on-site parkland dedication along the Sheppard Avenue East frontage (in front of 577 Sheppard Avenue East). The dedication would function as a continuation of the public parkette located at the southeast corner of Sheppard Avenue East and Kenaston Gardens. The development would have a gross floor area of 18,223 m² resulting in a density of 3.99 FSI (excluding indoor recreational areas).

The proposed unit mix comprises 8 studio units (3% of total), 160 one-bedroom units (65%) and 77 two-bedroom units (32%).

The footprint of the proposed building continues to be L-shaped in plan (see Attachment 1). The Sheppard Avenue East wing of the building would have an overall height of 8-storeys (see Attachment 2 – North Elevation and Attachment 6: Perspective). The building is setback 3 metres from the north property line. The ground floor would contain 5 residential units with outdoor patios and elevated approximately 1.75 metres above the existing/future park. The balance of the frontage would contain grade related retail space that wraps the corner along Kenaston Gardens. The 8th floor is stepped back 1.5 metres from the edge of the 6th storey base. The roof of the 8th floor would be developed with an outdoor amenity area and green roof.

The Kenaston Gardens wing has an overall height of 12-storeys stepping down to 10, 9 and then 6-storeys towards the south (see Attachment 5: West Elevation). The roof of the 12th storey would be a green roof. The 9th and 6th storey portions of the building continue east towards the interior of the site towards the private driveway (see Attachment 1 and Attachment 3: South Elevation). The lower 6-storeys are set back 3.5 metres from Kenaston Gardens. Floors 7 to 9 and 10 to 12 facing Kenaston Gardens, are stepped back at increments of 1.5 metres each to accommodate outdoor amenity terraces. The design is best illustrated on Attachment 6: Perspective.

The building design also includes 390 m² of indoor amenity space on the ground floor and on the 9th floor. The amenity space on the 9th floor is adjacent to outdoor rooftop amenity area on the Sheppard Avenue East building wing.

As stated previously, vehicular access to the development is provided at the south end of the site from Kenaston Gardens. The driveway has a width of 8.5 metres that leads to a 6 metre wide driveway that runs north along the east property line. The driveway leads to a landscaped vehicular courtyard that provides access to a ramp to two levels of underground parking, an internalized loading area and 3 surface parking spaces designated for the retail use. The courtyard also includes two outdoor amenity areas that flank the ramp to below grade parking.

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

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Site and Surrounding Area

The site located in the area south of Sheppard Avenue East on the east side of Kenaston Gardens directly opposite the Bayview subway station entrance and immediately south of an existing park fronting Sheppard Avenue East. 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 the north property lines and 90 metres along Kenaston Gardens with a site area of 4,791 m². The lands are currently developed with 5 one-storey single detached dwellings.

The following is a summary of the area context:

- North: Sheppard Parkette/Sheppard Avenue East then Bayview Village Shopping Centre. Directly north of the site, on the north side of Sheppard Avenue East on the Bayview Village Shopping Centre site, the zoning by-law permits a 15-storey mixed use building. To date, the building has not been constructed;
- South: an 8-storey condominium apartment building at 17 Kenaston Gardens (NY Place) then the east-west leg of Kenaston Gardens;
- East: 2-single detached dwellings within the Key Development Area then Barberry Place; and
- West: Bayview Subway Station and Kenaston Gardens Park.

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 (see Attachment 10- 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 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 East frontage not in close proximity to subway stations, the Plan states the maximum building height will generally be 6 storeys.

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 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 (in this instance the Bayview Node), at nominal cost to the City.

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 space 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 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 East with mid-rise building heights compatible with the commercial and residential uses north of Sheppard Avenue East 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 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 – 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 Barberry Place comprising 579 Sheppard Avenue East and 27, 25 and 23 Barberry Place. Through the development approval process a portion of 23 Barberry 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 Barberry 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.

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 generally 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. It goes on to state it does not necessarily mean an increase in height. 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 was filed on April 22, 2014 (File No. 14 145584 NNY 24 SA). The Site Plan appeal was filed on June 12, 2014 and still under review at the time of the appeal.

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 3.99 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.

Ontario Municipal Board Appeal

On June 12, 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 the same day, the applicant filed an appeal on the Site Plan Application directly to the Board, also citing Council's failure to make a decision on the application within the prescribed timelines of the Planning Act.

A 3-day hearing on all the appeals has been scheduled by the Board commencing November 5, 2014.

Community Consultation

On June 25, 2014 a community consultation meeting was held at the Toronto Centre for the Arts. Approximately 10 members of the public attended along with the applicant and its consultants, the Ward Councillor and City Planning. Planning staff provided an overview of the application process and the applicant presented their proposal. The majority of the concerns expressed by the residents pertained to traffic matters in the area and the impact the development will have on existing traffic congestion in the local area, particularly in the a.m. and p.m. rush hours. Residents noted the additional traffic generated by the proposed development will increase the delays motorists currently experience entering Sheppard Avenue East from the signalized intersection at Barberr Place.

Abutting property owners expressed concerns with the design of the project suggesting the form of development would affect their ability to maximize the development potential on their lands. Planning have also received calls and received correspondence from area residents expressing concerns the proposed density will set a negative precedent for the area.

Revised Circulation

The initial August 2013 application and revised application received on April 22, 2014 was circulated to all appropriate agencies and City divisions for review and comment.

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Responses received have been used to assist in evaluating the application and to formulate appropriate recommendations. Due to the timing of the appeals, certain outstanding design and technical requirements remain to be addressed to the satisfaction of City staff. Accordingly, this report 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 application continues to propose a mix of land uses including residential and retail users which is consistent with the land use permissions in the Official Plan and Secondary Plan. The retail use would complement the existing residential uses that are prevalent within the Southeast Bayview Node.

The proposed mix of uses, including the grade related retail use fronting Sheppard Avenue East, would be consistent with the Official Plan and Secondary Plan objectives for *Mixed Use Areas*. The grade related retail use would 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.

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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: Block Pattern Map 3). The proposal includes five lots on Kenaston Gardens and one lot along the Sheppard Avenue East located on western portion of Block C. The remaining lands within Block C are also designated *Mixed Use Areas* and include three 2-storey single detached dwellings on Barberry Place (23, 25 and 27) and a 2-storey single detached dwelling at 579 Sheppard Avenue East. City Planning is currently processing an application to amend the zoning by-law at 579 Sheppard Avenue East to permit an existing real estate office.

As noted previously in this report, the lands at 13 and 23 Barberry Place, 15 Kenaston Gardens and a portion of 11 Kenaston Gardens have been identified as land necessary to provide a public road between Rean Drive and Kenaston Gardens. Further to Council's direction to City staff regarding these, 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, will be reporting to the Government Management Committee on August 11, 2014 with respect to the means by which these lands may be acquired by the City and the potential cost and source of funds to complete the acquisitions.

Block C includes the lands 23 Barberry Place and 11 and 15 Kenaston Gardens.

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 C. It is staff's understanding the applicant opted not to enter into discussions with the adjacent land owners.

The demonstration plan submitted by the applicant indicates a 6-storey building could be accommodated along Sheppard Avenue East to conform with height policy of the Secondary Plan at this location with a height increasing to 8-storeys towards the south to respond to the surrounding built form context. A streetwall form of development would be in keeping with the urban design guidelines in the Southeast Bayview Node Context Plan which speak to aligning buildings with the public realm and providing definition and support to the structure of the neighbourhood. The plan incorporates an internal courtyard

to accommodate servicing and access, as is the case with the subject application and other developments in the neighbourhood. Further, the plan demonstrates the four remaining properties on Block C, could be developed comprehensively and prevent piecemeal development. Moreover, the southern portion of the demonstration plan takes into consideration City building initiatives to accommodate a public road at 23 Barberry where no development is proposed. However, in the absence of extending a public road further west through the application site to connect with Kenaston Gardens would necessitate the need to provide at cul-de-sac on the southern portion of the adjacent land assembly. This could affect the ability of the adjacent lands in Block C to achieve the maximum density permitted in the Secondary Plan.

