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STAFF REPORT ACTION REQUIRED

847 – 873 Sheppard Avenue West - Official Plan Amendment and Zoning By-law Amendment and Rental Housing Demolition and Conversion Applications -Preliminary Report

Date:	April 12, 2017
То:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 10 – York Centre
Reference Number:	16 262666 NNY 10 OZ and 17 107822 NNY 10 RH

SUMMARY

This application proposes 140, 4 to 5-storey stacked, back-to-back townhouses arranged in 7 blocks perpendicular to Sheppard Avenue West. The two westerly blocks would be connected at the rear by eight 3-storey townhouses. The five easterly blocks would be connected at the rear by twenty-four 3-storey townhouses. A total of 172 residential dwelling units are proposed with 191 underground parking spaces and 3 surface parking spaces at 847 – 873 Sheppard Avenue West. A rental housing demolition and conversion

application identifies 16 existing (vacant) rental units and proposes 7 replacement rental units.

This report provides preliminary information on the proposal 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 provided issues identified in this report are satisfactorily addressed and the applicant submits all required information in a timely manner.



RECOMMENDATIONS

The City Planning Division recommends that:

- 1. Staff be directed to schedule a community consultation meeting for the lands at 847 873 Sheppard Avenue West 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

Three properties within the development site (865 – 869 Sheppard Avenue West) were subject to an Official Plan and Zoning By-law Amendment application submitted in 2005. The application sought permission to construct a 6-storey mixed-use building with ground floor commercial uses and 54 dwelling units above at a density of 2.5 times the area of the lot. City Council approved the application at its meeting of September 28, 29 and 30, 2005. The approval included the adoption of a recommendation that prior to introducing the Bills enacting the Official Plan and Zoning By-law Amendments, the owner be required to obtain a Notice of Approval Conditions from the Director of Community Planning, North York District. A copy of the decision of City Council can be found at the following link:

http://www.toronto.ca/legdocs/2005/agendas/council/cc050928/ny7rpt/cl037.pdf

The previous owner of the property did not obtain the required Notice of Approval Conditions and the Bills to enact the Official Plan and Zoning By-law Amendments were never put before Council. Because the approval had not yet been enacted by the passing of a Bill by City Council, the Ontario Municipal Board listed 865 – 869 Sheppard Avenue West in Attachment 6 of its July 5, 2006 Order that brought the majority of the Toronto Official Plan into force and effect.

The listing of these properties in Attachment 6 meant that the policies and land use designations of the Toronto Official Plan did not apply to these lands when the previous application was made and the Official Plan of the former City of North York was the inforce Plan for the subject lands. The former owner consented to the previous application being dismissed by the Ontario Municipal Board. On December 14, 2010, the Board issued an Order removing 865 – 869 Sheppard Avenue West from Attachment 6, thereby bringing the Toronto Official Plan into force for the subject lands. The property was subsequently sold to a new owner.

On November 12, 2009, an application was submitted to amend the Official Plan and Zoning By-law 7625 to permit two 9-storey (30.4m) mixed use buildings above a 2-storey underground parking garage on the subject lands. A total gross floor area of 27,957m² was proposed, resulting in a density of 3.0 times the area of the lot. Retail/commercial uses were proposed on the ground floor of the building on the western part of the site and 13 live/work units were proposed on the ground floor of the building on the eastern part of the site. A total of 296 residential dwelling units were proposed, including seven (7) replacement rental housing units. A total of 415 parking spaces was proposed to serve the development.

The application was appealed to the Ontario Municipal Board (OMB) on May 25, 2012, based on the lack of decision by City Council within the timeframe provided for by the *Planning Act*. The OMB issued a written decision approving the proposal in principle on October 25, 2012 (https://www.omb.gov.on.ca/e-decisions_old/pl120593-oct-25-2012.pdf). The parties asked the Board to withhold its Order pending provision of the final form of the Official Plan Amendment, Zoning By-law Amendment and finalization of the content of the Section 37 Agreement.

On August 15, 2014, a Site Plan Application was submitted for the proposal that was approved in principle at the OMB. However, this application was never finalized. Moreover, the Section 37 Agreement was not signed and a Section 111 Agreement was never finalized. The Board's Final Order on the Official Plan and Zoning By-law Amendments was never issued. The property was sold to the current owner and the current application was submitted.

