

2993-3011 Sheppard Avenue East and 1800-1814 Pharmacy Avenue - Official Plan Amendment and Zoning Amendment Applications – Preliminary Report

Date: November 15, 2019

To: Scarborough Community Council

From: Director, Community Planning, Scarborough District

Wards: Ward 22 - Scarborough-Agincourt

Planning Application Number: 19 220917 ESC 22 OZ

Notice of Complete Application Issued: September 27, 2019

Current Uses on Site: 1-2 storey commercial plaza with surface parking at 2993-3011 on Sheppard Avenue East and a 1-storey plaza with surface parking at 1800-1814 Pharmacy Avenue.

SUMMARY

This report provides information and identifies a preliminary set of issues regarding the application located at 2993-3011 Sheppard Avenue East and 1800-1814 Pharmacy Avenue. Staff are currently reviewing the application, which proposes intensification of lands adjacent to lands designated *Neighbourhoods*. As such, this report also seeks City Council direction on undertaking an area based study of a portion of the Sheppard Avenue East corridor in proximity to the development application and determining whether an area specific zoning by-law or policy framework should be created.

The development application has been circulated to all appropriate agencies and City divisions for comment. Staff will proceed to schedule a community consultation meeting for the application with the Ward Councillor.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Planning staff schedule a community consultation meeting for the application at 2993-3011 Sheppard Avenue East and 1800-1814 Pharmacy Avenue together with the Ward Councillor.
2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the application site, and to additional residents, institutions and

owners to be determined in consultation with the Ward Councillor, with any additional mailing costs to be borne by the applicant.

3. City Council direct staff to conduct an area (land use) study and evaluate this application in the context of other submitted development proposals, potential development sites and existing development within the area bounded generally by 10 Chichester Place and 2941 Sheppard Avenue East to the west and the former hydro corridor to the east, as shown in Attachment 6 to the report dated November 15, 2019 from the Director, Community Planning, Scarborough District.

4. City Council direct staff to determine, based on the area land use study examining the existing planning framework for the lands shown in Attachment 6 to the report dated November 15, 2019 from the Director, Community Planning, Scarborough District, whether amending the Official Plan and/or zoning by-law with area specific measures is appropriate for all or part of this area.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

Pre-Application Consultation

City staff met with the applicant twice (August 13, 2018 and June 4, 2019) prior to submission of the application to discuss the proposal and identify complete application requirements.

ISSUE BACKGROUND

Application Description

This application proposes to amend the Official Plan, Sullivan Community Zoning By-law 10717, as amended, and City-wide Zoning By-law 569-2013, as amended for the properties at 2993-3011 Sheppard Avenue East and 1800-1814 Pharmacy Avenue. The proposed amendments seek to permit the construction of a 21-storey mixed-use building, consisting of a 7-storey base building and 21-storey tower with a total gross floor area of approximately 29,308 square metres and floor space index of 4.45. The proposed development would include 433 residential units and 1,340 square metres of commercial uses at grade. A total of 339 vehicular parking spaces are proposed, which are located in 3 levels of underground parking along with 4 spaces at grade. Vehicular access and loading is provided from Pharmacy Avenue.

Detailed project information is found on the City's Application Information Centre at: <https://www.toronto.ca/city-government/planning-development/application-information-centre/>

See Attachment 1 and 2 of this report for a three dimensional representation of the project in context.

Provincial Policy Statement

Land use planning in the Province of Ontario is a policy led system. Any decision of Council related to this application is required to be consistent with the Provincial Policy Statement (2014) (the "PPS"). The PPS and all Provincial Plans may be found on the Ministry of Municipal Affairs and Housing website.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) (the "Growth Plan (2019)") came into effect on May 16, 2019. This new plan replaces the previous Growth Plan for the Greater Golden Horseshoe, 2017. The Growth Plan (2019) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part. The Growth Plan, 2019 establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the *Planning Act* that comprehensively applies the policies and schedules of the Growth Plan (2019), including the establishment of minimum density targets for and the delineation of strategic growth areas, the conversion of provincially significant employment zones, and others.

Policies not expressly linked to a MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and a vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- 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 (2019) 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 (2019) 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.

