

**145 Sheppard Avenue East - Official Plan Amendment
and Zoning By-law Amendment Applications -
Preliminary Report**

Date:	March 15, 2018
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 23 – Willowdale
Reference Number:	17 264567 NNY 23 OZ

SUMMARY

This application proposes an Official Plan and Zoning By-law amendment to permit an 11-storey (35.2 metre high) mixed use building with retail on the ground floor and an underground parking garage with 47 vehicular parking spaces at 145 Sheppard Avenue East. The proposal includes a total of 55 residential units and 6,305 square metres of residential gross floor area and 205 square metres of retail gross floor area with an overall density of 7.0 times the site area.

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 public meeting under the *Planning Act* will be scheduled following the community consultation process and the resolution of the outstanding issues, and provided the applicant provides 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 145 Sheppard Avenue East 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.

Pre-Application Consultation

A pre-application consultation meeting was held with the applicant on June 7, 2017 to discuss complete application submission requirements and issues relating, but not limited to, building massing, angular plane, overall height, density, overlook and privacy impacts to the *Neighbourhoods* to the south.

ISSUE BACKGROUND

Proposal

This application proposes an Official Plan and Zoning By-law amendment to permit an 11-storey mixed use building with at grade retail and an underground parking garage. The proposal includes a total of 55 residential units and 6,305 square metres of residential gross floor area and 205 square metres of retail gross floor area along Sheppard Avenue East. The proposal has an overall density of 7.0 times the site area.

Along Sheppard Avenue East, the proposed 11-storey building is 35.2 metres in height (41.2 metres to the top of the mechanical penthouse) with a 1.5 metre stepback at the 9th storey, and a 3.89 metre stepback at the 10th storey. From the south, the proposed 11-storey building steps back 1.76 metres equally from the 4th to the 10th storey and 2.315 metres at the 11th storey. These step backs would result in the rear walls of the building being located within a 60 degree angular plane measured from 10.5 metres above a 7.5 metre setback from the rear property line. Refer to Attachment No. 2 - Building Elevations for additional details.

The proposed building is approximately 23 metres wide in its east-west orientation and approximately 32.5 metres long in its north-south orientation. It would be set back 1.5 metres on the ground floor from the new front lot line which provides for a 2.76 metre road widening along Sheppard Avenue East. From the ground floor to the 6th floor on the west side of the building, the proposed building is setback 0 metres from the side lot line.

From the 7th floor and above, the proposed building is setback 5.5 metres from the west side lot line. The 7th floor to the 10th floor has balcony projections within this 5.5 metre setback. On the east side, the proposed building is setback 0 metres until the 11th floor, which is setback approximately 1 metre. The proposed setback from the south property line is 7.5 metres.

The proposal consists of 55 residential units including 21 one-bedroom units (38%), 23 one-bedroom and den units (42%), and 11 two-bedroom units (20%). The ground floor would contain 205 square metres of retail uses with the residential units located on floors 2-11.

The development application proposes 47 parking spaces in a 5-level underground parking garage accessed by a parking elevator at the rear of the building. This includes 40 parking spaces for residents, 5 spaces for visitors and 2 spaces for the retail component. The underground exit is also through a parking elevator located on the east side of the building. The proposal also includes one type G loading space located on the east side of the building, adjacent to the parking elevator exit. The applicant is proposing to use the currently open 6 metre wide public laneway at the east side of the property which runs north-south from Sheppard Avenue East for both vehicular ingress and egress from the underground and loading space accesses.

A total of 38 long-term bicycling parking spaces are proposed to be located on the first level of the underground parking garage. Four short-term bicycle parking spaces are provided on the ground floor. In total, 42 bicycle parking spaces are provided, at a ratio of 0.68 spaces per unit for long-term parking and 0.07 spaces per unit for short-term parking.

Indoor and outdoor amenity areas are being provided on the second floor. The applicant is proposing 110 square metres of indoor amenity space adjacent to 110 square metres of outdoor amenity. Balconies and terraces are also being proposed for each unit. This results in 2.0 square metres of indoor amenity space per unit and 2.0 square metres of outdoor amenity space per unit excluding balconies and terraces.

Direct pedestrian access to the ground floor retail units would be provided from Sheppard Avenue East. The residential lobby would be located at the north-east corner of the ground floor and have pedestrian access from an entrance along Sheppard Avenue East. A layby for cars dropping off building residents and visitors is proposed on the east side of the building off of the public laneway.

A 1.0 metre wide landscape buffer is proposed along the south property line adjacent to the *Neighbourhoods* designation.

Some of the main statistics for the proposed development are outlined in the following table:

Site and Building Statistics	
Site Area	931 square metres
Residential Gross Floor Area	6,305 square metres
Non-Residential Gross Floor Area	205 square metres
Total Gross Floor Area	6,510 square metres
Number of Dwelling Units	55
Building Height (excluding mechanical)	35.2 metres
Building Height (including mechanical)	41.2 metres
Ground Floor Height	4.5 metres
Number of Vehicle Parking Spaces	47
Number of Bicycle Parking Spaces	42
Total Indoor Amenity Space	110 square metres
Total Outdoor Amenity Space	110 square metres
Overall Density	7.0 Floor Space Index (FSI)

Refer to Attachment Nos. 1 to 2 (Site Plan and Elevations) and Attachment No. 6 – Application Data Sheet for additional details.

Site and Surrounding Area

The subject site is located on the south side of Sheppard Avenue East, to the west of Willowdale Avenue. It is relatively flat and rectangular in shape, with a frontage of approximately 23.16 metres on Sheppard Avenue East. The site has a site area of approximately 931 square metres and currently contains a 3-storey medical building with a gross floor area of approximately 920 square metres and surface parking. The planned right-of-way width for Sheppard Avenue East is 36 metres and the existing right-of-way width is 30.5 metres. A 2.76 metre right-of-way is required to satisfy the Official Plan requirement of 36 metres. The site is located along the Sheppard Subway Line 4. An entrance to the Yonge-Sheppard subway station is located approximately 715 metres west of the subject site at Sheppard Avenue East and Yonge Street.

North: Immediately north of the subject site, on the north side of Sheppard Avenue East, are a number of commercial uses in a range of building forms, including a 3-storey commercial building at 200 Sheppard Avenue East, a 2-storey commercial building at 210 Sheppard Avenue East and a 3-storey commercial building at 218 Sheppard Avenue East. Immediately west of 200 Sheppard Avenue East is a surface parking lot and Dudley Avenue.

South: Immediately south of the subject site are 12 and 14 Craigmore Crescent, two single detached dwellings that share the rear property line with the subject site. Further south is a residential neighbourhood comprised primarily of single-

detached dwellings and Glendora Park, a 3.5 hectare park containing green space, a playground and splash pad.

East: Immediately to the east of the subject site is an approximately 6 metre wide public laneway. East of the laneway is 179 Sheppard Avenue East which contains a 1-storey commercial building occupied by The Beer Store and 181 Sheppard Avenue East is a vacant 1-storey commercial building, formerly occupied by Pizza Pizza. This site is subject to a Zoning By-law Amendment application (File No. 16 225685 NNY 23 OZ) and a site plan application (File No. 16 225701 NNY 23 SA) to permit a 9-storey mixed use building with 185 dwelling units, 3 levels of underground parking, and a total density of 4.4 times the area of the lot. This application is currently under appeal at the Ontario Municipal Board (Case No. MM170016).

