

From: [Daniel Artenosi](#)
To: [Clerk](#)
Cc: [Joe Nanos](#); [Perry Korouyenis](#); [Councillor Filion](#); [Catherine LeBlanc-Miller](#); [Mark Crawford](#); mgoldberg@goldberggroup.ca; mcharkow@goldberggroup.ca
Subject: 17 264567 NNY 23 OZ -- OPA Revision
Date: June 22, 2018 2:57:33 PM
Attachments: [145Sheppard AveE Project Data Sheet.pdf](#)
[145Sheppard Cover Letter.pdf](#)
[145Sheppard Draft OPA.pdf](#)
[145Sheppard Planning Addendum.pdf](#)
[145Sheppard Resubmission Form.pdf](#)
Importance: High

We are the solicitors for Tilzen Holdings Limited, being the applicant for the above-noted official plan amendment as it relates to the property municipally known as 145 Sheppard Avenue East.

Please find attached materials that were formally submitted to the City Planning Department earlier today in support of a revised application for official plan amendment.

Should you have any questions, please feel free to contact me.

Thank you.

Daniel

Overland LLP

Daniel B. Artenosi

dartenosi@overlandllp.ca

416-730-0320

www.overlandllp.ca

GOLDBERG GROUP LAND USE PLANNING AND DEVELOPMENT
2098 AVENUE ROAD, TORONTO, ONTARIO M5M 4A8
TEL: 416-322-6364 FAX: 416-932-9327



June 22, 2018

MICHAELS. GOLDBERG MCIP, RPP
mgoldberg@goldberggroup.ca
(416) 322-6364 EXT. 2100

Attention: Joe Nanos, Director
100 Queen Street West
12th Floor, West Tower, City Hall
Toronto, ON
M5H 2N2

Dear Sir:

**RE: Official Plan Amendment Application Resubmission
File Number 17 264567 NNY 23 OZ
145 Sheppard Avenue East, City of Toronto
TILZEN HOLDINGS LIMITED**

We are the planning consultants for Tilzen Holdings Limited, the owner of the lands located on the south side of Sheppard Avenue East, west of Willowdale Avenue, municipally known as 145 Sheppard Avenue East (the "subject site"). The subject site has an area of 931 sq. m (10,021 sq. ft) and is a rectangular shaped parcel with a frontage of approximately 23.16 m (76 ft.) along Sheppard Avenue East and a depth of 42.96 m (141 ft.). The subject site is currently occupied by a 3-storey medical office building with parking along the east side lot line and in the rear. Driveway access to the subject site is provided by a shared public laneway which runs north/south from Sheppard Avenue East to the rear lot line and makes a 90 degree turn to the east to connect with Willowdale Avenue.

On November 20, 2018, on behalf of the owner, we filed an Official Plan Amendment (OPA), Zoning By-law Amendment (ZBA), and Site Plan Approval (SPA) applications for the subject site.

The subject site is located an *Avenue* corridor on Map 2 of the City OP and is designated as Mixed Use Areas. Both of these policy areas promote the type of mid-rise, mixed use, and transit-supportive development that is proposed.

The subject site is also located within the boundaries of the Sheppard Avenue Commercial Area Secondary Plan (the "Secondary Plan") and is designated as *Mixed Use Area 'B'* on Map 29-2, Land Use Areas. The Secondary Plan includes those lands located generally east and west of the North York Centre Secondary Plan, fronting onto Sheppard Avenue. The *Mixed Use Area 'B'* permits residential uses and limits the density to a maximum of FSI of 1.0 times the area of the lot.

This resubmission is the first resubmission of the OPA application only. This resubmission is in response to a City staff Refusal Report for the OPA, ZBA and SPA application and Request for Direction Report, dated May 18, 2018.

This report was before North York Community Council on June 6, 2018 where it was adopted. This report will be before City Council on June 26, 2018.

OPA Resubmission Materials

In support of the OPA resubmission, the following materials are included with this resubmission package:

1. One (1) copy of the Resubmission Form;
2. One (1) copy of the Project Data Sheet;
3. Two (2) copies of the updated draft Official Plan Amendment;
4. Two (2) copies of the Planning Report Addendum, prepared by Goldberg Group, and dated June 22, 2018; and
5. One (1) DVD-RW with digital copies of the above materials.

