

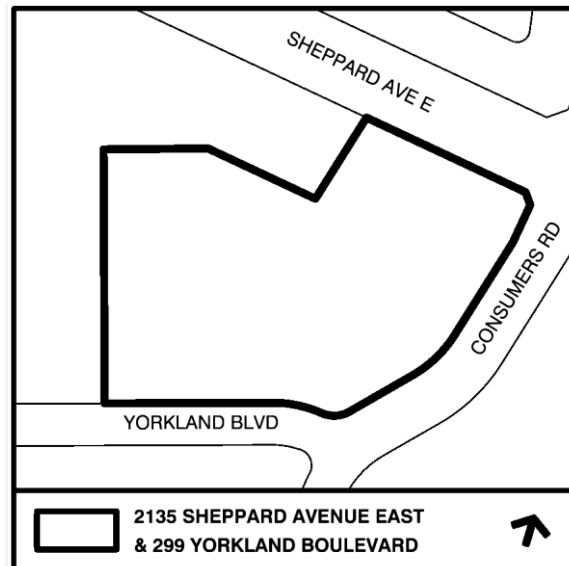
**2135 Sheppard Avenue East & 299 Yorkland Boulevard  
Official Plan and Zoning By-law Amendment Application  
Request for Direction Report**

<b>Date:</b>	July 17, 2014
<b>To:</b>	Planning and Growth Management Committee
<b>From:</b>	Chief Planner and Executive Director, City Planning
<b>Wards:</b>	Ward 33 – Don Valley East
<b>Reference Number:</b>	P:\2014\Cluster B\PLN\PGMC\PG14124 (12 126689 NNY 33 OZ)

**SUMMARY**

The applications propose an amendment to the Official Plan *Employment Areas* designation for the site and the Zoning By-law to permit a mixed use development with residential, retail and other commercial uses. The proposal comprises a 4-storey stand alone retail building, including a large format use, located along the Sheppard Avenue/Consumers Road frontage and three residential buildings along the southern portion of the site with building heights of 26, 34 and 43 storeys. The development proposes a total gross floor area of 82,907m<sup>2</sup> including 1,100 dwelling units, 18,746m<sup>2</sup> of retail/office space, 1,557 parking spaces, 899 bicycle parking spaces, a new public road and a 2,160m<sup>2</sup> public park. The total gross floor area results in an overall site density of 3.95 FSI.

On April 3, 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*.



The purpose of this report is to seek City Council's direction on the appeals and authorization for the City Solicitor and necessary City staff to attend the Ontario Municipal Board in support of the applications subject to the conditions outlined in the report.

The site has been reviewed through the 5-Year Municipal Comprehensive Review of the Official Plan. City Council supported the conversion of the lands from *Employment Areas* to *Mixed Use Areas* through Official Plan Amendment 231. The Minister of Municipal Affairs and Housing (MMAH) must approve the Official Plan Amendment and did so on July 9, 2014.

The applications were under review at the time of the appeal. Since that time the applicant has been working with staff to address outstanding design matters and technical requirements. A revised submission was received on July 3, 2014 and is currently under review.

Staff is recommending the City Solicitor and appropriate staff be authorized to continue discussions with the applicant in an attempt to resolve any issues that may arise from the circulation of the July 3, 2014 re-submission for finalized comments and, if necessary, seek further instructions from Council regarding any matters to be resolved prior to the OMB hearing.

## **RECOMMENDATIONS**

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

- 1 City Council authorize the City Solicitor together with City Planning staff and any other appropriate staff to attend the Ontario Municipal Board (OMB) with respect to 2135 Sheppard Avenue East and 299 Yorkland Boulevard and support the proposal described in this report dated July 10, 2014 from the Chief Planner and Executive Director, City Planning Division, subject to addressing the conditions in this report and any outstanding matters that may arise through the review of the July 3, 2014 re-submission.
2. City Council authorize the City Solicitor to request the OMB to withhold its final Order approving the Zoning By-law Amendment until such time as:
  - a) An appropriate Zoning By-law amendment 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 loading standards, maximum building heights, building transition, maximum building floor plates and envelopes, maximum gross

floor area, minimum building setbacks, maximum number of dwelling units, phasing, minimum indoor and outdoor recreational amenity area, bicycle parking spaces, 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 requiring the Owner to:
- i. Provide a cash contribution of \$1,000,000 to be used towards streetscape improvements within the Consumers Business Park in the immediate vicinity of the site;
  - ii. Provide a cash contribution of \$850,000 for capital improvements to the Pleasant View Toronto Public Library, which includes funds for a Digital Innovation Hub within the Library;
  - iii. Provide a cash contribution of \$575,000 to be used towards capital improvements to community facilities within the area bounded by Highway 401, Highway 404, Van Horne Avenue and Victoria Park Avenue;
  - iv. Provide a cash contribution of \$535,000 to be used towards parks improvements to Clydesdale Park, Van Horne Park, Muirhead Park, Old Sheppard Park and/or Pleasant View Park; and
  - v. Provide a cash contribution of \$40,000 to be used towards streetscape improvements at the northwest and northeast corners of Brian Drive and Sheppard Avenue East;

All of the above contributions are to be paid prior to the issuance of the first above-grade building permit for the development, with such amounts to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment.

The following matter is to be secured in the Section 37 Agreement in support of the development:

- vi. The Owner shall construct and maintain the development in accordance with Tier 1 performance measure of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009.

- c) The Owner addressing comments from the appropriate agencies and City Divisions resulting from the circulation of the July 3, 2013 re-submission from the applicant to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with Director, Community Planning, North York District; and
  - d) The Owner submitting a Plan of Subdivision application to secure all matters relating to the public road and parkland including above base park improvements.
3. 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 2,160m<sup>2</sup> 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.
4. The City Solicitor and appropriate staff be authorized to continue discussions with the applicant in an attempt to resolve any issues that may arise from the circulation of the July 3, 2014 re-submission from the applicant and, if necessary, seek further instructions from Council regarding any outstanding matters to be resolved prior to the OMB hearing.

### **Financial Impact**

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

### **DECISION HISTORY**

A preliminary report for this application was considered by the Planning and Growth Management Committee at its June 18, 2012. The report provided background information on the proposal and recommended that the application be reviewed concurrently and in the context of the Statutory Five Year Review of the Official Plan including the Municipal Comprehensive Review and that a community consultation meeting be scheduled with the Ward Councillor.

The preliminary report is available at the following web link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.PG16.6>

### **Municipal Comprehensive Review**

The application was reviewed within the context of the Municipal Comprehensive Review which has been completed.

On December 16, 17, 18, 2014, Toronto City Council supported the conversion of this site including other lands within the Consumers Business Park fronting Sheppard Avenue East and Victoria Park Avenue from *Employment Areas* to *Mixed Use Areas*.

The Planning Staff report and appendices are available at the following web link:  
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.PG28.2>

## **ISSUE BACKGROUND**

### **Proposal**

These applications propose an amendment to the Official Plan and the Zoning By-law to permit residential, office, retail and other commercial uses on the site. The design of the proposed development has evolved since the development application was originally submitted in February 23, 2012 including modifications to the site layout and tower heights and configuration, as well as a reduction in the number of dwelling units, gross floor area and density.

The heights of the residential buildings have been reduced from 47, 39 and 30 storeys to 43, 34 and 26 storeys, while the retail building has increased in height from 3 to 4 storeys. The overall gross floor area has decreased from 108,859m<sup>2</sup> to 82,907m<sup>2</sup> resulting in a reduction in the overall density from 5.2 FSI to 3.95 FSI. The floor area of the residential component of the project has decreased from 94,240m<sup>2</sup> to 64,161m<sup>2</sup> while the gross floor area of the non-residential (retail/office) component has increased from 14,619m<sup>2</sup> to 18,562m<sup>2</sup>. The number of dwelling units has decreased from 1,243 units to 1,100 units. The project would accommodate 1,525 parking spaces (896 spaces for residential uses and 629 spaces for the non-residential uses).

Another modification to the site design involves the location of the proposed park from the southwest to the southeast corner of the site (at the intersection of Consumers Road and Yorkland Boulevard). The new location ensures the park is more visually prominent, with increased visibility and exposure along Yorkland Boulevard and Consumers Road. Where previously the park ran the length of the new north-south street, it would now have residential frontage along its western edge and retail frontage along its northern edge.

The three residential towers remain in the proposal with the two southerly towers adjacent to Yorkland Boulevard shifting further west in place of the initial park location. Their design includes retail and office uses on the ground floor in support of nearby employment uses on Yorkland Boulevard.

The existing driveway access points from Sheppard Avenue East and Consumers Road will be maintained and designed to accommodate in-right/out-right movements only. The project includes a new 18.5 metre wide public right-of-way along the west edge of

the site. The road would run north from Yorkland Boulevard and create a clear delineation between the approved *Mixed Use Areas* designation of the site and the *Employment Areas* lands west of the new road along Yorkland Boulevard. The new road has been designed to extend through to the northern limit of the site allowing for a possible future connection to lands to the immediate north as well as to Sheppard Avenue East.

## **Site and Surrounding Area**

The site is located at the southwest corner of Sheppard Avenue East and Consumers Road and is municipally known as 2135 Sheppard Avenue East and 299 Yorkland Boulevard. The site is irregular in shape and has a total area of approximately 20,963m<sup>2</sup> with frontages of approximately 88 metres on Sheppard Avenue East, 146 metres on Consumers Road and approximately 111 metres on Yorkland Boulevard. There are two buildings on the site: a vacant single storey building surrounded by surface parking, formerly occupied by a car dealership and service shop (Don Howson Chev Olds), and a single storey building fronting Yorkland Boulevard currently occupied by Enterprise Rent-A-Car and Carstar Collision Centre.

Surrounding land uses include:

- South: Yorkland Boulevard and Consumers Road then employment uses (office buildings 5, 9 and 11-storeys in height);
- East: Consumers Road then employment uses (3-storey office building with Scotiabank and Firkin restaurant on the ground floor), then mixed use (Atria IV/Tridel development);
- West: employment uses (automobile service station, automobile repair use, two car wash establishments, two restaurants) then mixed use (Monarch's Heron's Hill development); and
- North: Sheppard Avenue East then semi-detached dwellings on lands designated *Neighbourhoods*.

The site is situated within the Consumers Road Employment District which is bounded by Sheppard Avenue East to the north, Victoria Park Avenue to the east, Highway 401 to the south and Highway 404 to the west. The Consumers Road Employment District was one of several office parks established in the 1960's along the Don Valley/Highway 404 corridor.