The public laneway runs north/south from Sheppard Avenue East to the rear fence shared with the residential neighbours to the south. At the southern limit of the north/south segment of the laneway, it turns 90 degrees to run east/west along the rear lot line of 179-181 Sheppard Avenue East and connects to Willowdale Avenue. The east/west portion of the laneway is paved along the rear lot line of 179 Sheppard Avenue East (The Beer Store) while the portion along the rear lot line of 181 Sheppard Avenue East (the former Pizza Pizza) is comprised of soft landscaping and is not accessible to vehicular traffic. On May 24, 2017, City Council decided to formally close the east/west portion of this public lane.

West: Immediately to the west is a 1-storey medical office building at 143 Sheppard Avenue East. Adjacent to this building are several 1-storey bungalow house form buildings used for commercial purposes (133 to 141 Sheppard Avenue East). Further west is Dudley Avenue with Glendora Park on the west side of Dudley Avenue. Glendora Park extends southeast from Sheppard Avenue East to Highway 401 in the south. A portion of the west property line at the rear of the property also abuts a *Neighbourhoods* designated property fronting onto Craigmere Crescent.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) 2014 provides policy direction Province wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;

- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

The City of Toronto uses the PPS to guide its official plan and to inform decisions on other planning and development matters. The PPS is issued under Section 3 of the *Planning Act* and all decisions of Council affecting land use planning matters "shall be consistent with" the Provincial Policy Statement.

The Growth Plan for the Greater Golden Horseshoe (2017) provides a strategic framework for managing growth in the Greater Golden Horseshoe region including:

- Setting minimum density targets within settlement areas and related policies directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation and promote compact built form and better-designed communities with high quality built form and an attractive and vibrant public realm established through site design and urban design standards;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Building complete communities with a diverse range of housing options, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable employment lands and encouraging municipalities to develop employment strategies to attract and retain jobs;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

Like other provincial plans, the Growth Plan for the greater Golden Horseshoe (2017) builds upon the policy foundation provided by the Provincial Policy Statement (2014) and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise. All decisions by Council affecting land use planning matters are required by the *Planning Act*, to conform, or not conflict, as the case may be, with the Growth Plan.

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

The subject site is located in a *Mixed Use Areas* designation on Map 16 – Land Use Plan of the Official Plan. The site is located immediately north of an area with a *Neighbourhoods* land use designation. See Attachment No. 3 – Land Use Plan.

Chapter 2 – Shaping the City

Section 2.2.3 Avenues: Reurbanizing the Arterial Corridors

The subject site is located on an *Avenue* on Map 2 – Urban Structure in the Official Plan. *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.

A framework for change is to be tailored to the situation of each *Avenue* through a local Avenue Study that will contain a vision and implementation plan that will set out:

- investments in community improvements by public agencies or public/private partnerships including streetscape improvements, transportation improvements, parks and open spaces, and upgraded water or sewer infrastructure; and
- contextually appropriate as-of-right zoning and other regulations designed to achieve high quality development along the *Avenue* which includes: permitted uses and maximum density and height limits; appropriate massing, scale, siting and organization of buildings; appropriate scale transitions to adjacent areas; and transit-supportive measures such as minimum development densities; maximum and minimum parking standards; and restrictions on auto-oriented retailing and services.

Development in *Mixed Use Areas* on *Avenues*, prior to an *Avenue* Study has the potential to set a precedent for the form and scale of reurbanization along the *Avenue*. In addition to the policies of the Plan for *Mixed Use Areas*, proponents of such proposals will also address the larger context and examine the implications for the segment of the *Avenue* in which the proposed development is located. This review will:

- 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;
- consider whether incremental development of the entire *Avenue* segment as identified in the above assessment would adversely impact any adjacent *Neighbourhoods* or *Apartment Neighbourhoods*;
- consider whether the proposed development is supportable by available infrastructure; and
- be considered together with any amendment to the Official Plan or Zoning By-law at the statutory public meeting for the proposed development.

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. An Avenue Segment Study Update to the Avenue Segment Study for the development application at 179-181 Sheppard Avenue East has been submitted for review by City Planning staff. The subject lands fall within the Sheppard Avenue Commercial Area Secondary Plan which is the in-force planning framework which applies to the subject lands.

Section 2.3.1 Healthy Neighbourhoods

This section of the Official Plan contains policies that specifically address the relationship between *Neighbourhoods* and areas with other Official Plan designations in order to ensure development is sensitive to the physically stable areas within the *Neighbourhoods* designation. Policies in this section require development in *Mixed Use Areas* that are adjacent or close to *Neighbourhoods* to be: compatible with those *Neighbourhoods*; provide a gradual transition of scale and density, as necessary to achieve the objective of the Official Plan through the stepping down of buildings towards and setbacks from those *Neighbourhoods*; and, maintain adequate light and privacy for residents in those *Neighbourhoods*.

Official Plan Amendment 320

As part of the City's ongoing Official Plan Five Year Review, Council adopted Official Plan Amendment No. 320 (OPA 320) on December 10, 2015 to strengthen and refine the Healthy Neighbourhoods, *Neighbourhoods*, and *Apartment Neighbourhoods* policies to support Council's goals to protect and enhance existing neighbourhoods, allow limited infill on underutilized *Apartment Neighbourhood* sites and to implement the City's Tower Renewal Program. In addition, OPA 320 adds new criteria to existing Healthy Neighbourhoods policy 2.3.1.2 in order to improve the compatibility of new developments located in *Mixed Use Areas*, *Apartment Neighbourhoods*, and *Regeneration Areas* that are adjacent and close to *Neighbourhoods*. The new criteria address components in new development such as amenity and service areas, lighting and parking.

The Minister of Municipal Affairs approved and modified OPA 320 on July 4, 2016, which decision has been appealed in part. The Ontario Municipal Board (OMB) commenced the hearing of appeals of OPA 320 in May 2017 and it remains ongoing.

On December 13, 2017 the OMB issued an Order partially approving OPA 320 and brought into force new Policies 10 and 12 in Section 2.3.1, Healthy Neighbourhoods and Site and Area Specific Policy No. 464 in Chapter 7. Other portions of OPA 320 remain under appeal, and these appealed policies as approved and modified by the Minister are relevant and represent Council's policy decisions, but they are not in effect. More information regarding OPA 320 can be found at the following link: www.toronto.ca/OPreview/neighbourhoods.

Chapter 3 – Building a Successful City

Section 3.1.2 Built Form

The Official Plan requires new development to be massed and its exterior façade to be designed to fit harmoniously into its existing and/or planned context, and limit impact on neighbouring streets, parks, open spaces and properties by:

- massing new buildings to frame adjacent streets and open spaces in a way that respects the existing and/or planned street proportion;
- incorporating exterior design elements, their form, scale, proportion, pattern and materials, and their sustainable design, to influence the character, scale and appearance of the development;
- creating appropriate transitions in scale to neighbouring existing and/or planned buildings for the purpose of achieving the objectives of this Plan;
- providing for adequate light and privacy;
- adequately limiting any resulting shadowing of, and uncomfortable wind conditions on, neighbouring streets, properties and open spaces, having regard for the varied nature of such areas; and
- minimizing any additional shadowing and uncomfortable wind conditions on neighbouring parks as necessary to preserve their utility.

