

# **145 Sheppard Avenue East – Official Plan Amendment Application – Refusal Report and Zoning By-law Amendment and Site Plan Applications – Request for Direction Report**

Date: May 18, 2018

To: North York Community Council

From: Director, Community Planning, North York District

Wards: Ward 23 - Willowdale

**Planning Application Number:** 17 264567 NNY 23 OZ

## **SUMMARY**

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This application proposes to amend the Official Plan and Zoning By-law to permit an 11-storey (35.2 metre) 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, 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. The proposed development is also using the existing adjacent north-south City public lane for access/egress to the site. The applicant has also submitted an associated site plan control application.

The owner appealed the Zoning By-law Amendment application and referred the associated site plan application to the Local Planning Appeal Tribunal (LPAT) citing City Council's failure to make a decision within the prescribed time frames set out in the *Planning Act*. A prehearing or hearing has not been scheduled at the time of writing of this report.

The purpose of this report is to recommend refusal of the Official Plan Amendment application and to seek City Council's direction for the City Solicitor, together with appropriate City staff, to attend the Local Planning Appeal Tribunal to oppose the Zoning By-law Amendment and Site Plan Control applications, as currently proposed by the applicant. Reasons for refusal include: site organization, proposed height, density, massing, and transition to the *Neighbourhoods* to the south. The current proposed development applications are not consistent with the Provincial Policy Statement (2014), does not conform with the Growth Plan for the Greater Golden Horseshoe (2017), does not comply with the policies of the City's Official Plan, is not in keeping with the intent of the Avenues and Mid-rise Guidelines and is not contextually appropriate given the existing and planned context for the area. This report also recommends that the City Solicitor and appropriate staff be authorized to continue discussions with the

applicant, in consultation with the local Councillor, in an effort to address the issues outlined in the report.

## **RECOMMENDATIONS**

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The City Planning Division recommends that:

1. City Council refuse the application for an Official Plan Amendment at 145 Sheppard Avenue East for the reasons outlined in the May 23, 2018 report from the Director, Community Planning, North York District.
2. Should the Official Plan Amendment application be appealed to the Local Planning Appeal Tribunal, City Council Authorize the City Solicitor and appropriate City staff to appear before the Local Planning Appeal Tribunal in support of Council's refusal of the Official Plan Amendment application.
3. City Council direct the City Solicitor, together with City Planning staff and any other City staff as appropriate, to attend the Local Planning Appeal Tribunal to oppose the Zoning By-law Amendment and Site Plan Control applications in their current form for the lands located at 145 Sheppard Avenue East.
4. City Council authorize City staff to continue discussions with the applicant, in consultation with the ward Councillor, and authorize the City Solicitor, in consultation with the Chief Planner and Executive Director, City Planning and the ward Councillor, to accept a revised proposal, subject to resolution of the outstanding issues identified in this report.
5. In the event that the Local Planning Appeal Tribunal allows the appeal of the Official Plan Amendment, Zoning By-law Amendment and Site Plan Control applications in whole or in part, City Council authorize the City Solicitor to request the Local Planning Appeal Tribunal to withhold its Order(s) approving the application until such time as:
  - a. The Tribunal has been advised by the City Solicitor that the proposed Official Plan and Zoning By-law Amendments are in a form satisfactory to the Chief Planner and City Solicitor, all to the satisfaction of the City Solicitor;
  - b. The owner has submitted revised technical reports and plans including a revised Functional Servicing Report, a revised Stormwater Management Report, a revised Hydrogeological Report, and a revised Transportation Impact Study, all to the satisfaction of the Executive Director, Engineering and Construction Services; and
  - c. The owner has entered into and registered a site plan agreement between the City and owner and any preconditions to site plan approval are fulfilled.

6. City Council authorize the City Solicitor and necessary City staff to take such necessary steps, as required, to implement the foregoing.

## **FINANCIAL IMPACT**

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The recommendations in this report have no financial impact.

## **DECISION HISTORY**

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A pre-application meeting was held 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. The current application was submitted on November 20, 2017 and deemed complete on February 6, 2018. The development applications are complete as of the date they were submitted (November 20, 2017). A Preliminary Report on the applications was deferred by North York Community Council on April 4, 2018 to allow City Planning staff an opportunity to submit a Request for Directions Report in light of the appeals filed with the Local Planning Appeal Tribunal regarding the zoning by-law amendment application and site plan application.

The Preliminary Report and the Community Council Decision can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.NY29.8>

## **ISSUE BACKGROUND**

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### **Proposal**

This application proposes an Official Plan amendment, a Zoning By-law amendment and a Site Plan Control application 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 9<sup>th</sup> storey, and a 3.89 metre stepback at the 10<sup>th</sup> storey. From the south, the proposed 11-storey building steps back 1.76 metres equally from the 4<sup>th</sup> to the 10<sup>th</sup> storey and 2.31 metres at the 11<sup>th</sup> 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 Nos. 7a to 7d - 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 6<sup>th</sup> floor on the west side of the building, the proposed building is setback 0 metres from the side lot line. From the 7<sup>th</sup> floor and above, the proposed building is setback 5.5 metres from the west side lot line. The 7<sup>th</sup> floor to the 10<sup>th</sup> floor has balcony projections within this 5.5 metre setback. On the east side, the proposed building is setback 0 metres until the 11<sup>th</sup> 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 vehicular 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 or 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 on the subject property.

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

Some of the 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 No. 6 (Site Plan), Attachment Nos. 7a to 7d (Elevations) and Attachment No. 1 – 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 23.16 metres on Sheppard Avenue East. The site has an 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 widening 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 800 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 Craigmere 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 containing 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 Local Planning Appeal Tribunal and a 3-day hearing is scheduled to commence on June 12, 2018.

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 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 further west 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 Craigmore Crescent.

### **Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans**

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

The Provincial Policy Statement (2014) (the "PPS") 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;
- 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 provincial, policy-led, planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the Planning Act and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS is more than a set of individual policies. It is to be read in its entirety and the relevant policies are to be applied to each situation.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.7 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

The Growth Plan for the Greater Golden Horseshoe (2017) (the "Growth Plan") provides a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part, including:

- Establishing minimum density targets within strategic growth 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.

The Growth Plan builds upon the policy foundation provided by the PPS 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.

In accordance with Section 3 of the Planning Act all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan.

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with Provincial Plans.

Policy 5.1 of the Growth Plan states that where a municipality must decide on a planning matter before its official plan has been amended to conform with this Plan, or before other applicable planning instruments have been updated accordingly, it must still consider the impact of its decision as it relates to the policies of the Growth Plan which require comprehensive municipal implementation.

Staff have reviewed the proposed development for consistency with the PPS (2014) and for conformity with the Growth Plan (2017). The outcome of staff analysis and review are summarized in the Comments section of the Report.

## **Toronto Official Plan**

This application has been reviewed against the policies of the City of Toronto Official Plan as outlined below.

## **Chapter 2 – Shaping the City**

### **Section 2.2 Structuring Growth in the City: Integrating Land Use and Transportation**

The Official Plan states that future growth within Toronto will be steered to areas which are well served by transit, the existing road network and which have a number of properties with redevelopment potential. Growth areas in the City are locations where good transit access can be provided along bus and rapid transit routes. Areas that can best accommodate this growth are shown on Map 2 – Urban Structure of the Official Plan.