Toronto Official Plan Policies and Planning Studies

The City of Toronto Official Plan is a comprehensive policy document that guides development in the City, providing direction for managing the size, location, and built form compatibility of different land uses and the provision of municipal services and facilities. Authority for the Official Plan derives from the *Planning Act* of Ontario. The PPS recognizes the Official Plan as the most important document for its implementation. Toronto Official Plan policies related to building complete communities, including heritage preservation and environmental stewardship may be applicable to any application. Toronto Official Plan policies may be found here:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

The current application is located on lands designated as *Neighbourhoods* on Land Use Plan Map 19. Sheppard Avenue East at this location is identified as an *Avenue* on the Urban Structure Map 2, and is also identified as a Higher Order Transit Corridor on Map 4 and a Transit Priority Segment on the Surface Transit Priority Network on Map 5.

Zoning By-laws

The site is zoned Neighbourhood Commercial in the Sullivan Community Zoning By-law 10717, as amended. This zone type permits a range of retail commercial uses serving the adjacent residential neighbourhood, including automobile service stations, banks, business and professional services, personal service shops, retail stores, and restaurants, and day nurseries. Residential uses are not permitted. The maximum permitted density is 33% of the lot area. Other performance standards include minimum setbacks of 7.5 metres at the rear yard, 3 metres from Pharmacy Avenue, and the greater of 3 metres or 21 metres from the centreline of the original road allowance of Sheppard Avenue.

The site is zoned Commercial Local in By-law 569-2013, as amended. The Commercial Local Zone similarly permits for a wide variety of community service and business uses, such as community centres, shelters, libraries, parks, retail services, personal service shops, financial institutions, offices, veterinary hospitals, financial institutions, and eating establishments. Residential uses are not permitted, except as secondary suites. The maximum permitted density is 33% and the maximum permitted height is 10 metres.

The City's zoning By-law 569-2013 may be found here: <https://www.toronto.ca/city-government/planning-development/zoning-by-law-preliminary-zoning-reviews/zoning-by-law-569-2013-2/>

Design Guidelines

The following design guidelines will be used in the evaluation of this application: Tall Building Guidelines, Mid-Rise Building Performance Standards and Addendum, Growing Up: Planning for Children in New Vertical Communities, Accessibility Design Guidelines, and Bird Friendly Guidelines.

The City's Design Guidelines may be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/>

Site Plan Control

The application is subject to Site Plan Control. A Site Plan Control application has not been submitted.

COMMENTS

Reasons for the Application

Official Plan amendment and rezoning applications are required in order to permit the proposed land uses, building height and density. Performance standards also are required to establish appropriate building location, setbacks, massing, and parking requirements to facilitate the proposed development.

Issues to be Resolved

The application has been circulated to City divisions and public agencies for comment. At this stage in the review, the following preliminary issues have been identified:

Provincial Policies and Plans Consistency/Conformity

The proposed development will be evaluated using the Provincial Policy Statement (2014) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) to determine consistency with the PPS and conformity with the Growth Plan.

The application will be evaluated to determine whether or not the application supports and is consistent with relevant PPS policies, including but not limited to: land use patterns and locations for intensification and redevelopment in settlement areas (1.1.3.2 and 1.1.3.3), providing an appropriate range and mix of housing types and densities (1.4.3), transportation systems and transportation demand management (1.6.7.2 and 1.6.7.4), and implementation and interpretation (4.7).

Key Growth Plan policies that will be used to evaluate this application include, but are not limited to: managing growth (policy 2.2.1.4) which supports the achievement of complete communities, intensification in delineated built-up areas (policy 2.2.2.3 b, d, and f), transit corridors (2.2.4.10) and housing policies enabling municipalities to require multi-unit residential developments to incorporate a mix of unit sizes (2.2.6.3). Sheppard Avenue East is identified as a *Priority Transit Corridor* on Schedule 5 of the Growth Plan.

Official Plan Conformity

Staff are reviewing the appropriateness of the proposed Official Plan amendment. Key Official Plan policies that will be used to evaluate this application review include, but are

not limited to: structuring growth (2.2); land use designations (chapter 4); *Avenues* policies for reurbanizing arterial roads (2.2.3); healthy neighbourhoods policies (2.3.1); transportation change policies (2.4), particularly those related to travel demand management and supporting active transportation; built form and tall building policies (3.1.2 and 3.1.3); and public realm policies (3.1.1).

Land Use Designation

Land use designations are among the Official Plan's most important implementation tools for achieving the vision established in the Plan.

