



STAFF REPORT ACTION REQUIRED

53-63 Sheppard Avenue West and 62-68 Bogert Avenue Official Plan Amendment and Zoning By-law Amendment Applications Preliminary Report

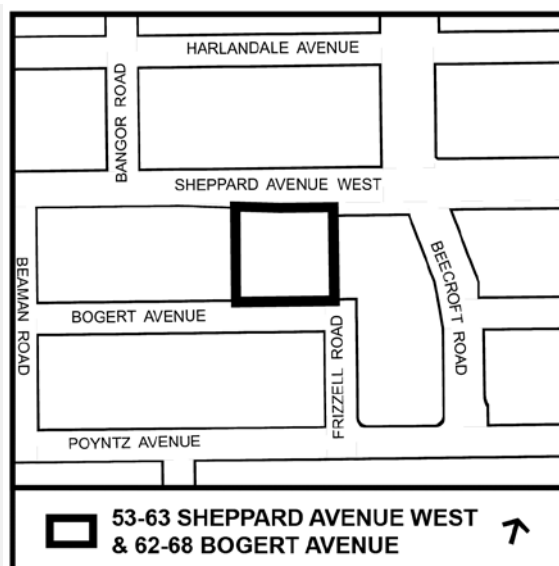
Date:	August 19, 2015
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 23 – Willowdale
Reference Number:	15 170269 NNY 23 OZ

SUMMARY

These applications are to amend the Official Plan and Zoning By-law to permit a 192 unit residential development that includes a 14 storey residential building with ground floor commercial uses, and 4 storey townhouses at 53 to 63 Sheppard Avenue West and 62 to 68 Bogert Avenue.

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

A Final Report and a Public Meeting under the *Planning Act* will be scheduled following community consultation, and resolution of outstanding issues.



RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff be directed to schedule a community consultation meeting for the lands at 53 to 63 Sheppard Avenue West and 62 to 68 Bogert Avenue together with the Ward Councillor.
2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the site.
3. Notice for the public meeting under the *Planning Act* be given according to the regulations of the *Planning Act*.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

In 2000, Council adopted a recommendation in the report from the Director, Community Planning North District to refuse a proposed Official Plan and Zoning By-law Amendment for a 7 storey mixed commercial-residential development with a density of 3.2 times the area of the lands at 53, 57 and 59 Sheppard Avenue West. In 2001, Council adopted a recommendation from the Director, Community Planning, North District to endorse a settlement before the Ontario Municipal Board for an Official Plan Amendment and Zoning By-law Amendment for a 5 storey (20.4 metre) office building with a density of 2.3 times the area of these lands. In this report City Council also adopted a recommendation that "Staff be directed to undertake a local area planning study for the lands along Sheppard Avenue West between Beecroft Road and the Don River West Branch, and further, to schedule community consultation meetings in consultation with the Ward Councillor." A Site Plan Control application was never received and the proposal was not built.

In June 2011 and in response to a community consultation meeting in the Sheppard Avenue West corridor, North York Community Council requested the Director, Community Planning, North York District, to "bring forward modifications to the existing Sheppard West Plan that would facilitate similar developments, which incorporate use of the 45 degree angular plane and other appropriate and desirable measures to protect adjoining *Neighbourhoods*, and which provide for a mix of residential and retail uses...". A review of the Secondary Plan was initiated, and community consultation meetings were held in January and March 2012, however the review has not been completed.

Pre-Application Consultation

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

ISSUE BACKGROUND

Proposal

The application is proposing an amendment to the Official Plan and Zoning By-law to provide for a 192 unit development with a 14 storey residential building (182 units) with ground floor commercial uses connected to 4 storey townhouses (10 units) at 53 to 63 Sheppard Avenue West and 62 to 68 Bogert Avenue.

The site of the proposed development is comprised of 4 lots on Sheppard Avenue West and 4 lots on Bogert Avenue with a total area of 4,306.3 m². The total proposed gross floor area of 20,545m² would result in a density of 4.77 times the area of the lands. The at-grade retail uses on the Sheppard Avenue frontage would be 639 m² of the total with the remaining 19,906 m² as residential uses.

The proposed development provides for a 4.86 metre road widening of Sheppard Avenue West and includes a 2 metre setback for at-grade retail uses. The 14 storey portion of the building fronts onto Sheppard Avenue and is designed so that the second and third storeys have no setback from Sheppard Avenue and overhang the first floor. From the 4th to the 11th storeys the building is setback 1.0 metre with balconies projecting into the setback. The 12th to the 14th storeys are stepped back to a height of 41.47 metres. Including the rooftop mechanical and amenity rooms, the building has a total height of 47.75 metres with all portions of the building below a 45 degree angular plane measured from both the properties on the south side of Bogert Avenue and on the north side of Sheppard Avenue West. The 4 storey townhouse component of the building on the south portion the site facing Bogert Avenue has a height of 14.5 metres.