Pre-Application Consultation

A pre-application consultation meeting was held with the applicant to discuss complete application submission requirements. Issues including the emerging mid-rise character of Sheppard Avenue West, appropriateness of townhouses and site organization, were also discussed.

ISSUE BACKGROUND

Proposal

This application proposes 140, 4 to 5-storey (14.5-metres, plus 3.1-metre mechanical penthouses) stacked, back-to-back townhouses arranged in 7 blocks perpendicular to Sheppard Avenue West. A rental housing demolition and conversion application was also submitted. The two westerly blocks (Blocks F and G) would be connected at the rear by eight 3-storey (9.5-metres, plus 2.9-metre mechanical penthouses) townhouses, situated parallel to the rear lot line. The five easterly blocks (Blocks A, B, C, D and E) would be connected at the rear by twenty-four 3-storey (9.5-metres, plus 2.9-metre mechanical penthouses) townhouses, situated parallel to the rear of the lot are proposed to be contained beneath a 45-degree angular plane, drawn from the rear lot line. A landscape strip is proposed along the rear lot line with a minimum depth of 1.5 metres.

The configuration of the blocks creates internal courtyards that provide access to unit entrances, with dwelling units facing three sides of the courtyard. Dwelling entrances are proposed along Sheppard Avenue West for end units. The minimum facing distance between the perpendicular blocks is proposed to be 11 metres, with projections of porches and stoops. A 132-square metre outdoor common amenity space is proposed between Blocks B and C. Upper units typically have private balconies and lower units typically have shared porches. The southerly units have rear decks.

A total gross floor area (GFA) of 18,449 square metres is proposed, which results in a density of 1.98 times the area of the lot. Of the 172 dwelling units proposed, 14 would be 1-bedroom units, 108 would be 2-bedroom units and 50 would be 3-bedroom units.

Blocks A to G would be set back 0 to 0.4 metres from Sheppard Avenue West, after a 2.76-metre wide road widening is conveyed to the City. Block G would be set back 4.8 metres from the westerly side lot line, after a 0.72-metre wide strip of land is conveyed to the City to widen an existing right-of-way that runs from Sheppard Avenue West to Norcross Road (partly a pedestrian walkway and partly a driveway). Block A would be set back 5.6 metres from the easterly side lot line. The 3-storey rear townhouses would be set back 9.5 metres from the rear (southerly) lot line. However, a garbage pick-up pad, a Type G loading space and a parking ramp are proposed to be located within this 9.5-metre setback as well as 3.6-metre deep exclusive use decks above grade. There are 13 short term bicycle parking spaces proposed on the ground floor, along the Sheppard Avenue West frontage.

Vehicular access is proposed by a common driveway from Sheppard Avenue West, between Blocks E and F. The driveway would provide access to 3 surface visitor parking spaces, garbage chutes adjacent to Block F, a Type G loading space with a garbage pick-up pad and a ramp to an underground parking garage. The underground parking garage would contain 23 visitor parking spaces, 168 resident parking spaces and 117 long term bicycle parking spaces.

A rental housing demolition and conversion application identifies a total of 12 existing (vacant) single detached dwelling units, including 16 existing (vacant) rental units. It proposes 7 replacement rental units, comprised of four 1-bedroom units and three 2-bedroom units.

Site and Surrounding Area

The site has a 195.4-metre frontage on Sheppard Avenue West, a depth of 47.2 metres and an area of 0.93 hectares. The site is an assembly of 14 properties that encompass the majority of the block between Faywood Boulevard and Wilson Heights Boulevard. The majority of the assembled properties contain 12 vacant, single detached homes, while 871 and 873 Sheppard Avenue West contains a 1-storey building that was occupied by two restaurant uses. The previous (2009) application identified a total of 16 existing rental units within 12 existing single detached dwellings. There are existing trees across the entire site. Land uses surrounding the site are as follows:

- North: A two-storey mixed use plaza with residential units above grade-related retail at the northwest corner of Wilmington Avenue and Sheppard Avenue West and a place of worship and a mix of mid-rise residential apartment buildings ranging from 6 to 8 storeys in height, further west.
- East: Two 1-storey single detached dwellings (843 and 845 Sheppard Avenue West) and Faywood Boulevard.
- South: 1 to 2-storey single detached dwellings on Norcross Road.
- West: An existing public laneway / driveway abuts the site. West of the laneway is a two storey building with retail uses at grade and residential apartment uses on the second storey, and two mixed use buildings (3 and 5 storeys) beyond at the intersection of Sheppard Avenue West and Wilson Heights Boulevard.