The subject lands are designated *Neighbourhoods*. *Neighbourhoods* are physically stable areas made up of primarily residential uses in lower-scale buildings, as well as walk-up apartments up to 4 storeys. Small-scale retail, service and office uses, as well as parks, low-scale institutions, home occupations, cultural and recreational facilities are also permitted.

The application proposes to redesignate the property from *Neighbourhoods* to *Apartment Neighbourhoods* to accommodate the proposed height and scale of the building. Like *Neighbourhoods*, established *Apartment Neighbourhoods* are considered physically stable areas which are generally not anticipated to accommodate significant growth. The *Apartment Neighbourhoods* designation permits a greater scale of buildings than the *Neighbourhoods* designation and applies different scale-related criteria to evaluate development, with a focus towards facilitating compatible infill development on underutilized sites within established *Apartment Neighbourhoods*.

Mixed Use Areas permit a broad array of residential, commercial, and institutional uses in single use or mixed use buildings, as well as parks and open spaces. The Official Plan encourages growth along mixed use sections of *Avenues*. Development criteria in *Mixed Use Areas* are similar to *Apartment Neighbourhoods* in many respects but emphasize planning for growth rather than infill development of existing apartment sites. Development criteria unique to *Mixed Use Areas* include providing new jobs and homes, creating a balance of high quality uses to reduce automobile dependency and meet the needs of the local community, taking advantage of nearby transit services, providing opportunities for green infrastructure and energy conservation, and providing access to community services and social infrastructure necessary to support new growth, such as parks, community centres, libraries and childcare.

Should the planning review of the application determine that the proposed development is desirable, the review will also consider what land use designation would be most appropriate for this site.

Area Study of Sheppard/Pharmacy

The site falls along an *Avenue* and *Priority Transit Corridor* with planned higher order transit and existing priority surface transit. The segment of Sheppard Avenue East in the vicinity of its intersection with Pharmacy Avenue has experienced significant development interest. An 18-storey building is under construction at the southeast corner of Sheppard Avenue East and Pharmacy Avenue. This development is visible in

Attachment 1, Model of Proposal in Context. The northwest corner of the same intersection has been approved for a 15-storey development.

When considering a site specific amendment such as the subject application, Official Plan policy requires the planning review to identify at the earliest point possible whether the application should be considered within its immediate context or whether a broader review and possible area specific policy or general policy change are appropriate (policy 5.3.1.3). Staff recommend that the subject application be evaluated within the context of the broader area given the recent development interest along this segment of Sheppard Avenue East.

Policy 2.3.1.4 identifies that intensification of land adjacent to neighbourhoods will be carefully controlled to protect these stable areas from negative impact. This policy also provides Council the opportunity to determine, through the review of applications involving significant intensification adjacent to *Neighbourhoods* or *Apartment Neighbourhoods*, whether a Secondary Plan, area specific zoning by-law or area specific policy should be created in consultation with the local community following an *Avenue Study* or area based study. The policy requires City Council to make this determination at the earliest point in the processes.

Avenues are important corridors along major streets where reurbanization and intensification is encouraged. Reurbanizing the *Avenues* will be achieved through preparation of *Avenue Studies* for strategic mixed use segments of the corridor shown on Map 2. Development may be permitted on *Avenues* prior to an *Avenue Study*, provided that development is considered on the basis of all the policies of the Official Plan and implements the policies for the relevant designation area. Not all lands that fall within *Avenues* are designated for growth. Where a portion of an *Avenue* is designated as a neighbourhood, the neighbourhood protection policies in Chapter 4 policies prevail to ensure that any new development respects and reinforces the physical character of established neighbourhoods.

An Avenue Segment Study was submitted with the application to evaluate the lands and help determine redevelopment potential along Sheppard Avenue East between Victoria Park Avenue and Warden Avenue. Staff are reviewing this material. The western and eastern portions of this segment were previously evaluated by City staff in the creation of the ConsumersNext Secondary Plan, which is currently under appeal, and the Sheppard/Warden 'Avenue' Study. This report recommends that staff be directed to undertake an area study on the unevaluated segment of Sheppard Avenue East between these two previously studied areas, as shown on Attachment 6 to determine whether an area specific zoning by-law or policy framework should be created.