There are approximately 60 buildings in the *Employment Area*. The area is comprised primarily of office buildings, ranging in height from 1 to 17 storeys, surrounded by large surface parking lots. The south side of Sheppard Avenue East between Highway 404 and Victoria Park Avenue contains a broad mix of land uses. The mix of existing and approved uses include low density, automobile-oriented commercial uses; low rise and high rise office uses; and high density residential uses, including Monarch's Heron's Hill

development under construction at Yorkland Road and Dorsay's Atria IV development east of Consumers Road.

Sheppard Avenue East is a major arterial road identified as an *Avenue* in the Official Plan and intended to have a 36 metre right-of-way width. Map 4 of the Official Plan identifies Sheppard Avenue East as a planned Higher Order Transit Corridor extending easterly from the existing Don Mills subway station. There is an approved Environmental Assessment for an LRT line that would run underground from the Don Mills station beneath Highway 404 and would emerge above grade at a planned Consumers Road stop. East of Consumers Road, the LRT line would run at grade within the centre median of Sheppard Avenue East, with an additional stop at Victoria Park Avenue.

### **The Planning Act**

Section 2 of the *Planning Act*, which deals with Provincial Interests, requires councils of municipalities to have regard to matters of provincial interest such as:

- (k) the adequate provision of employment opportunities;
- (l) the protection of the financial and economic well-being of the province and its municipalities;
- (o) the protection of health and safety; and
- (p) the appropriate location of growth and development.

Section 26 of the *Planning Act* requires municipalities to review all the policies contained within their in-force Official Plans every five years. As part of the five year review process, Section 26 (1) (b) of the *Planning Act* requires municipalities to revise the Official Plan if it contains policies dealing with areas of employment, including, without limitation, the designation of areas of employment in the Official Plan and policies dealing with the removal of land from areas of employment, to ensure that those policies are confirmed or amended.

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

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS. The Province of Ontario has recently issued an updated PPS which is effective April 30, 2014 and applies to any planning decisions made on or after that date. The application needs to be reviewed for consistency with the new 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 by the Planning Act, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

## **Official Plan**

The site is shown on Map 2 - Urban Structure, as an *Avenue*. The Plan states *Avenues* are important corridors along major streets where reurbanization is anticipated and encouraged to create new housing and job opportunities while improving the pedestrian environment, the look of the street, shopping opportunities and transit service for community residents. A framework for change will be tailored to the situation of each *Avenue* through a local Avenue Study conducted by the City. The Plan states development requiring a rezoning will not be allowed to proceed prior to completion of an Avenue Study unless the review demonstrates to Council's satisfaction that subsequent development of the entire Avenue segment will have no adverse impacts within the context and parameters of the review.

The underlying land use designation of the site is *Employment Areas* as shown on Land Use Plan, Map 19 (refer to Attachment 6). Official Plan Amendment 231, now approved by the MMAH but still subject to appeal to the OMB, redesignates the lands to *Mixed Use Areas*. The proposal has therefore been evaluated in accordance with the *Mixed Use Areas* policies of the Plan.

*Mixed Use Areas* are to be made up of a broad range of commercial, residential and institutional uses, in single use or mixed use buildings, as well as parks and open spaces and utilities. These areas are intended to absorb, over time, a portion of Toronto's expected growth. *Mixed Use Areas* vary in scale and density subject to a site's locational attributes and context.

Development criteria in *Mixed Use Areas* are set out in Policy 4.5.2. Generally, the policy includes matters pertaining to building location and massing, height transitions, light and privacy impacts, reducing automobile dependency, parking supply, site circulation and access.

The Plan also contains policy direction with respect to large scale, stand-alone retail stores and 'power centres' in *Mixed Use Areas*. Policy 4.5.3 states large scale, stand-alone retail stores and/or "power centres" are permitted through a zoning by-law amendment if it can be demonstrated that:

- a) sufficient transportation capacity is available to accommodate the additional traffic generated by the development, resulting in an acceptable volume of traffic on adjacent and nearby streets; and
- b) the function and amenity of the area for businesses and residents and the economic health of nearby shopping districts are not adversely affected.



The Official Plan includes policies dealing with the public realm and built form. Section 3.1.1 includes policies on the public realm that deal with the layout and design of new streets and parks. Section 3.1.2 of the Plan includes policies regarding built form and speaks to site layout and organization of the site as well as massing of buildings. Section 3.2.3.5 of the Official Plan speaks to the City's policies on parkland. The Plan states that an alternative parkland dedication rate of 0.4 hectares per 300 residential units will be applied to proposals for residential development in parkland acquisition priority areas where Council has identified a need for parkland and enacted an Alternative Parkland Dedication By-law.

The Toronto Official Plan is available on the City's website at:  
[http://www.toronto.ca/planning/official\\_plan/introduction.htm](http://www.toronto.ca/planning/official_plan/introduction.htm)

### **Municipal Comprehensive Review of the Official Plan**

The subject lands are currently within the *Employment Areas* land use designation within the City's Official Plan. As part of a Municipal Comprehensive Review of the Official Plan, lands within the *Employment Areas* land use designation may be converted to other land use designations. As noted previously, in December 2013, City Council supported the conversion of the lands from *Employment Areas* to *Mixed Use Areas*.

As noted previously, the site is situated within the Consumers Road Business Park which is bounded by Sheppard Avenue East to the north, Victoria Park Avenue to the east, Highway 401 to the south and Highway 404 to the west. OPA 231 includes an amendment to Chapter 7, Site and Area Specific Policies that adds Site and Area Specific Policy No. 386 covering the lands forming the Consumers Business Park. The amendment includes policies for three areas within the Consumers Business Park identified as Areas "A", "B" and "C". The subject site falls within Area "A" along Sheppard Avenue East. Area "B" is large parcel of land bounded by Sheppard Avenue East, Victoria Park Avenue, Consumers Road and Settlers Road. Area "C" comprises the balance of the lands within the interior of the business park

The following policy applies to lands within Area "A":

- "a) An implementation plan will be established as Official Plan policy to address within Areas "A", "B" and "C" matters such as:
  - i) an incentive program for Council adoption to encourage office development;
  - ii) the provision of amenities throughout the area to create an attractive environment for existing and new offices;
  - (iii) development densities; and
  - (iv) the creation of new streets and blocks.

- b) Development in Area "A" that includes residential units is required to also increase the non-residential gross floor area in Area "A".

Official Plan Amendment 231 is available on the City's website at:

<http://www.toronto.ca/legdocs/bylaws/2013/law1714.pdf>

### **Tall Building Design Guidelines**

Policies 3.1.3.1 and 3.1.3.2 – Built Form Tall Buildings, ensure that tall buildings fit within their existing and/or planned context and limit local impacts. The policies outline built form principles that are applied to the location and design of such buildings. The City's "Tall Building Design Guidelines" were prepared to assist in the evaluation of tall building applications. Approved by City Council on July 25, 26 and 27, 2006, they provide guidance for the design, evaluation and approval of tall buildings and are intended to implement the built form policies of the City's Official Plan.

The Tall Building Design Guidelines have been used to inform the review and assessment of the proposal. The City's Design Criteria for Review of Tall Building Proposals study is available on the City's website at:

[http://www.toronto.ca/planning/urbdesign/pdf/tallbuildings\\_udg\\_aug17\\_final.pdf](http://www.toronto.ca/planning/urbdesign/pdf/tallbuildings_udg_aug17_final.pdf)

### **Performance Standards for Mid-Rise Buildings**

At its meeting on July 6, 7 and 8, 2010, City Council adopted a staff recommendation to use the Performance Standards for Mid-Rise Buildings in the "Avenues & Mid-Rise Buildings Study" (May 2010) in evaluating future mid-rise building development applications for a two year monitoring period. At that time, Council provided City Planning with a series of directions to encourage the realization of the 'vision' of the Avenues more quickly, and to monitor the Performance Standards over a two-year period.

The Performance Standards are guided by Official Plan objectives to create healthy, liveable and vibrant main streets while protecting the stability and integrity of adjacent *Neighbourhoods*. They are intended to provide simple, straightforward guidance for those seeking to develop mid-rise projects on the *Avenues*.

In November 2013, City Council extended the monitoring period to the end of May 2014, and directed City Planning to include resident and ratepayer groups as stakeholders in any consultations.

In May 2014, City Planning provided an update to the monitoring period to Planning and Growth Management Committee.

The Performance Standards for Mid-Rise Buildings has been used to inform the review and assessment of the proposal. The Performance Standards is available on the City's website at: <http://www.toronto.ca/planning/midrisestudy.htm>

## **Avenue Segment Study**

Policy 2.2.3.3 allows development to be considered prior to the completion of an *Avenue* study on the condition that a review be undertaken by the applicant. The review is intended for development that has the potential to set a precedent for the form and scale of reurbanization along the *Avenue* and will consider the larger context and implications for the *Avenue* segment in which the development is located. As per policy 2.2.3.3b the review will:

- i) include an assessment of the impacts of the incremental development of the entire Avenue segment at a similar form, scale and intensity, appropriately allowing for distinguishing circumstances;
- ii) consider whether incremental development of the entire Avenue segment as identified in the above assessment would adversely impact any adjacent *Neighbourhoods* or *Apartment Neighbourhoods*;
- iii) consider whether the proposed development is supportable by available infrastructure; and
- iv) be considered together with any amendment to the Official Plan or Zoning By-law at the statutory public meeting for the proposed development.

A context review as per Policy 2.2.3.3 was undertaken by the applicant.

## **Zoning**

The subject lands at 2135 Sheppard Avenue East and 299 Yorkland Boulevard 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 Industrial-Office Business Park (MO) with a site specific exception (10) in former City of North York Zoning By-law No. 7625 (refer to Attachment 5). The MO zone category permits office uses and manufacturing, service commercial and institutional uses, hotels, retail stores, restaurants, financial institutions, personal service shops, fitness centres, car rental agencies, commercial schools, places of worship, community centres and day nurseries with a maximum gross floor area of 150% of the lot area. The site specific exception permits, in addition to the underlying MO zoning, a motor vehicle dealership and a motor vehicle body repair shop as an accessory use. There is no maximum building height in the MO zone. A retail store is permitted provided it does not exceed 20% of the gross floor area of the largest floor area of the buildings on the lot. Residential uses are not permitted.

## **Site Plan Control**

An application for Site Plan Control approval has not yet been filed.