Indoor amenity space is proposed on the third storey adjacent to outdoor amenity areas on the second and third storeys. Indoor and outdoor amenity space is also proposed on the rooftop.

Main pedestrian entrances are proposed directly from the Sheppard Avenue sidewalk to the retail uses and residential lobby. Pedestrian access to the townhouse component is proposed from Bogert Avenue. Vehicle access to the loading/servicing area and to all 232 parking spaces in 3 levels of underground parking is proposed from Sheppard Avenue West at the western edge of the site. The underground parking extends underneath the entire building and almost to the limits of the subject lands. Also proposed are 19 at grade and 132 below grade bicycle parking spaces to serve the retail and residential uses.

The proposed Site Plan is in Attachment 1, Elevations are in Attachments 2 and 3, and detailed site statistics are included in the Application Data Sheet in Attachment 7.

Site and Surrounding Area

The site is located on the south side of Sheppard Avenue West and immediately abutting Albert Standing Park which is located on the southwest corner of Sheppard Avenue West and Beecroft Road.

The site is a rectangular lot with dimensions of approximately 66 metres fronting on Sheppard Avenue West, 61 metres on Bogert Avenue and has a depth of 63 metres. The lands at 61 and 63 Sheppard Avenue West are occupied by 2 detached houses, and the lands at the eastern edge of the site at 53, 57 and 59 Sheppard Avenue West are screened from view and appear to be used solely for parking purposes. The lands at 62, 64, 66 and 68 Bogert Avenue all have single detached houses.

The surrounding land uses are:

North: 1 and 2 storey commercial buildings and a parking lot operated by the Toronto Parking Authority are on the north side of Sheppard Avenue West.

South: Detached houses are on the south side of Bogert Avenue. Frizzell Road also connects Bogert Avenue to Poyntz Avenue with the Lansing United Church currently being reconstructed on the east side of Frizzell Road.

East: Albert Standing Park abuts the site and extends to the southwest corner of Sheppard Avenue West and Beecroft Road.

West: Commercial uses are in 1 and 2 storey buildings with surface parking.

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. The PPS directs official plans to provide comprehensive long-term planning through appropriate land use designations and policies, and recognizes that the official plan is the most important means of implementing the PPS. 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 such as in Urban Growth Centres and Intensification Corridors; the provision of infrastructure to support growth such as transit, water and wastewater systems; and protecting natural systems. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Staff will review the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

Staff report for action – Preliminary Report – 53-63 Sheppard Ave W. & 62-68 Bogert Ave

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Official Plan

Land Use Designations

The Official Plan designates the north portion of the site, to an approximate depth of 35 metres of the total 65 metre depth from Sheppard Avenue West, *Mixed Use Areas*. The *Mixed Use Areas* designation provides for a range of residential and non-residential land uses. While lands in the *Downtown, Centres* and *on Avenues* are all designated *Mixed Use Areas* they are not all planned to achieve the same scale or intensity of development; and development on the *Avenues* is most often associated with the lowest scale of development. The *Mixed Use Areas* policies provide criteria for development including providing a transition between areas of different intensity and scale and towards lower scale *Neighbourhoods*.

The lands in the south portion of the subject site and fronting Bogert Avenue are designated *Neighbourhoods*. *Neighbourhoods* are physically stable areas where no changes are to be made through planning applications that are out of keeping with the existing physical character of the neighbourhood. The Official Plan provides aspects of physical character to be reinforced and respected including such matters as the size and configuration of lots, prevailing building types, and the prevailing patterns of setbacks and landscaped open space.

Transportation Network

Chapter Two of the Official Plan includes policies to develop the City's transportation network and support growth management by among other matters, developing a network of major street right-of-ways. Map 3 of the Official Plan identifies Sheppard Avenue West as a major street with a planned 36 metre right-of-way.

Healthy Neighbourhoods

Chapter Two of the Official Plan includes broad policies to shape and manage growth in the City and identifies the City's *Neighbourhoods* as physically stable areas where major change is not planned and the existing physical character is to be respected and reinforced. Development in *Mixed Use Areas* adjacent or close to *Neighbourhoods* are, among other matters, to provide a gradual transition by setting buildings back from or stepping down towards *Neighbourhoods*.