Provincial Policy Statement and Provincial Plans

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

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

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

Official Plan

Map 2 of the Toronto Official Plan identifies this portion of Sheppard Avenue West as *Avenues. Avenues* are corridors along major streets intended for incremental reurbanization to create new residential, commercial and retail opportunities while improving the overall pedestrian environment, the appearance of the street and accessibility to transit for community residents. Map 4 of the Plan identifies Sheppard Avenue West as a possible higher-order transit corridor expansion opportunity and Map 5 identifies Sheppard Avenue West as a Transit Priority Segment demonstrating the

intention of maintaining and improving transit service along this corridor over both the short and long-term. A 2.76-metre wide road widening is required to achieve the ultimate right-of-way width of 36 metres.

The Built Form policies within Chapter 3 of the Official Plan require new development to fit with its existing and/or planned context. It will also frame and support adjacent streets, parks and open spaces, locate parking and service areas to minimize impacts on adjacent properties and streets and create appropriate transitions in scale.

Section 3.2.1 states existing stock of housing will be maintained and replenished. New development that would have the effect of removing all or a part of a private building or related group of buildings, and would result in the loss of six or more rental housing units will not be approved without providing appropriate replacement rental units.

The Toronto Official Plan designates the site *Mixed Use Areas* which allows for 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. New buildings in *Mixed Use Areas* are to be located and massed to provide a transition between different development intensity and scales, particularly towards lower scale *Neighbourhoods*. Development is to frame streets and provide an attractive, comfortable and safe pedestrian environment to take advantage of nearby transit services.

Section 5.1.1 of the Toronto Official Plan states zoning by-laws, pursuant to Section 37 of the Planning Act, may be enacted to permit more height and/or density for a use than is otherwise permitted by the Zoning By-law for that use in return for the provision of community benefits in the form of capital facilities to be set out in the Zoning By-law together with the related increase in height and/or density.

Sheppard West/Dublin Secondary Plan

The site also falls within the Sheppard West/Dublin Secondary Plan area. The objectives of this Secondary Plan are very similar to those of the *Avenues* in structuring growth along this transit corridor. The site straddles two *Mixed Use Areas* designations within the Sheppard West/Dublin Secondary Plan, with 869 – 873 Sheppard Avenue West designated *Mixed Use Area* 'A' and 847 – 867 Sheppard Avenue West designated *Mixed Use Area* 'B'.

Lands designated *Mixed Use Area 'A'* are intended to be the primary commercial areas of the Secondary Plan; centered around major intersections along the Sheppard Avenue West corridor (Bathurst Street, Wilson Heights Boulevard and Allen Road). The maximum permitted density provided for in *Mixed Use Area 'A'* is 2.0 times the area of the lot provided the maximum commercial density does not exceed 1.0 times the area of the lot. There is no maximum number of storeys in *Mixed Use Area 'A'*. However, the height of any building or portion thereof will not exceed the horizontal distance separating the building or portion thereof from lands designated *Neighbourhoods*.

In *Mixed Use Area* 'B', the preferred form of development contains ground floor commercial uses with upper floor residential uses. This designation provides greater densities for development parcels that provide a mix of commercial and residential uses and which have a frontage on Sheppard Avenue West of greater than 30 metres. The site has a frontage of 195.4 metres and only residential uses are being proposed, therefore the maximum density allowed is 1.75 times the lot area. The maximum height allowed by *Mixed Use Area* 'B' is 5 storeys. Furthermore, in both *Mixed Use Area* 'A' and *Mixed Use Area* 'B', the height of any building or portion thereof, must not exceed the horizontal distance separating that building, or portion thereof from any lands designated *Neighbourhoods*. All buildings are to have a minimum rear yard setback of 9.5m from lands designated *Neighbourhoods*.