## **Plan of Subdivision**

The development includes a new north-south public road along the west edge of the site and the creation of a 2,160m<sup>2</sup> public park on the southeast portion of the site where Consumers Road intersects with Yorkland Boulevard. A Plan of Subdivision would be required. To date, an application has not been filed.

## **Tree Preservation**

The Arborist Report filed with the application proposes the removal of 3 City owned trees and 10 privately owned trees that meet the criteria for protection under the applicable City of Toronto Tree By-laws. Appropriate retention and protection measures will be required for trees that qualify for protection under applicable City of Toronto By-laws. 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

## **Green Roof By-law**

The Toronto Green Roof By-law came into effect January 31, 2010 and applies to commercial buildings over 2,000m<sup>2</sup>. The By-law requires a percentage of each building's roof to be clad in vegetative material based on the size of the building. The proposed retail building has a gross floor area of 18,562m<sup>2</sup> therefore, the Green Roof By-law would apply.

## **Reasons for the Application**

An application for amendments to the Official Plan and Zoning by-law are required as the Official Plan and former City of North York Zoning By-law No. 7625 do not permit the proposed residential uses or the extent and type of retail and service commercial uses proposed on the lands.

## **Ontario Municipal Board Appeal**

On April 4, 2014 the City Clerk's Office received notification that the applicant filed an appeal of the Official Plan and Zoning By-law Amendment applications to the OMB, citing Council's failure to make a decision on the application within the prescribed timelines of the Planning Act. A pre-hearing conference has not yet been scheduled.

The purpose of this report is to seek City Council's direction on the appeals and authorization for the City Solicitor and necessary City staff to attend the Ontario Municipal Board in support of the applications subject to the conditions outlined in the report.

## **Community Consultation**

On September 17, 2012, a community consultation meeting was held at the Pleasantview Community Centre. Approximately 80 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;
- traffic back up on Sheppard Avenue East in the morning and evening rush hours results in long queues for motorists on Brian Drive accessing Sheppard Avenue East;
- the need to develop a road network south of Sheppard Avenue East to direct traffic from the site to other streets in the employment area;
- traffic infiltration from the Consumers Road employment area into the residential community and suggested there should be northbound through traffic restrictions put in place at the intersection of Sheppard Avenue/Consumers Road/Brian Drive during morning and evening rush hours;
- an inadequate supply of visitor parking could result in on-street parking in the residential neighbourhood north of Sheppard Avenue East;
- the location of the proposed units may create undesirable overlook and privacy concerns for residents on lands located on the north side of Sheppard Avenue East;
- the proposed building heights will create shadow impacts on the properties north of Sheppard Avenue East; and
- safety concerns regarding the appropriateness of having children cross Sheppard Avenue East to access schools.

### **Working Group Meetings**

Following the Community Consultation meeting, the Ward Councillor organized a working group to further discuss and evaluate the proposed development. Four working group meetings were held in early 2013.

The first working group meeting was held on January 29, 2013. The meeting was attended by City Planning staff, the Ward Councillor and 19 residents from the residential community north of Sheppard Avenue East. The purpose of this initial meeting was to provide the working group with an overview of the planning policy framework for the application including relevant policies from the Provincial Policy Statement (2005), the Growth Plan for the Greater Golden Horseshoe, the City of Toronto Official Plan and to brief the working group on the City's ongoing Five Year Official Plan and Municipal Comprehensive Review as it pertains to the site and Consumers Road Business Park.

The second meeting was held on February 12, 2013. The meeting was attended by City Planning and Urban Design staff, the Ward Councillor, 12 members of the working group and the applicant with their Planning Consultant and Project Architect. The meeting gave the applicant an opportunity to present their proposal and describe the planning and urban design merits of the proposal. The meeting focussed on matters pertaining to built form and urban design in the Sheppard Avenue East Subway Corridor including a discussion on the City's Townhouse, Mid-Rise, and Tall Building Guidelines. The working group was asked to provide feedback on the proposed site layout and organization (taking into consideration matters such as streets, the pedestrian environment, parks and open spaces) and built form (dealing with matters such as scale, transition, uses, street frontages and loading and servicing).

The third meeting was held on February 26, 2013 and focused on traffic and transportation matters. The meeting was attended by City Planning and Transportation Services, the Ward Councillor, 10 members of the working group and the applicant with their Transportation Consultant. The purpose of the meeting was to provide an overview on the traffic impact study filed by the applicant's transportation consultant (including the study parameters and methodology, the transportation impact of the proposed development and the proposed infrastructure improvements) and to obtain feedback from working group members on the proposal.

The final meeting was held on March 19, 2013. At that time the applicant presented a revised submission. The residential gross floor area, residential building heights and the number of dwelling units were reduced and building setbacks adjacent to the public streets were increased. The height of the two tallest towers on the southern portion of the site, along Yorkland Boulevard, were reduced from 47 to 43 storeys and 39 to 34 storeys. The number of dwelling units reduced from 1,243 to 1,100 units and the overall density was reduced from 5.2 to 4.9 FSI. In response to positive feedback from the community on the retail component proposed along Sheppard Avenue East, a floor space increase on the retail/commercial component was presented by increasing the height from 3 to 4 storeys. While no firm commitment was made, the applicant informed the group it would give consideration to providing a large format food store use. The applicant also committed that the retail component would be the first phase of the development. Phasing would be secured in the Section 37 Agreement.

### **Revised Circulation**

The initial application was circulated to all appropriate agencies and City divisions. However on July 3, 2014 the applicant submitted a revised submission which has been circulated to all appropriate agencies and City divisions for review and comment. This report recommends that the OMB withhold its Order approving the amending Zoning By-law until the applicant has satisfactorily addressed any outstanding requirements resulting from the further review.

## COMMENTS

### Provincial Policy Statement and Provincial Plans

Staff have reviewed the proposal and determined that it is consistent with the policy directions in the new 2014 Provincial Policy Statement (PPS) and conforms to, or does not conflict with, the Growth Plan for the Greater Golden Horseshoe.

One of the three key policy directions expressed in the 2014 PPS is to build strong communities by promoting efficient land use and development patterns. In this regard, the PPS contains a number of policies that promote intensification in built-up urban areas.

Policy 1.1.3.2 of the PPS supports densities and a mix of land uses which efficiently use land, resources, infrastructure and public service facilities, and which are transit-supportive where transit is planned, exists or may be developed. Policy 1.1.3.3 provides that planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment. OPA 231 designates the site *Mixed Use Areas*, a designation which anticipates accommodating most of the retail, employment and housing growth in the coming decades. Policy 1.1.3.4 promotes appropriate development standards, which facilitate intensification, redevelopment and compact built form, while avoiding or mitigating risks to public health and safety. The proposed development will promote intensification and compact urban design within the approved *Mixed Use Areas* along the arterial road edges of the Consumers Business Park.

Policy 1.4.3 of the Housing section of the PPS requires provision to be made for an appropriate range of housing types and densities to meet projected requirements of current and future residents by, among other matters, facilitating all forms of residential intensification and redevelopment and promoting densities for new housing which efficiently uses land, resources, infrastructure and public service facilities and support the use of active transportation and public transit. The proposal addresses this policy by providing an additional housing type with a range of unit sizes in the area which is currently predominantly made up of single family homes.

The efficient use of infrastructure (particularly public transit) is a key element of provincial policy (Sections 1.6.1, 1.6.3 and 1.6.7). With respect to transportation systems, Policy 1.6.7.4 promotes a land use pattern, density and mix of uses that minimize the length and number of vehicle trips and support the current and future use of transit and active transportation. The proposed development would be in support of, and take advantage of, the large public investment in rapid transit. The Consumers Road LRT station will be located immediately adjacent to the site.

With respect to energy conservation, air quality and climate change, Policy 1.8.1 requires that planning authorities support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and climate change adaptation through land use and development patterns which: promote compact form and a structure of nodes and

corridors; promote the use of active transportation and transit in and between residential, employment and other areas; and improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion. The Owner would be required construct and maintain the development in accordance with Tier 1 performance measure of the Toronto Green Standard and comply with the City's Green Roof By-law.

Similarly, Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe. The proposal conforms to the Growth Plan. Section 2.2.2 of the Plan states that population growth will be accommodated by directing new growth to the built up areas of the community through intensification. As this site is located in a built up area designated for growth in the City's Official Plan, and the proposal is intensifying the use of land for a mix of uses including housing, the proposal conforms to the Growth Plan.

### **Land Use**

The land use was reviewed through the Municipal Comprehensive Review which resulted in OPA 231 being passed by City Council in December 2013, facilitating the conversion of the property from an *Employment Areas* designation to *Mixed Use Areas*. The proposed development has been reviewed against, and would conform to, the *Mixed Use Areas* policies of the Plan. In addition, the proposed development would not conflict with Site and Area Specific Policy No. 386 in OPA 231.

This segment of Sheppard Avenue East is evolving into a mixed-use corridor with recent approvals of the Heron's Hill development (2025-2045 Sheppard Avenue East) and the Atria IV/Tridel development (2205 Sheppard Avenue East) together with the existing residential and commercial uses on the north side of Sheppard Avenue East. As well, the introduction of parkland and grade related retail uses will not only support the new residential developments south of Sheppard Avenue, but will also amenitize the existing office uses in the Consumers Business Park.

The proposal would create a balance of commercial and residential space providing new jobs and homes for Toronto's growing population on an underutilized piece of land along a planned Sheppard East LRT line. The buildings are designed, located and massed to frame the edges of the streets and park with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces. Service areas and have been located to minimize impact on adjacent streets.

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

The Official Plan public realm policies call for comfortable, safe, and accessible public streets, parks, and open spaces, and street-oriented developments. 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 Plan includes specific built form policies regarding tall buildings, and the City's Tall Buildings



Guidelines provide detailed guidance on the design of tall buildings. The City's Performance Standards for Mid-Rise Buildings along Avenues also provides built form guidance. These policies and guidelines have informed the review and assessment of the proposal.

The proposed density of 3.95 FSI and tower heights of 43, 34 and 26 storeys are compatible with existing building heights and approvals along the south side of Sheppard Avenue East which includes the existing Heron's Hill development to the west (i.e., 25, 30 and 38 storeys) and the buildings under construction on the Atria IV/Tridel development east of the site (17, 23 and 43 storeys). The proposed design locates the tallest building at the greatest distance from the low-rise residential area to the north, with heights stepping down to the north and east on the development site. The deployment of building heights results in an appropriate transition in height across the development site.