Avenue Policies

Map 2 of the Official Plan identifies the northern portion of the site on the Sheppard Avenue corridor as an *Avenue*. In conjunction with the *Downtown, Centres*, and *Employment* Districts, most of the City's growth is to be directed to *Avenues*. As there are a variety of conditions along the city's *Avenues*, the Official Plan indicates that *Avenue* Studies are to be done along segments of each corridor to determine the specific means of facilitating and shaping growth. An *Avenue* Study has not been done for this segment of Sheppard Avenue West.

The Official Plan indicates that development may be permitted prior to an *Avenue* Study being done; however development is still to implement the land use designations in the Official Plan. The land use designations and policies apply to and prevail on lands broadly shown on Map 2 as *Avenues*; and the Official Plan provides criteria for development in *Mixed Use Areas* on an *Avenue* to satisfy in addition to the specific policies to protect *Neighbourhoods*.

Pre-*Avenue* Study development proposals are to address the larger context and the potential precedent applications may have on the rest of the corridor if developed at similar form, scale and intensity. Proposals are to review whether the incremental development would adversely impact any adjacent *Neighbourhoods*, and whether it is supportable by available infrastructure.

Built Form

The Official Plan includes policies to guide the location and massing of development, including among other matters, to fit development into its planned context and limit impacts on neighbouring streets and parks.

Sheppard Avenue Commercial Area Secondary Plan

The lands on the Sheppard Avenue frontage are within the Sheppard Avenue Commercial Area Secondary Plan. The Secondary Plan has the objective of permitting and encouraging commercial uses of primarily office and health care uses. The subject lands are designated *Mixed Use Area 'A'* which permits detached dwellings, financial institutions, institutional and office uses. The maximum density is 1.0 times the area of the lands and the maximum height is 8.0 metres with no parts of a building exceeding the distance of the building from the rear lot line, or in effect a 45 degree angular plane.

Policies in the Secondary Plan indicate that new buildings are to maintain a houseform character, and the adjacent *Neighbourhoods* are to be protected from the impacts of development on Sheppard Avenue through fencing and landscaping.

A site specific policy applies to the lands at 53, 57 and 59 Sheppard Avenue West. The policy permits retail and service uses to a maximum density of 2.4 times the area of the lands, a maximum building height of 20.4 metres, and rear yard setbacks of 7.5 metres for the first storey and 12 metres above the first storey.

Zoning

The site is subject to two zoning by-laws and three zone categories. The portion with the site specific Secondary Plan policy noted above at 53, 57 and 59 Sheppard Avenue West has a C6(5) exception to the former City of North York Zoning By-law No. 7625 providing for retail and commercial uses to a maximum of 2,670 m² with minimum yard setbacks, a maximum height of 20.4 metres, and 3.75 metre landscaping along the rear property line.

The portion of the site to the west at 61 and 63 Sheppard Avenue West is zoned C6 (Special Commercial Area Zone) which generally permits business, professional and medical offices and financial institutions, places of worship, libraries, museums, art

Staff report for action – Preliminary Report – 53-63 Sheppard Ave W. & 62-68 Bogert Ave

galleries and day nurseries. Single family dwellings used as a residential dwelling on May 15, 1991 are also permitted.

The south portion of the site consisting of 62, 64, 66 and 68 Bogert Avenue is subject to the City of Toronto By-law 569-2013 and is zoned RD(f15.0;a550)(x5). This zone permits a dwelling unit in a detached house with a minimum lot frontage of 15 metres, minimum lot area of 550 m², maximum height of 10 metres and 2 storeys, and minimum side yard setbacks of 1.8 metres.

Site Plan Control

The proposed development is subject to Site Plan Control. An application has not yet been submitted.

Reasons for the Application

The proposed Official Plan Amendment has been submitted to: add the *Neighbourhoods* designated lands on Bogert Avenue to the Sheppard Avenue Commercial Area Secondary Plan and redesignate the lands to *Mixed Use Area A*; permit multi-unit residential dwellings including townhouses; provide for a maximum density of 4.8 times the area of the lands; permit a maximum height of 48 metres on the Sheppard Avenue West lands in a non-houseform building; and permit a maximum height of 14.5 metres on the Bogert Avenue lands.

The proposed Zoning By-law Amendment is required to add permission for multi-unit residential dwellings including townhouses, increase the height and density on the lands, and establish site-specific development standards including minimum setbacks, maximum building heights, minimum and maximum number of parking spaces, minimum amount of recreational amenity area, and minimum landscaping.