We trust that this application resubmission package is satisfactory and complete for circulation. If you have any questions or require additional information, please do not hesitate to contact me at (416) 322-6364 ext. 2100 or my colleague Michelle Charkow at ext. 2107.

Yours truly,
GOLDBERG GROUP



Michael S. Goldberg, MCIP, RPP
Principal

cc. Tilzen Holdings Limited
Daniel Artenosi, Overland LLP

- | | | | |
|---|--|--|---|
| <input type="checkbox"/> Toronto and East York
Toronto City Hall
100 Queen Street West
Toronto, Ontario M5H 2N2
416-397-5330 | <input type="checkbox"/> North York
North York Civic Centre
5100 Yonge Street
Toronto, Ontario M2N 5B7
416-397-5330 | <input type="checkbox"/> Scarborough
Scarborough Civic Centre
150 Borough Drive
Toronto, Ontario M1P 4N7
416-39 | <input type="checkbox"/> Etobicoke York
2 Civic Centre Court
Toronto, Ontario
M9C 5A3
416-397-5330 |
|---|--|--|---|

Application(s) for:

Check all applicable boxes

- | | | | |
|--|---|--|---|
| <input type="checkbox"/> Official Plan Amendment | <input type="checkbox"/> Zoning By-law Amendment | <input type="checkbox"/> Site Plan Control | <input type="checkbox"/> Part Lot Control Exemption |
| <input type="checkbox"/> Draft Plan of Subdivision | <input type="checkbox"/> Rental Housing Demolition & Conversion | | |
| <input type="checkbox"/> Telecommunication Tower | <input type="checkbox"/> Condominium Application | | |

Public Record Notice

The information collected on this form is considered to be a public record as defined by section 27 of the Municipal Freedom of Information and Protection of Privacy Act.

Acknowledgement of Public Information

The applicant grants the City permission to reproduce, in whole or in part, any document submitted as part of a complete application for internal use, inclusion in staff reports or distribution to the public for the purpose of application review. The applicant agrees to provide a reasonable number of copies of any such document, or parts thereof, in paper and/or electronic form, to the City for internal use and distribution to the public for the purpose of application review.

Sign Requirements

Prior to the scheduling of a Public Meeting ensure that the posted sign reflects the current proposal.

File Number(s) _____

Date of Resubmission(**yyyy-mm-dd**) _____

Address of subject land (Street Number/Name)

Applicant Name (First, Last)		E-mail
Applicant is: <input type="checkbox"/> Owner <input type="checkbox"/> Planner <input type="checkbox"/> Architect <input type="checkbox"/> Lawyer <input type="checkbox"/> Agent <input type="checkbox"/> Contractor		
Mailing Address	City	Postal Code
Fax (area code + number)	Telephone (area code + number)	

Submission

The submission of the following will allow a more efficient and comprehensive review of your proposal and avoid any processing delays.

Required:

- Completed Resubmission/Revision Form USB/CD/DVD* Detailed Revision List*

As Applicable: (Confirm with the Planner the number of copies required)

- Plans/Drawings Information/Studies Project Data Sheet

*Refer to page 3 – Submission Requirements

Development Approval Resubmission

Submitted Plans/Drawings

List all plans/drawings submitted with this resubmission. Drawing types with multiple drawing numbers can be grouped together. ie Landscape Plan Drawing Number L1-L10.

Drawing Type	Drawing Number(s)	Date (yyyy-mm-dd)
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Information/Studies

List all information/studies and project data sheet submitted with this resubmission.

Type	Date (yyyy-mm-dd)
<u>City Planning - Project Data Sheet</u>	<hr/>
<u>City Planning - Draft Official Plan Amendment</u>	<hr/>
<u>City Planning - Planning Report Addendum</u>	<hr/>
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DATE STAMP

Development Approval Resubmission

SUBMISSION REQUIREMENTS

All resubmissions are to be submitted to the Planning Consultant in the applicable District. To avoid delays in submitting your resubmissions, we encourage you to schedule an appointment in advance by contacting the Planning Consultant directly.