All of the tall buildings in the design are under a 45-degree angular plane measured from the closest low-rise residential properties to the north. The gradation of heights on the site and the separation distances of each tower from one another will create visual interest to the skyline and maintain adequate skyviews from adjacent streets and maintain privacy between the towers. The buildings have been designed to address maximum floor plate sizes and minimum tower separation in the City's Tall Building Guidelines. As set out in the next section of the report, the slender point tower design of the buildings will not create adverse shadowing, privacy or sky view impacts.

Along the Sheppard Avenue East and Consumers Road frontages, the 4-storey commercial building defines the streets at an appropriate scale and is similar in height to the podium building within the Heron Hill development to the west and the podium approved in the Atria/Tridel development to the east. Within the development site, the 5-storey height of the base building will provide a comfortable street proportion appropriate to adjacent streets and internal driveways and frame the local park.

### **Light and Privacy**

Concerns were expressed at the community consultation meeting that the development may create undesirable overlook and privacy concerns for the existing residents located on the north side of Sheppard Avenue East.

The Official Plan development criteria applying to the *Mixed Use Areas* designation have a particular focus on potential built form impacts on adjacent lower-scale *Neighbourhoods*. In particular, policy 4.5(2)(c) requires buildings to be located and massed to provide a transition through appropriate setbacks and/or stepping down of heights towards lower scale *Neighbourhoods*.

The proposal addresses Official Plan policy by providing an appropriate transition towards the lower scale *Neighbourhoods* designation to the north (i.e. along Snapdragon Drive). The 4-storey building would create a comfortable street relationship along the

Sheppard Avenue frontage and the towers are set back from the lower scale *Neighbourhood* to the north (in excess of approximately 76 metres to the lowest tower), which will minimize the potential for overlook and privacy impacts.

As it relates to impacts on neighbouring streets, parks and open spaces, the proposed development is consistent with policy 3.1.2(3) in that the proposed development will be massed to fit harmoniously into its existing and planned context by massing new buildings to frame adjacent streets and park in a way that respects the street/park proportion and by providing adequate light and privacy conditions within these spaces by limiting shadowing and uncomfortable wind conditions.

In terms of privacy and sky view impacts between the proposed towers, the proposed tower separation distances of 25 metres satisfy the minimum distance identified in the Tall Building Design Guidelines. Further, the floorplates of the tower portions of the buildings are within the 750m<sup>2</sup> maximum recommended by the guidelines and together with their shape and orientation on the site would result in acceptable light and skyview conditions.

It is staff's view the proposed development will have acceptable built form impacts on open spaces and properties, in particular, on lands designated *Neighbourhoods*.

Based on the above it is staff's view the proposed density, building heights and massing can be supported.

### **Sun, Shadow, Wind**

Section 3.1.2.3 requires new development limit its impacts on neighbouring streets, parks, open spaces and properties by adequately limiting any resulting shadowing of, and uncomfortable wind conditions on, neighbouring streets, properties and open spaces. Official Plan policy places particular importance to shadow impacts on parks and on low-rise *Neighbourhoods* designations. The nearest lands designated *Neighbourhoods* are located opposite the site on the north side of Sheppard Avenue East. The rear yards of the properties on Snapdragon Drive back onto Sheppard Avenue East.

In order to assess shadow impacts, a shadow study was undertaken for the proposed design. The assessment confirms the proposed development will not result in any unacceptable shadow impacts on the lands designated *Neighbourhoods* to the immediate north on Snapdragon Drive. The assessment indicates late day shadowing would begin to occur at 5:18 p.m. in March and September in the rear yards of the properties on lands designated *Neighbourhoods* located east of Brian Drive (on Hickory Nut Drive). Notwithstanding, it is staff's view that the shadowing on these *Neighbourhoods* lands satisfy the Official Plan criterion of being "adequately limited".

The applicant has submitted a qualitative wind assessment of pedestrian wind comfort of the proposed development prepared by Gradient Microclimate Engineering Inc. The

assessment is intended to identify potential pedestrian comfort issues at an early design stage and develop mitigation strategies as may be necessary. The assessment concludes that moderate wind conditions at grade level are generally expected to be acceptable for anticipated pedestrian use. The assessment identifies specific areas on the site where mitigation measures such as landscaping or the introduction of windscreens and canopies can improve conditions. The consultant is recommending further testing be conducted at a later design stage to quantify the wind conditions and develop wind control solutions. Further wind studies and potential mitigative design solutions will be addressed and secured through the Site Plan approval process.

## **Public Realm**

The Official Plan sets out policies to ensure that new streets, new city blocks and new parks and open spaces will be designed to address public realm objectives. Section 3.1.2 of the plan indicates “development must be conceived not only in terms of the individual building site and program, but also in terms of how that building and site fit within the context of the neighbourhood and the City”. In order to integrate the proposed development into the surrounding area, a portion of the development site will be devoted to the public realm through the introduction of a new public street and park.

A new north-south public street is proposed along the west edge of the development site. The street will not only provide vehicular and pedestrian access to the proposed development, but will also provide opportunities to connect through adjacent properties to the existing public street network, which will increase the accessibility to the surrounding area and provide for alternative route in and out of the proposed development. The proposed new public street would be consistent with applicable public realm policies set out in the Official Plan.

Policy 3.2.3(1)(a) indicates that adding new parks and amenities is a necessary element of city-building, particularly in growth areas such as *Avenues*. Policies of the Plan relating to new parks and open spaces speak to the need for new parkland to be sufficiently visible and accessible from adjacent public streets to promote the safe use of the park, be of a usable shape, topography and size that reflects its intended use, and be connected where possible to an existing green space.

In this regard, the proposed development provides for a centrally located park that is highly visible from adjacent streets. The park is 2,160m<sup>2</sup> in size, triangular in shape and would have frontage onto Consumers Road and Yorkland Boulevard. Given its size and configuration the park can provide for a mix of active and passive uses. The proposed residential building to the west and commercial building to the north will frame the park at an appropriate proportion and help to provide a safe environment for users of the park with “eyes on the park”, which is specifically encouraged by Policy 3.1.1(16).

The proposed park will address the public realm policies set out in Official Plan.

Furthermore, the introduction of new public park on the site will improve pedestrian connections for future residents within the proposed redevelopment, as well as for existing residents and employees in the surrounding area.

As noted previously, the height of proposed retail building at the northeast corner of the site (at the intersection of Sheppard Avenue East and Consumers Road) has increased from 3 to 4-storeys with a corresponding increase in gross floor area. The building maintains a strong street edge with the retail façade now extending further south along Consumers Road and continuing along the north edge of the proposed park to ensure the surface parking area is screened from Consumers Road and creates an animated edge condition along the northern boundary of the park. The development accommodates a 6.5m setback from Sheppard Avenue East to accommodate the widening requested by the TTC in conjunction with the Sheppard East LRT.

The recent changes made to the site layout would allow for improved pedestrian connections and vehicular movements through the site, increased park visibility and animation, a strong built form edge along the boundary streets, and a more articulated building height transition.

### **Traffic Impact**

The applicant filed a Traffic Impact Study (TIS) dated February 2012, in support of the proposed development. The TIS was subsequently updated on November 27, 2013 and March 10, 2014 to respond to issues raised by Transportation Services staff. The transportation work examines turning movements at a series of intersections in the vicinity of the site, existing traffic conditions in the area, future background traffic generation, trip distribution, site traffic and driveway access options. The findings and conclusions of the study, and study updates, have been accepted by Transportation Services staff.

In order to accommodate site traffic volumes, the following road improvements would need to be implemented by the applicant and secured in an agreement:

- Widening of Yorkland Boulevard along the project frontage to accommodate an eastbound left-turn lane and westbound right-turn lane into the new north-south public road;
- Widening the westbound approach on Yorkland Boulevard at Yorkland Road to accommodate separate right and left-turn lanes;
- Installation of a new traffic control signal at Yorkland Boulevard and Consumers Road;
- Installation of north-south left-turn lanes at Yorkland Boulevard and Consumers Road;
- Construction of a new north-south public road that will run along the westerly portion of the site from Yorkland Boulevard for a distance of approximately 120 metres.

Transportation Services has advised 0.4 metre widening is required for Consumers Road, in order to satisfy the Official Plan requirement of a 27 metre wide and an 8.0 m corner rounding is also required from the widened Consumers Road property line.

The detailed design, timing for completion and financial securities to guarantee the above work would be secured through the Plan of Subdivision and Site Plan process.

The Toronto Transit Commission has reviewed the application and note the development site is adjacent to the proposed Sheppard East LRT. They have advised the alignment for the LRT is underground at Don Mills Station, tunnelled under Highway 404, and transitioning to the surface in the area west of Consumers Road in the centre of Sheppard Avenue East. The portal for the transition of the alignment from underground to surface is planned to be located in the vicinity of the development site. As such, a permanent 6.5m wide property taking is necessary and are requesting these lands be conveyed to Metrolinx as a condition of Site Plan approval.

Due to the proximity of the property to the future underground LRT, the TTC requires a technical review prior to any demolition or construction or the issuance of any building permit. Further, the applicant will need to apply attenuation measures so that potential levels of noise, vibration, electro-magnetic interference, and stray current that may be transmitted by their transit operations be applied in the design of the project. TTC advises prospective purchasers should be informed through a clause in the purchase agreement and that TTC accepts no responsibility for any of these effects.

The TTC requirements would be addressed at the Site Plan approval stage.

## **Access**

Vehicular access to the site will be provided by:

- a full moves entrance driveway that will be located at the terminus of the new north-south public street that extends from Yorkland Boulevard;
- a right-in/right-out entrance driveway off Consumers Road that will be located approximately 75 metres south of Sheppard Avenue East; and
- a right-in/right-out entrance driveway off Sheppard Avenue East that will be located approximately 80 metres west of Consumers Road.

Transportation Services advise the locations of the proposed site access driveways and their intended operation are generally acceptable. Transportation Services staff further advises additional comments related to access design and geometry, site circulation and site layout will be provided through the site plan review process.

## **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. In view of the proximity of the site to a higher order transit corridor, Transportation Services staff is recommending the following parking rates:

- 0.7 to 1.0 spaces per dwelling unit for a bachelor unit (up to 45m<sup>2</sup>);
- 1.0 spaces per dwelling unit (more than 45m<sup>2</sup>);
- 0.7 to 1.2 spaces per dwelling unit for a 1 bedroom unit;
- 0.9 to 1.3 spaces per dwelling unit for a 2 bedroom unit;
- 1.1 to 1.6 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 m<sup>2</sup> of GFA.