### **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*.

## **Chapter 3 – Building a Successful City**

### **Section 3.1.2 Built Form**

The Official Plan states that architects and developers have a civic responsibility to create buildings that not only meet the needs of their clients, tenants and customers, but also the needs of the people who live and work in the area. The Built Form section of 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**

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.

## 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.

The City of Toronto Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

## 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 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 adjacent and close to *Neighbourhoods* and in *Mixed Use Areas*, *Apartment Neighbourhoods* and *Regeneration Areas*. The new criteria address aspects 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, and this decision has been appealed in part. 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 here: [www.toronto.ca/OPreview/neighbourhoods](http://www.toronto.ca/OPreview/neighbourhoods).

## 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.

The Sheppard Avenue Commercial Area Secondary Plan can be found here:  
<https://www.toronto.ca/wp-content/uploads/2017/11/9091-cp-official-plan-SP-29-Sheppard-Centre.pdf>

## Sheppard Avenue Commercial Area Secondary Plan Review

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 Lansing 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 was appealed to the Ontario Municipal Board. A hearing for this secondary plan appeal is scheduled to begin on April 29, 2019. 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.

The outcome of staff analysis and review of relevant Official Plan policies and Secondary Plans are summarized in the Comments section of the Report.

### 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 and 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. Further, the minimum front yard setback shall be 18 metres above and below grade from the centre line of Sheppard Avenue, the minimum side yard setback

shall be 0 metres, the minimum rear yard setback shall be 7.5 metres and a minimum 1 metre landscaped strip shall be provided along the rear property 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.

## **Design Guidelines:**

### **Avenues and Mid-rise Buildings Study and Performance Standards**

City Council adopted the Avenues and Mid-rise Buildings Study on July 6-8, 2010 and an addendum containing performance standards for mid-rise buildings in June of 2016. They identify a list of best practices and establish a set of performance standards for new mid-rise buildings. Key issues addressed include maximum allowable building heights, setbacks and stepbacks, sunlight and skyview, pedestrian realm conditions, transition to *Neighbourhoods* and *Parks and Open Space Areas* and corner sites. The link to the guidelines is here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/mid-rise-buildings/>.

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.

On June 7, 2016 City Council adopted a revised Mid-Rise Building Performance Standards Addendum, for staff to use together with the 2010 approved Mid-Rise Building Performance Standards in the preparation of area studies or during the evaluation of development applications, where mid-rise buildings are proposed and Performance Standards are applicable, until such time as City Council adopts updated Mid-Rise Building Design Guidelines. Council's decision is here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PG12.7> and <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>.

## **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 Official and Zoning By-law Amendment application. On March 29, 2018, the site plan application was referred to the Local Planning Appeal Tribunal because Council failed to make a decision within the 30 days prescribed by the *Planning Act*.

## **Reasons for 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 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. The proposed building is also proposed to lie beneath 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. The 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, use a 60 degree angular plane instead of the required 45 degree angular plane and establish appropriate development standards.

## **Application Submission**

The following drawings, reports and studies were submitted in support of 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.

The above-noted plans, reports and studies are available on the City's Application Information Centre website at:

<http://app.toronto.ca/DevelopmentApplications/associatedApplicationsList.do?action=init&folderRsn=4283373&isCofASearch=false&isTlabSearch=false>

### **Agency Circulation**

The application, together with the applicable plans, reports and studies noted above, have been circulated to all appropriate agencies and City divisions for review and comment. Responses received have been used to assist in evaluating the application.

### **Community Consultation**

No community consultation meeting has been held as the Preliminary Report and Recommendations were deferred to the June 6, 2018 meeting of North York Community Council to allow City Planning staff an opportunity to submit a Request for Directions Report in light of the appeals filed with the Local Planning Appeal Tribunal.

## **COMMENTS**

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

The proposal has been reviewed and evaluated against the PPS (2014) and the Growth Plan (2017).

The current proposal is not consistent with the PPS and does not conform with the Growth Plan for the following reasons:

The proposed development does not have regard to relevant matters of provincial interest in section 2 of the *Planning Act* as the proposal does not adequately assess the provision and efficient use of transportation, sewage and water services and waste management systems; and does not provide for a built form that is well-designed given the constraints of the site.

Section 1.1.1 (g) of the PPS (Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns) states that "healthy, livable and safe communities are sustained by ensuring that necessary infrastructure, and public service facilities are or will be available to meet current and projected needs." The proposed building is an overdevelopment of the site and a precedent for the Sheppard Avenue East corridor. The applicant has not demonstrated that the necessary infrastructure is available to support the proposed development and the cumulative impacts on the transportation and servicing infrastructure as a result of applying 7 times density to all the similar sized developable sites along this segment of Sheppard Avenue East.

Policy 4.7 of the PPS states that a municipality's "official plan is the most important vehicle for implementation of the Provincial Policy Statement" and that "comprehensive, integrated and long-term planning is best achieved through the official plans."



Furthermore, it directs municipalities to provide clear, reasonable and attainable policies to protect provincial interests and direct development to suitable areas. While intensification on this transit corridor is encouraged, the development proposal in its current form does not implement the City's Official Plan policies and design guidelines related to matters such as: transition, scale, compatibility and fit. The development proposal does not achieve an appropriate built form transition to the adjacent residential area and the scale of development is not compatible with the existing and planned context of this portion of Sheppard Avenue East.

The Growth Plan (2017) contains policies related to setting minimum intensification targets throughout delineated built-up areas (Section 2.2.2.4). The proposed development however, does not conform with Section 2.2.2.4.b) of the Growth Plan as it does not represent an appropriate scale of development for the surrounding area and does not appropriately transition to adjacent properties. Further, the proposed development does not conform with Section 5.2.4.5.b) requiring the type and scale of development to be contextually appropriate.

### **Toronto Official Plan:**

This application has been reviewed against the City's Official Plan policies, the Sheppard Avenue Commercial Area Secondary Plan policies, and the Avenues and Mid-Rise Buildings design guidelines.

### **Site Organization**

The subject property is a small, constrained site. It 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 does not provide an opportunity for an appropriate mid-rise form, appropriate transition to the south, appropriate massing, setbacks, stepbacks, and appropriate 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**

#### *Existing Context:*

The policies for the properties located within the Sheppard Avenue Commercial Area Secondary Plan and designated *Mixed Use Area B* have a height limitation of 3 storeys or 12 metres and a maximum density of 1 times the site area. The area's existing built context, with some exceptions, is mostly characterized by commercial buildings that range from 1 to 3 storeys in height and a density of 1 times the site area. 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 in-force Sheppard Avenue Commercial Area Secondary Plan or fit within the existing context.

#### *Planned Context:*

The planned area context is characterized by a recent approval at 176-180 Sheppard Ave East. This mixed use development application was approved with a maximum building height of 6 storeys and 26.6 metres, measured to the top of the mechanical penthouse. The maximum density was 3.41 times the site area.

The final report for the western segment of the Sheppard Avenue Commercial Area Secondary Plan study was considered at City Council on January 31, 2017. 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. Lands within secondary plans are excluded from the City's Avenues and Mid-Rise Building Guidelines, however where an Official Plan amendment to a Secondary Plan is proposed, the Mid-Rise Guidelines are an appropriate tool for evaluating the proposed development application.