Appropriate transition in scale can be achieved with many geometric relationships and design methods in different combinations including angular planes, stepping height limits, appropriate location and orientation of the building, and the use of setbacks and stepbacks of building mass.

Chapter 4 – Land Use Designations

Section 4.5 Mixed Use Areas

The *Mixed Use Areas* designation permits a broad range of commercial, residential and institutional uses, in single or mixed use buildings, as well as parks and open spaces. *Mixed Use Areas* will absorb most of the anticipated increase in retail, office and service employment in the coming decades and provide much of the new housing.

Development proposals in *Mixed Use Areas* are evaluated to ensure they:

- provide a transition between areas of different development intensity and scale through means such as providing appropriate setbacks and/or stepping down of height, particularly toward lower scale *Neighbourhoods*;
- locate and mass buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes;
- locate and mass new buildings to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
- provide an attractive and safe pedestrian environment;
- have access to schools, parks, community centres, libraries and childcare;

- take advantage of nearby transit services;
- locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences; and
- provide indoor and outdoor recreation space for building residents.

See link below for City of Toronto Official Plan – Land Use Designations:

<https://www.toronto.ca/wp-content/uploads/2017/11/97dd-cp-official-plan-chapter-4.pdf>.

Sheppard Avenue Commercial Area Secondary Plan

The subject site is located within the eastern portion of the Sheppard Avenue Commercial Area Secondary Plan (SACASP). This eastern portion of the secondary plan applies to properties along Sheppard Avenue East between Bonnington Place and Clairtrell Road. The subject property is designated Mixed Use Area 'B'. This land use designation permits detached dwellings, financial institutions, institutional uses, office uses, necessary public utilities, accessory uses, live-work uses, residential dwellings in commercial buildings, residential uses and retail and service commercial uses. The maximum Floor Space Index (FSI) for all permitted uses is 1.0 times the site area. In order to ensure that structures in the Sheppard Avenue Commercial Area are compatible with houses in adjacent designated residential areas and do not overshadow these houses and their rear yards, the maximum height in the areas designated Mixed Use Area 'B' will not exceed 3 storeys and 12 metres, and building height will be measured as set out in the Zoning By-law. In any event, the height of no part of a building will exceed the horizontal distance between that part of the building and the rear lot line. See Attachment No. 4 – Sheppard Avenue Commercial Area Secondary Plan.

In addition to density and maximum height, the Sheppard Avenue Commercial Area Secondary Plan also contains development criteria policies pertaining to vehicular access and parking, built form and streetscape, and environment and project amenities. Some of these policies are outlined below:

- building setbacks will be provided in order to protect for a possible widening of Sheppard Avenue to a seven lane, 36 metre right-of-way;
- in order to ensure that permitted uses do not create demand for street parking in designated residential areas, sufficient on-site parking will be provided in accordance with Zoning By-law requirements;
- in order to maintain the house form character of the Sheppard Avenue Commercial Area:
 - mechanical equipment will be screened from view along the street or adjacent public spaces; and
 - a maximum amount of front yard will be landscaped with suitable planting;
- in order to protect uses in adjacent Neighbourhoods and Apartment Neighbourhoods from the adverse impacts of noise, odour and visual impacts:

- suitable opaque fence(s) will be provided between uses in the Sheppard Avenue Commercial Area and uses in designated residential areas;
- a 1.0 metre landscaping strip will be maintained along the rear property line;
- illuminated signs and lighting will not shine directly into windows of residential units;
- all garbage receptacles will be located behind the principal structure and screened from view; and
- only signs which by their location, size, quantity and quality do not detract from the overall residential appearance of the area will be permitted.

In June, 2011, North York Community Council requested the Director, Community Planning, North York District, to bring forward modifications to the western portion of the SACASP which incorporates the 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 status report on the review of the Sheppard Avenue Commercial Area Secondary Plan was adopted at the January 19, 2016 meeting of North York Community Council. The report summarized the analysis completed to date, issues identified and next steps for the study, including the remaining scope of work. The recommendation adopted directed staff to expand the study area and scope and phase it to include all properties within the SACASP designated as *Mixed Use Areas* on Map 16 in the Official Plan. The report can be viewed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.NY11.32>.

North York Community Council directed staff to focus the review on the western segment of the SACASP area. The final report was considered at a statutory public meeting of North York Community Council on January 17, 2017, and then considered at City Council on January 31, 2017. In brief, the Council approved maximum densities for the varying areas within the Sheppard Avenue West Commercial Area Secondary Plan range from 2.0 to 3.0 FSI for the majority of the lots. In *Mixed Use Areas 'C'*, additional density above 3.0 FSI may be considered, provided it is demonstrated that any additional density is compatible with the adjacent *Neighbourhoods* and is within the 45 degree angular plane for the Sheppard Lansing Area. The maximum building height is 5 to 6 storeys for most of the different categories of *Mixed Use Areas* as set out in Official Plan Amendment No. 367. This Official Plan Amendment has been appealed to the Ontario Municipal Board. Further information on this study including the final report can be viewed at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.NY19.33>.

A review and update of the eastern segment of the Secondary Plan area is scheduled to begin later in 2018 and is intended to create an integrated vision, policies and a planning framework to achieve a quality streetscape, pedestrian amenities and a framework for appropriate development within the entire Secondary Plan area.

Zoning

The site is currently zoned C7 (Mixed Use Commercial Area Zone) under North York Zoning By-law No. 7625. The C7 zoning designation permits a variety of residential, commercial and institutional uses. The maximum height permitted is 12 metres or 3 storeys, whichever is the lesser. Further, the height of no part of a building or structure shall exceed a height equal to the horizontal distance between that part of the building and the rear lot line. See Attachment No. 5 – City of North York Zoning By-law No. 7625.

The site is not subject to the City of Toronto Zoning By-law No. 569-2013.

Site Plan Control

A site plan application was submitted on November 20, 2017 (File No. 17 264570 NNY 23 SA) and is being reviewed concurrently with the Zoning By-law Amendment application.

Mid-Rise Building Performance Standards

City Council on July 6, 7 and 8, 2010, adopted the recommendations of the *Avenues* and Mid-Rise Buildings Study and Action Plan, with modifications. The main objective of this City-wide study is to encourage future intensification along Toronto's *Avenues* that is compatible with the adjacent neighbourhoods through appropriately scaled and designed mid-rise buildings. The report can be viewed at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2010.PG39.9>.

The *Avenues* and Mid-Rise Buildings Study identifies a list of best practices, categorizes the *Avenues* based on historic, cultural and built form characteristics, establishes a set of Performance Standards for new mid-rise buildings and identifies areas where the Performance Standards should be applied.

The Performance Standards assist in the implementation of Official Plan policies for *Avenues* and *Mixed Use Areas*, ensuring among other matters, quality and comfortable streetscapes along the *Avenues*, which are to be framed and defined by buildings that allow for a minimum of 5 hours of sunlight on the sidewalks from March 21 to September 21; streetwall stepbacks, which mitigate the pedestrian perception of building height along the street; and an acceptable relationship between mid-rise buildings and the adjacent *Neighbourhoods* and *Parks and Open Space Areas*, which the Official Plan policies are explicit in their intent to protect through appropriate transitions. The Performance Standards provide guidance about the size, shape and quality of mid-rise development.