The goal of the transportation component of the Context Plan is to promote development and linkages that support walking, cycling and the use of public transportation. The future east-west street will provide alternative routes for traffic and pedestrian routes to safely and conveniently access Sheppard Avenue East and the subway and creates appropriate development blocks. In keeping with the objectives of the Context Plan no development is proposed on the 23 Barberry Place portion of the applicant's demonstration plan. However, the remaining portion of lands located on the application site, that would be necessary to extend the public road to connect to Kenaston Gardens (#15 and southern portion of #11), is currently proposed to be developed as a private driveway with some underground parking. While the lands assembled under this application could allow for comprehensive development, the failure to provide a public road on the site has raised issues outlined in this report.

With respect to the subject application, Planning staff would recommend built form modifications on the east side of the proposed development along the Sheppard Avenue East frontage as well as at the southeast corner of the building adjacent to a proposed internal driveway. To ensure the proposed development does not impact or limit the development potential on the remaining lands within the block, Planning staff would recommend these easterly portions of the proposed building be extended to the east property lines to create a zero lot/party wall condition. This would assist in facilitating the maximum permitted density assigned under the Secondary Plan on the remaining lands on Block C.

Further, Planning staff would recommend the east elevations include detailed elevation articulation and/or building finishes that complement the architectural character of the main façade so as not create an unattractive blank wall condition. These façade treatments would be secured through the Site Plan process.

These recommendations would be consistent with other approved and/or built projects within the corridor and support Secondary Plan policy to create a "mainstreet" approach along Sheppard Avenue East.

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 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. Along those parts of Sheppard Avenue East that are not in proximity to subway stations the maximum height is generally 6 storeys. Aside from this policy, there are no specific height requirements in the Official Plan or Secondary Plan. 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, and Section 4.4 (*Urban Design Principles*) of the Secondary Plan. These policies speak to the appropriate built form for new buildings and considerations of neighbourhood context and fit.

As stated above, the Sheppard East Subway Corridor Secondary Plan sets out a general height limit of 6-storeys along Sheppard Avenue East on sites that are not in close proximity to a subway station. The entrance to the Bayview Subway Station is located directly opposite the site on the west side of Kenaston Gardens, approximately 30 metres from the site. As such, this Secondary policy is not applicable to this site.

The Context Plan for this area includes a height diagram and urban design principles to assist Council in its decisions on development applications. The height diagram shows a height of 6 storeys along Sheppard Avenue East and 4 to 6 storeys along Kenaston Gardens. The height diagram urban design principles 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 approved on as they met Built Form policies of the Official Plan, the Urban Design policies of the Secondary Plan policy and 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.

Given the locational attributes of the site within this neighbourhood, its close proximity to the Bayview Subway Station and approved and/or built form context within the other

quadrants at Bayview Avenue and Sheppard Avenue East, consideration could be given to permitting additional density on this site. However, Planning staff has concerns with the proposed built form and cannot support the proposal in its current form.

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.

The application proposes a 12-storey height along the Kenaston Gardens frontage of the site that steps down to 6-storeys to the south. As illustrated on Attachment 8 – East-West Section, a portion of the building is outside the angular plane generated by the 1:1 height to street ratio line.

Staff is recommending the height along Kenaston Gardens be reduced from 12 to 9-storeys. In view of the existing built form within the neighbourhood, a building height in the range of 9-storeys along Kenaston Gardens, with an upper floor design that addresses the 1:1 height to street ratio policy in the Secondary Plan would be appropriate. This would need to be reviewed in detail as part of continued discussions and a revised proposal.

Floor area could be relocated from the Kenaston Gardens frontage to the northwest corner of the site and as noted previously, by way of extending the built form along the Sheppard Avenue East wing as well as the southerly building wing to the east property lines to create a zero lot/party wall condition.

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 study demonstrates there would be shadow impacts during the early morning hours of the September and March equinox on Kenaston Gardens and lands further west and northwest of the site and late afternoon shadow impacts on the internal landscape courtyard on the site and extending east onto adjacent properties. These impacts would be improved by reducing the 12-storey height of the building along Kenaston Gardens as recommended by staff.

Streetscape

Built Form Policy 3.1.2 requires new development to be located and organized to fit with its existing and/or planned context. The Plan states buildings will frame and support adjacent streets and parks to improve the safety, pedestrian interest and casual views to these spaces by locating buildings parallel to the street or along the edge of a park with consistent setbacks and by providing ground floor uses that have views into and, where possible, access to, adjacent streets and parks. The proposal addresses these requirements along Kenaston Gardens and along the south side of the building but in some respects, not along the majority of the Sheppard Avenue East frontage where the site abuts an existing and future linear park.

The Kenaston Gardens frontage is set back 3.5 metres from the property line. The south side of the building, where the project faces the private driveway is setback approximately 7.5 to 9.8 metres from the private driveway. The building is aligned along the street and private driveway edges to provide an appropriate street presence and street enclosure with consistent setbacks to accommodate landscaping opportunities and general site amenity. The ground floor design along these edges includes residential units having street and grade related access. The existing sidewalk along the Kenaston Gardens frontage would be replaced by a new 1.7m wide concrete sidewalk and the public boulevard would be planted with trees.

The Sheppard Avenue East frontage of the building is set back 3 metres from the property line/park edge. The ground floor would contain 5 residential units with outdoor patios and grade related retail space closer to Kenaston Gardens. The building is parallel to, and aligned with Sheppard Avenue East and frames the edge of the park with a consistent setback. Further, the ground floor includes uses that have views into the park. In this regard, the proposal addresses policy 3.1.2.

Planning staff is concerned with the relationship between the ground floor uses, particularly at the east end of the site and the park edge. The site slopes down from Kenaston Gardens towards the east along Sheppard Avenue East approximately 3 metres, or one storey. Owing to the difference in grade, the finished ground floor of the building is elevated approximately 1.75 metres above the existing/future park (at the easternmost point). Rather than step the finished floor, the applicant has elected to address the difference in grade through landscaping. Staff has concerns with this design and the relationship the units have with the park. Staff is recommending building be redesigned to make these units accessible at grade along the edge of the existing/future linear park to ensure these spaces animate the edge of the park.

Traffic Impact and Access

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 5,000 m².

The Southeast Bayview Node Context Plan has been used to inform the review of the application. As noted previously in this report, the Plan is intended to provide direction on the future form of development to residents and the development community. At the time of its adoption potential land assemblies and future lots were not clear. Therefore, in order to maintain its flexibility the Context Plan does not form part of the Official Plan or Secondary Plan. The Plan includes urban design principles and maps that provide a generalized concept and framework for the potential physical form of development and the public realm for this neighbourhood. Block Pattern Map 3 illustrates potential development blocks created by existing and new roads (see Attachment 11). Transportation Options Map 4 illustrates potential new roads in the area (see Attachment 12).

Map 4 illustrates a grid network of connecting streets based on a combination of existing north-south alignments (Rean Drive and Barberry Place) and the creation of new east-west streets south of Sheppard Avenue East to serve as a mid-block connector and complete the grid. The goal of the transportation component of the Context Plan is to promote development and linkages that support walking, cycling and the use of public transportation. The future east-west street will provide alternative routes for traffic and pedestrian routes to safely and conveniently access Sheppard Avenue East and the subway and creates appropriate development blocks.

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 mid-block connector road have been acquired and built. The remaining portions to complete the public road as envisioned in the Context Plan include the connection between Kenaston Gardens and Barberry Place and a small portion between Barberry Place and Rean Drive. The lands at 15 Kenaston Gardens and southerly portion of 11 Kenaston Gardens have been identified as lands necessary to construct a mid-block connector road to Barberry Place. The applicant's initial submission included a public road on these lands however the revised submission eliminates provision for a public road and provides a private driveway and some underground parking instead.

A Traffic Impact Study (TIS) prepared by the applicant's traffic engineering consultant BA Group, was submitted with the application in August 2013. An update to the TIS and response to Transportation Services comments was submitted by the consultant on April 9, 2014.

The initial TIS examined traffic generated by future residents of the proposed building (initially 262 dwelling units) in the context of existing, under construction and approved development in the corridor. The findings of the initial TIS concluded the existing infrastructure (i.e., transit and public street network) can appropriately and adequately support the transportation needs of the proposed development without the need for physical improvements other than the construction of the proposed public road extending along the southern property line of the site from Kenaston Gardens. The study estimates that the project will generate approximately 60 and 65 two-way trips during the a.m. and p.m. peak hours, respectively.