The current development application proposes a mixed-use building through a site-specific Official Plan amendment proposing that the building lie beneath a 60 degree angular plane instead of a 45 degree angular plane and that the density be increased from 1 times the site area to 7 times the site area. The proposed 7 times density and scale of development on such a constrained site is considered an overdevelopment of the subject lands and would set a negative precedent for the Sheppard Avenue East corridor in terms of density, height, built form, and transition. The proposed development does not fit within and is not contextually appropriate given the existing and planned context.

### **Height 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 area's existing and planned height context, with some exceptions, is mostly characterized by commercial buildings that range from 1 to 3 storeys in height. The proposed height of 11-storeys and 35.2 metres is out of character with the existing and planned context in this area.

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, such as this one are physically constrained by the size and shape of the lot. The proposed 11-storey mixed-use building is not appropriate.

The policies within Sections 2.3.1 (Healthy Neighbourhoods), 3.1.2 (Built Form), and 4.5 (Mixed Use Areas) of the Official Plan state that developments in *Mixed Use Areas* that are adjacent or close to *Neighbourhoods*, such as this development proposal, will be compatible, provide gradual transition of scale and density, and maintain adequate light and privacy for residents in the *Neighbourhoods*. The in-force Sheppard Avenue Commercial Area Secondary Plan also states that in order to ensure that structures are compatible with houses in the adjacent residential areas and do not overshadow these houses and their rear yards, the height of no part of the proposed building will exceed the horizontal distance between that part of the proposed building and the rear lot line. The proposal does not provide an acceptable relationship between the proposed mid-rise building and the adjacent *Neighbourhoods* area to the south. 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 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.

The subject property is located on a right-of-way with a width of 36 metres. The depth of the property is 42.96 metres. This is considered a shallow property. Midrise Building Performance Standard 5B: Rear Transition to Neighbourhoods: Shallow Properties states that the transition for shallow properties abutting *Neighbourhoods* will include a minimum setback of 7.5 metres from the property line and a 45-degree angular plane from a height of 10.5 metres above the 7.5 metre setback line to a maximum height of 1:1. This provides a lower building at the rear and a gradual transition from the rear property line. The development proposes that the rear of the building lie beneath a 60-degree angular plane. This results in the 4<sup>th</sup> through the 11<sup>th</sup> 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 to the south increasing the visual presence, overlook and privacy impacts of the proposal to those properties. The current proposal does not transition appropriately to the adjacent neighbourhood to the south. Significant modifications to the proposed height and massing are required to meet the transition policies in sections 2.3.1 (Healthy Neighbourhoods), 3.1.2 (Built Form), and 4.5 (Mixed Use Areas) of the Official Plan and the Sheppard Avenue Commercial Area Secondary Plan.

## Massing and Stepbacks

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 10<sup>th</sup> and 11<sup>th</sup> storeys and the mechanical penthouse. The outcome is shadows at mid-day on the sidewalk on the north side of Sheppard Avenue East.

Another performance standard which requires the applicant to revise their proposed mixed-use building is the Midrise Building Performance Standard 8D: Side Property Line: Existing Side Windows. This performance standard states that where adjacent sites have walls with windows, new buildings must ensure a minimum of 5.5 metres from the existing wall, or provide an 11 metre separation between buildings. On the west side of the building, the proposed building is setback 5.5 metres from the 7<sup>th</sup> floor and above. On the east side, the proposed building is setback 0 metres from the public lane until the 11<sup>th</sup> 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 11 metre separation between the two mid-rise buildings. The proposed massing, setbacks and stepbacks are not appropriate for this site.

## Avenue Segment Study

Section 2.2.3 (Avenues: Reurbanizing Arterial Corridors), Policy 3 of the City's Official Plan states that "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 Official 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:

- i) include an assessment of the impacts of the incremental development of the entire *Avenue* segment at a similar form, scale and intensity, appropriately allowing for distinguishing circumstances;
- ii) consider whether incremental development of the entire *Avenue* segment as identified in the above assessment would adversely impact any adjacent *Neighbourhoods* or *Apartment Neighbourhoods*;
- iii) consider whether the proposed development is supportable by available infrastructure; and

- iv) be considered together with any amendment to the Official Plan or Zoning By-law at the statutory public meeting for the proposed development.

An Avenue Segment Study Addendum prepared by the applicant's planner (Goldberg Group) to the Avenue Segment Study submitted for the adjacent development application at 179-181 Sheppard Avenue East has been submitted. The Avenue Segment Study prepared by Bousfields Inc for 179-181 Sheppard Avenue East did not identify the subject property, 145 Sheppard Avenue East, as a developable site. However, the Avenue Segment Study Addendum suggests that the subject site should be considered an appropriately dimensioned site to accommodate a mid-rise building.

The analysis of the soft sites within the Avenue Segment Study Addendum only assumes 7.0 times the site area on the subject lands. The proposed density on the other identified developable (soft) sites ranges between 2.9 and 5.7 times the site area.

City Planning staff have reviewed the Avenue Segment Study Addendum for 145 Sheppard Avenue East prepared by Goldberg Group and disagree with the opinion that the site is developable with a density of 7 times the site area and have come to the conclusion that this Avenue Segment Study Addendum does not fully address Policy 3 of Section 2.2.3 (Avenues) of the City's Official Plan.

The Avenue Segment Study Addendum also does not address the cumulative impacts on the transportation and servicing infrastructure as well as the cumulative impacts of shadows, and transition in scale to the adjacent *Neighbourhoods* as a result of applying 7 times density to all the similar developable sites along this segment of Sheppard Avenue East. Planning staff do not concur with the conclusions of the Avenue Segment Study Addendum.

### **Traffic Impact, Access, Parking**

The applicant's transportation consultant, Lea Consulting Ltd., prepared a Transportation Impact Study for the proposed development application. The transportation consultant estimates that the proposed development will generate approximately 15 and 18 two-way trips during the morning and afternoon peak hours, respectively. Given these estimated trips, the consultant concludes that site traffic will have a minor impact on the street system. Transportation Services disagrees with some of the methodology of the report, however based on the scale of the building; traffic impacts from this proposed development alone will be minimal to the surrounding area. However, as noted earlier the cumulative impacts on the transportation infrastructure as a result of applying 7 times density to all similar developable sites along this segment of Sheppard Avenue East has not been addressed by the Transportation Impact Study.

Access to the site is proposed via an existing 6 metre wide public laneway that runs along the east side of the site. The proposed mixed-use building will take access from the public lane at three points:

- via an outbound car elevator exit located on the east side approximately in the middle of the proposed building;
- via a 3.5 metre wide driveway connection to an inbound car elevator at the rear of the proposed building; and

- via an opening for the loading space in the proposed building's southeast corner.

Transportation Services staff advise that there are site design issues that require resolution, including servicing and loading issues. The drawings submitted to Transportation Services indicate the provision of one Type G loading space. However, Transportation Services does not typically accept loading and heavy vehicles exiting the site in a reverse motion. In addition, at various points in the submitted vehicle manoeuvring diagrams, it appears as though the heavy vehicles will drive over curbs on the east side of the proposed building to access the proposed loading spaces. The proposed development in its current form cannot accommodate basic loading and servicing functions in an appropriate and safe manner.