All resubmissions must following the following format:



A: Paper Form

- Collate the plans/drawings into sets;
- The plans/drawings must be folded to 216mm x 356mm (8.5" x 14") with the title block exposed; and
- Plans/Drawings that are not folded will not be accepted

B: Digital Form

- USB key must be compatible with windows (i.e. in Fat32 or NTFS format).
- CD/DVD or USB must only have the PDF files for the application, uncompressed (i.e. no zipped files) and no folders.
- Each Plan/Drawing must be grouped as one PDF file for each type, ie. Architectural, Civil, etc.;
- Plans/Drawings with multiple pages and sets must be combined into a single PDF file in the same order as the submitted paper document;
- Each PDF file must be properly labelled. PDF file names should have an abbreviated description of the document (See Naming Conventions below);
- Each information/study must be submitted as a separate PDF file, including the Project Data Sheet;
- Each PDF file must be submitted without a password and/or restrictions;
- Each PDF file must be submitted to mirror paper copies exactly;
- All electronic files must be submitted in "Portable Document Format" (PDF) version 7 or later; and
- Each PDF file submitted must not exceed 25MB and not have any layers.

Naming Convention

- PDF file names must use underscores/abbreviations that describe the digital file and reference the subject property.

Examples:

- Architectural Plans_100main_st.pdf
- Civil & Utilities Plans_100main_st.pdf
- Survey Plans100main.pdf
- Parking_100main_st.pdf
- SunShadowStudy_100main_st.pdf
- SWMReport_100main_st.pdf

C: Detailed Revision List

- **Attach a list of all revisions. Reference the revised drawing number and detail how you addressed each division's/agency's comments.**

Project Data Sheet

Project Data

Note: More detailed statistics may be requested during review of the application.

Existing Use: Commercial - Office Only		Proposed Use: Mixed Use	
Existing Generalized Land Use: Commercial		Proposed Generalized Land Use: Mixed Use - Residential/Non-Residential	
Total lot area: 931.00	m ²	Lot frontage: 23.16	m
		Lot depth 42.96	m
Date of construction for existing building (if known):			
Number of buildings	Existing <u>1</u>	Retained <u>0</u>	Proposed <u>1</u> Total <u>1</u>
Ground Floor Area	Existing <u>225.00</u> m ²	Retained <u>0.00</u> m ²	Proposed <u>355.00</u> m ² Total <u>355.00</u> m ²
Residential GFA	Existing <u>0.00</u> m ²	Retained <u>0.00</u> m ²	Proposed <u>6,305.00</u> m ² Total <u>6,305.00</u> m ²
Non-residential GFA	Existing <u>920.00</u> m ²	Retained <u>0.00</u> m ²	Proposed <u>205.00</u> m ² Total <u>205.00</u> m ²
Landscaped Open Space	Existing <u>267.00</u> m ²	Retained <u>0.00</u> m ²	Proposed <u>19.00</u> m ² Total <u>19.00</u> m ²
Paved Surface Area	Existing <u>636.00</u> m ²	Retained <u>0.00</u> m ²	Proposed <u>137.00</u> m ² Total <u>137.00</u> m ²
Height of Building(s)	Existing <u>3.00</u> Storeys	Retained <u>0.00</u> Storeys	Proposed <u>11.0</u> Storeys Total <u>11.0</u> Storeys
	<u> </u> m	<u> </u> m	<u>41.20</u> m <u>41.20</u> m

Minimum Setbacks

Front Lot Line North	Existing <u>5.52</u> m	Retained <u>0.00</u> m	Proposed <u>18.00</u> m
Side Lot Line East	Existing <u>4.28</u> m	Retained <u>0.00</u> m	Proposed <u>0.00</u> m
Side Lot Line West	Existing <u>4.24</u> m	Retained <u>0.00</u> m	Proposed <u>0.00</u> m
Rear Lot Line South	Existing <u>15.00</u> m	Retained <u>0.00</u> m	Proposed <u>7.50</u> m