In their updated response letter the consultants concluded in view of the small reduction in traffic activity resulting from the current proposal (245 units) compared to the initial submission (262 units), the prior activity forecasts and analysis in their August 2013 report remain valid. However, the response goes on to state the revised proposal eliminates the previously proposed public road extending from Kenaston Gardens and instead, replaces it with a private access driveway.

Transportation Services staff concurs with consultant's initial findings, including its conclusion regarding the construction of the proposed public road from Kenaston Gardens, and is requiring the applicant to convey a 20 metre wide right-of-way along the southern boundary of the site for public road purposes. This approach to require the road builds upon providing a public street network, is consistent with what the City has achieved on all the other development in the neighbourhood and addresses the Context Plan. The east-west road not only provides alternative routes for traffic, it also creates suitably sized development blocks creating more public address for development and provides pedestrians and cyclists within the community more opportunities to safely and more conveniently access local parks, Sheppard Avenue East and the subway station.

This report recommends that 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 Transportation Services comments as set out in the memorandum from the Manager, Engineering and Construction Services dated June 19, 2014.

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.

A Parking Study was included in the applicant's Traffic Impact Study.

Transportation Services is requiring the following rates as per City of Toronto Zoning By-law No. 569-2013:

- 0.6 to 0.9 space per dwelling unit for a bachelor unit (under 45 m²);
- 1.0 to 1.3 spaces per dwelling unit for a bachelor units (over 45 m²)
- 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; and
- 1.0 to 4.0 spaces per 100 m² of retail gfa.

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 between 212 and 276 parking spaces. The plans indicate a total of 212 have been provided comprising 186 residential spaces, 24 visitor spaces and 2 retail spaces.

Transportation Services has advised the proposed parking supply satisfies the by-law requirements however a reallocation of one space is required to provide the minimum number of required spaces for the 1-bedroom units.

The amending Zoning By-law for the site would incorporate these performance standards.

Notwithstanding the above, Transportation Services staff has advised that the proposed underground parking garage would encroach within the required 20 metre wide public right-of-way. As such, the underground parking garage would need to be redesigned to accommodate the required right-of-way.

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”.

City of Toronto Zoning By-law requires bicycle parking be provided at the following rates for this site:

- 0.68 spaces per dwelling unit;
- 0.07 spaces per dwelling unit for visitors;
- 0.13 spaces per 100 m² of gfa for the retail use; and
- 3 spaces + 0.25 spaces per 100 m² of gfa of the retail use for visitors.

Based on the number and dwelling units and the gross floor area for the retail use these rates would generate the need to provide 166 spaces for residential occupants, 17 spaces for residential visitors, 1 space for retail occupant and 4 spaces for retail visitors for a total of 188 spaces.

The proposal incorporates the required amount and allocation of bicycle parking spaces. The amending Zoning By-law for the site would incorporate these rates.

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.

One Type 'G' loading space is proposed for the building which meets the requirements of City of Toronto Zoning By-law No 569-2013. The space has been incorporated under the third floor level of the Kenaston Gardens wing of the building and accessed from the internal courtyard.

Solid Waste Services staff have provided the applicant with a number of technical requirements on the design of the facility and have requested more information. The detailed design can be addressed through the Site Plan process however, Transportation Services staff has advised the proposed location of the loading space obstructs the pick-up and drop-off area to the building and must be relocated.

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 June 19, 2014 from the Manager, Engineering and Construction Services are addressed.

The amending Zoning By-law for the site will need to specify one Type 'G' loading space is required for the proposed development.

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 1.59m² per dwelling unit to support the proposed development. Based on 245 dwelling units this rate equates to 390 m² of space. The indoor amenity area is proposed within three separate spaces at grade and within space on the 9th floor. The ground floor amenity areas are located adjacent to the entrance lobby from Kenaston Gardens and within two rooms located along the south side of the Sheppard Avenue East wing of the building. The latter are

located adjacent to south facing outdoor amenity areas situated on either side of the ramp to underground parking within the internal courtyard. The indoor amenity space on the 9th floor is adjacent to an outdoor amenity area provided on the roof of the 8th floor along Sheppard Avenue East.

Common outdoor space is proposed at rate of 2.7 m² per dwelling unit which equates to 662 m² of space.

While staff can support the proposed amount of indoor and outdoor space, staff is concerned with the design of the two indoor/outdoor amenity areas located on the ground floor and within the internal courtyard. As noted above, the location of the ramp to the underground garage divides the indoor and outdoor amenity areas into two separate areas. Staff recommends the ramp be relocated to enable both indoor and outdoor amenity areas to be continuous. In view of the concerns expressed by Transportation Services regarding the design and location of the loading area the opportunity presents itself to revisit the overall design of the courtyard to address both concerns.

The amending Zoning By-law for the site would incorporate these rates as minimums.

Servicing

The applicant submitted a Municipal Servicing Report, Site Servicing and Grading Plans and Stormwater Management Report to the City in support of the application. The most recent comments from Engineering and Construction Services staff, including Fire Services staff, were issued to the applicant on June 19, 2014. The comments indicate that further revisions and/or information is required in order for City 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 June 19, 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.

In accordance with Secondary Plan policy, the gross floor areas devoted to the common indoor recreational areas would be exempted in the calculation of density. Subject to the applicant revising the proposal and addressing the recommendations outlined in this report, and any outstanding matters resulting from the City's further review of the application, Planning could support the additional 4,531 m² of gross floor area beyond the maximum assigned in the Secondary Plan, 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; and
- ii. 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 245 residential units and 249 m² of retail gross floor area on a site with a net area of 4,564 m². At the alternative rate of 0.4 hectares per 300 units specified in By-law 1020-2010, the parkland dedication requirement is 3,493 m² or 78% 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 452 m².

The applicant is proposing a 12m wide 227m² on-site park along the Sheppard Avenue East frontage (in front of 577 Sheppard Avenue East). The lands will form a continuation of the existing park to the east at Kenaston Gardens and form part of the linear greenway indicated on the Conceptual Parks Plan in Map 9-4 of the Sheppard East Subway Corridor Secondary Plan (from Bayview Avenue to Provost Drive). PF&R supports the proposal and has indicated the deficit in the required amount of parkland dedication shall be provided by a Cash-in-Lieu payment prior to the issuance of the first above grade building permit. PF&R advise the proposed pedestrian easement located on the east side of the parkland conveyance (connecting a proposed fire exit door from the building to the municipal sidewalk) is not creditable as part of the parkland conveyance amount and would be required to be maintained by the building Owner(s). The pedestrian surface easement would be required to be registered prior to conveyance of the parkland. PF&R staff further advise a proposed air shaft is not permitted within the park block.

Subject to addressing the October 7, 2013 and May 21, 2014 comments from the General Manager, Parks, Forestry and 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.

Parks, Forestry and Recreation 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.

PF&R staff has requested that the applicant provide a landscaping plan to the satisfaction of the General Manager, Parks, Forestry and Recreation. The applicant has been requested to clarify how the patios/entrances and residential units will impact the parkland. PF&R staff notes any proposed sidewalk on the site 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.

This report is recommending City Council authorize the City Solicitor to request the OMB to withhold its Order on the appeals until the matters outlined in the October 7, 2013 and May 21, 2014 comments from the General Manager, Parks, Forestry and Recreation are addressed. The report also recommends that the development charge credit only be granted after the issues outlined in this report have been addressed to the satisfaction of 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 Arborist Report and Tree Protection Plan filed with the application proposes the removal of 6 City owned trees that meet the criteria for protection under the 'Trees on City Streets By-law' and 18 privately owned trees that require a permit for their removal. Urban Forestry Services (UFS) staff notes there are 8 other privately owned trees on the site that are 30 cm or greater that are exempt from protection due to last winter's ice storm.

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 \$5,400 (\$300 per tree) for the removal and injury of the 18 privately-owned trees. UFS staff requires a total of 54 large growing shade trees to be planted on the site. UFS staff notes the landscape plan submitted with the application shows only 4 large growing canopy trees for the site, therefore in accordance with the City's Private Tree By-law, the applicant will be required to submit a payment of \$29,150 (representing 120% of the cost of planting and maintaining trees for a two year period) in lieu of planting the 50 trees on the site.