COMMENTS

Application Submission

The following reports/studies were submitted with the application:

- Planning & Urban Design Rationale including Avenue Segment Study and Community Services and Facilities Study
- Urban Transportation Considerations Report
- Tree Inventory and Preservation Report
- Stage 1 Archaeological Background Study
- Environmental Noise Feasibility Study
- Functional Servicing Report
- Pedestrian Level Wind Preliminary Assessment
- Geotechnical Investigation
- Phase One Environmental Site Assessment
- Phase Two Environmental Site Assessment
- Soil Chemical Analysis
- Toronto Green Standard Checklist

A Notification of Complete Application was issued on July 8, 2015.

Issues

The proposed development raises issues related to the appropriateness of expanding the boundary of the Sheppard Avenue Commercial Area Secondary Plan. These issues include: whether the proposed change in land use designation for the portion of the property along Bogert Avenue from *Neighbourhoods* to *Mixed Use Area A* in the Secondary Plan is appropriate; whether the proposed change in how a built form transition is made from the proposed development to adjacent *Neighbourhoods* and existing park are appropriate; and, whether the proposed scale and type of development and associated level of growth is appropriate given the area context.

Change in Land Use Designation from *Neighbourhoods* to *Mixed Use Area*

The proposed redesignation of the lands on Bogert Avenue that are located in the Official Plan's *Neighbourhoods* designation would be an expansion of the Secondary Plan into an area not currently planned to accommodate significant change or growth. The justification provided for the proposed change to the Secondary Plan's boundary, and resulting impact on the current designation and abutting properties in the remaining *Neighbourhoods* designation, as well as implications for the rest of Sheppard Avenue need to be reviewed and assessed.

Appropriate Built Form Transition

The proposed site specific expansion of the Secondary Plan to include the 62-68 Bogert Avenue properties would amend the location from where an appropriate built form transition to remaining adjacent *Neighbourhood* areas would be measured (i.e. from the rear of the properties fronting on Sheppard Avenue, to the single detached houses on the south side of Bogert Avenue). The relationship of the proposed building to Albert Standing Park to the east and transition to properties in the *Neighbourhoods* designation on the north side of Bogert Avenue and west of the proposed development needs to be reviewed and assessed. The potential to increase the size of Albert Standing Park through an on-site parkland dedication also needs to be assessed. The built form impacts of changing the location and nature of transition to the remaining *Neighbourhoods* needs to be reviewed and assessed.

Appropriate scale of development and growth

The proposed expansion of the *Mixed Use Area* designation and change in the location and nature of transition to remaining *Neighbourhoods* are proposed to provide for a greater scale and type of development. As the site is located on an *Avenue*, the application also included an Avenue segment study to help determine the potential precedent that may be set by the form and scale of the proposed development.

As noted above, Community Council and Council directed a review of the Secondary Plan to be conducted, and while preliminary meetings with the community have been

held and some study work undertaken, no comprehensive review of the Secondary Plan has been completed. Staff will be preparing a report to North York Community Council on this Study.

The applications will be reviewed for consistency with the Provincial Policy Statement (PPS). In the context of the PPS, the proposed draft amendment to the Official Plan would be a site specific amendment to expand the location of intensification and redevelopment into an area not currently planned to accommodate growth. The review of the application therefore needs to consider the impacts on changing areas not designated for growth, and take into account both the existing building stock and area, and availability of existing or planned infrastructure and public service facilities.

The applications will also be reviewed for conformity with the Growth Plan for the Greater Golden Horseshoe. In the context of the Growth Plan, the draft Official Plan Amendment proposes to expand an intensification area and intensification corridor already designated in an Official Plan, and through the proposed expansion, change the resulting type and scale of development and encroach into an established neighbourhood. The appropriateness and impacts associated with the proposed expansion of an intensification area needs to be considered in the context of the need for such additional growth, the appropriate type and scale of development in this corridor, and the infrastructure necessary to support these changes such as including water and wastewater systems, transportation infrastructure and community facilities.