Built Form, Planned and Built Context

City staff will assess the suitability of the proposed site organization, height, massing, setbacks and stepbacks, and other built form issues based on Section 2 of the *Planning Act*, the Growth Plan (2019), the City's Official Plan policies and applicable Design Guidelines.

Staff will evaluate whether the site is suitable for a tall building or if a mid-rise building form would be more appropriate at this location. The proposed building height, excluding mechanical penthouses, is 65 metres or 21 storeys. The Official Plan describes tall buildings as structures whose heights are greater than the width of the adjacent road allowance (section 3.1.3). The planned right-of-way along Sheppard Avenue East is 36 metres, meaning the proposed building meets the definition of a tall building.

Staff will evaluate whether the proposed building is contextually appropriate in relationship to both the existing and planned context along Sheppard Avenue East and the surrounding stable low-rise residential neighbourhood. Staff will review the relationship between the proposed building and surrounding low-rise residential uses and determine if the appropriate separation distance and transition in scale is being provided. A 45-degree angular plane will be applied to help assess the proposed transition, particularly to the stable low-rise neighbourhood south and southwest of the site along Pharmacy Avenue and Foxhill Road. A shadow study and pedestrian wind study have been submitted and will be reviewed to help assess the impacts of the proposed height and massing on the pedestrian environment and surrounding lands and identify any appropriate mitigation measures.

Other matters to be evaluated include the proposed mix of dwelling unit sizes and the location and size of proposed amenity spaces.

Tree Preservation

The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees By-law) and III (Private Tree By-law).

The Arborist Report and Tree Preservation Plan submitted in support of the application indicate that there are 11 trees which meet the criteria for protection under the Municipal Code. The proposed development would require removal of 5 trees (2 privately owned and 3 City trees) and injury to 5 trees (2 privately owned and 3 bordering the neighbouring property) that are subject to the City's tree protection by-laws. One City tree adjacent to the property is proposed to be preserved.

Urban Forestry Tree Protection Review staff have reviewed this information and have indicated that they do not object to the rezoning application.

Community Services and Facilities

Community Services and Facilities (CS&F) are an essential part of vibrant, strong and complete communities. CS&F are the lands, buildings and structures used for the provision of programs and services provided or subsidized by the City or other public agencies, boards and commissions. They include recreation, libraries, childcare, schools, public health, human services, cultural services and employment services, etc. The timely provision of community services and facilities is as important to the livability of the City's neighbourhoods as "hard" services like sewer, water, roads and transit. The City's Official Plan establishes and recognizes that the provision of and investment in community services and facilities supports healthy, safe, liveable, and accessible.

Providing for a full range of community services and facilities in areas experiencing major or incremental growth, is a responsibility shared by the City, public agencies and the development community.

The applicant submitted a Community Services and Facilities report. City staff are reviewing this report to assess the impact of the proposed development on community facilities.

Section 37 Community Benefits

The Official Plan provides for the use of Section 37 of the *Planning Act* to pass by-laws for increases in height and/or density not otherwise permitted by the Zoning By-law in return for the provision by the applicant of community benefits in the form of capital facilities. It is standard to secure community benefits in a Section 37 Agreement which is then registered on title.

The proposal in its current form seeks a significant increase in height and density. Should the application be recommended for approval, a Section 37 contribution would be warranted. Discussions with the Ward Councillor, City staff, residents, and the applicant would be required to determine the extent and nature of the required Section 37 community benefits.

Infrastructure/Servicing Capacity

Staff are reviewing the application to determine if there is sufficient infrastructure capacity (roads, transit, water, sewage, hydro, community services and facilities, etc.) to accommodate the proposed development.

Staff are reviewing a Functional Servicing Report provided by the applicant to evaluate the effects of the proposed development on the City's municipal servicing infrastructure and watercourses. The review will also identify and provide the rationale for any new infrastructure and upgrades to existing infrastructure that may be necessary to provide adequate servicing to the proposed change in land use or development.

Staff are also reviewing the Transportation Impact Study submitted by the applicant to evaluate the effects of the development on the transportation system and determine if any transportation improvements are necessary to accommodate the transportation impacts generated by the development.

Parking

The applicant is seeking a parking rate below that which is required in By-law 569-2013. The site lies within Policy Area 4, which would require 441 vehicular parking spaces for the number and types of units proposed; whereas, 339 parking spaces, including 1 car sharing space, are proposed. The review will evaluate the appropriateness of permitting a reduced parking rate at this location.