City-owned trees

UFS staff advises the Arborist Report proposes the removal 6 City-owned trees as shown on Tree Protection and Removal Plan. UFS staff requires a submission of a completed Application to Remove Healthy City-owned Trees with a permit fee of \$1,800 for permission to remove the trees and if approved, a payment of \$10,106 representing the amenity value for the 6 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 9 red oak trees for the City road allowance on Kenaston Gardens. UFS staff has accepted the proposed species and is requiring the applicant to submit a Tree Planting Deposit in the amount of \$5,247 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 advises however, that the status may change without further notice.

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.

Construction Management

A common concern expressed by nearby area residents relates to construction activity and the related off-site impacts. The applicant will be required to submit a Construction Management Plan for approval. The plan would 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. This matter would be dealt with through the Site Plan Approval process.

Site Plan Control

The Site Plan appeal was filed on June 12, 2014. The application is still under review.

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 built form and design, streetscape and landscape details, the provision of high quality materials and articulated facades appropriate to its location and technical matters raised in this report, or through the further review, will be addressed to staff's satisfaction and appropriately align with a rezoning approval.

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SIGNATURE

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Community Planning, North York District

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: North (Sheppard Avenue East) Elevation
Attachment 3: South Elevation
Attachment 4: East Elevation
Attachment 5: West (Kenaston Gardens) Elevation
Attachment 6: Perspective
Attachment 7: North-South Section

Staff report for action – Request for Direction – 5, 7, 9, 11 & 15 Kenaston Gardens and 577 Sheppard Avenue East

Attachment 8: East-West Sections

Attachment 9: Zoning

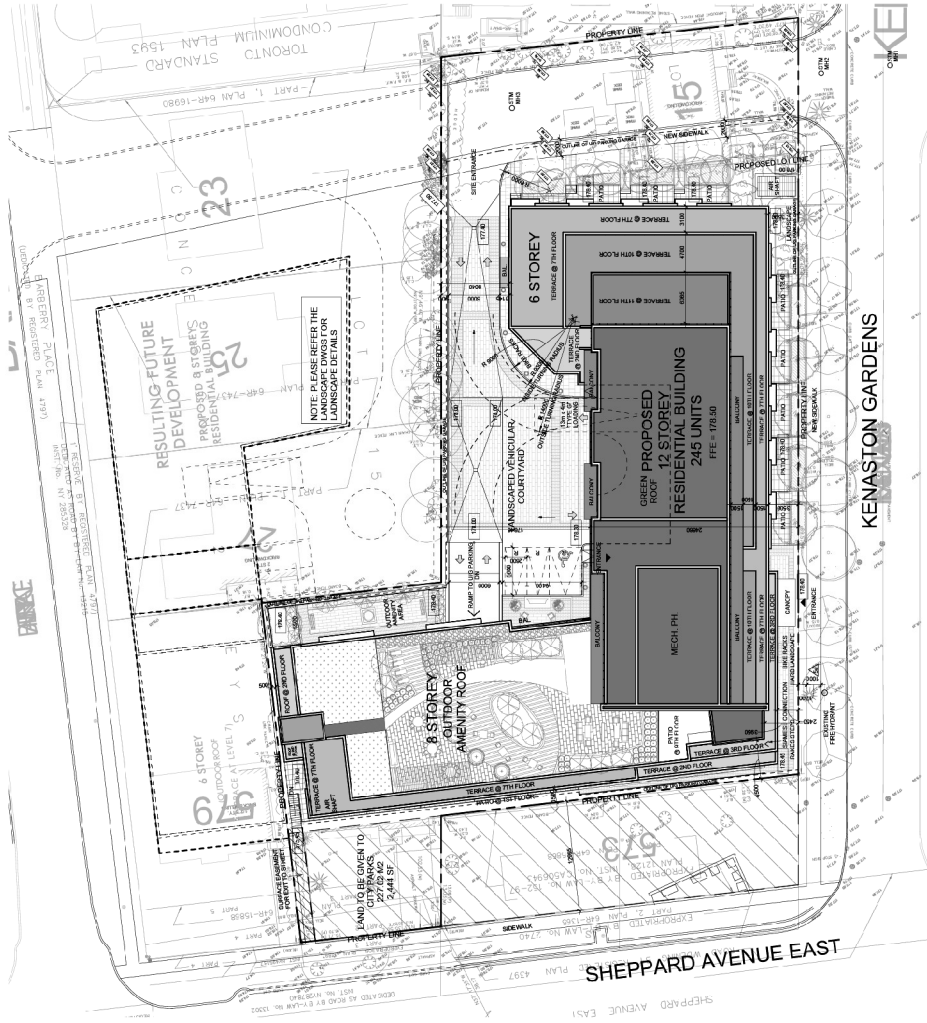
Attachment 10: Official Plan

Attachment 11: Block Pattern Map 3– Southeast Bayview Node Context Plan

Attachment 12: Transportation Options Map 4 – Southeast Bayview Node Context Plan