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

CONTACT

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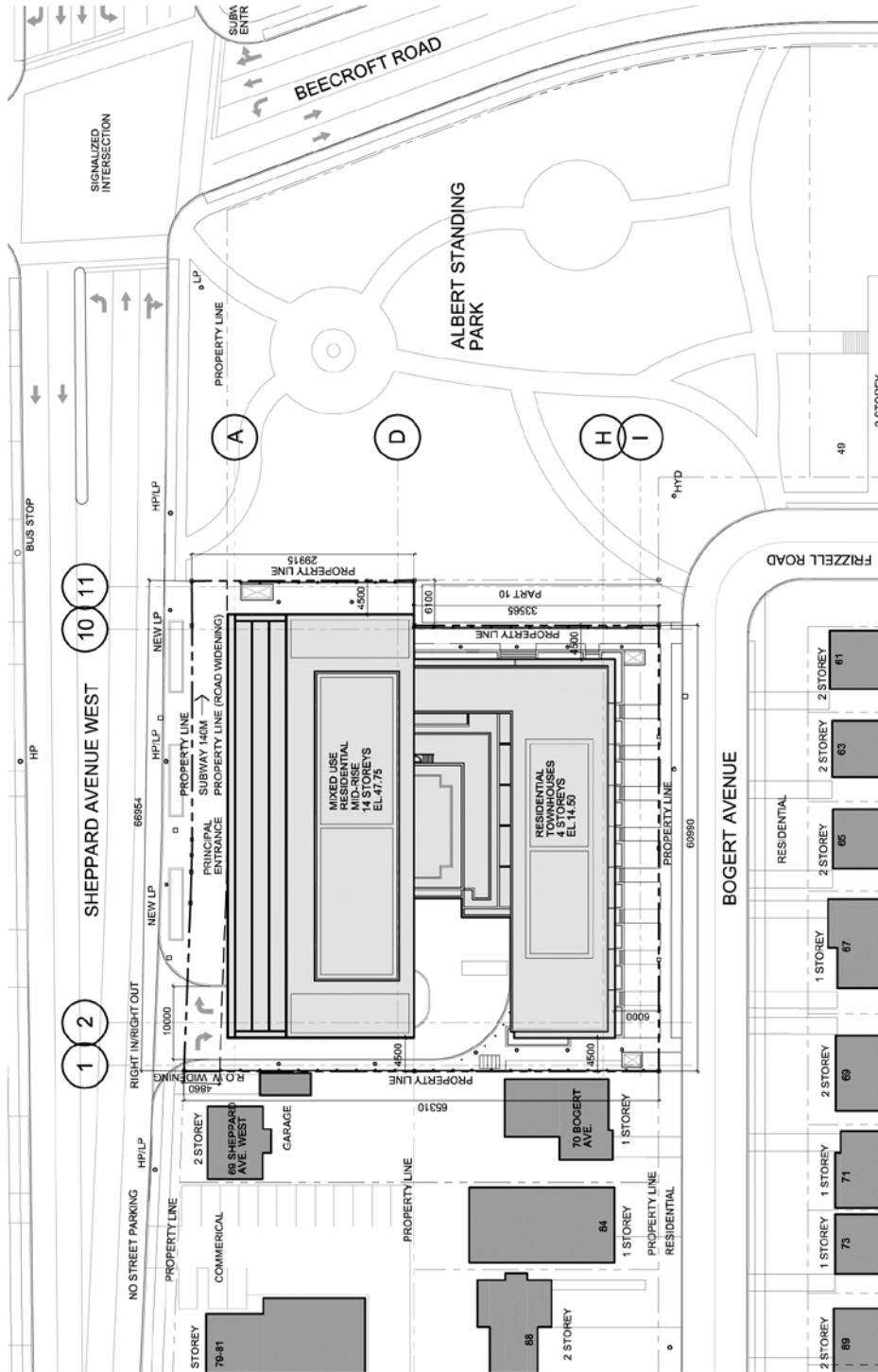
SIGNATURE

Joe Nanos, Director
Community Planning, North York District

ATTACHMENTS

Attachment 1: Site Plan/Subdivision Plan
Attachment 2: East Elevation
Attachment 3: North Elevation
Attachment 4: Zoning (By-law 569-2013)
Attachment 5: Zoning (By-law 7625)
Attachment 6: Official Plan
Attachment 7: Application Data Sheet