Toronto Green Standard

Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision 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 or Registered Plan of Subdivision.

Staff are reviewing the TGS Checklist submitted by the applicant for compliance with the Tier 1 performance measures.

Other Matters

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

CONTACT

Sophie Knowles, Planner, Community Planning, Scarborough District, Tel. No.416-396-4157, E-mail:Sophie.Knowles@toronto.ca

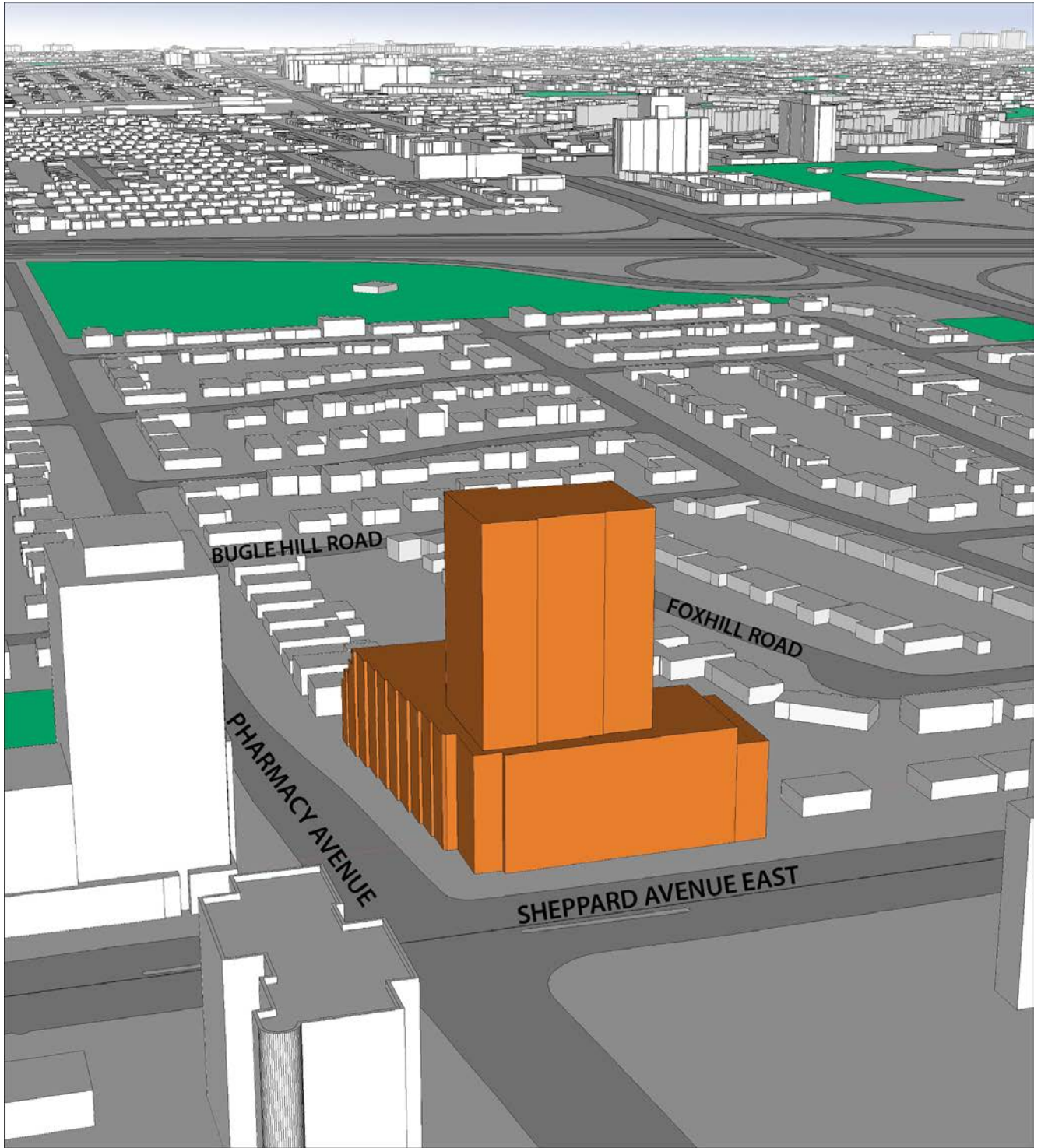
SIGNATURE

Paul Zuliani, RPP, MBA
Director, Community Planning, Scarborough District

ATTACHMENTS

- Attachment 1: 3D Model of Proposal in Context (View 1)
- Attachment 2: 3D Model of Proposal in Context (View 2)
- Attachment 3: Location Map
- Attachment 4: Site Plan
- Attachment 5: Official Plan Map
- Attachment 6: Proposed Sheppard/Pharmacy Area Study Boundary