Mid-Rise Building Performance Standards: Addendum

In June 2016, City Council approved the Mid-Rise Building Performance Standards Addendum (April 20, 2016). The Addendum is to be used together with the 2010 approved Mid-Rise Building Performance Standards during the evaluation of development applications where mid-rise buildings are proposed.

Among other matters, the Addendum provides clarification regarding use of the Guidelines within Secondary Plan Areas, as well as specific land use and street frontage criteria which must be met prior to applying the Performance Standards to mid-rise proposals not located on an *Avenue*.

The Addendum is approved as an interim supplement to the 2010 Performance Standards until such time as City Council considers and adopts updated Mid-Rise Building Design Guidelines. Refer to the Council Decision at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PG12.7> and Attachment 1: Mid-Rise Building Performance Standards Addendum (April 20, 2016) <http://www.toronto.ca/legdocs/mmis/2016/pg/bgrd/backgroundfile-92537.pdf>.

Growing Up Draft Urban Design Guidelines

In July 2017, Toronto City Council adopted the Growing Up Draft Urban Design Guidelines, and directed City Planning staff to apply the "Growing Up Guidelines" in the evaluation of new and under review multi-unit residential development proposals. The objective of the Growing Up Draft Urban Design Guidelines is that developments deliver tangible outcomes to increase liveability for larger households, including families with children at the neighbourhood, building and unit scale. Refer to the following link for the guidelines: <https://www.toronto.ca/legdocs/mmis/2017/pg/bgrd/backgroundfile-103920.pdf>.

Tree Preservation

There are a total of 12 trees and one hedgerow on and within six metres of the subject property. The applicant is proposing the removal of four trees to accommodate the proposed development. The applicant has stated that all other trees can be preserved provided appropriate tree protection and mitigation measures are followed. An arborist report and a tree preservation plan have been submitted and are currently under review by Urban Forestry staff.

Reasons for the Application

The proposed building exceeds the maximum permitted height and density set out in the Sheppard Avenue Commercial Area Secondary Plan (SACASP). The SACASP permits a maximum FSI of 1.0 times the area of the lot and a maximum height and density of 3 storeys, or 12 metres, however, the height of no part of a building will exceed the horizontal distance between that part of the building and the rear lot line. The Official Plan Amendment application proposes a site and area specific policy to amend the Secondary Plan to permit the proposed development which consists of an 11 storey mixed-use building with a height of 41.2 metres to the top of the mechanical penthouse and a Floor Space Index of 7.0 times the site area. As well, this mid-rise building is being proposed by using a 60 degree angular plane measured from the rear lot line.

A Zoning By-law Amendment to the former City of North York Zoning By-law No. 7625 is required to implement the proposed development. City of North York Zoning By-law No. 7625 zones the subject site Mixed Use Commercial Area Zone (C7) which permits some residential uses, such as apartment buildings, and various commercial and office

uses. This proposed zoning by-law amendment is required to increase the permitted building height from 12 metres and three storeys to 42.10 metres and 11 storeys and establish the appropriate development standards.

COMMENTS

Application Submission

The following drawings, reports and studies were submitted with the application:

- Planning Rationale;
- Boundary and Topographic Survey;
- Architectural Plans;
- Landscape Plans;
- Site Grading and Servicing Plans;
- Community Services and Facilities Study Addendum;
- Avenue Segment Study Addendum;
- Public Consultation Plan;
- Pedestrian Level Wind Study;
- Sun/Shadow Study;
- Noise and Vibration Study;
- Traffic Impact Study;
- Geotechnical Report;
- Hydrogeological Report;
- Functional Servicing and Stormwater Management Report;
- Arborist Report and Tree Preservation Plan;
- Energy Efficiency Report;
- Computer Generated Building Mass Model; and
- Toronto Green Standards Checklist.

A Notification of Complete Application was issued on February 6, 2018 with a complete application submission date of November 20, 2017.

Issues to be Resolved:

Site Organization

The subject property has an area of 931 square metres and a frontage of 23.16 metres. The ideal minimum lot width for a mid-rise building as stated in the Avenues and Mid-Rise Guidelines is 30 metres. The proposed site is very constrained and does not provide an opportunity for a mid-rise form, on-site parkland dedication, appropriate transition, massing, setbacks, stepbacks, and on-site circulation including loading and servicing. Staff encourage the applicant to enlarge the site by acquiring properties to the west and proposing a development more in keeping with the area context.

Comprehensive, compatible and coordinated re-development should also be considered in the context of the adjacent development application at 179-181 Sheppard Avenue East, particularly for vehicular and servicing access.

Density

The proposed development application at 11 storeys, or 35.2 metres in height (41.2 metres including mechanical penthouse) and a density of 7.0 times the site area does not comply with the policies of the Sheppard Avenue Commercial Area Secondary Plan. The properties within the SACASP and designated *Mixed Use Area B* primarily have a height limit of 3 storeys or 12 metres and a maximum density of 1 times the site area. This area's existing and planned context is characterized by buildings with heights of 1 to 6 storeys and densities of up to 3.41 times the site area. The proposed scale of development on a constrained site is an overdevelopment of the subject lands and would set a negative precedent for the Sheppard Avenue East corridor in terms of density, built form, and transition.

Height, Massing and Transition

Section 3.2.1 – Maximum Height of the Sheppard Avenue Commercial Area Secondary Plan states that "in order to ensure that structures in the Sheppard Avenue Commercial Area Secondary Plan are compatible with houses in the adjacent residential areas and do not overshadow these houses and their rear yards, the maximum height in the areas designated *Mixed Use Area B* will not exceed 3 storeys or 12 metres. In any event, the height of no part of a building will exceed the horizontal distance between that part of the building and the rear lot line." With the proposed use of a 60 degree angular plane the proposal does not provide an appropriate transition to the adjacent *Neighbourhoods* designation to the south. The proposed height of 11-storeys and 35.2 metres is out of character with the existing and planned context in this area.

The *Avenues* policies in the Official Plan are intended to help the City direct growth to key main streets and areas with existing infrastructure while protecting the character and stability of the existing adjacent neighbourhoods. New development along *Avenues*, designated *Mixed Use Areas*, are generally envisioned to be mid-rise where the building is no taller than the width of the right-of-way as recommended in the Mid-Rise Performance Standards. The ability to realize the maximum height is tempered by angular planes applied to the front of the site to achieve good streetscapes and maintain sunlight and the rear of the site to prevent shadows and overlook as well as the existing and planned context. Not all sites on *Avenues* will be able to achieve the maximum height, as some properties are physically constrained.

The proposal does not provide an acceptable relationship between the proposed mid-rise building and the adjacent *Neighbourhoods* area. Also, the Sheppard Avenue Commercial Area Secondary Plan contains policies which require the height of no part of a building will exceed the horizontal distance between that part of the building and the rear lot line. The Mid-rise Building Performance Standards also provide guidance regarding appropriate building heights and transition between midrise buildings and *Neighbourhoods* through the use of angular planes. These angular planes are applied to

Staff report for action – Preliminary Report – 145 Sheppard Avenue East

both the front and rear of the site to ensure appropriately scaled mid-rise buildings along the Avenues are responsive to their existing and planned context by creating vibrant pedestrian scaled streets and providing a gradual transition in scale, stepping down towards the adjacent *Neighbourhoods* to limit shadow impacts and minimize privacy and overlook issues.