Zoning

Under former City of North York Zoning By-law 7625, the majority of the properties comprising the development site are zoned One-Family Detached Dwelling Fourth Density Zone (R4). The western most parcels (871 – 873 Sheppard Avenue West) are zoned General Commercial Zone (C1), as indicated in Attachment 3a. The R4 zoning permits single detached dwellings and accessory buildings as well as various recreational and institutional uses. The C1 zone permits a wide array of uses including restaurants, retail stores, banks, business and professional offices as well as residential uses (apartment house dwellings and multiple attached dwellings).

Under City of Toronto Zoning By-law 569-2013, the majority of the properties comprising the development site are zoned Residential Detached Zone (RD (f15.0; a550) (x5)). The western most parcels (871 – 873 Sheppard Avenue West) are excluded from this Zoning By-law, as indicated in Attachment 3b.

Site Plan Control

An application for Site Plan Control is required, but has not yet been submitted.

Urban Design Guidelines for Infill Townhouses

The Urban Design Guidelines for Infill Townhouses (2006) articulate and clarify the City's interest in addressing townhouse development impacts, with a focus on protecting streetscapes, adjacent properties and seamlessly integrating new development into the existing context. The Guidelines provide a framework for site design and built form to achieve good urban design and an appropriate scale and form of development for applications proposing low-rise, grade related residential units constructed in rows or blocks. The Guidelines can be viewed at:

http://www1.toronto.ca/city_of_toronto/city_planning/urban_design/files/pdf/

A comprehensive update to the Townhouse Guidelines is currently underway. Updated Townhouse and Low-Rise Apartment Guidelines further clarify and expand upon the Council-approved 2006 Guidelines to reflect current trends and best practices for a broader range of multi-dwelling development up to four storeys in height. The latest draft of the Townhouse and Low-Rise Apartment Guidelines can be viewed online at:

http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=f3064af89de0c410VgnVCM1 0000071d60f89RCRD.

Prior to presenting a finalized version of these Guidelines for Council consideration and adoption in 2017, City Staff are currently refining and consulting upon the draft Guidelines, in part through their use during the review of Development Applications.

Reasons for the Application

An application to amend the Official Plan is required as the applicant is proposing 3 to 5storey townhouses with a density 1.98 times the area of the lot which exceeds the density provisions of the *Mixed Use Area 'B'* designation within the Sheppard West/ Dublin Secondary Plan, which applies to 847 – 867 Sheppard Avenue West. The properties at 869, 971 and 873 Sheppard Avenue West are designated *Mixed Use Area* 'A', which permits a density of 2.0 times the area of the lot. An amendment to the Zoning By-law is required to permit the townhouse use and to establish appropriate performance standards to facilitate the proposal. A rental housing demolition and conversion application was also submitted (file no. 17 107822 NNY 10 RH) to examine the need to replace units that were previously rented and to secure conditions for the construction of replacement rental housing units.

COMMENTS

Application Submission

The following reports/studies were submitted with the application:

- Planning Rationale;
- Hydrogeological Study;
- Arborist Report;
- Archaeological Assessment;
- Stormwater Management and Functional Servicing Report;
- Geotechnical Study; and
- Transportation Impact Study.

A Notification of Incomplete Application was issued on January 4, 2017 identifying the outstanding material required for a complete application submission, including a Rental Housing Demolition and Conversion Application and a Community Services + Facilities Study. The information was submitted and a Notice of Complete Application was issued on February 9, 2017.

Issues to be Resolved

On a preliminary basis, the following issues have been identified:

- Conformity to the policies of the Official Plan and the Sheppard West / Dublin Secondary Plan;
- The appropriateness of an entirely residential development within the *Mixed Use Area 'A'* designation, which is to be the primary commercial area for the Secondary Plan Area;
- The suitability and compatibility of a townhouse development for this site in the context of the emerging mid-rise character of Sheppard Avenue West and the Official Plan policies;
- Conformity with the design direction in the City's Urban Design Guidelines for Infill Townhouses and updated Townhouse and Low-Rise Apartment Guidelines, if townhouses are appropriate;
- The proposed built form as it relates to the Sheppard Avenue West streetscape;
- The appropriateness of the proposed building setback on Sheppard Avenue West;
- Compatibility with the surrounding neighbourhood including appropriate building heights, setbacks and transition in scale to the adjacent stable residential neighbourhoods;
- The appropriateness of the proposed scale and density of development for the proposed housing form;
- The appropriateness of the configuration and facing distances of the blocks;
- Vehicular and pedestrian site circulation and access;
- The provision of indoor and outdoor amenity space, open space and landscape buffers;
- The appropriateness of 10 of the units being accessed by common corridors only;
- The appropriateness of the units being accessed from east and west property lines;
- The suitability of the location and configuration of the loading space, garbage pick-up pad and parking ramp;
- Review of transportation impacts;
- The encroachment of exclusive use decks into the rear yard setback;
- The potential for consolidation of adjacent lots to the east;
- Appropriate Section 37 benefits should the proposal be deemed to be good planning; and
- Issued related to the protection and retention of public and private trees.