Attachment 1: Site Plan



Site Plan

Applicant's Submitted Drawing

Not to Scale
08/10/2015

53-63 Sheppard Avenue West
& 62-68 Bogert Avenue

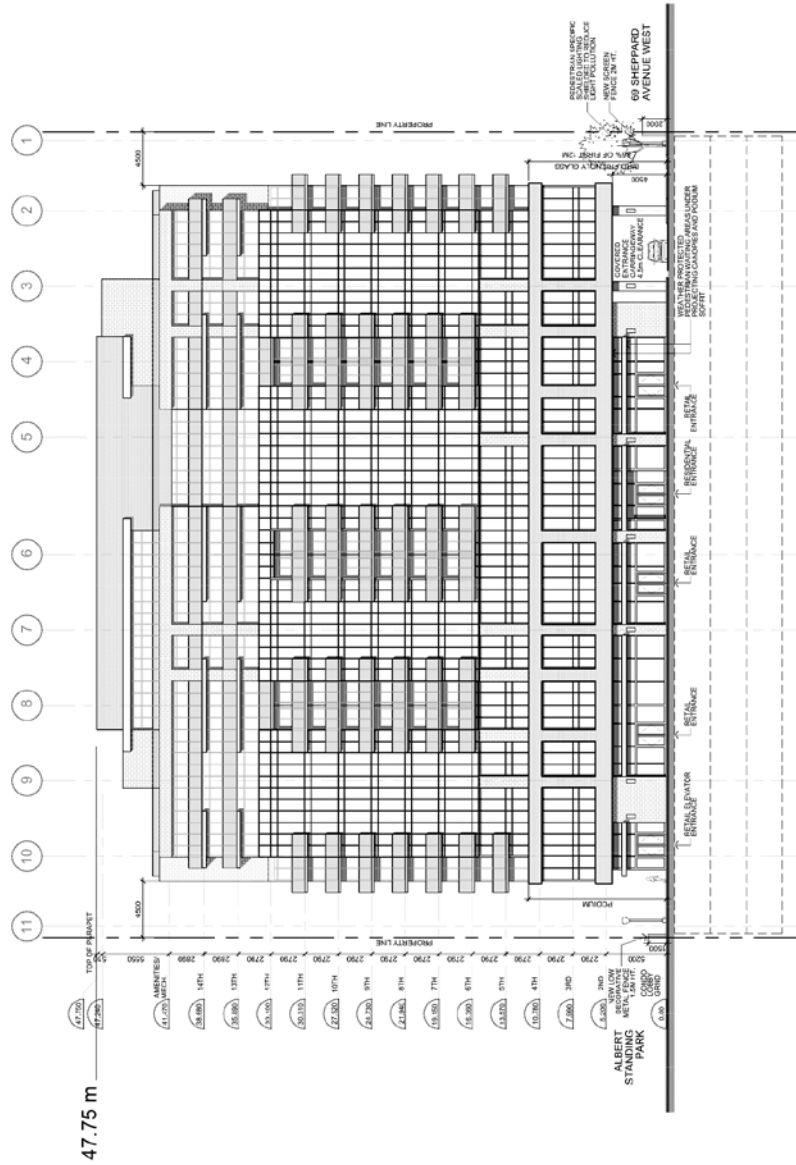
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East Elevation
Applicant's Submitted Drawing

Not to Scale
08/10/2015

Attachment 3: North Elevation



53-63 Sheppard Avenue West
& 62-68 Bogert Avenue
File # 15 170269 NNY 23 0Z

North Elevation
Applicant's Submitted Drawing
Not to Scale
08/10/2015


Attachment 4: Zoning (By-law 569-2013)