Attachment 1: 3D Model of Proposal in Context (View 1)

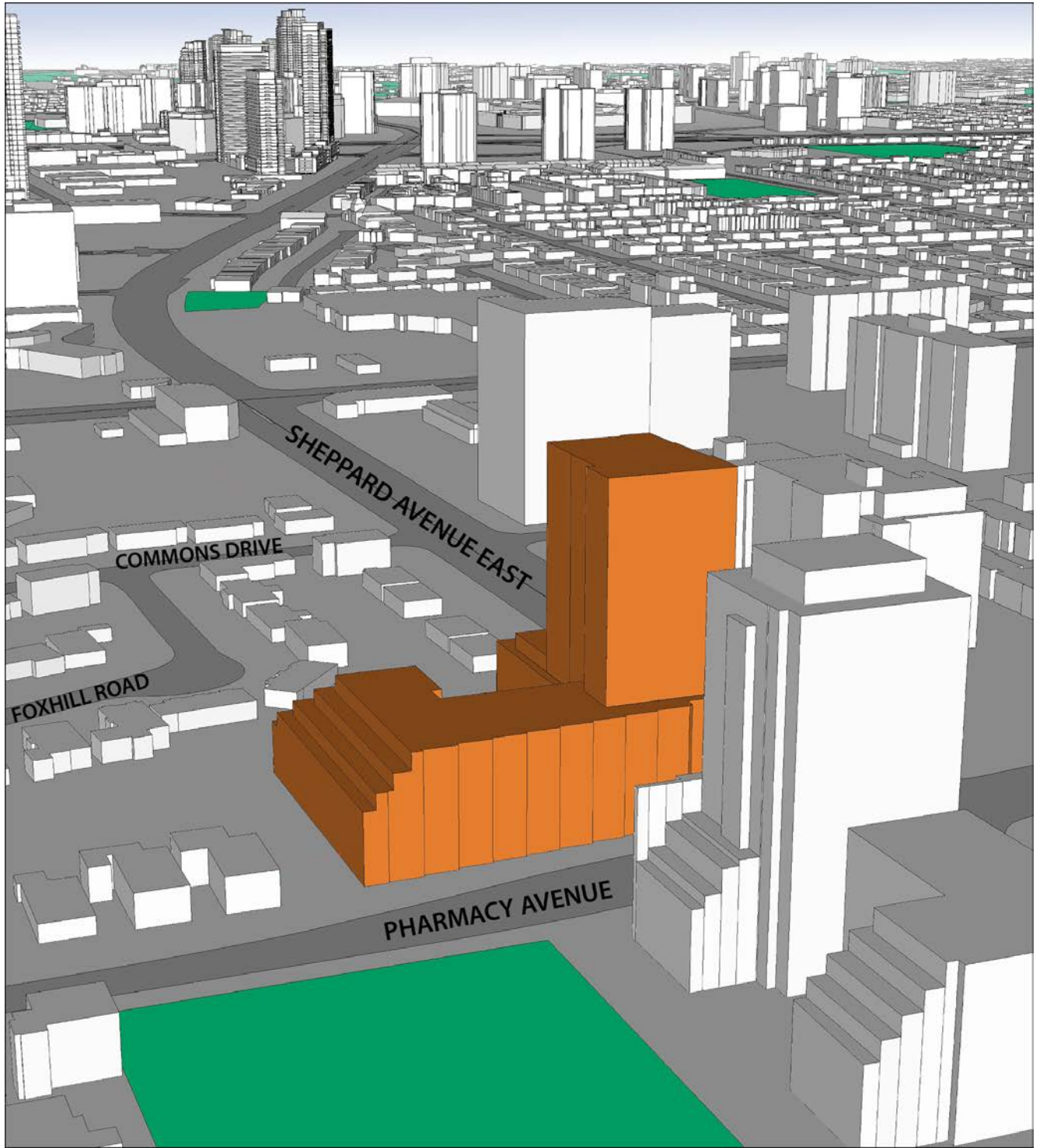


View of Applicant's Proposal Looking Southwest



10/02/2019

Attachment 2: 3D Massing Model of Proposal in Context (View 2)