The proposal includes a total of 1,557 spaces of which 804 are resident spaces, 124 are residential visitor spaces, and 629 are commercial parking spaces. Residential parking will be provided in 5 levels of underground parking to maximize landscaping and open space opportunities. Commercial parking is located on 4 levels: 2 below grade, 1 at grade (28 spaces) within the building envelope and 1 above grade in the mezzanine level (52 spaces). The proposed parking supply is within Transportation Services' recommended parking rates however staff has advised it will be necessary to revise the drawings so that the allocation of parking spaces for each individual use is identified at the site plan review stage. It will also be necessary to indicate the provision of a physical separation between all resident and non-resident parking spaces by means of overhead doors or gate controls.

## **Retail Impacts**

As stated previously, the Official Plan contains policy direction with respect to large scale, stand-alone retail stores and 'power centres' in *Mixed Use Areas*. The permission for this type of retail facility is only permitted through rezoning and is subject to meeting transportation and economic impact considerations.

## **Transportation Capacity**

Policy 4.5.3(a) of the Official Plan states new large scale, stand alone retail stores and "power centres" may be permitted through rezoning if it can be demonstrated that sufficient transportation capacity is available to accommodate the additional traffic generated by the development, resulting in an acceptable volume of traffic on adjacent and nearby streets.

A Traffic Impact Study (TIS) was filed with the application and a number of revisions have been made to the initial study including further analyses to respond to concerns raised by Transportation Services staff during the review process. It is noted that the proposed commercial component would generate 629 parking spaces.

Key conclusions of the TIS are summarized below:

- an evolving local road network on the south side of Sheppard Avenue East will help with distribution of locally-generated traffic as well as providing relief for busy turning movements at key public street intersections;
- the project will have access to three public streets which, together with the widening of Yorkland boulevard and the signalization of Yorkland Boulevard and Consumers Road, will allow for the efficient distribution of site-related traffic;
- the project is well located on an arterial road with excellent surface transit service and planned rapid transit improvements; and
- traffic volumes associated with the project can be accommodated by the area public street network provided the road improvements recommend previously are implemented.

The methodology and findings of the study have been accepted by Transportation Services staff. As a result, the objective of Policy 4.5.3(a) of the Official Plan would be met.

#### **Economic Impacts Assessments**

Policy 4.5.3(b) identifies two economic impact considerations that must be addressed in order to accommodate new large scale, stand alone retail stores and “power centres” on the site: the function and amenity of the area for businesses and residents and the economic health of nearby shopping districts would not be adversely affected.

Two economic impact assessments (an Employment Implications Report by the Atlas Group and a Retail Market Impact Analysis by urbanMetrics) were submitted in support of the application to address the requirements of Policy 4.5.3(b). A peer review of both impact assessments was undertaken by an external consultant hired by the City, John Winter Associates Limited (JWAL).

The overall objective of the external peer review was to provide a professional opinion regarding the sufficiency and accuracy of the submitted analysis, as well as a statement whether or not peer reviewer concurs with or disagrees with the conclusions of the reports that were filed with the application. In addition, the peer reviewer was asked to respond to a number of questions including whether or not there should be limitations on the minimum size of the retail units or provisions that limit the amount of “small-scale” stores and services.

During the course of the review the applicant’s consultant’s responded to information requests and issues raised by the peer reviewer. It is staff’s view the reports filed by applicant’s consultants have undergone a thorough analysis.

The peer reviewer is generally satisfied that work has been undertaken and sufficient information has been collected to support the conclusions in the both of the assessments and concurs with the findings.

The peer reviewer agrees with the conclusion from the Economic Implications Report by the Atlas Group that the proposed development would have a positive economic impact on the local area and the City of Toronto.

The peer reviewer also agrees with the following conclusions from the Retail Market Impact Analysis prepared by urbanMetrics:

- the impact of these new retail and service facilities on existing retailers in the Trade Area will be relatively limited;
- the development of the subject site as proposed will not adversely affect the economic health of nearby shopping districts;
- market growth in this area will also be sufficient in supporting a number of additional proposed retail developments in the Trade Area with only moderate transfers of sales required from existing retailers.

Further, it is the peer reviewer's opinion that the function and amenity of the area for businesses and residents and the economic health of nearby shopping districts would not be adversely affected by this development.

The peer reviewer has not recommended any limitations on the minimum size of the retail units or provisions that limit the amount of “small-scale” stores and services.

City staff accepts the professional advice of the peer reviewer. As a result, the objective of Policy 4.5.3(b) of the Official Plan would be met.

### **Streetscape**

Official Plan policies require that new development frame street edges and provide an attractive, comfortable and safe pedestrian environment. The proposal appropriately addresses this policy. Buildings are aligned along the street edges to provide an appropriate street presence and street enclosure with appropriate setbacks to accommodate landscaping opportunities and general site amenity. The design also features units with street and park related access. New public sidewalks will be provided and the public boulevards abutting the sites will be planted with a row of trees. Details will be secured through the Plan of Subdivision and Site Plan approval stage.

### **Servicing**

The engineering consultant filed a Functional Servicing Report, Site Servicing Plan and Site Grading Plan for the proposed development. The report concludes no improvements to the existing sewer will be required to accommodate the proposed development. Engineering and Construction Services generally support the application subject to the applicant submitting revisions/corrections to the Functional Servicing Report and the Site Servicing Report.



## **Amenity Space**

Section 4.2.2(f) of the Official Plan requires that new development provide adequate indoor and outdoor recreation space for building residents. The 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 amenity space is proposed at a rate of 1.5m<sup>2</sup> per dwelling unit to serve the proposed development. Based on 1,100 units this rate equates to 1,500m<sup>2</sup> of space. Details have not been finalized however it is anticipated indoor amenity space may include fitness facilities, meeting rooms and party/entertainment rooms. Common outdoor residential amenity space would be provided at a minimum rate of 1.5m<sup>2</sup> dwelling unit in the form of landscaped gardens and open space, and rooftop gardens.

The amount common indoor and outdoor amenity space is similar to other large developments and on that basis, is acceptable to staff. The amending Zoning By-law for the site should incorporate these rates as minimum performance standards.

## **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 1,100 residential units and 18,562m<sup>2</sup> of non residential gross floor area on a site with a net area of 1.787 hectares (17,874m<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 1.466 hectares (14,660m<sup>2</sup>) or 105% of the site area. However, for sites that are 1 hectare to 5 hectares in size, a cap of 15% 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 0.216 hectares (2,160m<sup>2</sup>).

The applicant proposes to convey a 0.216 hectare (2,160m<sup>2</sup>) parcel of land located in the south central part of the development having frontage on both Yorkland Boulevard and Consumers Road. The location and size of the parkland dedication is acceptable to Parks, Forestry and Recreation staff.

The applicant has agreed to provide the above base park improvements. 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 is recommended. Parks, Forestry and Recreation would 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.

This report includes a recommendation that City Council authorize the City Solicitor to request the OMB to withhold its Order(s) approving the Zoning By-law amendment until such time as the above matters are addressed. Planning staff recommends this be secured in the Subdivision Agreement.

### **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).

The following community benefits are recommended to be secured in the Section 37 Agreement:

- i. Provide a cash contribution of \$1,000,000 to be used towards streetscape improvements within the Consumers Business Park in the immediate vicinity of the site;
- ii. Provide a cash contribution of \$850,000 for capital improvements to the Pleasant View Toronto Public Library, which includes funds for a Digital Innovation Hub within the Library;
- iii. Provide a cash contribution of \$575,000 to be used towards capital improvements to community facilities within the area bounded by Highway 401, Highway 404, Van Horne Avenue and Victoria Park Avenue;

- iv. Provide a cash contribution of \$535,000 to be used towards parks improvements to Clydesdale Park, Van Horne Park, Muirhead Park, Old Sheppard Park and/or Pleasant View Park; and
- v. Provide a cash contribution of \$40,000 to be used towards streetscape improvements at the northwest and northeast corners of Brian Drive and Sheppard Avenue East;

All of the above contributions are to be paid prior to the issuance of the first above-grade building permit for the development, with such amounts to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment.

The following matter is also to be secured in the Section 37 Agreement in support of the development:

- vi. The Owner shall construct and maintain the development in accordance with Tier 1 performance measure of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009.

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

### **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 filed with the application proposes the removal of 3 City owned trees and 10 privately owned trees that meet the criteria for protection under the applicable City of Toronto Tree By-laws.

#### Privately-owned trees

Urban Forestry advises the Arborist Report submitted with the application proposes the removal of 10 private tree as shown on Tree Preservation Plan TS-1 that qualify for protection under the Private Tree By-law. Urban Forestry requires a submission of a complete Permit Application to Injure or Destroy Trees on Private Property” and an application fee in the amount of \$3000.00 (\$300 per tree) for the removal and injury of 10 private trees. Urban Forestry requires a minimum of 30 large growing native deciduous or coniferous trees on the site.

#### City-owned trees

Urban Forestry also advises the Arborist Report proposes the removal 3 City-owned trees as shown on Tree Preservation Plan TS-1. The trees include 2 Lilac trees in poor

condition and 1 Locust tree in fair condition. Urban Forestry requires a submission of a completed City tree removal application with a permit fee of 300.00 requesting removal of the Locust tree. Urban Forestry does not require a permit fee nor require an amenity value for the two Lilac trees since they are in poor condition. A payment is required in the amount of \$6,943.00 for the Amenity Value for the Locust tree as well as a complete “Agreement for Contractors to Perform Arboricultural Services on City-owned Street Trees”.

The landscape plan provided with the application proposes 18 City trees for the City road allowance. Urban Forestry requires a revised Landscape Plan to indicate the planting of large growing shade tree species as well as, a Tree Planting Deposit in the amount of \$10,494.00 (\$583 per tree) to ensure the planting of 18 new trees on the City road allowance.

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 reviewed the application and advise there is insufficient space at the local schools to accommodate students anticipated from the proposed development and it may be necessary for students to be accommodated in facilities outside of the area. The School Board has requested that as a condition of approval, the applicant enter into an agreement to put up signs advising that students may be accommodated in facilities outside the area until adequate funding or space becomes available. The Board further recommends all offers of purchase and sale of residential units include warning clauses to this effect including policies on busing. Busing should ameliorate concerns expressed by the local community regarding the safety of students crossing Sheppard Avenue East. The Board's conditions would be included in conditions of draft plan of subdivision approval. Further to the safety concern expressed by area residents it should be noted that the intersection of Consumers Road/Brian Drive/Sheppard Avenue East is signalized.