53-63 Sheppard Avenue West & 62-68 Bogert Avenue
Zoning By-Law No. 569-2013

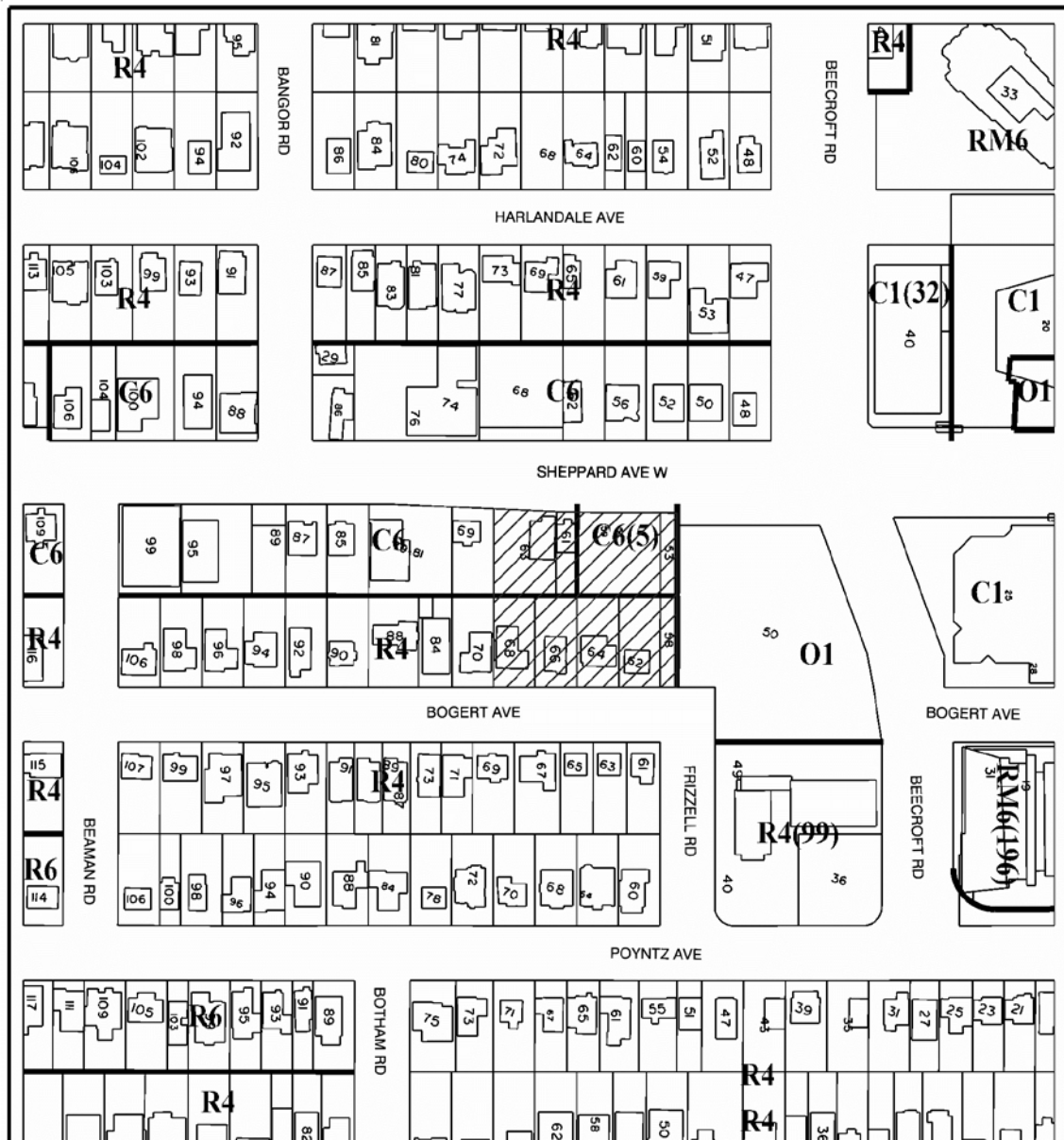
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 Location of Application
 RD Residential Detached

 See Former City of North York By-Law No. 7625
 R4 One-Family Detached Dwelling Fourth Density Zone
 RM6 Multiple-Family Dwellings Sixth Density Zone
 C1 General Commercial Zone
 C6 Special Commercial Area Zone
 O1 Open Space Zone


 Not to Scale
 Extracted: 08/10/2015

Attachment 5: Zoning (By-law 7625)