Attachment 13: Application Data Sheet

Attachment 1: Site Plan



Site Plan

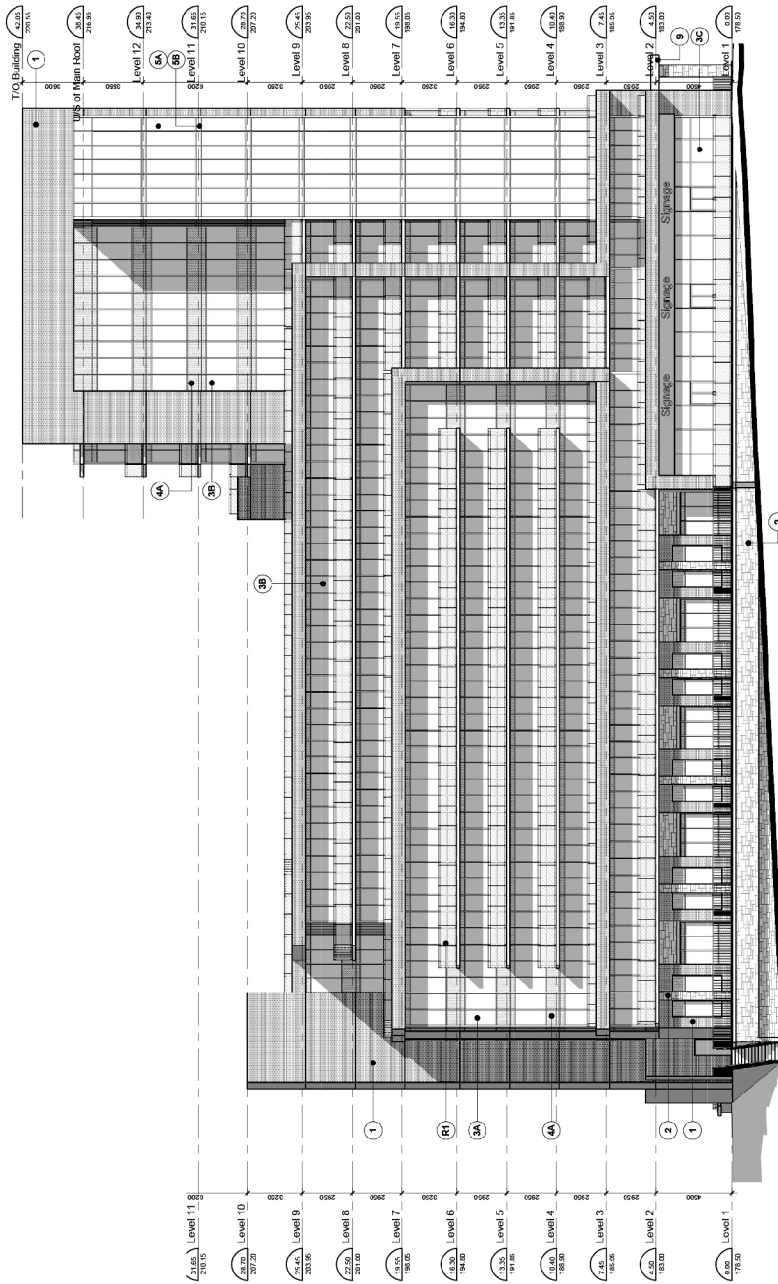
Applicant's Submitted Drawing

Not to Scale
07/02/2014

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

File # 13 225019 NNY 24 02

Attachment 2: North (Sheppard Avenue East) Elevation



NORTH ELEVATION

Elevation

Applicant's Submitted Drawing

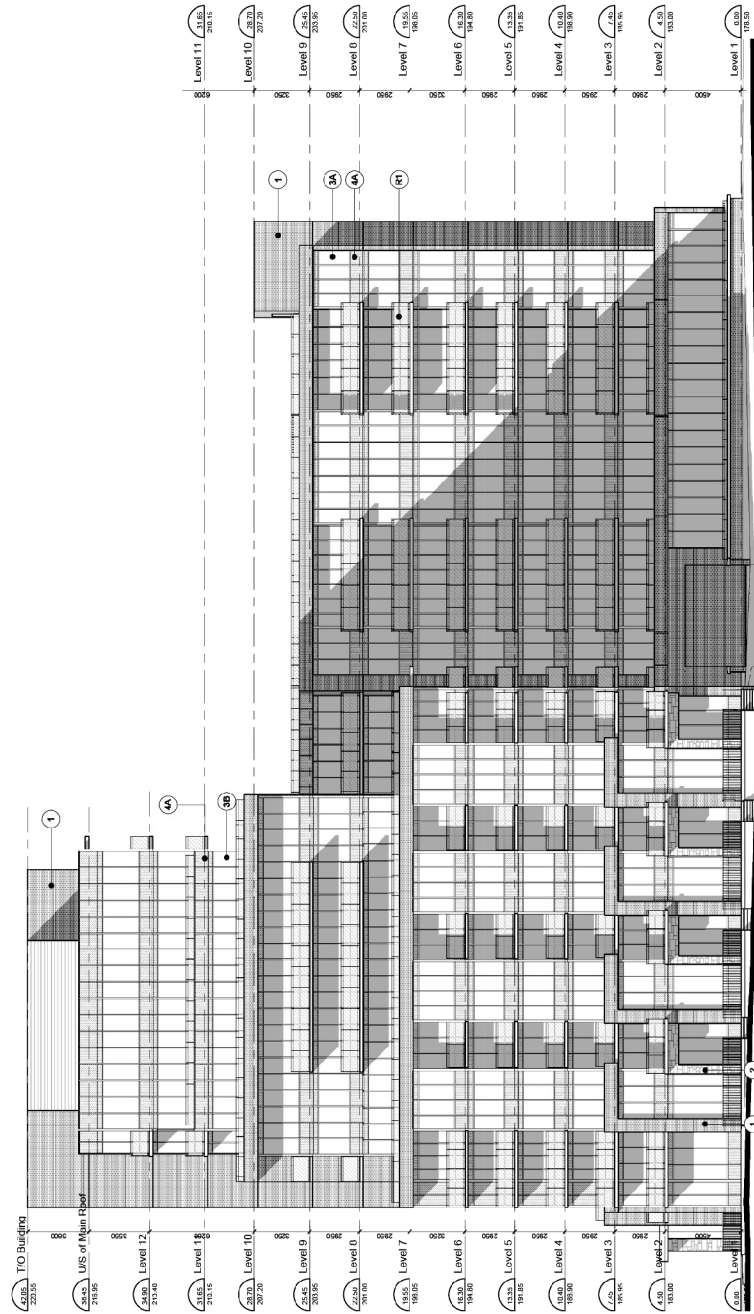
Not to Scale
07/02/2014

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

File # 13 225019 NNY 24 02

Staff report for action – Request for Direction – 5, 7, 9, 11 & 15 Kenaston Gardens and 577 Sheppard Avenue East