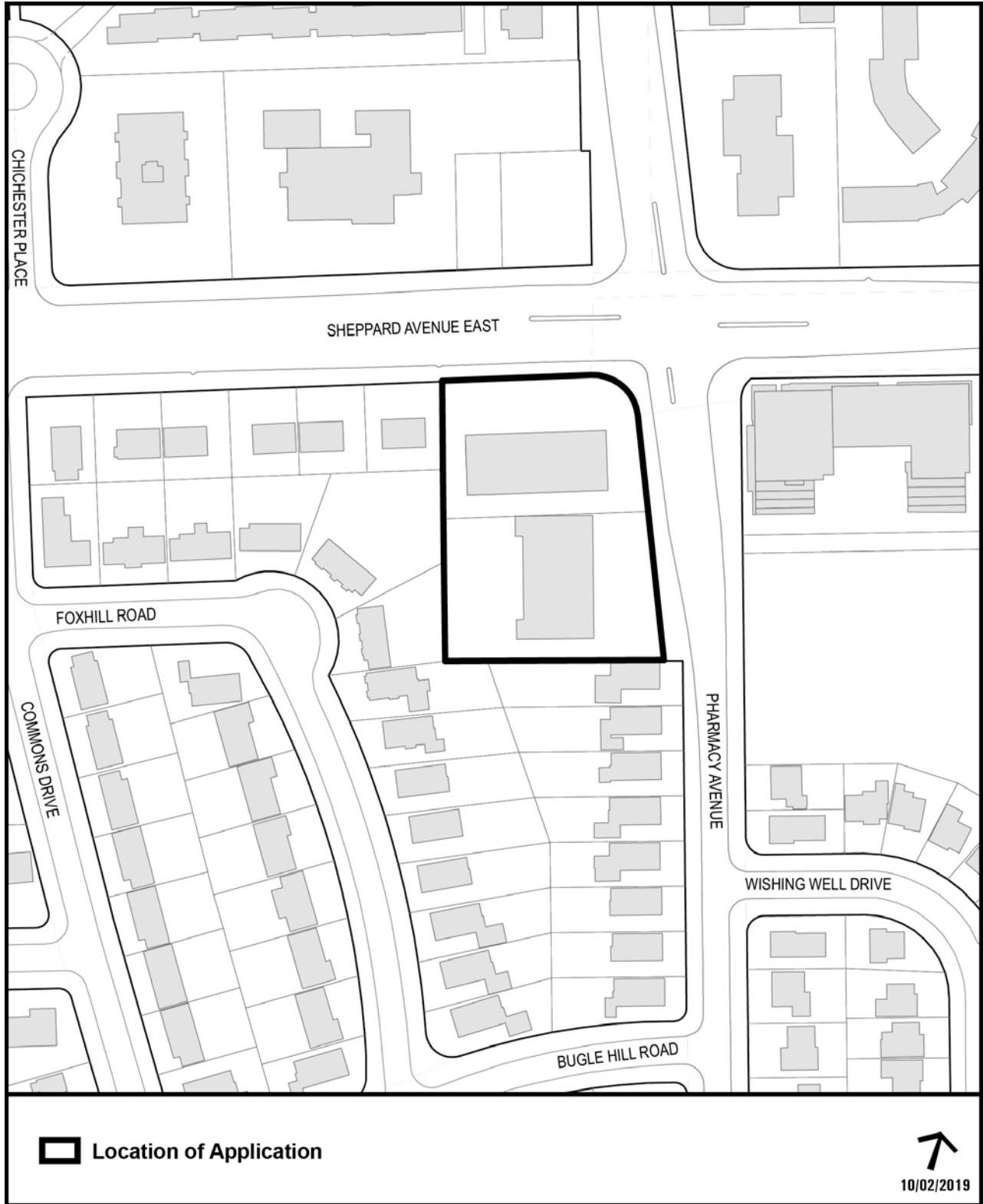


View of Applicant's Proposal Looking Northwest

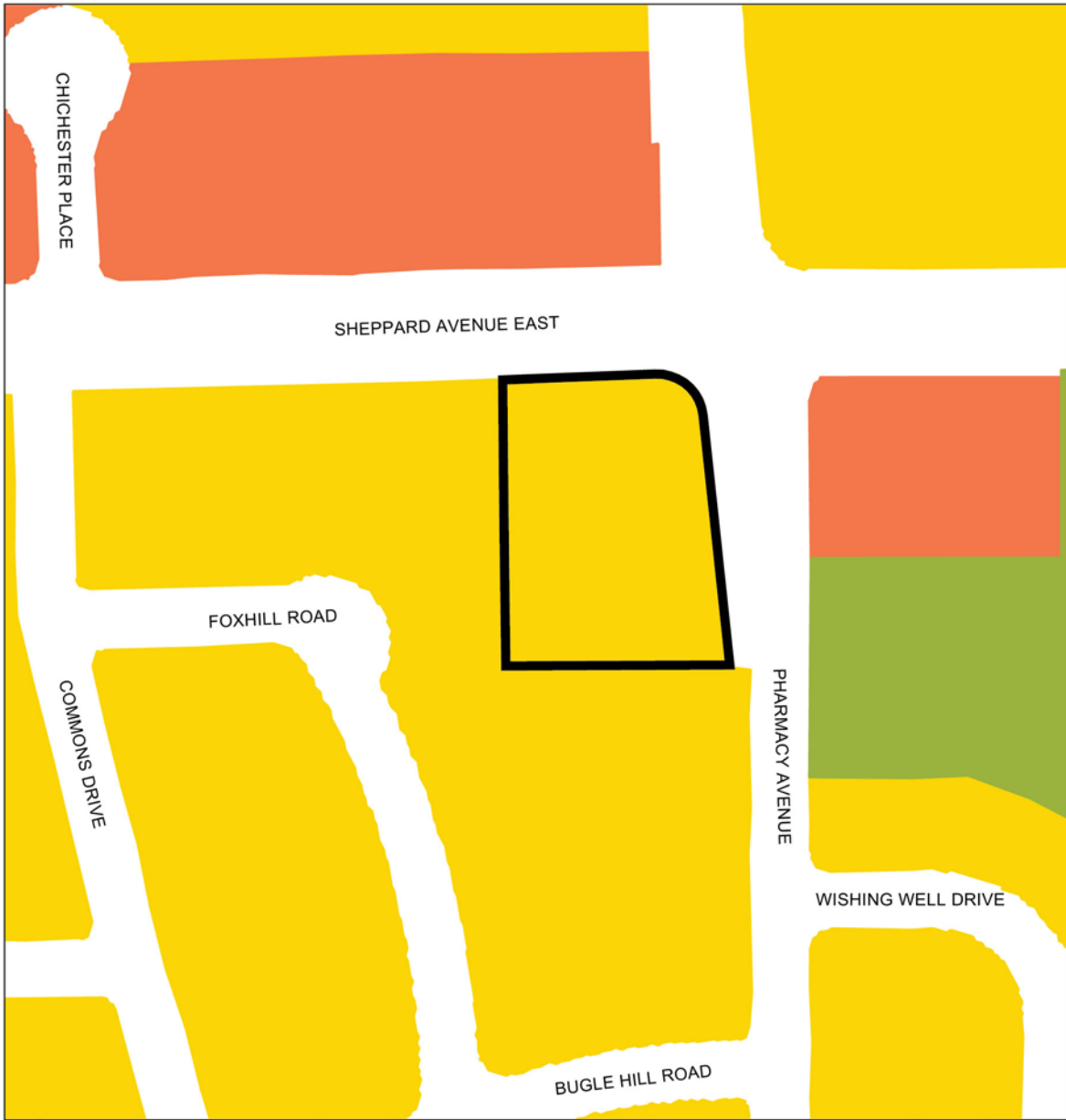


10/02/2019

Attachment 3: Location Map



Attachment 5: Official Plan Map



Official Plan Land Use Map #19

**2993-3011 Sheppard Avenue East
and 1800-1814 Pharmacy Avenue**

File # 19 220917 ESC 22 0Z

-  Location of Application
-  Neighbourhoods
-  Apartment Neighbourhoods
-  Other Open Space Areas


Not to Scale
11/12/2019

Attachment 6: Proposed Sheppard/Pharmacy Area Study Boundary