### **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 application. Engineering and Construction Services staff have reviewed these reports and associated plans and requires revisions and additional information to address outstanding requirements with respect to, but not limited to sanitary sewer capacity analysis to support the development proposal. However, as noted earlier the cumulative impacts on the servicing infrastructure as a result of applying 7 times density to all similar developable sites along this segment of Sheppard Avenue East has not been addressed by the Functional Servicing Report.

### **Open Space/Parkland**

The Official Plan contains policies to ensure that Toronto's systems of parks and open spaces are maintained, enhanced and expanded. Map 8B of the City of Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 1.57 to 2.99 hectares of local parkland per 1,000 people. The site is in the second highest quintile of current provision of parkland. The site is in a parkland priority area, as per Chapter 415, Article III, of the Toronto Municipal Code.

At the alternative rate of 0.4 hectares per 300 units specified in Chapter 415, Article III, of the Toronto Municipal Code, the parkland dedication requirement is 733 m<sup>2</sup> or 81.33 % of the site area. However, for sites that are less than 1 hectare in size, a cap of 10% of the development site is applied to the residential use while the non-residential use is subject to a 2% parkland dedication. In total, the parkland dedication requirement is 91 square metres.

The applicant is required to satisfy the parkland dedication requirement through an on-site dedication of 91 square metres. Further discussion is required pertaining to the specific configuration and location of the on-site parkland dedication. The land to be conveyed should meet the requirements set out in Policy 8 of Section 3.2.3 (Parks and Open Spaces) of the Official Plan. The park block shall be determined to the satisfaction of the General Manager, Parks, Forestry and Recreation.

## **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, tree preservation plan and landscape plan have been submitted and circulated for review. Urban Forestry staff have reviewed these plans and reports and requires revisions and additional information to address tree preservation and tree planting requirements. One of the issues that needs to be addressed is that the proposed landscape plan shows a planting buffer at the rear of the property having a width of 0.85 metres wide. Urban Forestry finds the width of this planting bed inadequate to support larger growing canopy trees. Urban Forestry requires a revised landscape plan increasing the width of the planting bed to a minimum of 1.2 metres along the rear property line and the planting of three accolade elm trees equally spaced at 8.0 metres to provide a buffer for the neighbouring properties to the south of the subject site.

## **Unit Mix**

The proposed building would contain 21 one-bedroom, 23 one-bedroom plus den, and 11 two-bedroom units for a total of 55 residential units. No three-bedroom units are proposed in this development application. Section 3.2.1 (Housing) of the City's Official Plan states that "a full range of housing in terms of form, tenure and affordability, across the City and within neighbourhoods, will be provided and maintained to meet the current and future needs of residents." Planning staff have a concern with the applicant's proposal not containing any three-bedroom units. The Growing Up Draft Urban Design Guidelines suggest at least 10% of the units to be 3-bedroom units or larger.

## **Toronto Green Standard**

Council adopted the four-tier Toronto Green Standard (TGS) on December 5, 2017. The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendment and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement.

If the Local Planning Appeal Tribunal allows an appeal to permit development on this property, the applicant is required to meet Tier 1 of the TGS. Performance measures for the Tier 1 development features will be secured through the implementing zoning by-law and the associated site plan application and site plan agreement.

## **Site Plan Control Application**

As noted in this report, significant issues have been identified including, but not limited to, site organization, height, density, transition, massing, and site servicing and loading. There are additional site plan issues that require further review and are outstanding, such as, but not limited to type, location and amount of landscaping and planting materials; streetscape design; and materiality and treatment of building facades.

This report recommends that the City Solicitor be directed to oppose the site plan in its current form and to request the Local Planning Appeal Tribunal to withhold the final order pending finalization of the site plan application to the satisfaction of the Director, Community Planning, North York District, should the Tribunal approve the application.

## **Conclusion**

While the City is supportive of intensification at this site, the proposed development does not provide an appropriate transition to the adjacent *Neighbourhoods* area to the rear of the site and is considered an overdevelopment of the property. The proposal has been reviewed against the policies of the PPS (2014), the Growth Plan (2017), the Toronto Official Plan, and the Sheppard Avenue Commercial Area Secondary Plan. Staff are of the opinion that the proposal is not consistent with the PPS (2014) and conflicts with the Growth Plan (2017). Further, the proposal is not in keeping with the intent of the Toronto Official Plan, the Sheppard Avenue Commercial Area Secondary Plan, and the Avenues and Mid-Rise Building Guidelines, particularly as it relates to site organization, height, density, transition, massing, privacy, and overlook impacts. Approval of the mixed-use building proposal would introduce a built form context that is unsupported by policies and guidelines and could set a precedent to be replicated throughout the Sheppard Avenue East corridor. The proposal does not represent good planning and is not in the public interest. Staff recommend that Council refuse the Official Plan Amendment application and authorize the City Solicitor and appropriate staff to attend the Local Planning Appeal Tribunal in opposition to the Zoning By-law Amendment application and the Site Plan Control application.

## **CONTACT**

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E-mail: [Perry.Korouyenis@toronto.ca](mailto:Perry.Korouyenis@toronto.ca)

## **SIGNATURE**

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Joe Nanos, Director  
Community Planning, North York District



## **ATTACHMENTS**

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### **City of Toronto Data/Drawings**

Attachment 1: Figure 1: Application Data Sheet

Attachment 2: Figure 2: Location Map

Attachment 3: Figure 3: Official Plan Land Use Map

Attachment 4: Figure 4: Sheppard Avenue Commercial Area Secondary Plan

Attachment 5: Figure 5: Existing Zoning By-law Map (Zoning By-law No. 7625)

### **Applicant Submitted Drawings**

Attachment 6: Figure 6: Site Plan [as provided by applicant]

Attachment 7a: Figure 7a: North Elevation [as provided by applicant]

Attachment 7b: Figure 7b: East Elevation [as provided by applicant]

Attachment 7c: Figure 7c: South Elevation [as provided by applicant]

Attachment 7d: Figure 7d: West Elevation [as provided by applicant]

## Attachment 1: Figure 1: 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).

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
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				<b>Total</b>
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