Midrise Building Performance Standard 4A: Front Façade: Angular Plane states that an angular plane will be taken from a height equivalent to 80% of the right-of-way width and subsequent storeys must fit within a 45-degree angular plane from this point in order to achieve a minimum of 5-hours of sunlight onto the Avenue sidewalks from March 21st - September 21st. The planned right-of-way for Sheppard Avenue East is 36 metres and the depth of the site is approximately 42.96 metres. The development proposal does not meet this mid-rise building performance standard as there are angular plane intrusions at the 10th and 11th storeys and the mechanical penthouse.

The applicant is proposing the rear of the building lie beneath a 60-degree angular plane. This results in the 4th through the 11th floors at the rear of the building piercing the 45 degree angular plane and more of the building massing being located closer to the *Neighbourhoods* designated area increasing the visual presence, overlook and privacy issues of the proposal to those properties.

Midrise Building Performance Standard 8D: Side Property Line: Existing Side Windows states that where adjacent sites have walls with windows, new buildings must ensure a minimum of 5.5 metres from the existing wall. On the west side of the building, the proposed building is setback 5.5 metres from the 7th floor and above. On the east side, the proposed building is setback 0 metres from the public lane until the 11th floor, which is setback approximately 1 metre. Further east, on the other side of the lane, there is a development application proposed to permit a 9-storey mixed use building. This proposed 0 metre setback and massing adjacent to the public lane needs to be revised to provide for an increased separation between the two mid-rise buildings.

City Planning is not supportive of the relationship between the proposed development and the adjacent *Neighbourhoods* area and the adjacent public lane. Appropriate transition should be provided to the *Neighborhoods* designation through building massing, scale and adherence to the 45 degree rear angular plane and separation distance from the rear property line. This would provide appropriate transition in height and scale and provide for adequate privacy and reduced overlook potential as described in the Official Plan. Significant modifications to the proposed height, massing, separation and overall density are required to meet the transition policies in Sections 2.3.1, 3.1.2 and 4.5 of the Official Plan and the Sheppard Avenue Commercial Area Secondary Plan. The proposal in its current form is not consistent with the Official Plan.

Avenue Segment Study

The applicant has submitted an Avenue Segment Study Addendum to the Avenue Segment Study submitted for the adjacent development application at 179-181 Sheppard Avenue East. City Planning staff are currently reviewing this Avenue Segment Study

Addendum to determine if it complies with Policy 3 (b) of Section 2.2.3 (Avenues: Reurbanizing Arterial Corridors) of the City's Official Plan, and in the context of the review of the western segment of the Sheppard Avenue Commercial Area Secondary Plan.

Traffic Impact, Access, Parking

The applicant has submitted a traffic impact study for the proposed development. This study has been circulated to the appropriate City divisions and agencies for review and comment. One area where this study is deficient is that it does not address the cumulative impacts on transportation infrastructure as a result of applying 7 times density to all the similar sized developable sites along this segment of Sheppard Avenue East.

Servicing and Stormwater Management

The applicant has submitted a Geotechnical Report, a Hydrogeological Report, and a Functional Servicing and Stormwater Management Report for the proposed development. These studies have been circulated to the appropriate City divisions and agencies for review and comment. One area where the functional servicing study is deficient is that it does not address the cumulative impacts on servicing infrastructure as a result of applying 7 times density to all the similar sized developable sites along this segment of Sheppard Avenue East.

Additional Issues to be Resolved

The following additional issues are to be addressed through the review of this application:

- appropriate setbacks and massing from Sheppard Avenue East and the east and west property lines;
- appropriate vehicular access, circulation, loading location and configuration;
- appropriate landscaped buffer and fencing at the south and west property lines abutting *Neighbourhoods*;
- appropriateness of location and configuration of outdoor amenity space;
- appropriateness of proposed retail gross floor area to replace existing office building;
- appropriate parkland dedication;
- appropriate streetscape design along Sheppard Avenue East;
- appropriate servicing and stormwater management infrastructure;
- review of transportation and parking impacts;
- the Growing Up Draft Urban Design Guidelines encourage that at least 10% of the units be 3-bedroom units or larger and the proposed building should also have a family friendly design;
- should the application be recommended for approval, securing an appropriate community benefits package in accordance with Section 5.1.1 of the City's Official Plan and Section 37 of the *Planning Act*;
- appropriateness of Avenue Segment Study addendum conclusions;

- appropriateness of Community Services and Facilities analysis and conclusions; and
- appropriateness of consideration of a midrise building form on subject lands with a frontage of only 23 metres.

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.

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

CONTACT

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E-mail: Perry.Korouyenis@toronto.ca