Residential Units - Tenure and Quantity

Existing:	<input type="checkbox"/> Rental* <u> </u> Units	<input type="checkbox"/> Freehold <u> </u> Units	<input type="checkbox"/> Condo <u>0</u> Units	<input type="checkbox"/> Other: <u> </u> Units
Retained:	<input type="checkbox"/> Rental* <u> </u> Units	<input type="checkbox"/> Freehold <u> </u> Units	<input type="checkbox"/> Condo <u>0</u> Units	<input type="checkbox"/> Other: <u> </u> Units
Proposed:	<input type="checkbox"/> Rental <u> </u> Units	<input type="checkbox"/> Freehold <u> </u> Units	<input checked="" type="checkbox"/> Condo <u>55</u> Units	<input type="checkbox"/> Other: <u> </u> Units
Total:	<input type="checkbox"/> Rental <u>0</u> Units	<input type="checkbox"/> Freehold <u> </u> Units	<input checked="" type="checkbox"/> Condo <u>55</u> Units	<input type="checkbox"/> Other: <u> </u> Units

*If Rental Units are selected for Existing and Retained conditions, a "Rental Housing Demolition and Conversion Screening and Declaration" form is required to be submitted with this Application.

Breakdown of Project Components - Part 1 of 2

Total GFA of project: 6,510 m ²					
Lot coverage ratio (ground floor area+lot area)			Floor space ratio (gross floor area+lot area)		
0.64			7.0		
Type of use:	Residential	Retail	Office	Industrial	Institutional/Other
Total GFA (m ²)	<u>6,305.00</u> m ²	<u>205.00</u> m ²	<u>0.00</u> m ²	<u>0.00</u> m ²	<u>0.00</u> m ²
Percentage of Project (%)	<u>96.90</u> %	<u>3.10</u> %	<u>0.00</u> %	<u>0.00</u> %	<u>0.00</u> %
Below Grade GFA (m ²)	<u>1,365.00</u> m ²	<u>0.00</u> m ²	<u>0.00</u> m ²	<u>0.00</u> m ²	<u>0.00</u> m ²
Breakdown of Residential Component	Rooms	Bachelor	1-Bedroom	2-Bedroom	3 or more Bedrooms
Number of Units	<u>0</u>	<u>0</u>	<u>44</u>	<u>11</u>	<u>0</u>
Typical Unit Size	<u>0.00</u> m ²	<u>0.00</u> m ²	<u>57.00</u> m ²	<u>74.00</u> m ²	<u>0.00</u> m ²

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File No(s): _____ Date Received: _____

Breakdown of Project Components - Part 2 of 2

Parking and Loading Data: Number of parking places provided in project: 47

Breakdown of parking space allocation:

for residential use 40 for residential visitors 5 for retail use 2

for office use 0 for industrial use 0 for institutional/other use 0

Location and number of parking spaces:

Open surface spaces 1 Attached garage Detached garage Cash payment in lieu

Above grade parking deck Below grade parking structure 46 Off-site lease

Number of loading spaces provided in project: 1 Type of loading spaces provided (if applicable)

Access and Services:

Road access Provincial Highway Municipal Street Private right-of-way

Servicing: All of below

Municipal Water Municipal Sanitary Sewers Municipal Storm Sewers Other (septic)

available connected available connected available connected

Authority: Toronto and East York Community Council Item _____

**CITY OF TORONTO
BY-LAW No. ____-2018**

**To adopt Amendment No. XXX to the Official Plan of the City of Toronto with respect to
the lands municipally known as 145 Sheppard Avenue East in the year 2017**

WHEREAS authority is given to Council by Section 17 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, to pass this By-law; and

WHEREAS the Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

1. The text and map attached to Amendment No. XXX is hereby adopted as an amendment to the Official Plan for the City of Toronto.

ENACTED AND PASSED this __day of _____, A.D. 2018.