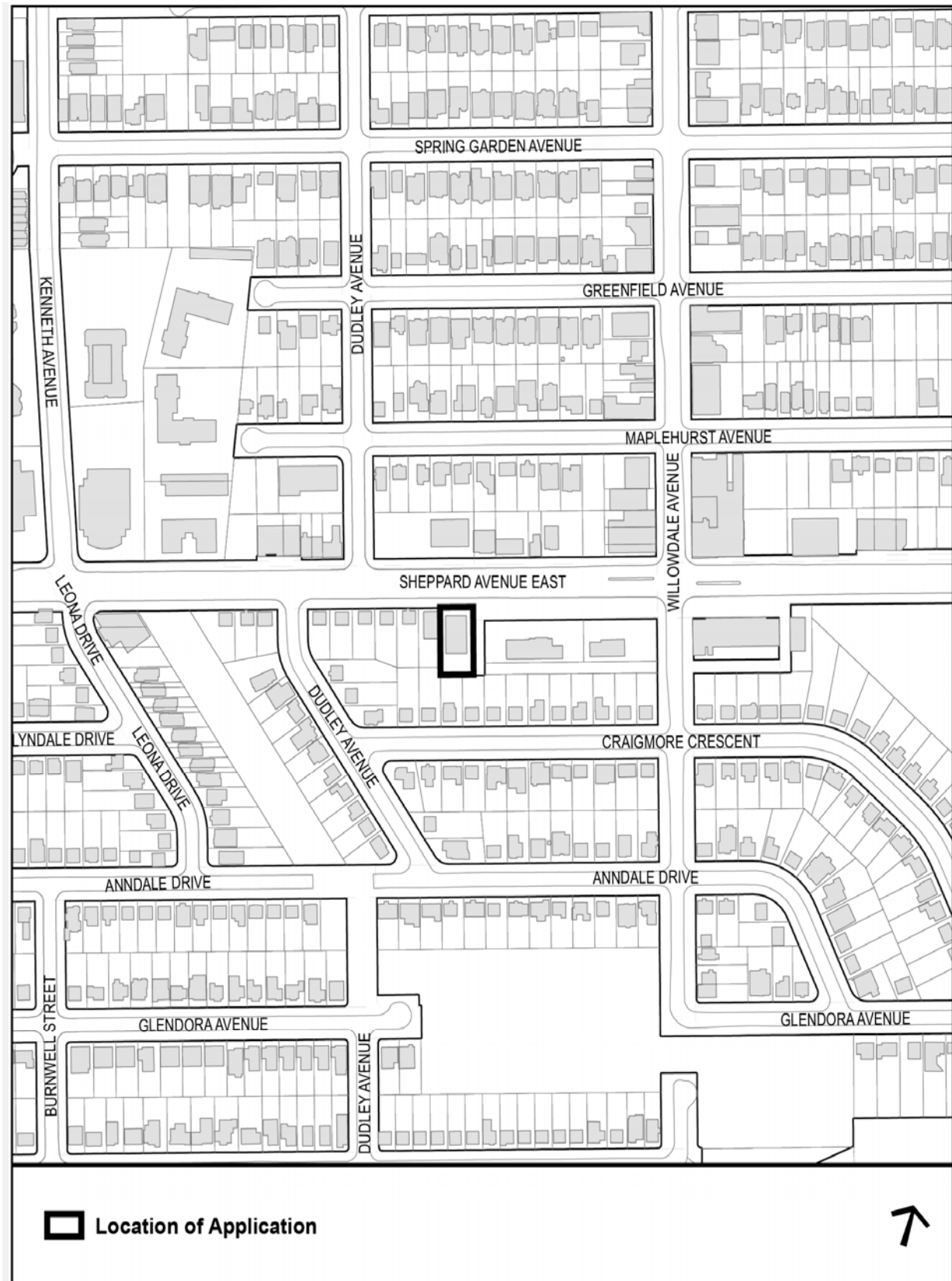
Tenure Type:	Condo
Rooms:	0
Bachelor:	0
1 Bedroom:	44
2 Bedroom:	11
3 + Bedroom:	0
Total Units:	55

### FLOOR AREA BREAKDOWN (upon project completion)

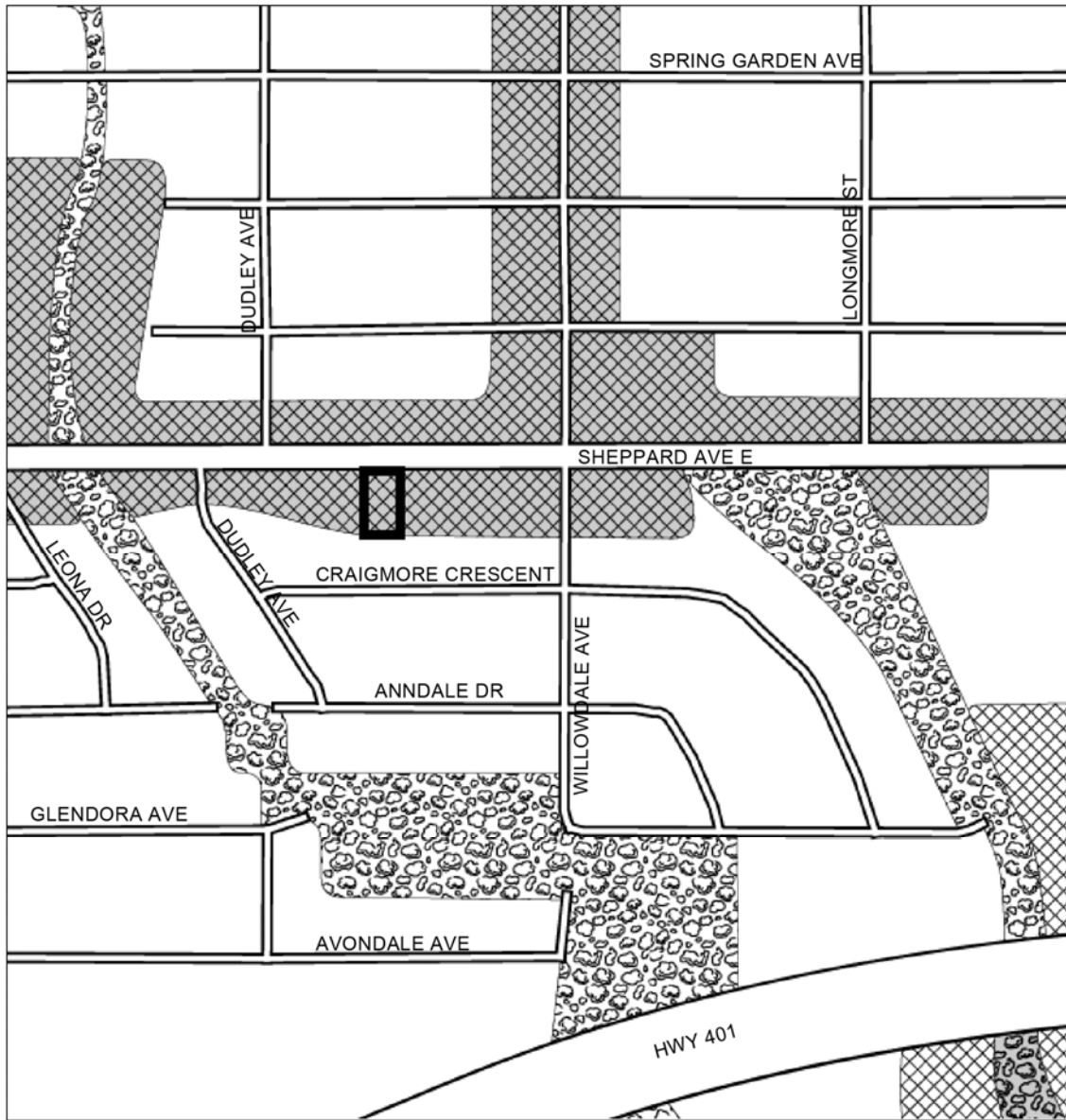
		Above Grade	Below Grade
Residential GFA (sq. m):	6305	6305	0
Retail GFA (sq. m):	205	205	0
Office GFA (sq. m):	0	0	0
Industrial GFA (sq. m):	0	0	0
Institutional/Other GFA (sq. m):	0	0	0