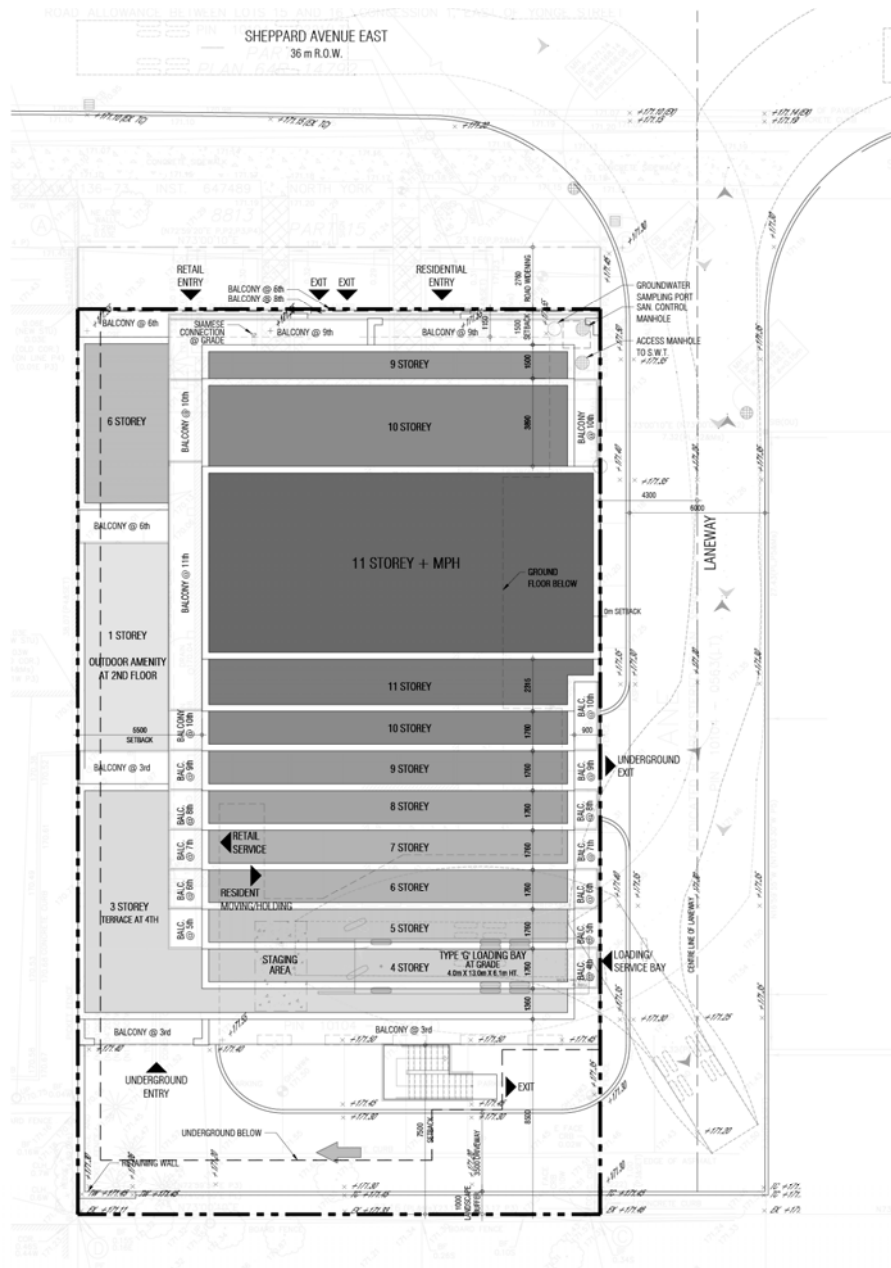
SIGNATURE

Joe Nanos, Director
Community Planning, North York District

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2a: North Elevation
Attachment 2b: East Elevation
Attachment 2c: South Elevation
Attachment 2d: West Elevation
Attachment 3: Official Plan
Attachment 4: Sheppard Avenue Commercial Area Secondary Plan
Attachment 5: Zoning By-law No. 7625
Attachment 6: Application Data Sheet