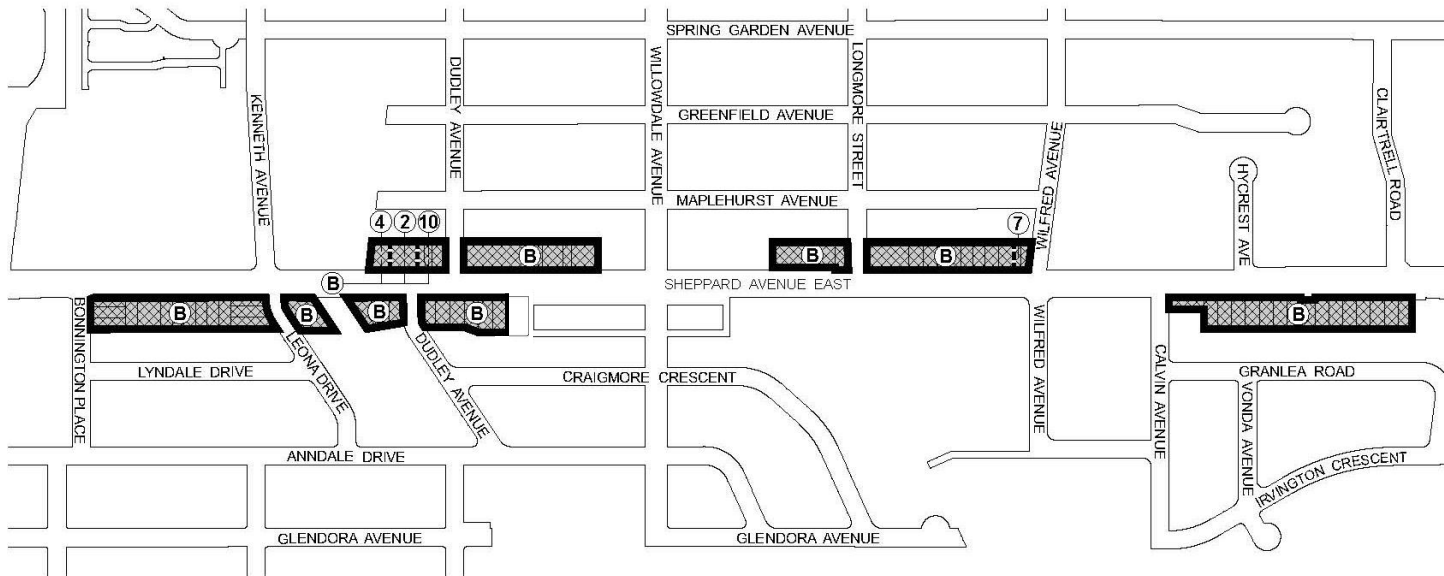
JOHN TORY
Mayor
(Corporate Seal)

ULLI S. WATKISS,
City Clerk

**AMENDMENT NO. XXX
TO THE OFFICIAL PLAN OF THE CITY OF TORONTO**

The following text and map constitute Amendment No. XXX to the City of Toronto Official Plan.

1. The Official Plan of the City of Toronto is amended as follows:
 - (a) Map 29-2, Land Use Areas, of Chapter 6, Section 29 (Sheppard Avenue Commercial Area Secondary Plan) is amended by deleting the lands known municipally as 145 Sheppard Avenue East shown on the map attached to this amendment from the Sheppard Avenue Commercial Area Secondary Plan area.






Not to Scale 



Sheppard Avenue Commercial Area Secondary Plan

MAP 29-2 Land Use Areas

-  Secondary Plan Boundary
-  Mixed Use Areas
-  Site and Area Specific Policy Areas



June 22, 2018

MICHAELS. GOLDBERG MCIP, RPP
mgoldberg@goldberggroup.ca
(416) 322-6364 EXT. 2100

Perry Korouyenis, Senior Planner
Community Planning Department
North York Civic Centre
5100 Yonge Street, Ground Floor
Toronto, ON
M2N 5V7

Dear Sir:

**RE: Planning Report Addendum
Official Plan Amendment (OPA) Application
145 Sheppard Avenue East, City of Toronto
File Number 17 264567 NNY 23 OZ**

We are the planning consultants for Tilzen Holdings Limited, the owner of the lands located on the south side of Sheppard Avenue East, west of Willowdale Avenue, municipally known as 145 Sheppard Avenue East (the "subject site"). On November 20, 2018, on behalf of the owner, we filed an Official Plan Amendment (OPA), Zoning By-law Amendment (ZBA), and Site Plan Approval (SPA) applications for the subject site.