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.

### **Tenure**

The proposed units will be part of one or more condominium corporations. Applications for draft plan of condominium approval would be required.

### **Plan of Subdivision**

The development includes a new north-south public road along the west edge of the site and the creation of a 2,160m<sup>2</sup> public park on the southeast portion of the site where Consumers Road intersects with Yorkland Boulevard. A Plan of Subdivision is required. To date, an application has not been filed.

This report recommends that the OMB withhold its Order approving the amending Zoning By-law until the applicant has submitted a plan of subdivision application to secure all matters relating to the public road and parkland including above base park improvements.

### **CONTACT**

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### **SIGNATURE**

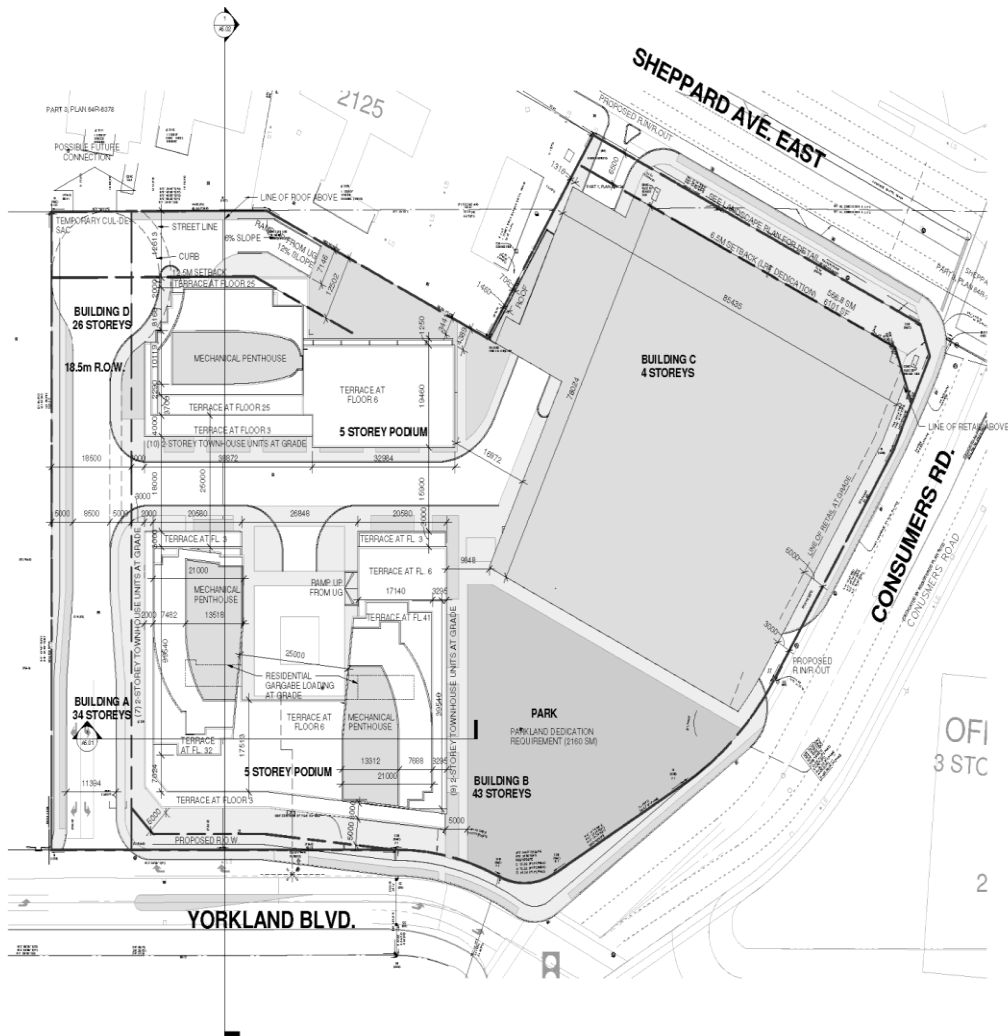
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Jennifer Keesmaat, MES, MCIP, RPP  
Chief Planner and Executive Director  
City Planning Division

### **ATTACHMENTS**

Attachment 1: Site Plan  
Attachment 2: Ground Floor Plan  
Attachment 3: North Elevation  
Attachment 4: South Elevation  
Attachment 5: East Elevation  
Attachment 6: West Elevation  
Attachment 7: Zoning  
Attachment 8: Official Plan  
Attachment 9: Application Data Sheet


# Attachment 1: Site Plan



Site Plan

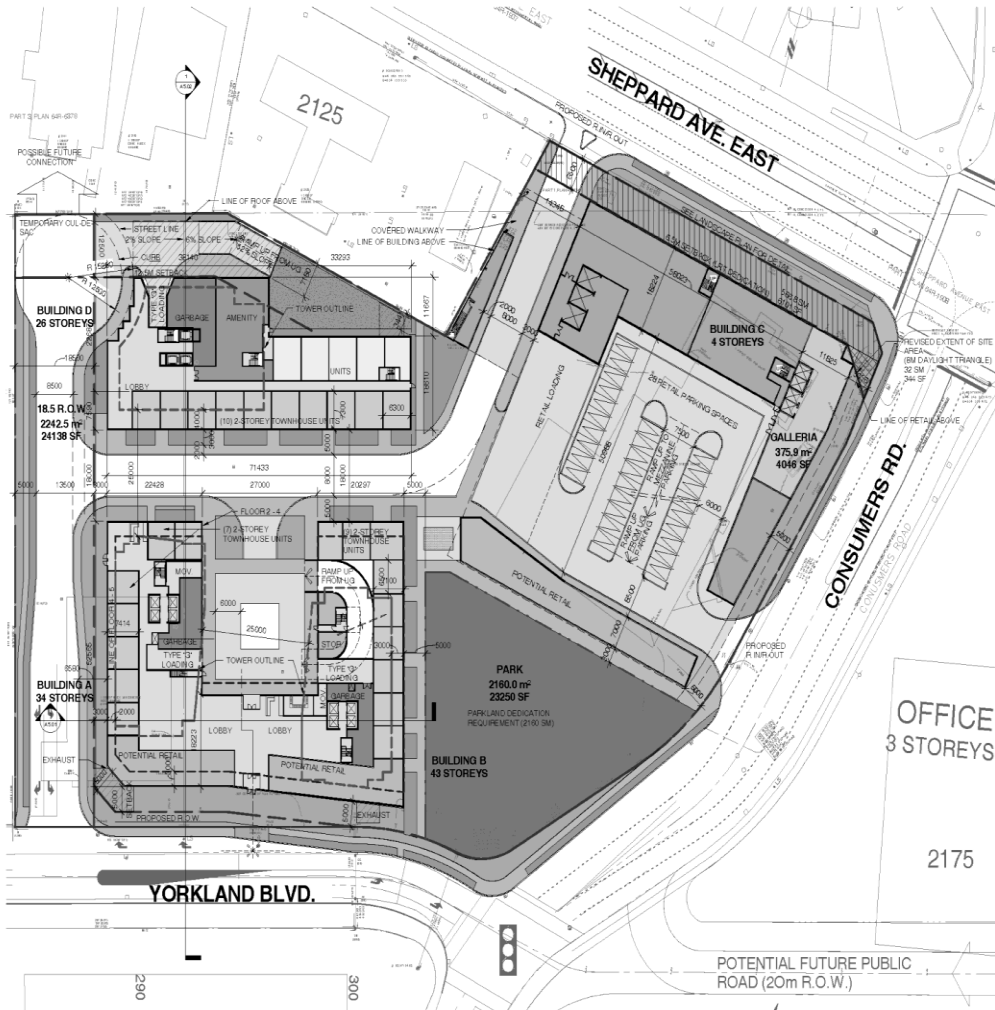
2135 Sheppard Avenue East & 299 Yorkland Boulevard

Applicant's Submitted Drawing

Not to Scale   
07/09/2014

File # 12 126689 NNY 33 0Z


## Attachment 2: Ground Floor Plan



### Ground Floor Plan

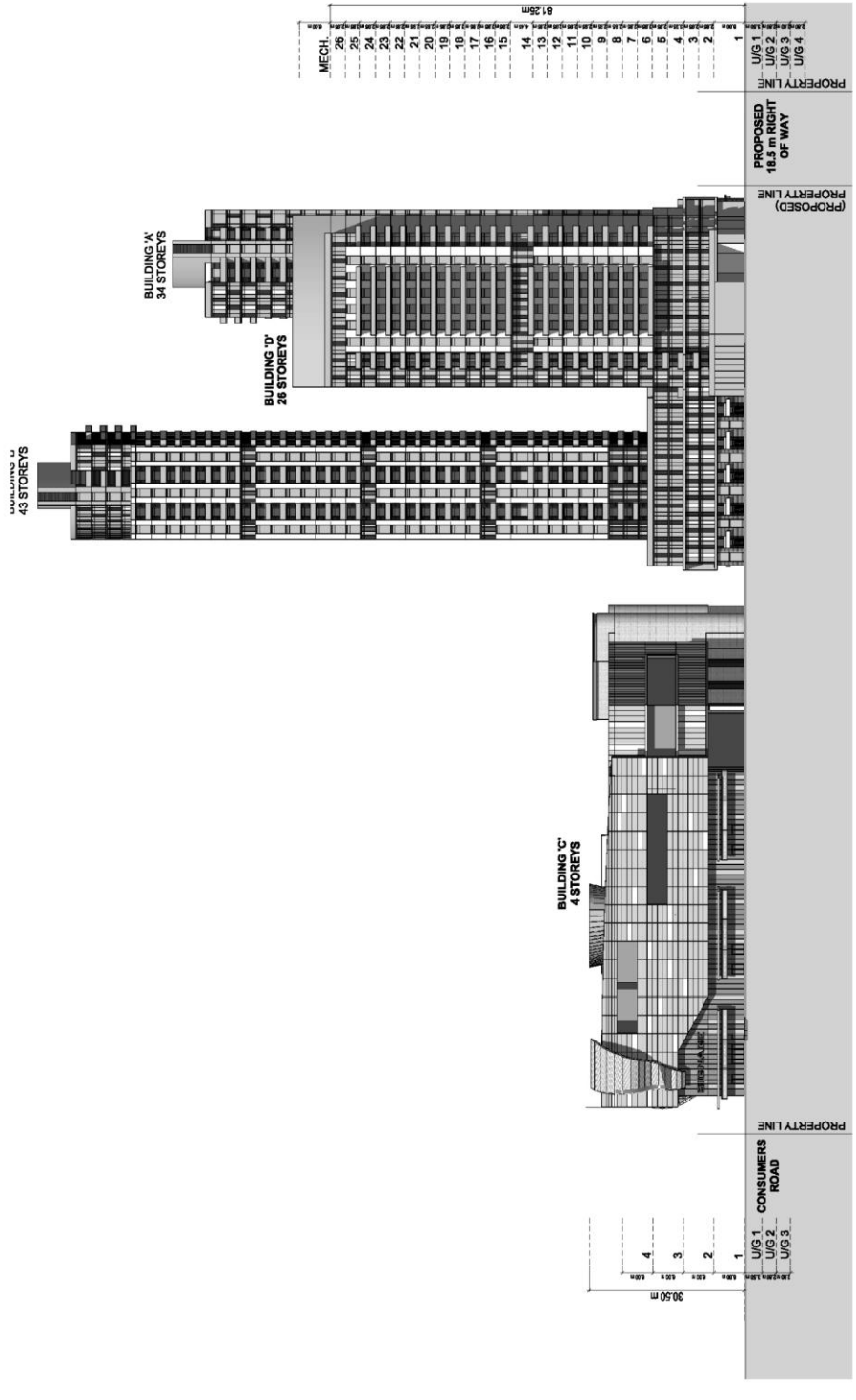
2135 Sheppard Avenue East & 299 Yorkland Boulevard