Attachment 3: South Elevation



SOUTH ELEVATION

Elevation

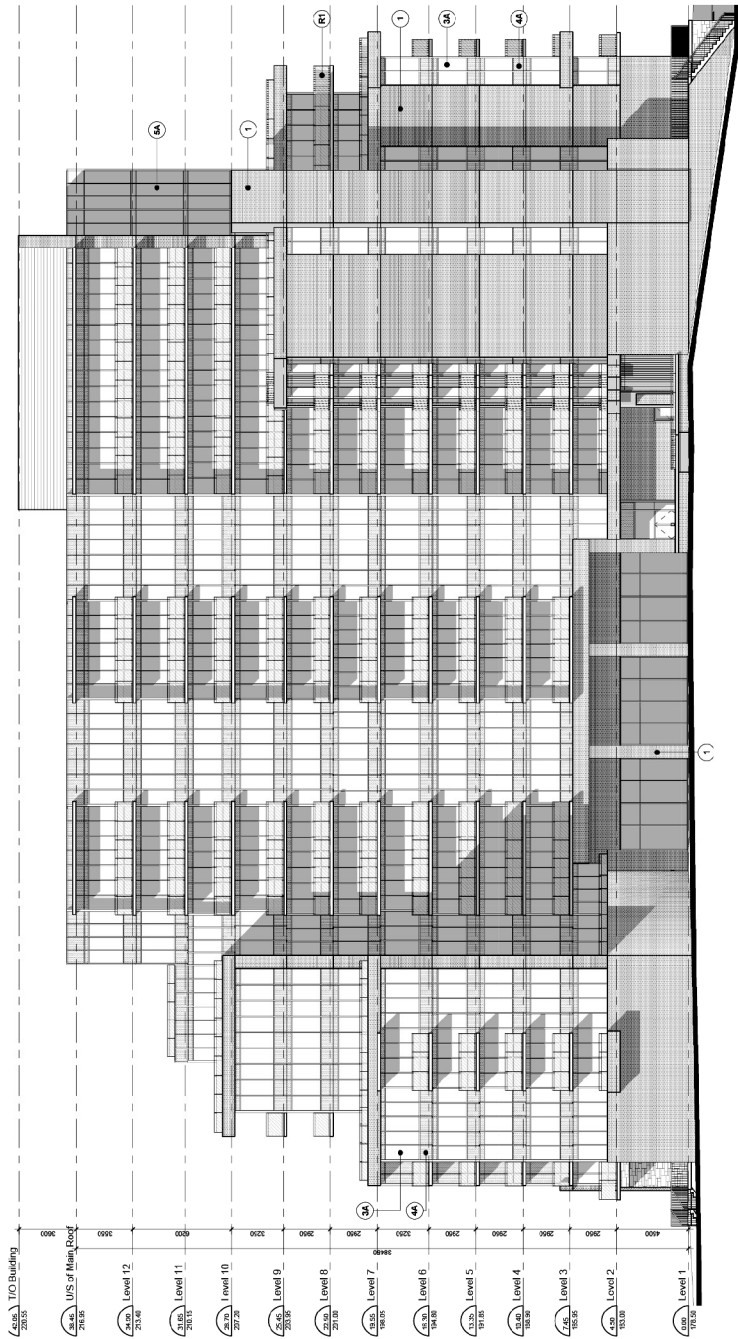
Applicant's Submitted Drawing

Not to Scale
07/02/2014

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

File # 13 225019 NNY 24 02

Attachment 4: East Elevation



EAST ELEVATION

Elevation

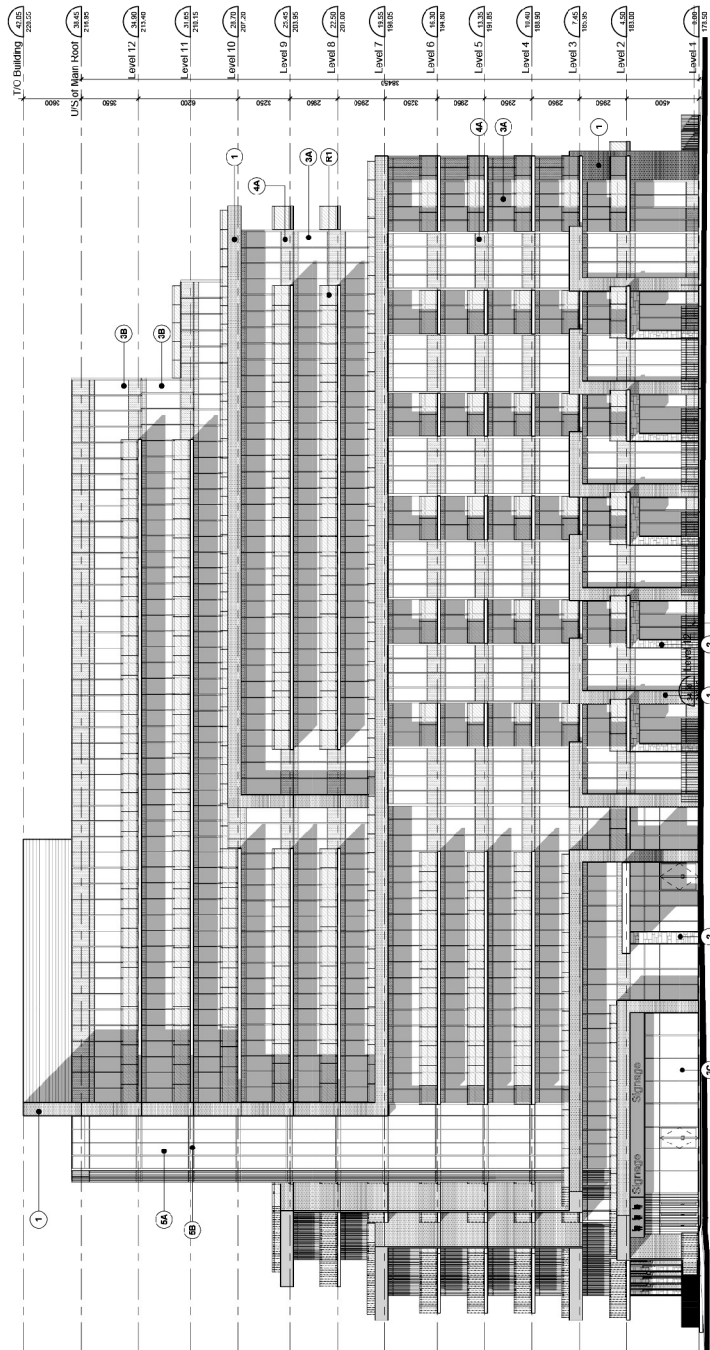
Applicant's Submitted Drawing

Not to Scale
07/02/2014

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

File # 13 225019 NNY 24 02

Attachment 5: West (Kenaston Gardens) Elevation



WEST ELEVATION

Elevation

Applicant's Submitted Drawing

Not to Scale
07/02/2014

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

File # 13 225019 NNY 24 02

Attachment 6: Perspective



Perspective View

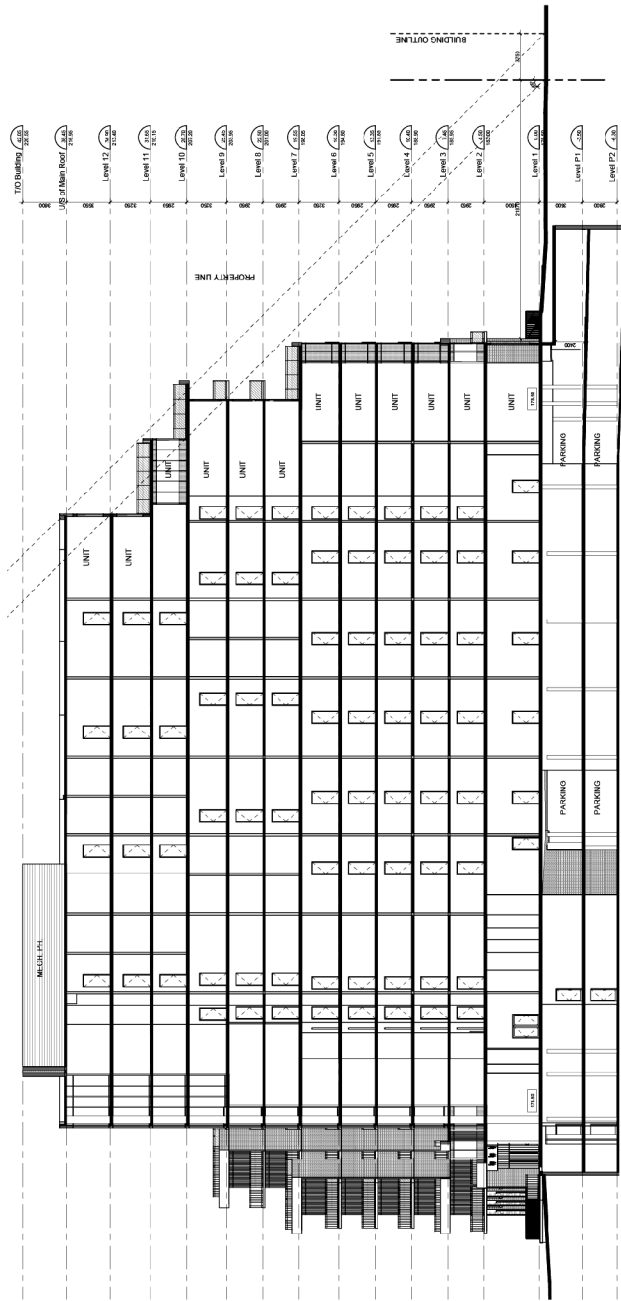
5,7,9,11, & 15 Kenaston Gardens & 577 Sheppard Ave. E.