TORONTO City Planning
Zoning

53-63 Sheppard Avenue West & 62-68 Bogert Avenue

File # 15 170269 NNY 23 02

R4 One-Family Detached Dwelling Fourth Density Zone

R6 One-Family Detached Dwelling Sixth Density Zone

RM6 Multiple-Family Dwellings Sixth Density Zone

C1 General Commercial Zone

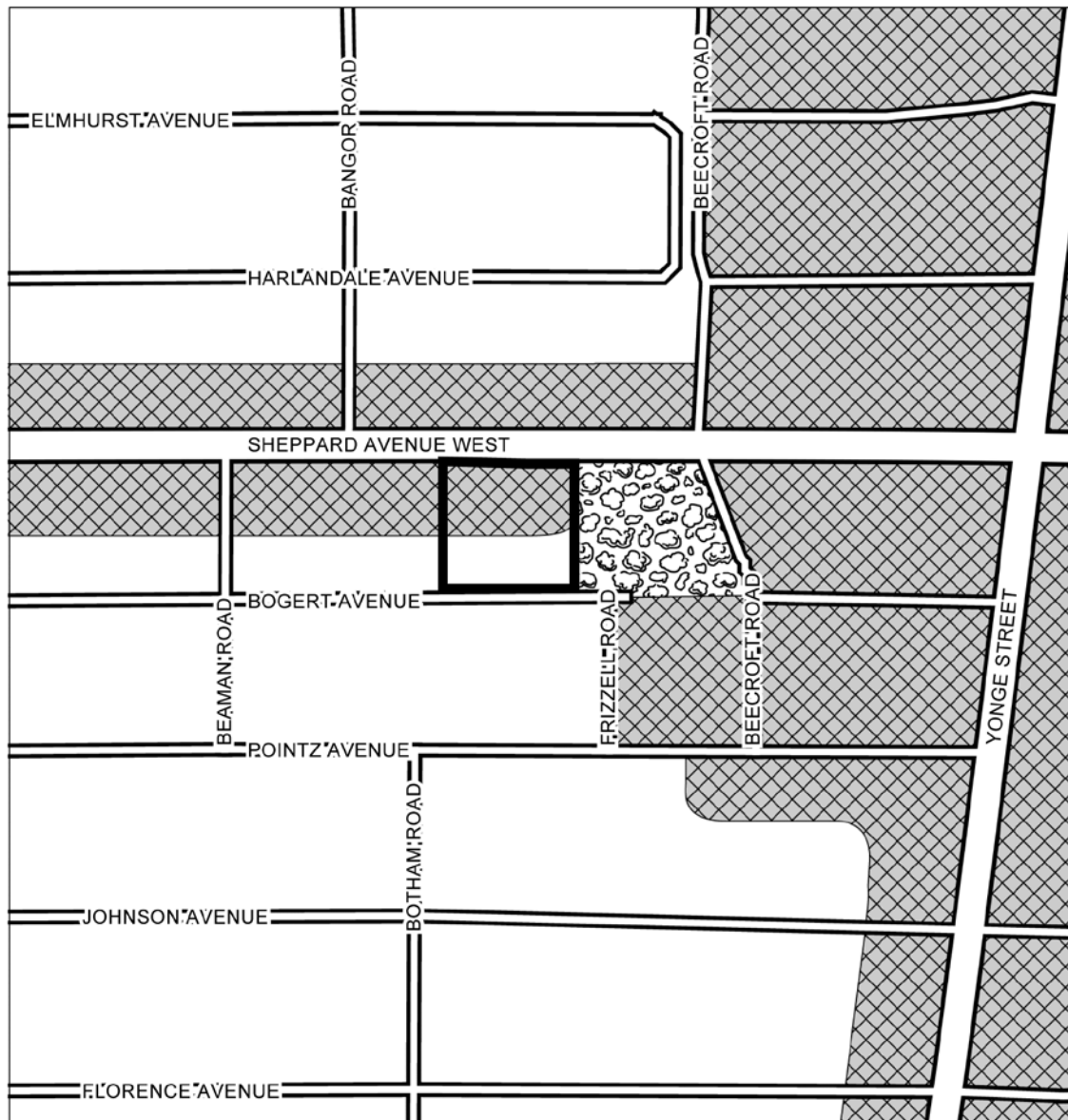
NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category

O1 Open Space Zone



Not to Scale
Zoning By-law 7625
Extracted 08/10/2015

Attachment 6: Official Plan



Toronto City Planning
Extract from Official Plan

**53-63 Sheppard Avenue West
& 62-68 Bogert Avenue**
File # 15 170269 NNY 23 02



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Not to Scale
08/10/2015

Attachment 7: Application Data Sheet

Application Type	Official Plan Amendment & Rezoning	Application Number:	15 170269 NNY 23 OZ
Details	OPA & Rezoning, Standard	Application Date:	June 8, 2015
Municipal Address:	53-63 SHEPPARD AVE W & 62-68 BOGERT AVE		
Location Description:	PLAN 1743 LOT 1198 TO 1201 PT OF FRIZZELL RD RP64R13604 PARTS 21 22 **GRID N2305		
Project Description:	An application to amend the Official Plan and Zoning By-law to permit a 14 storey 182 unit residential building with ground floor commercial uses fronting on Sheppard Ave West, and 4 storey residential townhouses fronting on Bogert Ave and three levels of underground parking.		
Applicant:	Agent:	Architect:	Owner:
WEIRFOULDS LLP	B. KUSSNER	PELLOW + ASSOC.	GRMANDA HOLDINGS

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	Sheppard Ave Commercial Area Secondary Plan 4.1
Zoning:	C6(5); C6; RD (f15.0; a550) (x5)	Historical Status:	
Height Limit (m):	20.4, 8, 10	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	4306.3	Height:	Storeys:	14
Frontage (m):	66.95		Metres:	47.7
Depth (m):	66.31			
Total Ground Floor Area (sq. m):	2110			Total
Total Residential GFA (sq. m):	19906		Parking Spaces:	232
Total Non-Residential GFA (sq. m):	639		Loading Docks	2
Total GFA (sq. m):	20545			
Lot Coverage Ratio (%):	49			
Floor Space Index:	4.77			

DWELLING UNITS

Tenure Type:	TBD
Rooms:	0
Bachelor:	0
1 Bedroom:	107
2 Bedroom:	66
3 + Bedroom:	19
Total Units:	192

FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	19906	0
Retail GFA (sq. m):	639	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

CONTACT: **PLANNER NAME:** **Robert Gibson, Senior Planner**
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