Attachment 1: Site Plan



Site Plan

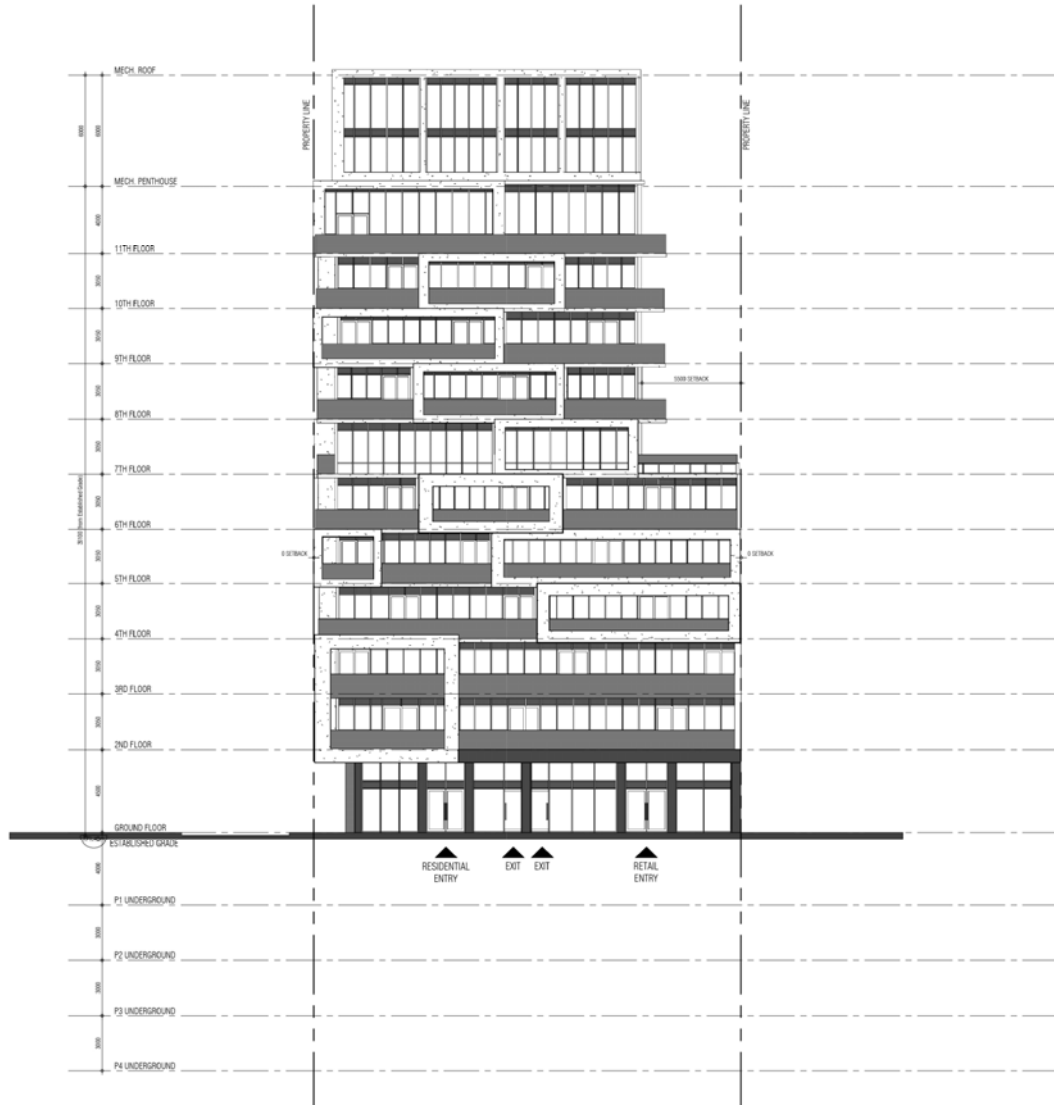
145 Sheppard Avenue East

Applicant's Submitted Drawing

Not to Scale 

File # 17 264567 NNY 23 OZ

Attachment 2a: North Elevation



NORTH ELEVATION

North Elevation

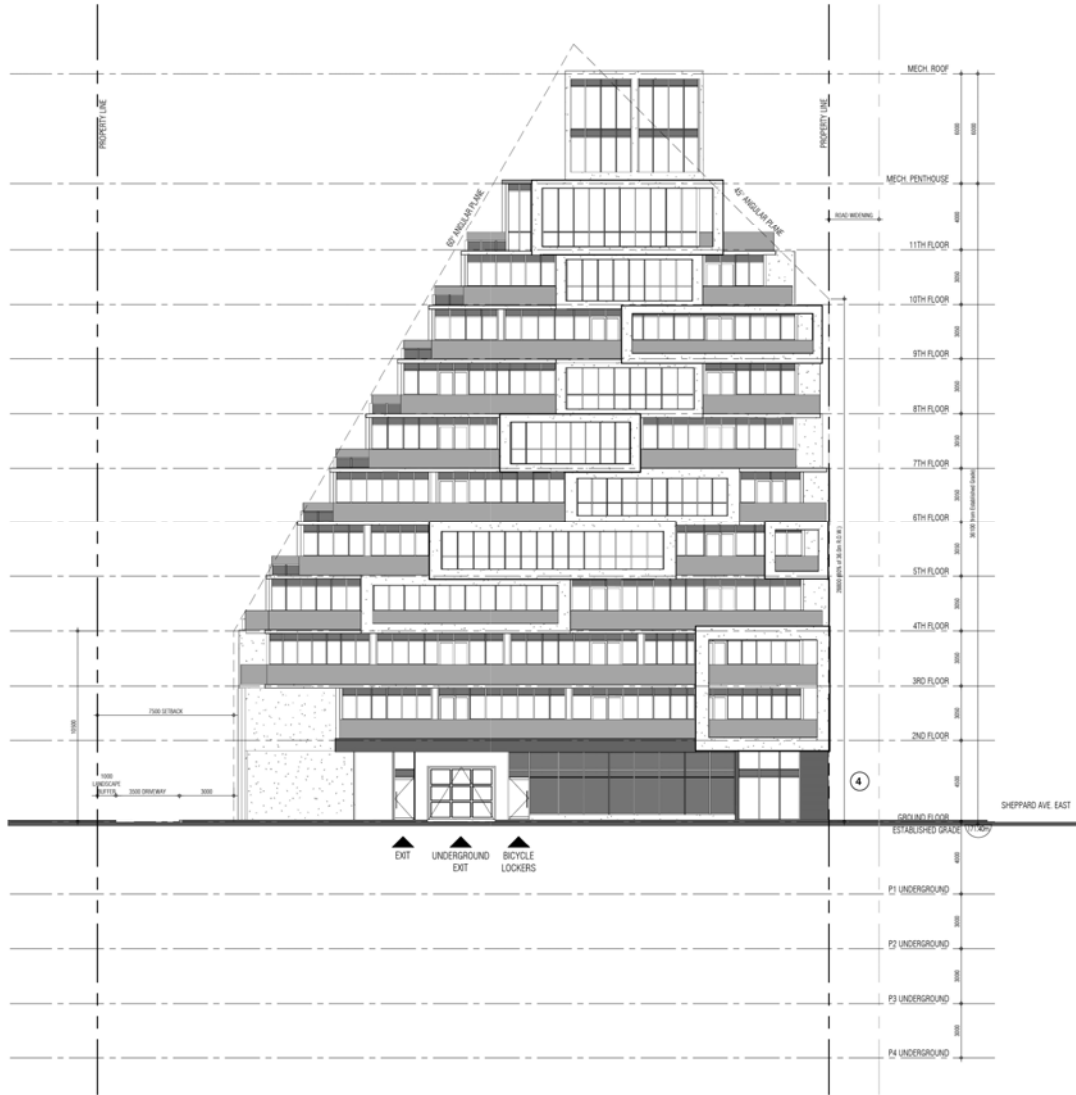
Applicant's Submitted Drawing

Not to Scale
01/18/2018

145 Sheppard Avenue East

File # 17 264567 NNY 23 0Z

Attachment 2b: East Elevation



EAST ELEVATION

East Elevation

Applicant's Submitted Drawing

Not to Scale
01/18/2018

145 Sheppard Avenue East

File # 17 264567 NNY 23 0Z

Attachment 2c: South Elevation



SOUTH ELEVATION

South Elevation

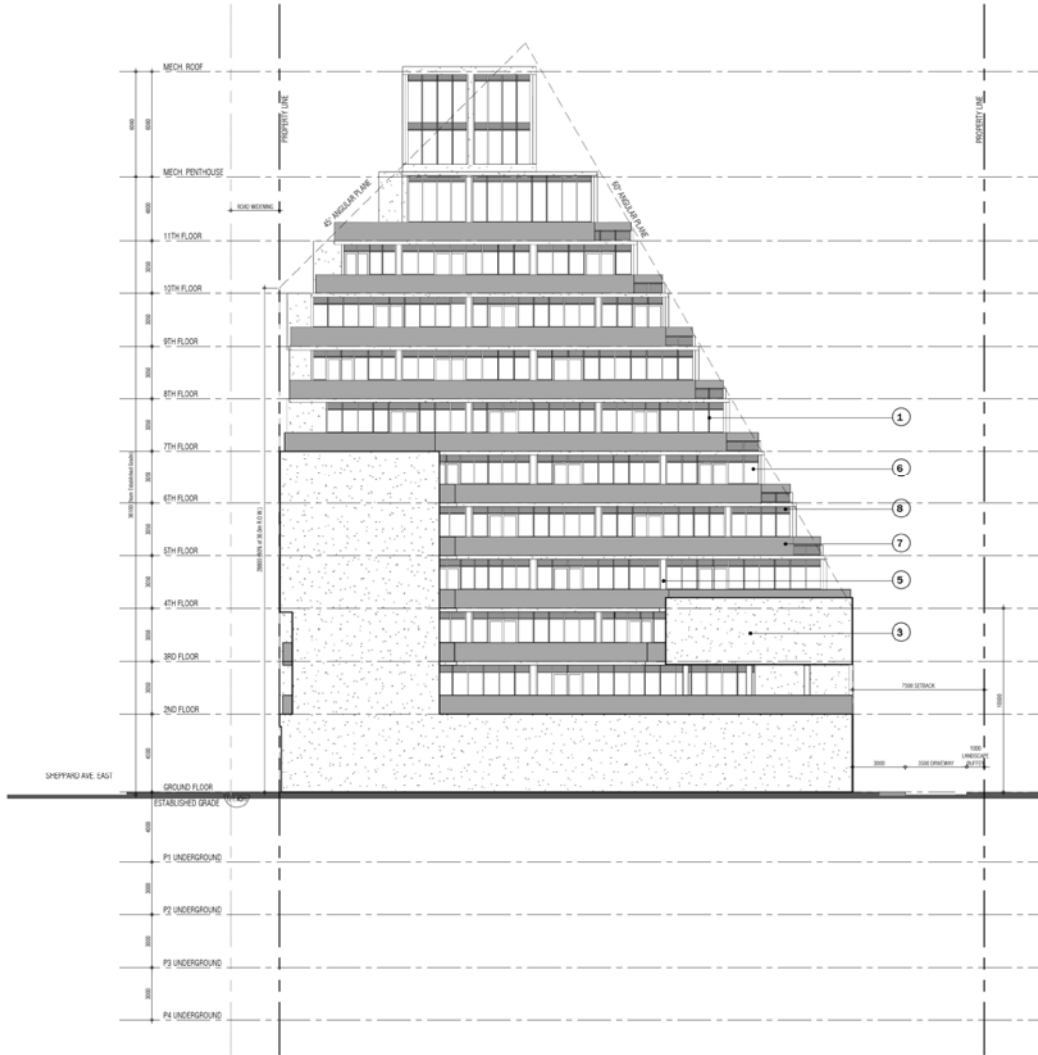
Applicant's Submitted Drawing

Not to Scale
01/18/2018

145 Sheppard Avenue East

File # 17 264567 NNY 23 0Z

Attachment 2d: West Elevation



WEST ELEVATION

West Elevation

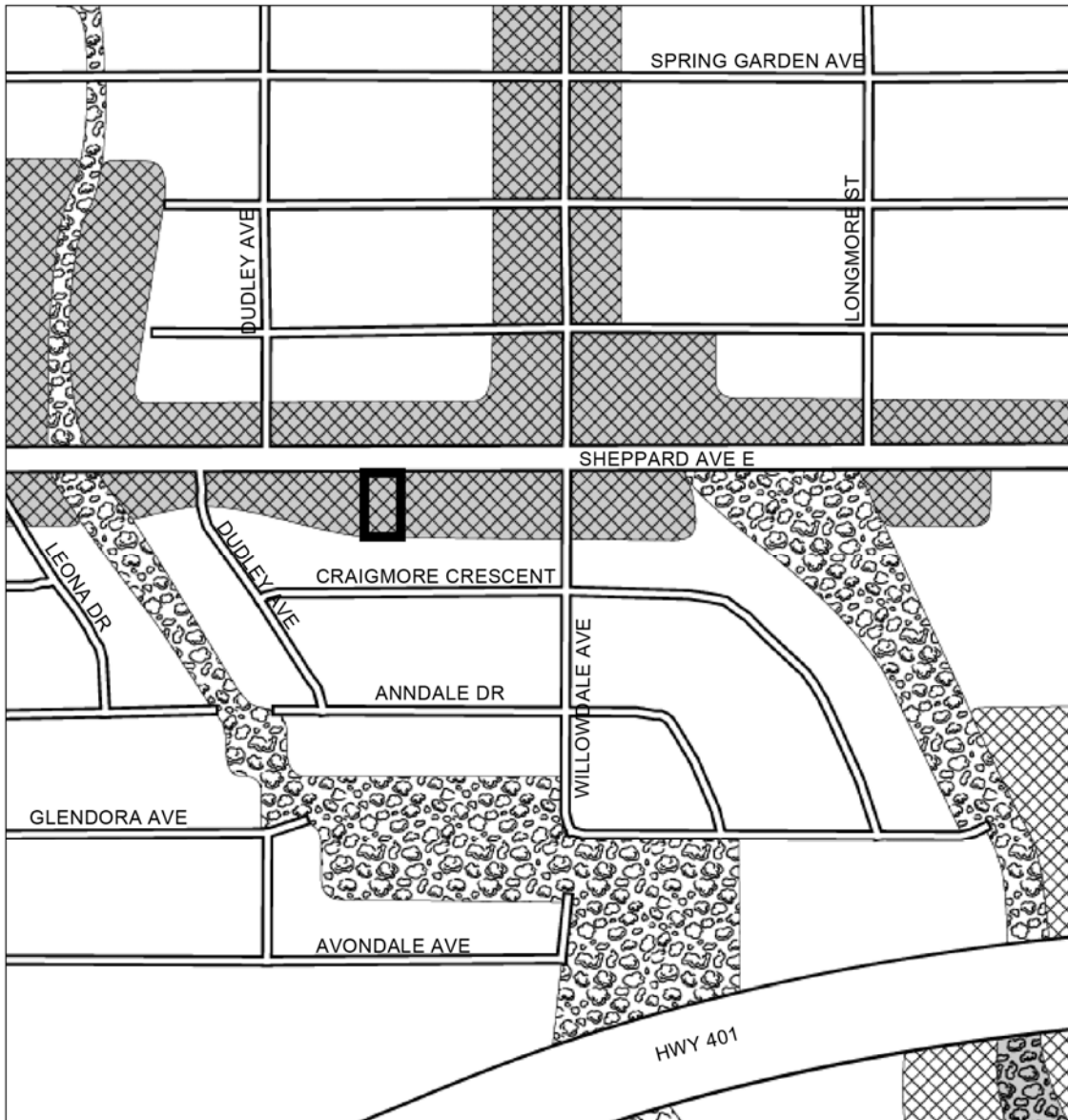
Applicant's Submitted Drawing

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145 Sheppard Avenue East

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




Attachment 3: Official Plan



TORONTO
 Extract from Official Plan

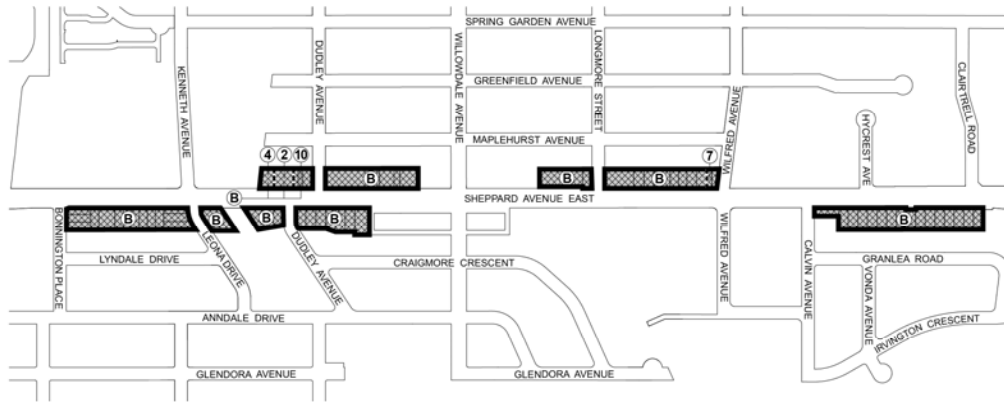
145 Sheppard Avenue East

File # 17 264567 NNY 23 0Z

- | | | | |
|---|--------------------------|---|--------------------------|
|  | Site Location |  | Parks & Open Space Areas |
|  | Neighbourhoods |  | Other Open Space Areas |
|  | Mixed Use Areas |  | Parks |
|  | Apartment Neighbourhoods | | |


 Not to Scale
 01/16/2018

Attachment 4: Sheppard Avenue Commercial Area Secondary Plan



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

November 2015

Attachment 5: Zoning By-law No. 7625



Zoning By-Law No. 7625

145 Sheppard Avenue East

File # 17 264567 NNY 23 0Z

Location of Application

- | | |
|--|--------------------------------------|
| R4 One-Family Detached Dwelling Fourth Density Zone | C1 General Commercial Zone |
| R6 One-Family Detached Dwelling Sixth Density Zone | C2 Local Shopping Centre Zone |