<b>CONTACT:</b>	<b>PLANNER NAME:</b>	Perry Korouyenis, Senior Planner
	<b>TELEPHONE/EMAIL:</b>	(416) 395-7110 / Perry.Korouyenis@toronto.ca

Attachment 2: Figure 2: Location Map










Attachment 3: Figure 3: Official Plan Land Use Map



**TORONTO**  
Extract from Official Plan

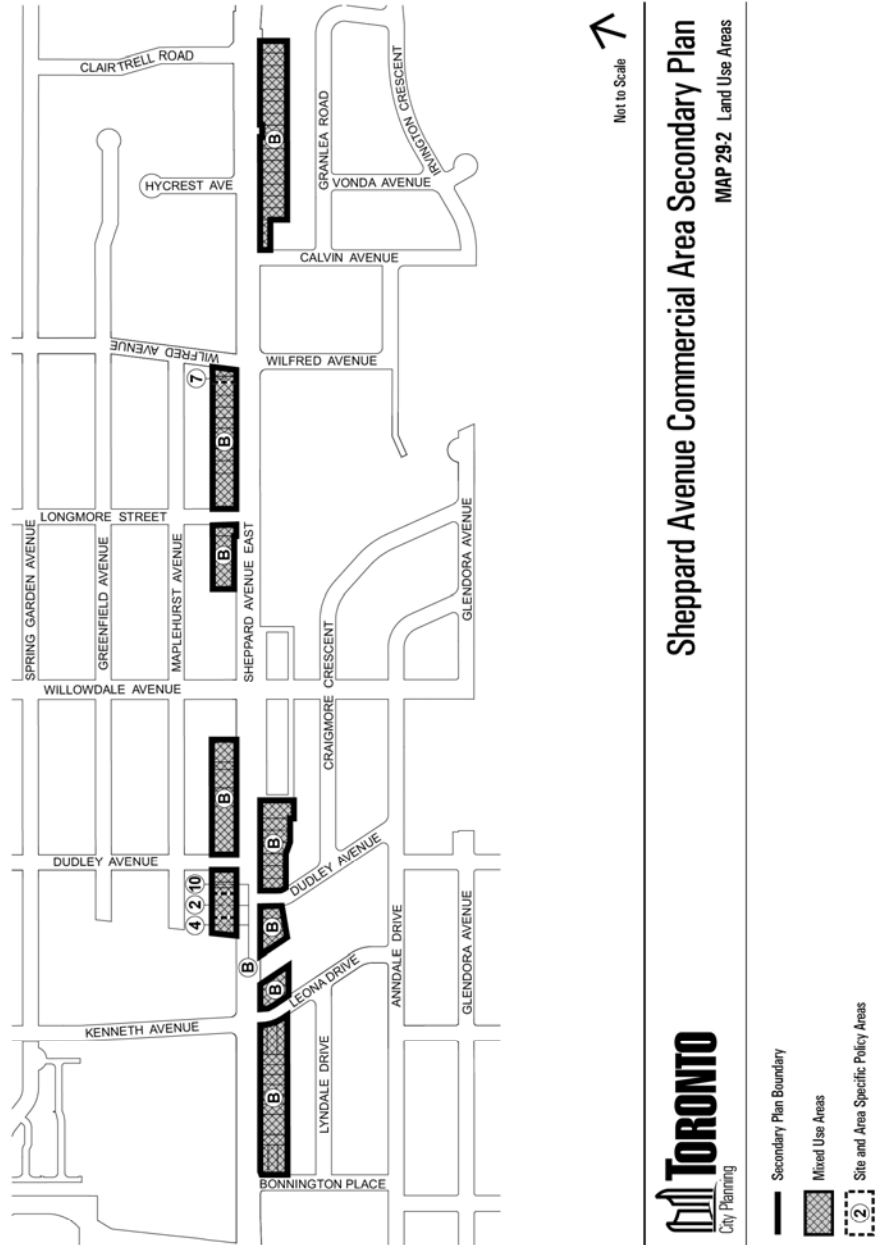
145 Sheppard Avenue East

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: Figure 4: Sheppard Avenue Commercial Area Secondary Plan



Sheppard Avenue Commercial Area Secondary Plan  
MAP 29.2 Land Use Areas

- Secondary Plan Boundary
- ▨ Mixed Use Areas
- ② Site and Area Specific Policy Areas

November 2015

Attachment 5: Figure 5: Existing Zoning By-law Map (Zoning By-law No. 7625)