Applicant's Submitted Drawing

Not to Scale
07/17/2014

File # 13 225019 NNY24 0Z

Attachment 7: North-South Section

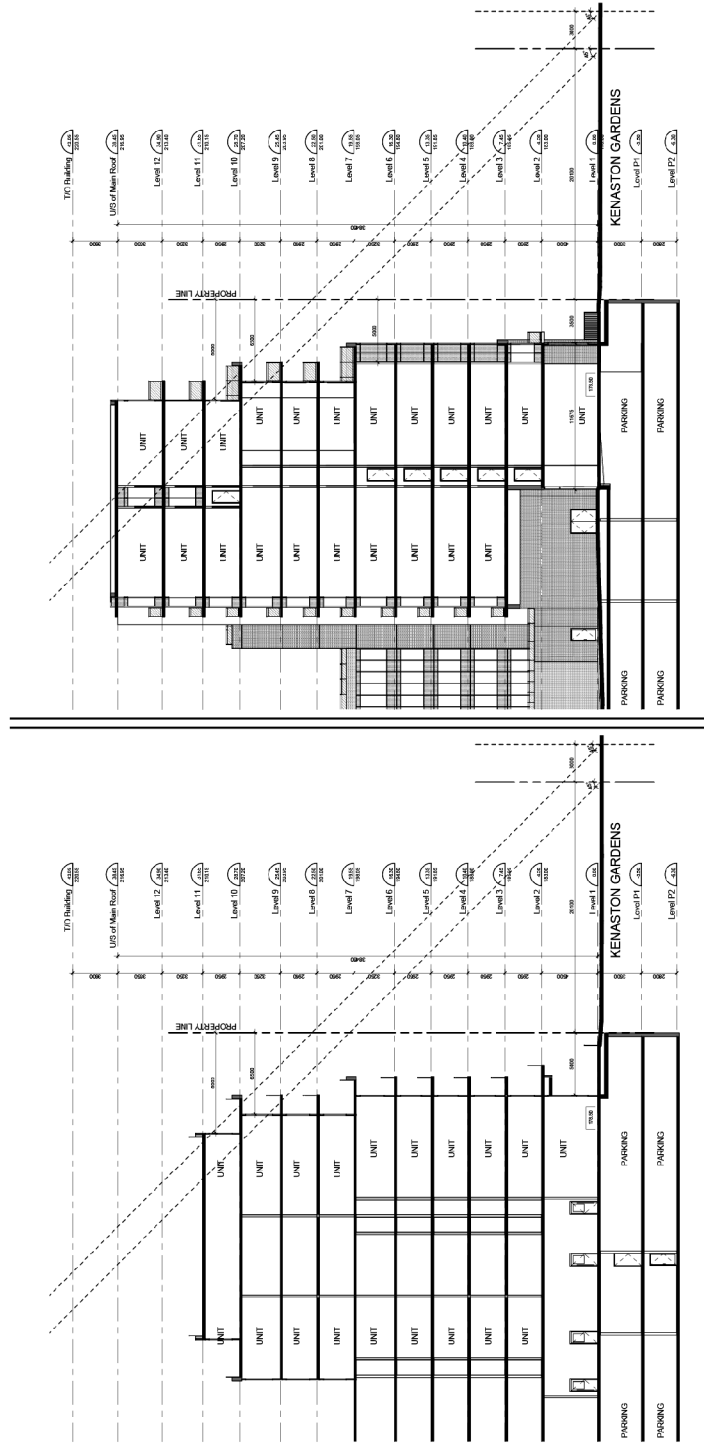


SECTION 2

Section
Applicant's Submitted Drawing
Not to Scale
07/17/2014

**5,7,9,11, & 15 Kenaston Gardens
& 577 Sheppard Ave. E.**
File # 13 225019 NNY 24 0Z

Attachment 8: East-West Sections

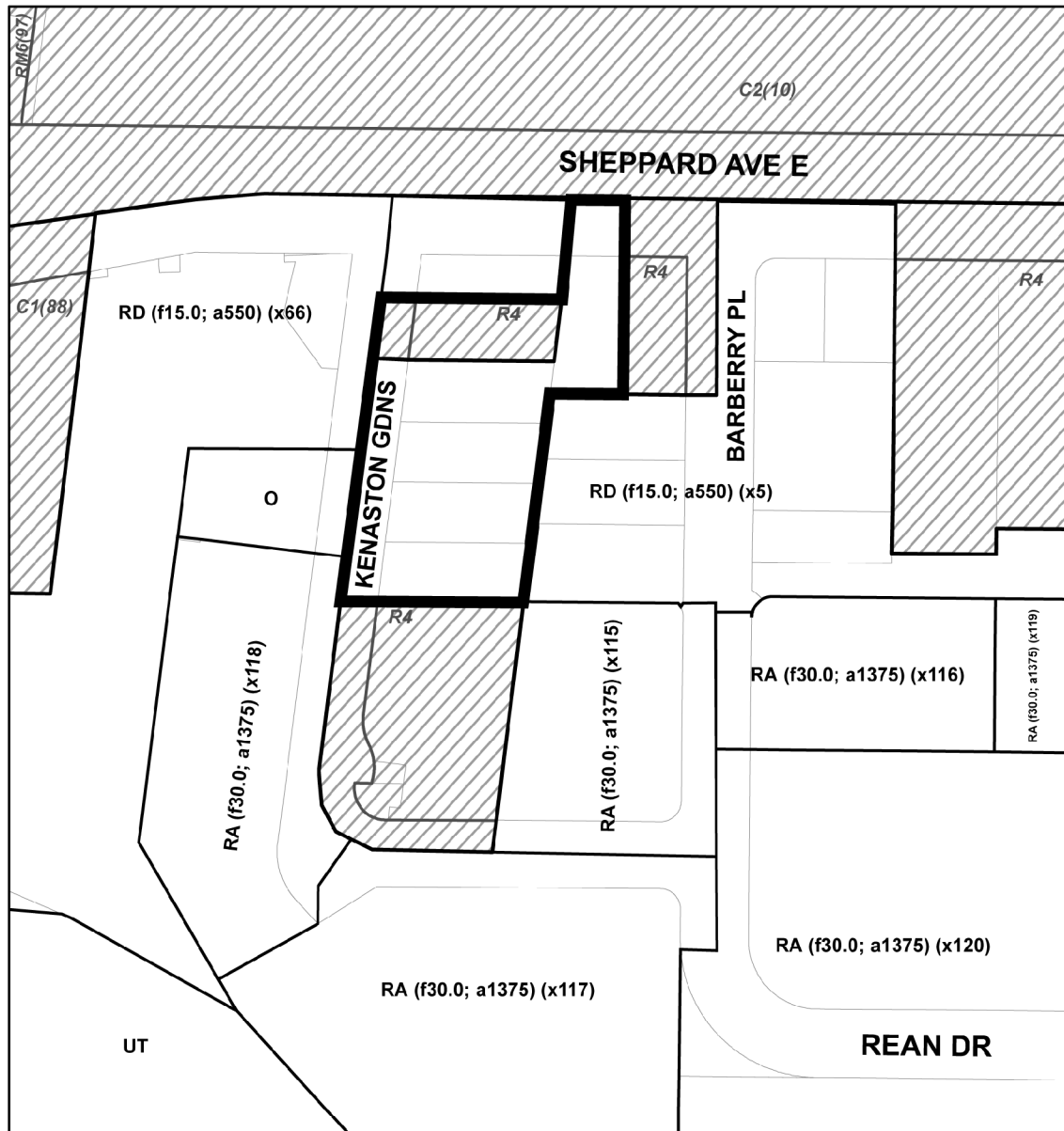


Section 5,7,9,11, & 15 Kenaston Gardens & 577 Sheppard Ave. E.

Applicant's Submitted Drawing
Not to Scale
07/17/2014
File # 13 225019 NNY 24 02

Staff report for action – Request for Direction – 5, 7, 9, 11 & 15 Kenaston Gardens and 577 Sheppard Avenue East

Attachment 9: Zoning



TORONTO City Planning

Zoning By-law 569-2013

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

File # 13 225019 NNY 24 02

Location of Application

R4 One-Family Detached Dwelling Fourth Density Zone
C1 General Commercial Zone
C2 Local Shopping Centre Zone