BACKGROUND

The proposed development application seeks to demolish the existing 3-storey medical office building and construct a new 11-storey mixed use building with at grade retail and an underground parking garage. The proposal includes a total of 55 dwelling units and 6,305 sq. m (67,866 sq. ft.) of residential gross floor area (GFA) and 205 sq. m (2,206 sq. ft.) of retail GFA along Sheppard Avenue East. This equates to a total GFA of 6,510 sq. m (70,073 sq. ft.), or an overall density of 7.0 Floor Space Index (FSI).

In order to implement the proposal, an amendment to the Sheppard Avenue Commercial Area Secondary Plan (the "Secondary Plan") is required.

The draft OPA by-law submitted with the initial application submission included the above mentioned site specific standards. We now formally propose to amend the text of the draft OPA by-law by removing the subject property in its entirety from the Secondary Plan area so that it is solely governed by the Mixed Use Areas designation of the City of Toronto Official Plan ("City OP"). As such, no site specific standards are contemplated within this currently proposed OPA but rather, such appropriate and necessary standards to be applied to the subject site will be included with and determined through the zoning by-law amendment application. Should this official plan amendment application be approved in this manner, the zoning by-law amendment will be subject to the same Official Plan policies as the redevelopment application immediately adjacent to the east of the subject site at 179 – 181 Sheppard Avenue East.

CITY OF TORONTO OFFICIAL PLAN

The subject site is located on an *Avenues* corridor on Map 2 of the City of Toronto Official Plan ("City OP") and is designated as *Mixed Use Areas*. Both *Avenues* and *Mixed Use Areas* have been identified by the City as areas of growth where land, infrastructure and services will be used efficiently. From a local planning perspective, there is a planning expectation for higher and larger built forms to locate along this corridor, subject to satisfactorily addressing the criteria of built form and transition. Both of these policy areas promote mid-rise, mixed-use, and transit-supportive developments, such as the proposed development for the subject site.

SHEPPARD AVENUE COMMERCIAL AREA SECONDARY PLAN

The Secondary Plan includes lands generally east and west of the North York Centre Secondary Plan, fronting onto Sheppard Avenue. In particular, the eastern portion of the Secondary Plan includes those lands on the east side of Yonge Street extending from the east side of Bonnington Place in the west to the west side of Clairtrell Road in the east. The lands clustered around the intersection of Sheppard Avenue East and Willowdale Avenue are not included within the Secondary Plan boundaries but are rather subject to the City OP policies.

The subject site is located at the eastern boundary/edge of the Secondary Plan that is west of Willowdale Avenue and is designated as *Mixed Use Area 'B'* on Map 29-2, Land Use Areas. The *Mixed Use Area 'B'* permits residential uses and limits the density to a maximum of FSI of 1.0 times the area of the lot.

Policy 1.2 (General Objective) directs that the Secondary Plan is anticipated to develop as a commercial district of primarily office and health care uses in house form buildings. New development that complements existing house form buildings is encouraged, as is a mix of uses, though it is not intended that each building will contain a mix of uses. Policy 3.2.1 of the Secondary Plan directs that structures along the corridor should be compatible with houses in adjacent designated residential areas and do not overshadow their rear yards. Policy 3.2.1 sets out a maximum building height of 12.0 metres, or 3-storeys. Policy 3.2.2 contains policies to preserve and encourage the house form character while Policy 3.3.1 provides policies to protect residential areas by way of fencing, lighting, garbage storage, sign locations and illumination.