Zoning By-Law No. 7625

145 Sheppard Avenue East

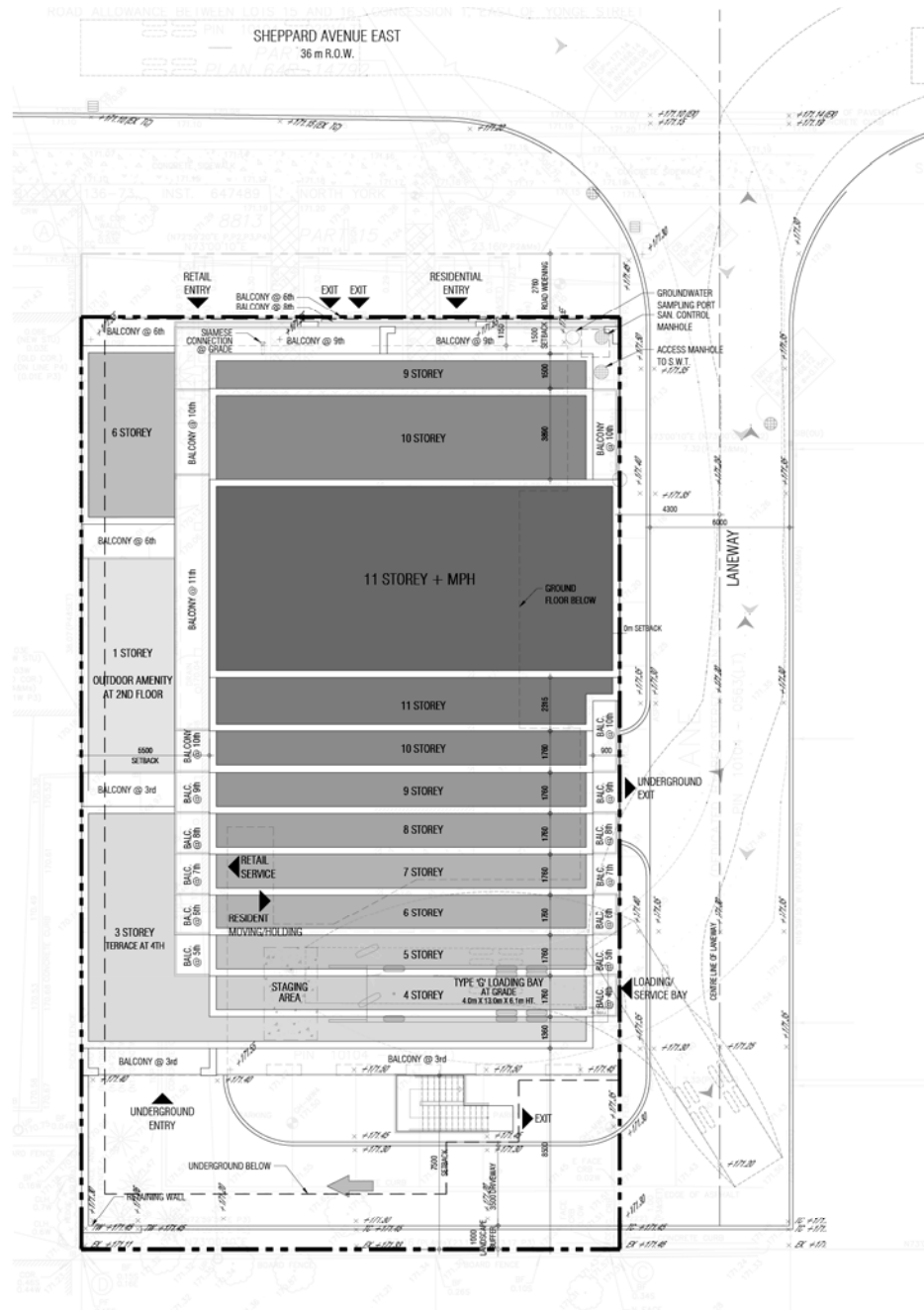
File # 17 264567 NNY 23 0Z

 Location of Application

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

  
 Not to Scale  
 Extracted: 01/18/2018

Attachment 6: Figure 6: Site Plan [as provided by applicant]



## Site Plan

Applicant's Submitted Drawing

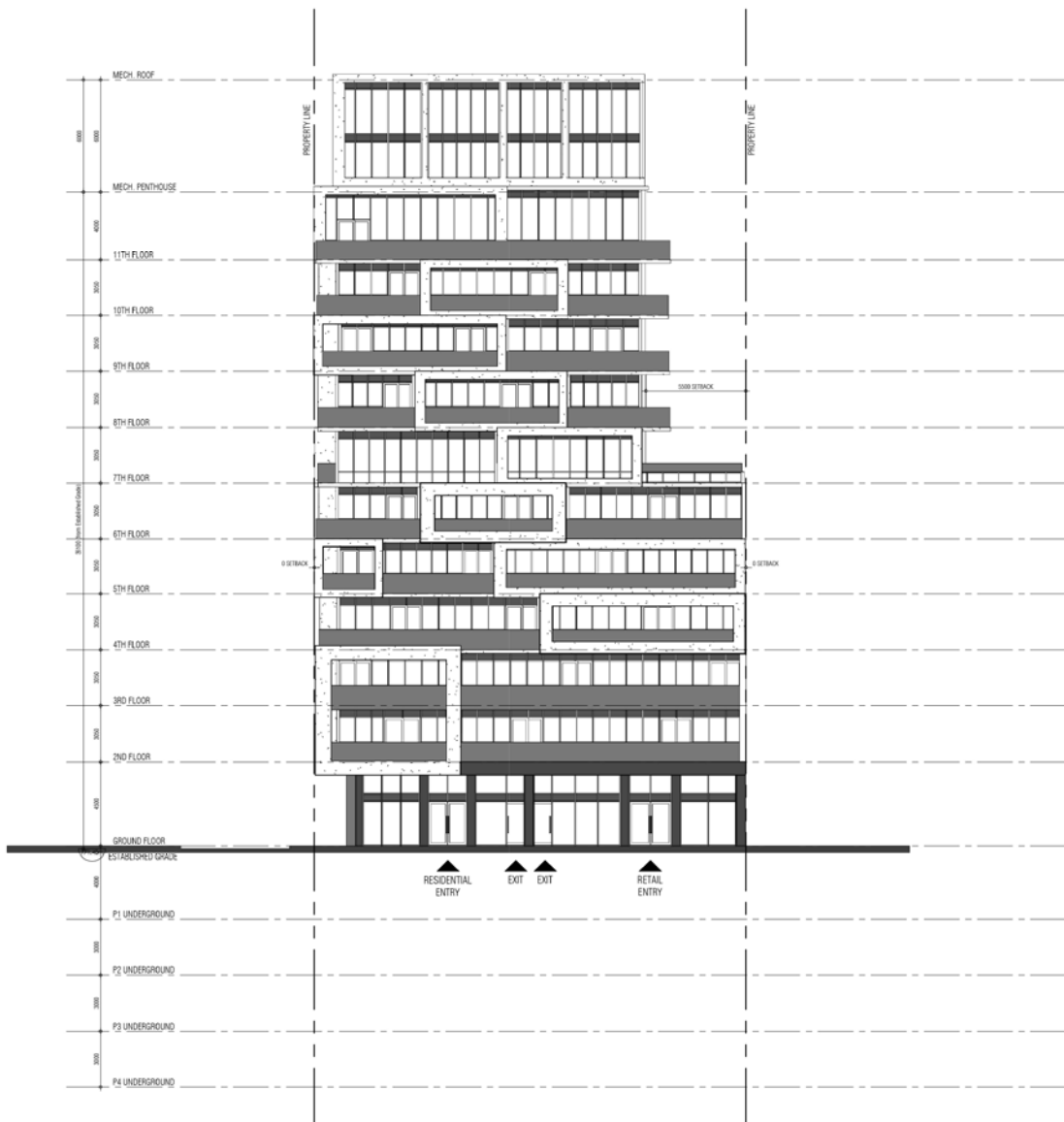
Not to Scale  
01/18/2018



## 145 Sheppard Avenue East

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Attachment 7a: Figure 7a: North Elevation [as provided by applicant]