Applicant's Submitted Drawing

Not to Scale 

File # 12 126689 NNY 33 0Z

### Attachment 3: North Elevations



**North Elevation** **2135 Sheppard Avenue East & 299 Yorkland Boulevard**

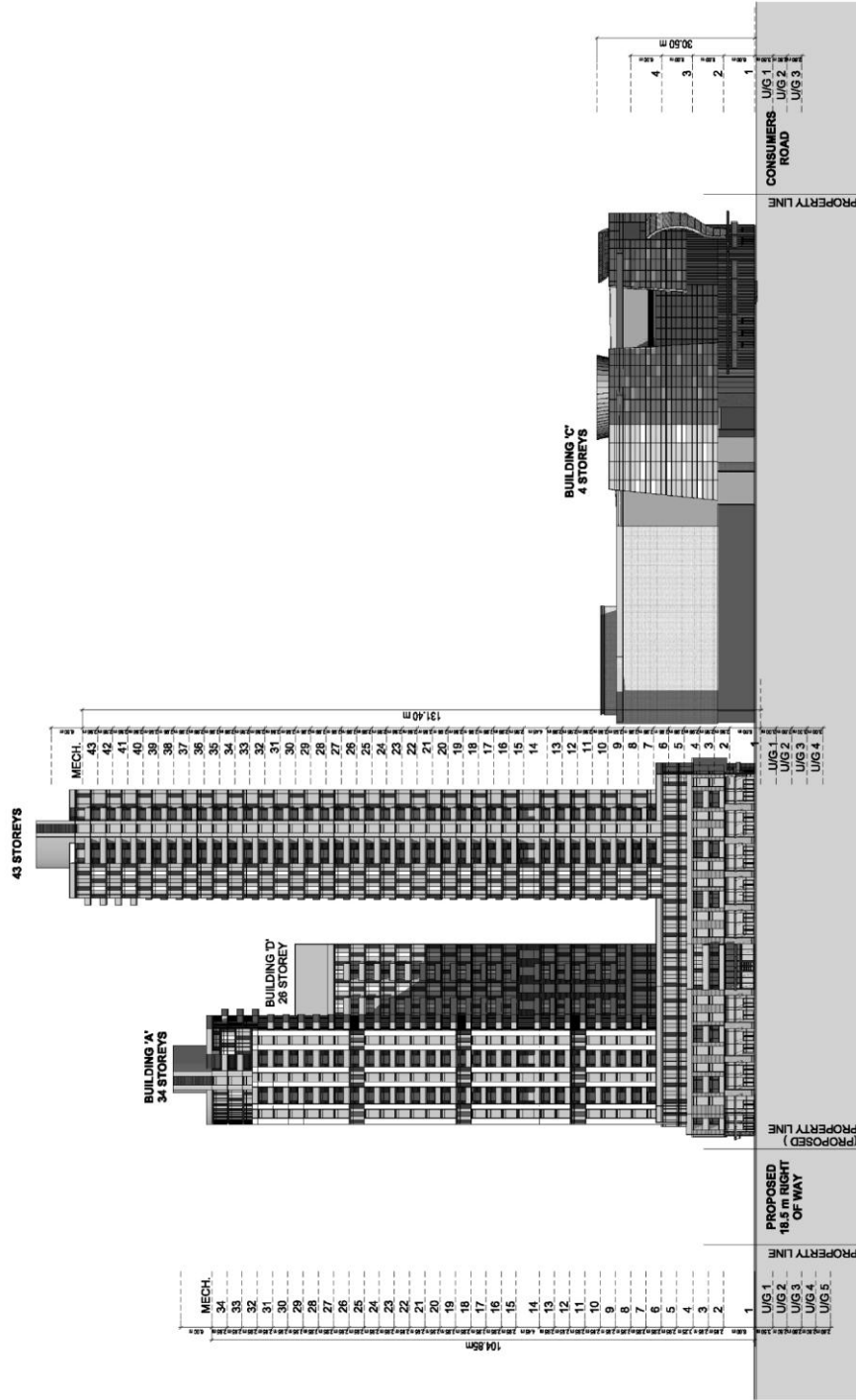
Applicant's Submitted Drawing

Not to Scale  
07/09/2014

File # 12 126689 NWY 0Z



# Attachment 4: South Elevation



2135 Sheppard Avenue East & 299 Yorkland Boulevard

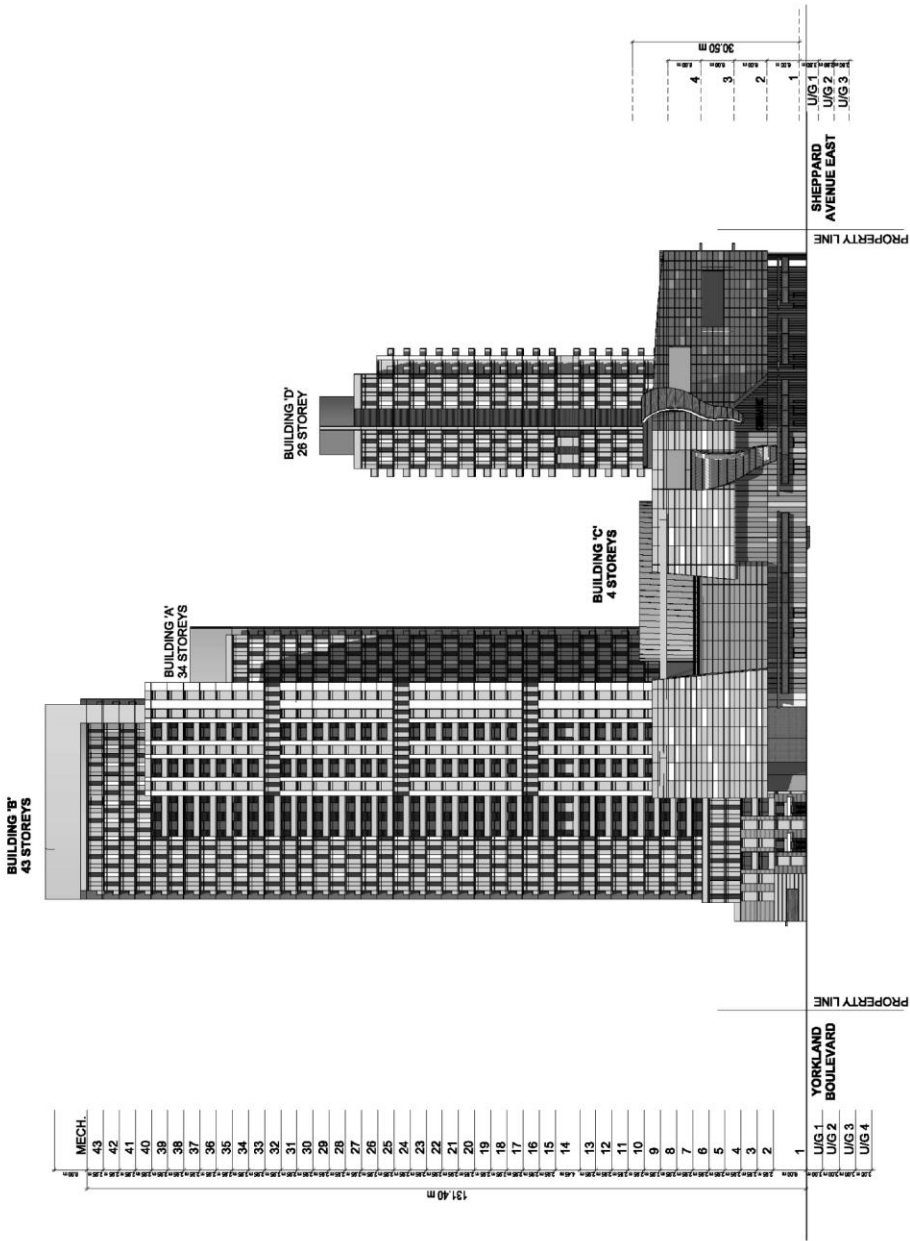
South Elevation

Applicant's Submitted Drawing

Not to Scale  
07/09/2014

File # 12 126689 NNY OZ

Attachment 5: East Elevation



2135 Sheppard Avenue East & 299 Yorkland Boulevard

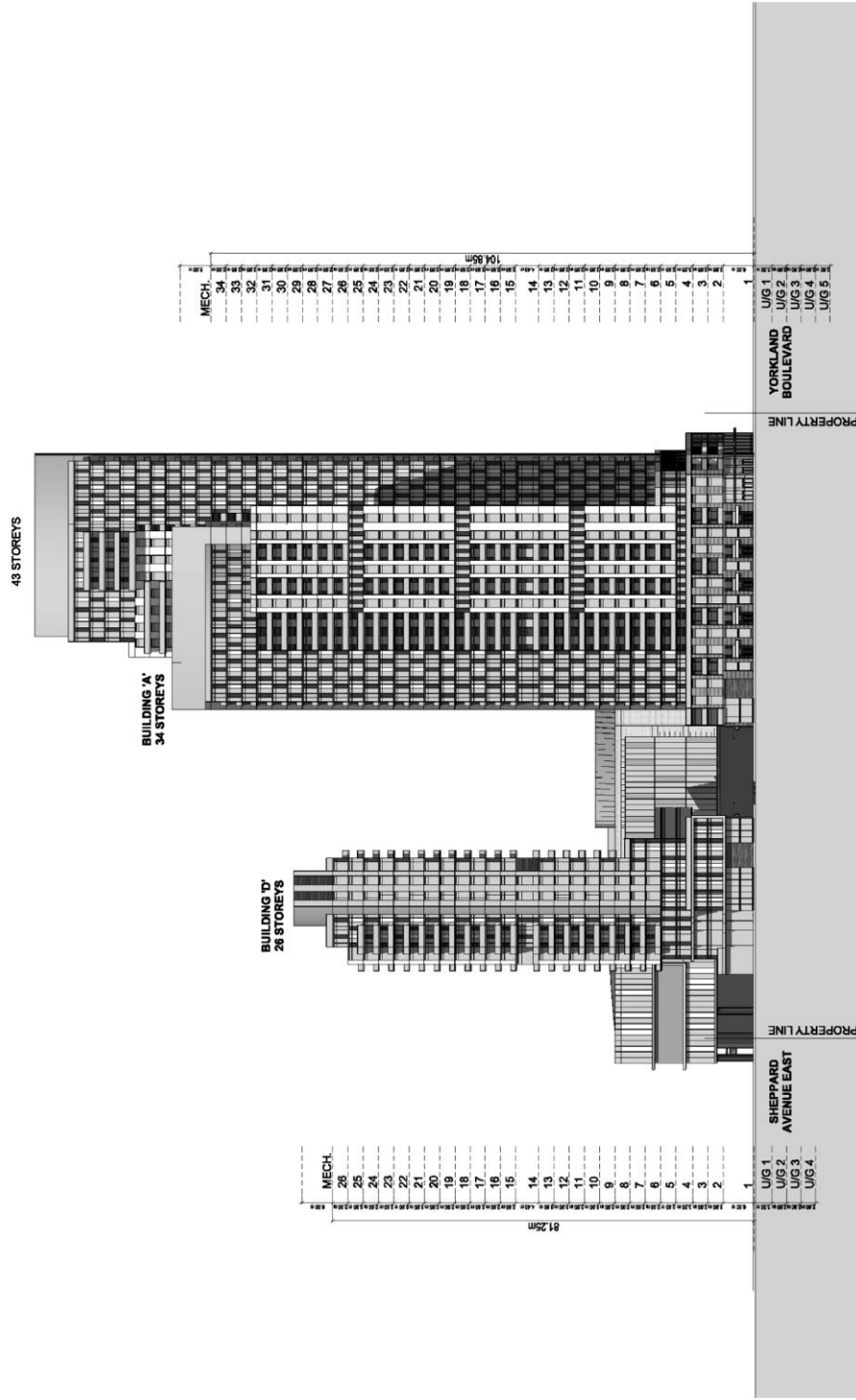
East Elevation

Applicant's Submitted Drawing

Not to Scale  
07/09/2014

File # 12 126689 NMY 0Z

**Attachment 6: West Elevation**



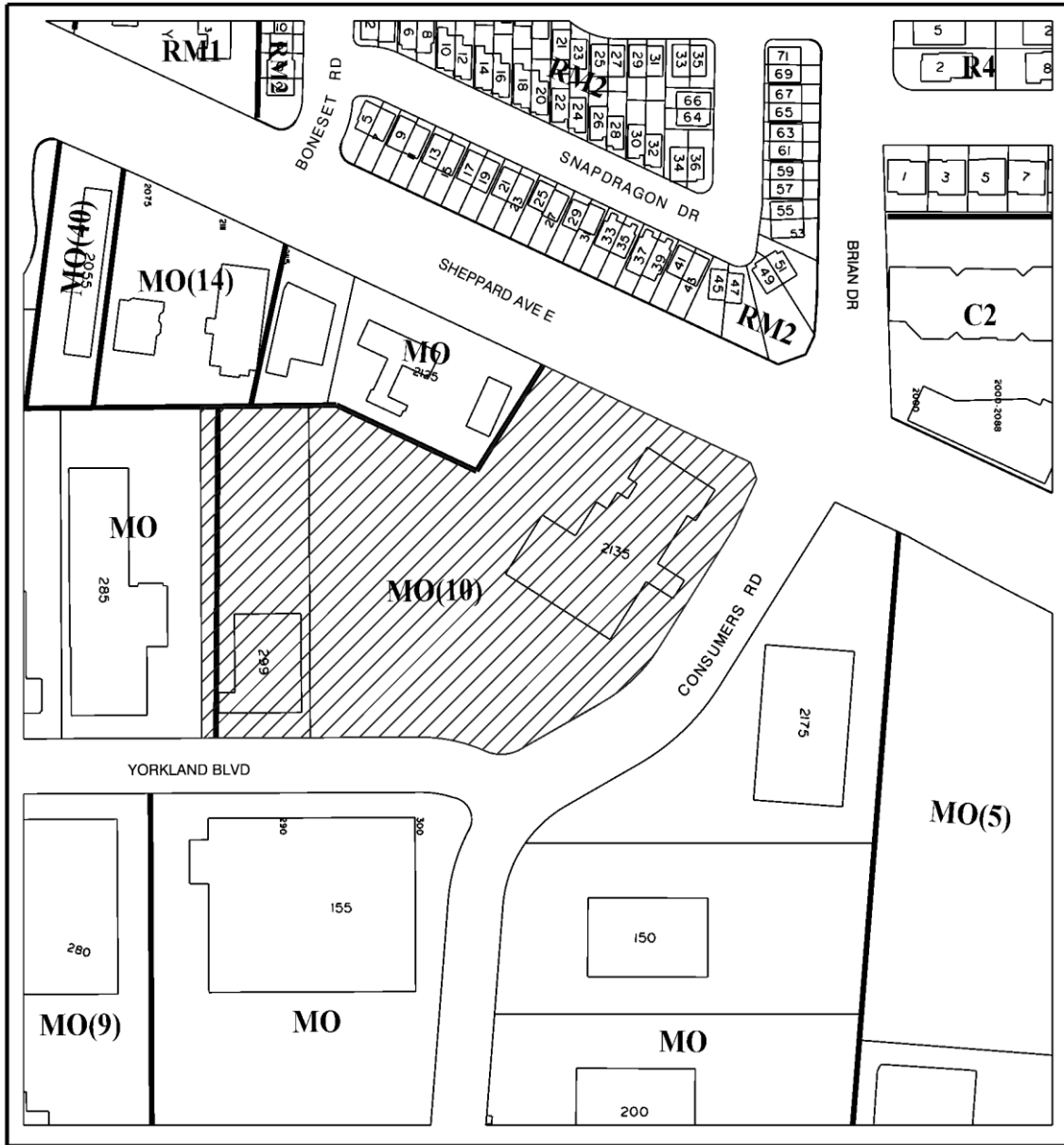
**West Elevation**  
**2135 Sheppard Avenue East & 299 Yorkland Boulevard**

**Applicant's Submitted Drawing**

Not to Scale  
 07/09/2014

File # 12 126689 NNY 02

## Attachment 7: Zoning



**TORONTO** City Planning  
Zoning

**2135 Sheppard Avenue East & 299 Yorkland Boulevard**

File # 12 126689 NNY 33 0Z

R4 One-Family Detached Dwelling Fourth Density Zone

MO Industrial-Office Business Park Zone

RM1 Multiple-Family Dwellings First Density Zone

RM2 Multiple-Family Dwellings Second Density Zone

C2 Local Shopping Centre Zone

NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category



Not to Scale  
Zoning By-law 7625  
Extracted 03/14/2012

## Attachment 8: Official Plan



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

**2135 Sheppard Avenue East & 299 Yorkland Boulevard**

File # 12 126689 NNY 33 0Z

- |   |  |
|---|--|
|  Site Location   |  Employment Areas         |
|  Neighbourhoods  |  Apartment Neighbourhoods |
|  Mixed Use Areas |  |

  
 Not to Scale  
 03/14/2012

## Attachment 9: Application Data Sheet

Application Type	Official Plan Amendment & Rezoning	Application Number:	12 126689 NNY 33 OZ