PLANNING RATIONALE TO REMOVE LANDS FROM SECONDARY PLAN

This OPA resubmission proposes to remove the subject site in its entirety from the Secondary Plan. The rationale for this proposed amendment is as follows:

1. Secondary Plan Conformity with Provincial Policies

The Secondary Plan has maintained its core policies from its original adoption by the Council of the former City of North York in October 1997. The Secondary Plan, Part D.4 of the former City of North York Official Plan was not included as one of the Secondary Plans to be carried forward into the City of Toronto Official Plan at its adoption by City Council in November 2002. However, City Council reconsidered the inclusion of this Secondary Plan into the new City OP and adopted and approved a slightly modified Secondary Plan at its meeting of November 30 and December 1 and 2, 2004.

Since the original adoption of the Secondary Plan in 1997, there have been no substantive changes to the policies contained therein that would otherwise implement and conform to current provincial policies. The Secondary Plan and its vision for the lands to which it applies have remained generally the same over the past 20 years, despite significant changes to

provincial policies, including, amongst others, the Provincial Policy Statement (2014) and the Growth Plan (2017), and the Metrolinx Regional Transportation Master Plan.

The policies of the Secondary Plan pre-date the existence of the PPS and the Growth Plan and, in our opinion, do not appropriately reflect or implement Provincial policy as set out in both of these policy documents. We reiterate that Section 4.7 of the PPS indicates that:

“...In order to protect provincial interests, planning authorities shall keep their official plans up-to-date with this Provincial Policy Statement. The policies of this Provincial Policy Statement continues to apply after adoption and approval of an official plan.”

This means that official plans do not remain as static documents and must continually be evaluated in relation to the updated PPS and Growth Plan policies. This is particularly germane to the subject OPA application which has had an updated Provincial policy document since the original approval of the Secondary Plan, which meaningfully and materially promotes and directs intensification, compact form and optimization of land and infrastructure. In my opinion, the current Secondary Plan is out of date and conflicts with Provincial policy directs.

In general, the policies of the Growth Plan and PPS encourage intensification, compact, vibrant and complete communities, and optimizing the use of existing and new infrastructure to support growth in a compact, efficient form. In particular, due to the location of the subject site, the subject site is located within a *strategic growth area* and along a corridor close to *higher order transit*, as identified by the Growth Plan where intensification and transit supportive development is promoted.

Current policies of the City OP should conform with the “intensification first” approach to planning, as directed by the Growth Plan 2017. This approach requires that existing infrastructure and land are to be optimized. The Secondary Plan in its current form seeks to maintain the existing status quo of house form buildings along this portion of the Sheppard Avenue corridor, with a small/very low permitted density and with very low permitted and prescribed overall height of 3 stories. The outcome of maintaining the existing status quo and Secondary Plan policies governing the subject site would be under-utilization of the subject site.

2. Secondary Plan Review

The existing Secondary Plan is also not a fulsome comprehensive plan for Sheppard Avenue East and does not include all the lands on the north and south side of Sheppard Avenue East between Bonnington Place and Clairtrell Road. Several large parcels of land and even entire blocks, such as the block of lands on the south side of Sheppard Avenue East between Willowdale Avenue and Wilfred Avenue, have been excluded from the Secondary Plan. Those lands generally included in the eastern portion of the Secondary Plan are improved with “houseform” buildings that the Secondary Plan contemplates retaining. This is in direct contrast to the western portion of the Secondary Plan which includes almost all of those lands on the north and south side of Sheppard Avenue West between Beecroft Road and Easton Road/Brentwood Avenue.

The City initiated a review of the Secondary Plan as a result of recent development applications along Sheppard Avenue west of Beecroft Road which did not implement the “houseform character” policies of the Secondary Plan. While the Secondary Plan is currently under review by the City, the review is being conducted in phases where the first phase

reviewed was for the western portion of the Secondary Plan, those lands west of Beecroft Road. On January 19, 2017, City Council adopted Official Plan Amendment No. 367 (“OPA 367”) which proposed amendments to the western portion of the Secondary Plan. Some of the proposed changes in OPA 367 specifically relate to permitted apartment building forms, incorporating the 45 degree angular plane, and increasing the maximum permitted height and density. Many parties appealed OPA 367 and as such, it is not yet in full force and effect. A review of the planning merits of the proposed policies in OPA 367 goes beyond the scope of this planning report addendum. That being said, OPA 367 is an acknowledgement that the Secondary Plan is out of date and in need of review.