The TGS Checklist has been submitted by the applicant and is currently under review by City staff for compliance with the Tier 1 performance measures.

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 Attachment 2a: North (Sheppard Avenue West) and South Elevations Attachment 2b: Detail of North Elevation (Sheppard Avenue West) Attachment 2c: West Elevation Attachment 2d: East Elevation Attachment 3a: Former City of North York Zoning By-law 7625 Attachment 3b: City of Toronto Zoning By-law 569-2013 Attachment 4: Official Plan Attachment 5: Application Data Sheet Attachment 1: Site Plan



Applicant's Submitted Drawing

Not to Scale

File # 16 262666 NNY 10 0Z



Attachment 2a: North (Sheppard Avenue West) and South Elevations



Attachment 2b: Detail of North Elevation (Sheppard Avenue West)

Block B North Elevation Applicant's Submitted Drawing Not to Scale 04/11/2017

847-871 Sheppard Avenue West

File #16 262666 NNY 10 OZ



Attachment 2c: West Elevation

Staff report for action – Preliminary Report - 847-873 Sheppard Avenue West

File # 16 262666 NNY 10 0Z 847-871 Sheppard Avenue West (191.02) (192.30) 209.63 206.53 203.43 200.33 197.23 7 ŧ \mathbb{H} Applicant's Submitted Drawing East Elevation Not to Scale 01/13/2016 183.09

Attachment 2d: East Elevation



Attachment 3a: Former City of North York Zoning By-law 7625



Attachment 3b: City of Toronto Zoning By-law 569-2013



Attachment 4: Official Plan

Official Plan Amendment & Application Type Application Number: 16 262666 NNY 10 OZ Rezoning Details OPA & Rezoning, Standard Application Date: December 9, 2016 847-873 SHEPPARD AVENUE WEST Municipal Address: Location Description: PLAN 3457 LOT 52 **GRID N1004 Project Description: This application proposes 140 4 to 5-storey stacked, back-to-back townhouses and 32 3storey townhouses for a total of 172 units with 191 underground parking spaces and 3 surface parking spaces. The proposed GFA of 18,449m2 results in an FSI of 1.98. Architect: **Applicant:** Agent: **Owner:** BOUSFIELDS INC. PETER SMITH SRN ARCHITECTS INC. SHEPPARD AND FAYWOOD DEVELOPMENTS INC PLANNING CONTROLS Official Plan Designation: Mixed Use Areas Site Specific Provision: Ν Zoning: C1 Historical Status: Ν Height Limit (m): 9.2 Site Plan Control Area: Y **PROJECT INFORMATION** Site Area (sq. m): 9321 Height: Storeys: 5 14.47 Frontage (m): 195.4 Metres: 47.2 Depth (m): Total Ground Floor Area (sq. m): 4420.6 Total Total Residential GFA (sq. m): 18449 Parking Spaces: 194 Total Non-Residential GFA (sq. m): 0 Loading Docks 1 18449 Total GFA (sq. m): 47.4 Lot Coverage Ratio (%): 1.98 Floor Space Index: **DWELLING UNITS** FLOOR AREA BREAKDOWN (upon project completion) **Below Grade** Rental. Condo Tenure Type: **Above Grade** Rooms: 0 Residential GFA (sq. m): 18449 0 0 0 Bachelor: Retail GFA (sq. m): 0 0 0 1 Bedroom: 14 Office GFA (sq. m): 2 Bedroom: 108 Industrial GFA (sq. m): 0 0 3 + Bedroom: 50 Institutional/Other GFA (sq. m): 0 0 Total Units: 172 **CONTACT: PLANNER NAME: Doug Stiles, Planner**

Attachment 5: Application Data Sheet

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