NORTH ELEVATION

**North Elevation**

Applicant's Submitted Drawing

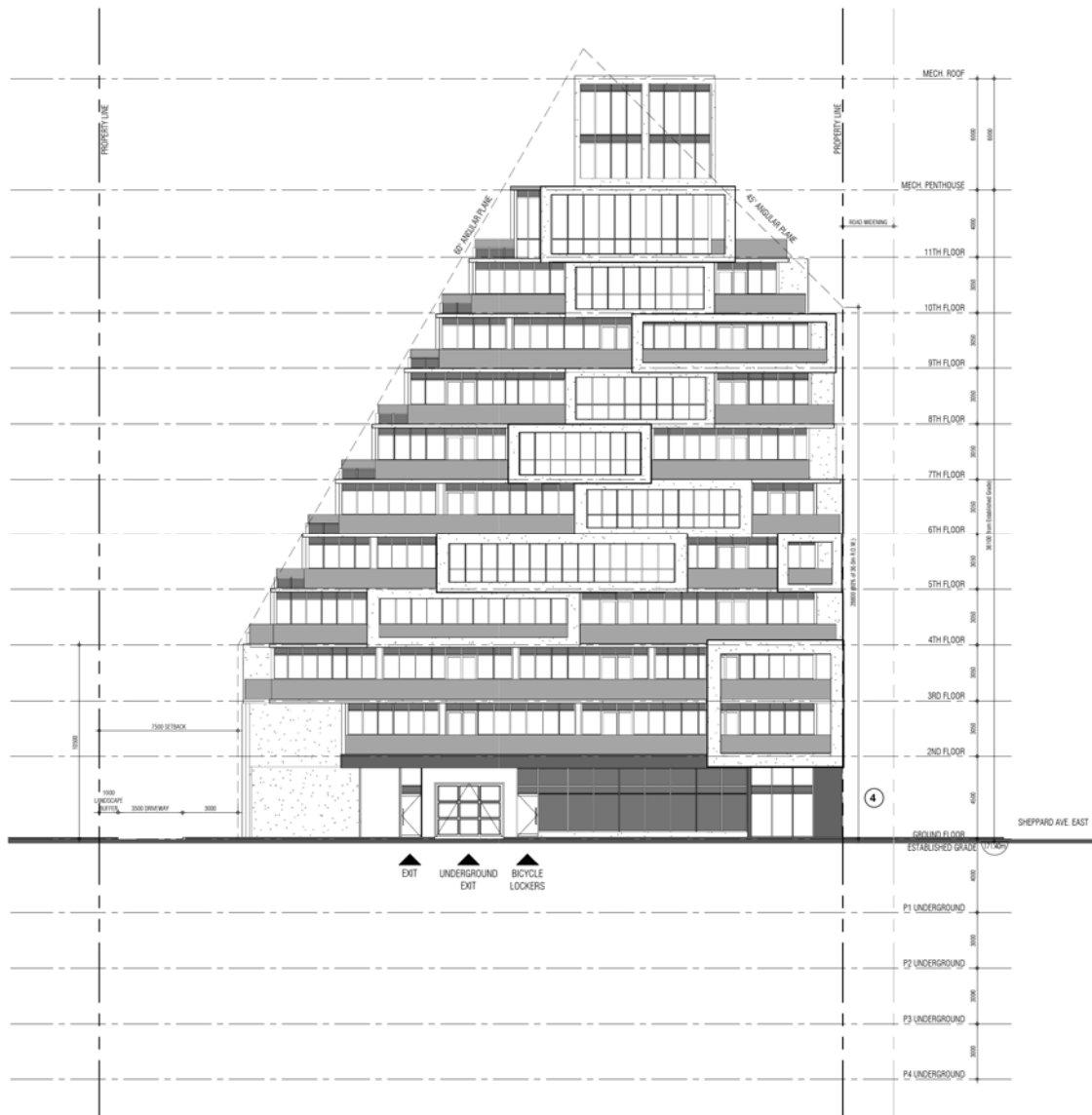
Not to Scale  
01/18/2018

**145 Sheppard Avenue East**

File # 17 264567 NNY 23 0Z



Attachment 7b: Figure 7b: East Elevation [as provided by applicant]



EAST ELEVATION

**East Elevation**

Applicant's Submitted Drawing

Not to Scale  
01/18/2018

**145 Sheppard Avenue East**

File # 17 264567 NNY 23 OZ

Attachment 7c: Figure 7c: South Elevation [as provided by applicant]



SOUTH ELEVATION

**South Elevation**

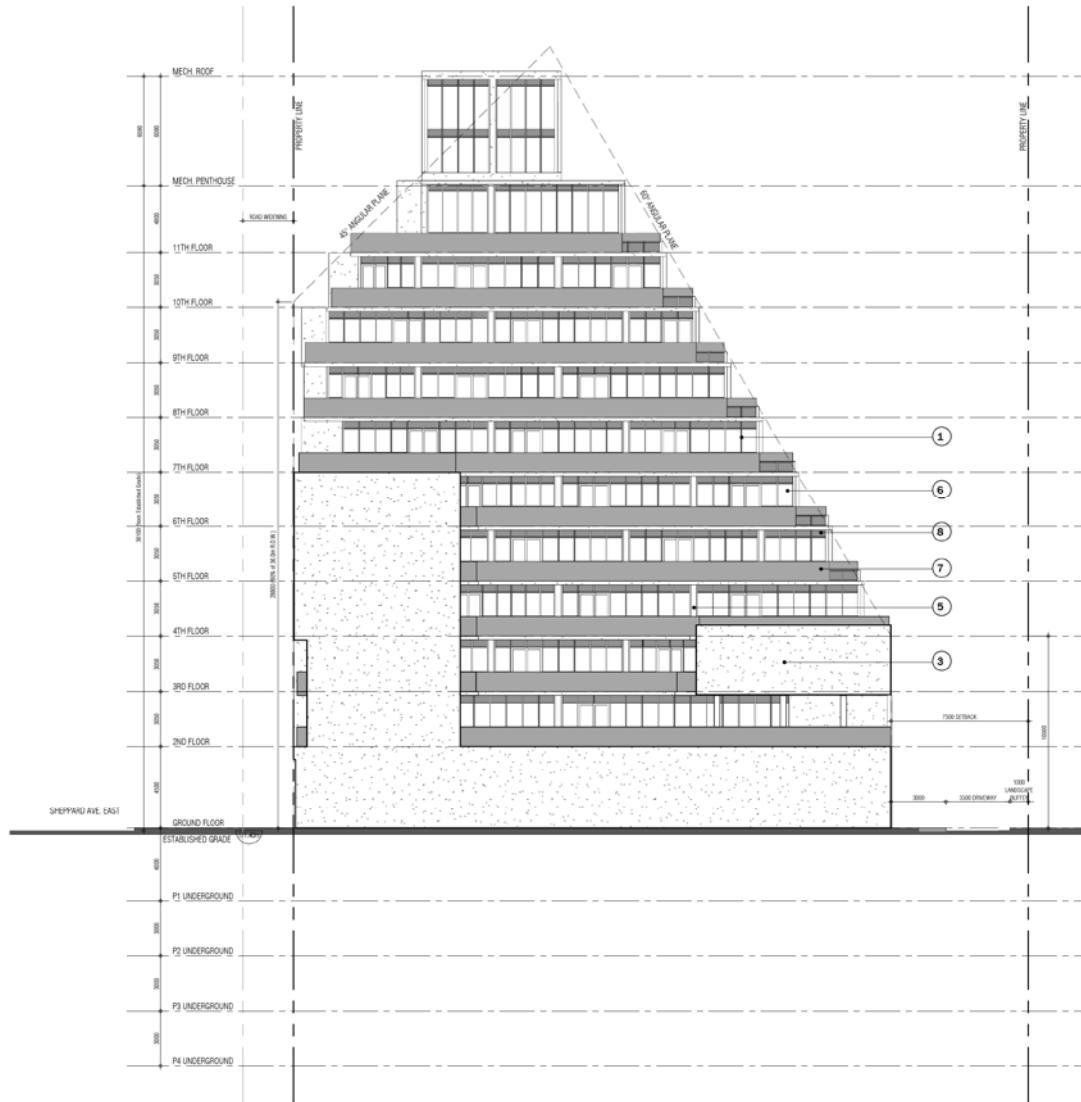
**145 Sheppard Avenue East**

Applicant's Submitted Drawing

Not to Scale  
01/18/2018

File # 17 264567 NNY 23 0Z

Attachment 7d: Figure 7d: West Elevation [as provided by applicant]



WEST ELEVATION

**West Elevation**

Applicant's Submitted Drawing

Not to Scale  
01/18/2018

**145 Sheppard Avenue East**

File # 17 264567 NNY 23 0Z