The second phase of the review will review the eastern portion of the Secondary Plan, including those policies applicable to the subject site. While this review was originally scheduled to commence in 2017, the City has not yet initiated its review of this segment of the Secondary Plan.

The development proposal for the subject site provides an opportunity to determine the appropriate scale of development for the subject site, based, in part, on current Provincial and City Official Plan growth management policies. The proposed official plan amendment will allow for this qualitative evaluation through the rezoning assessment, without the historical limitations imposed by the Secondary Plan which do not implement these Provincial and City Official Plan policies.

The subject site is currently occupied by a 3-storey medical office building with an approximate GFA of 920 sq. m, on a site area of 931 sq. m, which amounts to an FSI of 0.98. The scale of development that exists today on the subject site is at the upper limit of what is permitted under the Secondary Plan. Any meaningful height or density intensification will require an Official Plan Amendment given the restrictions set out in the Secondary Plan. In addition, as stated in the staff report, City planning staff support intensification of the subject site.

3. Edge Location & Development of Adjacent Lands

The subject lands represent the eastern edge of lands included within the boundaries of the Secondary Plan for the block between Willowdale Avenue in the east and Dudley Avenue in the west. The proposed OPA amendment would alter this edge by removing the subject site and shifting the edge one property to the west.

Of particular note is that the lands located immediately east of the subject site at 179-181 Sheppard Avenue East are not subject to the Secondary Plan. The subject site and these lands at 179-181 Sheppard Avenue East share the same *Mixed Use Areas* and *Avenues* designation in the City OP, both are zoned commercial under By-law 7625, and both share a common public lane running in between the two properties.

The lands at 179-181 Sheppard Avenue East occupy the southwest quadrant of Sheppard Avenue East and Willowdale Avenue with 121 m of frontage on Sheppard Avenue and 27 m of frontage on Willowdale. These lands have recently been subject to a ZBA application to redevelop the property with a mixed-use building. The original application proposed a 10-storey mixed-use building with a 60-degree angular plane. Since that time, the ZBA application has been revised to propose a 9-storey mixed use building with a rear angular plane that moderately punctures the 45 degree angular plane at the rear. This application

was appealed to the OMB with a hearing scheduled to begin on June 12, 2018. The hearing did not finish and as a result will recommence in August 2018.

The subject site and lands at 179-181 Sheppard Avenue East are separated by a 7.32 m public laneway. The proposed development application on the subject site proposes similar built form that achieves many *Mixed Use Areas* and *Avenues* policy objectives of the City OP.

If the proposal is to redevelop similarly to the land to the east, and not in a house form built form as prescribed in the Secondary Plan, then it is sensible and with land use planning merit to exclude the subject site from the Secondary Plan.

CONCLUSION

In our opinion, the Secondary Plan does not accommodate sufficient growth to properly implement the *Avenues* policies of the City OP, nor the policies of the PPS and the Growth Plan. The outcome of the current policies is, in our opinion, an under-utilization of the subject site and the corridor. The current Secondary Plan policies are, in my opinion, in conflict with both the PPS and the Growth Plan.

As a result, we are formally proposing to revise the OPA application to reflect the removal of the subject site from the policies of the Secondary Plan to facilitate the future redevelopment of the subject site in a manner that reflects the subject site's location on an *Avenues* corridor, within the *Mixed Use Areas* designation and recognizing the sites location attributes being on a 36 m wide *Major Street*, in close proximity to surface and higher order transit. By now proposing the revised OPA as described, we propose that the ZBA application be evaluated in relation to current provincial and City OP policies as opposed to the Secondary Plan, which is an outdated policy document from PPS and Growth Plan perspectives.

Included with this resubmission package is an updated draft OPA by-law.

Yours truly,
GOLDBERG GROUP



Michael S. Goldberg, MCIP, RPP
Principal

cc. Tilzen Holdings Limited
Daniel Artenosi, Overland LLP