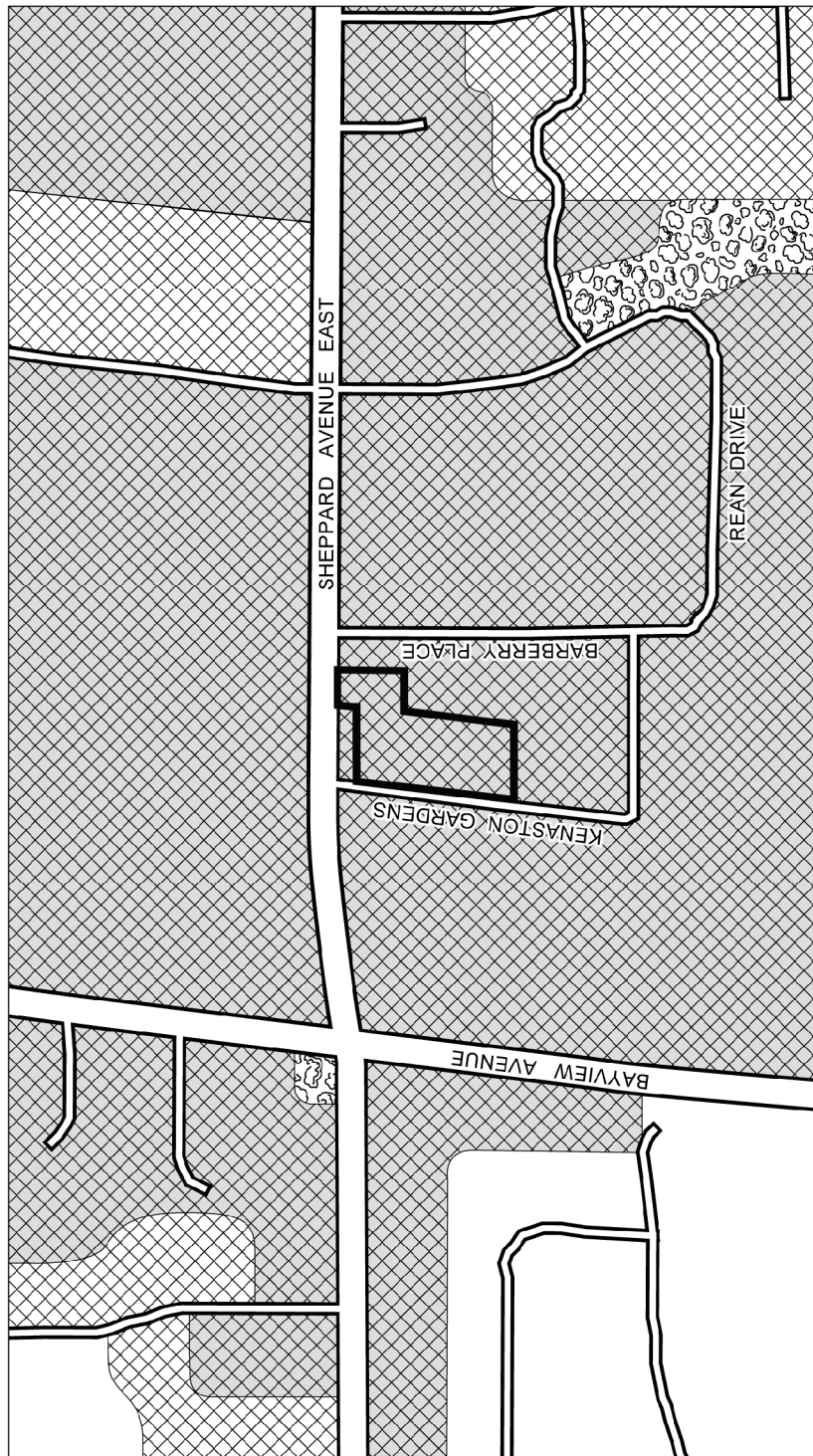
See Former By-law 7625

RA Residential Apartment
RD Residential Detached
UT Utility and Transportation
O Open Space

Not to Scale
 Extracted 09/27/2013

Staff report for action – Request for Direction – 5, 7, 9, 11 & 15 Kenaston Gardens and 577 Sheppard Avenue East

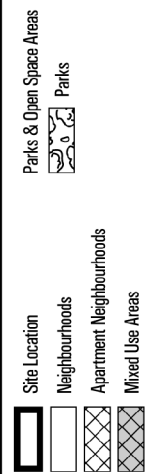
Attachment 10: Official Plan



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

Toronto City Planning
Extract from Official Plan

File # 13 225019 NNY 24 02



↑
Not to Scale
(9/27/2013)

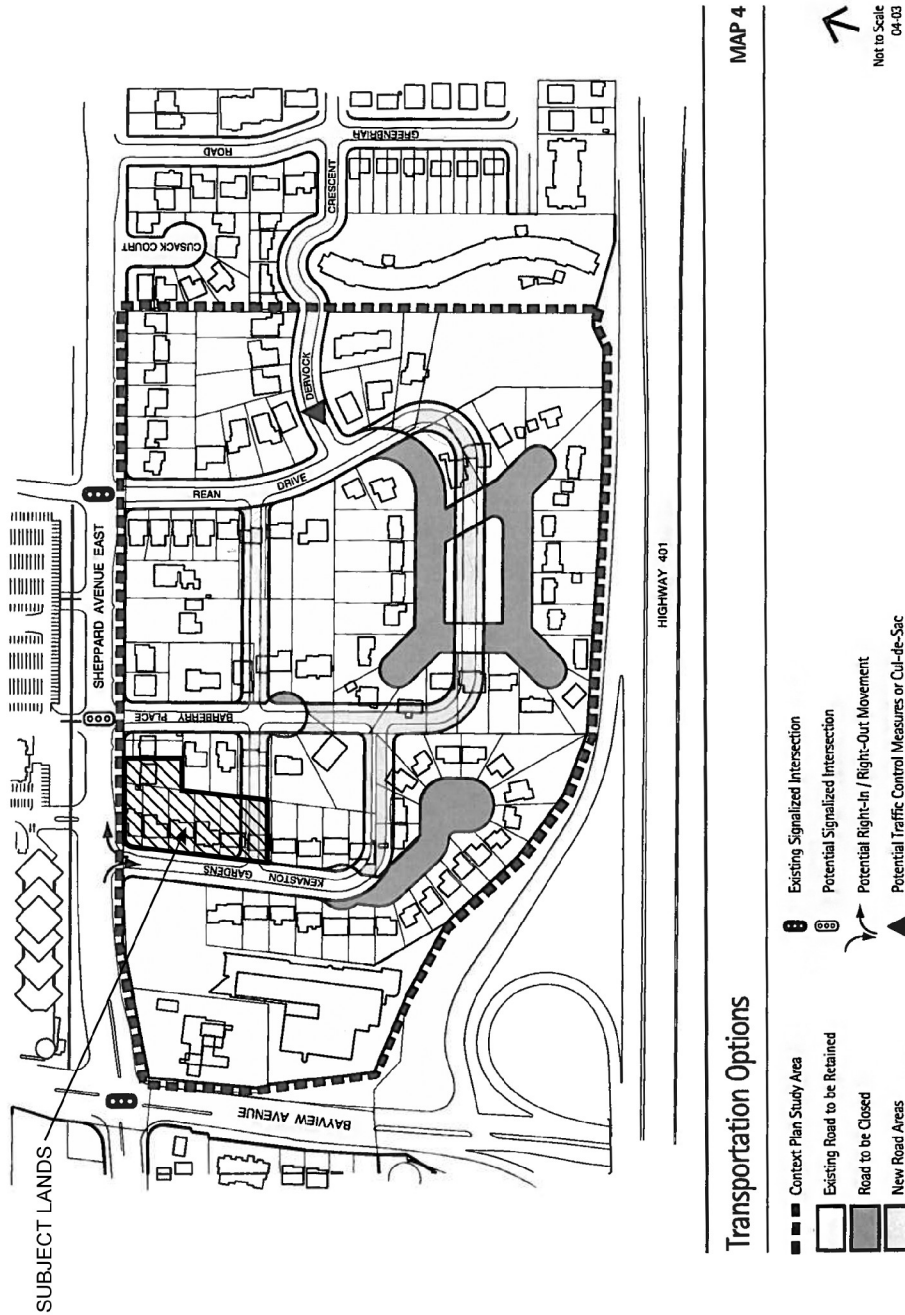
Staff report for action – Request for Direction – 5, 7, 9, 11 & 15 Kenaston Gardens and 577 Sheppard Avenue East

Attachment 11: Block Pattern Map 3 Southeast Bayview Node Context Plan



Staff report for action – Request for Direction – 5, 7, 9, 11 & 15 Kenaston Gardens and 577 Sheppard Avenue East

Attachment 12: Transportation Options Map 4 Southeast Bayview Node Context Plan



Transportation Options - Southeast Bayview Node Context Plan **5,7,9,11, & 15 Kenaston Gardens & 577 Sheppard Ave. E.**

Applicant's Submitted Drawing
Not to Scale
04/17/2014

File # 13 225019 NNY24 0Z

Staff report for action – Request for Direction – 5, 7, 9, 11 & 15 Kenaston Gardens and 577 Sheppard Avenue East

Attachment 13: Application Data Sheet

Application Type: Official Plan Amendment & Rezoning Application Number: 13 225019 NNY 24 OZ

Municipal Address: 5, 7, 9, 11 & 15 KENASTON GARDENS and 577 SHEPPARD AVENUE EAST

Location Description: CON 2 EY PT LOT 15 **GRID N2406

Project Description: Proposed 8 to 12-storey, 245-unit mixed use building with 249 square metres of grade related retail space, 212 parking spaces and a 227 square metre on-site public parkland dedication. The proposed gross floor area is 18,223 square metres resulting in a density of 3.99 FSI.

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

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	N
Zoning:	RD (f15.0,a550)(x5)	Historical Status:	N
Height Limit (m):	8.8	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	4564.28	Height:	Storeys:	12
Frontage (m):	89.57		Metres:	42
Depth (m):	0			
Total Ground Floor Area (sq. m):	1924			Total
Total Residential GFA (sq. m):	17974.54		Parking Spaces:	212
Total Non-Residential GFA (sq. m):	229		Loading Docks	1
Total GFA (sq. m):	18223.72			
Lot Coverage Ratio (%):	42.15			
Floor Space Index:	3.99			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Condo		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	17974.54	0
Studio/Bachelor:	8 (4%)	Retail GFA (sq. m):	249.18	0
1 Bedroom:	160 (65%)	Office GFA (sq. m):	0	0
2 Bedroom:	77 (31%)	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0	0
Total Units:	245			

CONTACT: **PLANNER NAME:** Steve Forrester, Senior Planner

TELEPHONE: (416) 395-7126 **EMAIL:** sforrest@toronto.ca