Details	OPA & Rezoning, Standard	Application Date:	February 23, 2012
Municipal Address:	2135 SHEPPARD AVE E & 299 YORKLAND BVD		
Location Description:	PLAN 7612 BLK A CON 4 EY PT LOT 15 **GRID N3306		
Project Description:	Official Plan and Zoning By-law amendment applications to permit a mixed-use development comprising a 4-storey, stand alone large format retail building along Sheppard Avenue/Consumers Road and three residential buildings along the southern portion of the site with heights of 26, 34 and 43. The development proposes a total gross floor area of 82,907 square metres including 1,100 dwelling units and 18,746 square metres of retail/commercial space, 1,557 parking spaces, a 2,160 square metre park and a new public road. The proposed gross floor area results in a gross density of 3.95 FSI.		

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
HILTIN HILLS DEVELOPMENT INC	Stephen Deveaux	Turner Fleischer	HILTIN HILLS DEVELOPMENT INC

### PLANNING CONTROLS

Official Plan Designation:	Employment Areas	Site Specific Provision:	
Zoning:	MO(10)	Historical Status:	
Height Limit (m):		Site Plan Control Area:	Y

### PROJECT INFORMATION

Site Area (sq. m):	209630	Height:	Storeys:	4, 26, 34, 43
Frontage (m):	88.4 (Sheppard Ave E)		Metres:	143
Depth (m):	128.8			
Total Ground Floor Area (sq. m):	3556.2			<b>Total</b>
Total Residential GFA (sq. m):	64161		Parking Spaces:	1557
Total Non-Residential GFA (sq. m):	18746		Loading Docks	7
Total GFA (sq. m):	82907			
Lot Coverage Ratio (%):	0.39			
Floor Space Index:	3.95			

### DWELLING UNITS

### FLOOR AREA BREAKDOWN (upon project completion)

			Above Grade	Below Grade
Tenure Type:	Condo			
Rooms:	0	Residential GFA (sq. m):	64161	0
Bachelor:	33 (3%)	Retail GFA (sq. m):	18746	0
1 Bedroom:	836 (76%)	Office GFA (sq. m):	0	0
2 Bedroom:	231(21%)	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0	0
Total Units:	1100			

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