| RM5 Multiple-Family Dwellings Fifth Density Zone | C7 Mixed Use Commercial Zone |
| RM6 Multiple-Family Dwellings Sixth Density Zone | O1 Open Space Zone |

Not to Scale
 Extracted: 01/18/2018

Attachment 6: Application Data Sheet

Application Type	Official Plan Amendment & Rezoning	Application Number:	17 264567 NNY 23 OZ
Details	OPA & Rezoning, Standard	Application Date:	November 20, 2017

Municipal Address: 145 SHEPPARD AVENUE EAST

Location Description: PLAN 3596 LOT 70 **GRID N2306

Project Description: Official Plan Amendment, Zoning By-law Amendment and site plan application to permit an 11-storey mixed use building with at grade retail and an underground parking garage with 47 vehicular parking spaces. The proposal includes a total of 55 residential units and 6,305 sq.m of residential gross floor area and 205 sq.m of retail gross floor area along Sheppard Avenue East. The proposal has an overall density of 7.0 (FSI).

Applicant:	Agent:	Architect:	Owner:
GOLDBERG GROUP	GOLDBERG GROUP	GRAZIANI & CORAZZA ARCHITECTS INC	TILZEN HOLDINGS LTD

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	N/A
Zoning:	C7	Historical Status:	N/A
Height Limit (m):	12 metres	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	931	Height:	Storeys:	11	
Frontage (m):	23.16		Metres:	41.2	
Depth (m):	42.96				
Total Ground Floor Area (sq. m):	595				Total
Total Residential GFA (sq. m):	6305		Parking Spaces:	47	
Total Non-Residential GFA (sq. m):	205		Loading Docks	1	
Total GFA (sq. m):	6510				
Lot Coverage Ratio (%):	63.9				
Floor Space Index:	7				

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Tenure Type:	Condo		
Rooms:	0	Residential GFA (sq. m): 6305	0
Bachelor:	0	Retail GFA (sq. m): 205	0
1 Bedroom:	44	Office GFA (sq. m): 0	0
2 Bedroom:	11	Industrial GFA (sq. m): 0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m): 0	0
Total Units:	55		

CONTACT:	PLANNER NAME:	Perry Korouyenis, Senior Planner
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