

TORONTO STAFF REPORT

June 22, 2004

To: Toronto North Community Council

From: Acting Director, Community Planning, North District

Subject: OMB Settlement Report
Application to amend the Official Plan and Zoning By-law
2025-2045 Sheppard Avenue East
Monarch Construction Limited (Hillier and Graziani and Corazza Architects Inc.)
File Number TB CMB 2002 007
Ward 33 – Don Valley East

Purpose:

This is a settlement report on a proposal to amend the North York Official Plan and Zoning By-law to permit residential, office and commercial development including 900 to 1,070 residential units. As this application has been appealed to the Ontario Municipal Board, this report recommends that the City Solicitor and appropriate City staff bring forward the position outlined in the report to the OMB hearing scheduled to start on September 20, 2004.

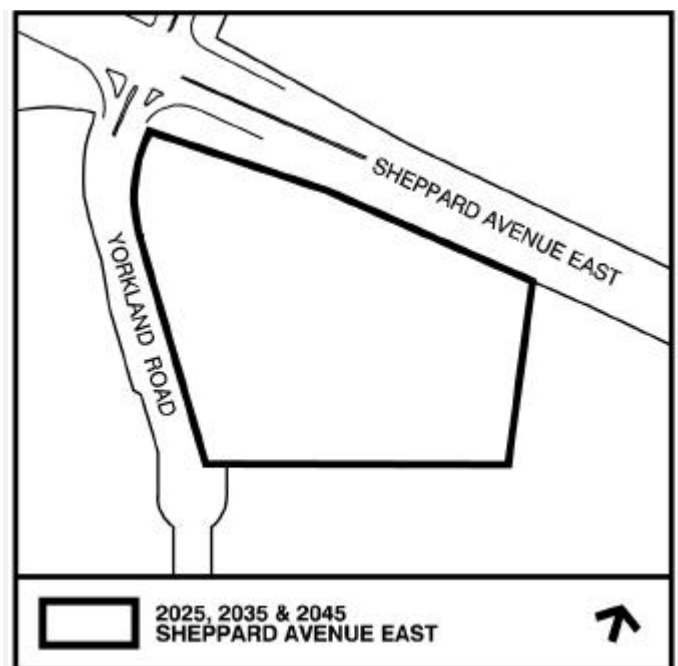
Financial Implications and Impact Statement :

There are no financial implications resulting from the adoption of this report.

Recommendations :

It is recommended that:

- (1) City Council endorse the settlement of the OMB appeal for 2025-2045 Sheppard Avenue East, based on the revised concept submitted by the applicant, which settlement includes the following:
 - (a) The lands located between Sheppard Avenue and the



proposed new road be redesignated in the North York Official Plan to Mixed Use.

- (b) The maximum overall density be limited to 3.5 FSI excluding density exemptions.
 - (c) The maximum gross floor area be limited to 93,814 square metres, excluding density exemptions, of which a minimum of 8,740 square metres shall be for office and commercial uses to be located south of the new public road.
 - (d) The maximum number of dwelling units be limited to 900 to 1,070 units.
 - (e) A commercial use of minimum 464 square metres be built on the south side of the new road prior to or at the same time as construction of the first residential building.
 - (f) Prior to construction of the third residential tower, an office use with a minimum gross floor area of 3,251 square metres shall be built on the south side of the new road.
 - (g) The maximum building heights be limited to 38 storeys for Building A, 30 storeys for Building B, and 25 storeys for Building C.
- (2) Prior to the OMB Hearing, the applicant submit revised detailed plans to the City for review, based on the revised concept discussed in the report and which include the following:
- (a) A Section 41 Site Plan application which includes site, elevation, landscaping and parking drawings and associated data.
 - (b) Any necessary supporting documentation for the revised proposal including a wind tunnel test report and sun/shade report for the proposed maximum heights, to the satisfaction of the Director, Community Planning, North District.
- (3) The detailed zoning by-law incorporate performance standards which include, but is not limited to, regulations on building setbacks, building floor plate and envelopes, build to lines on Sheppard Avenue, parking, building heights, gross floor area, number of dwelling units, minimum indoor recreational amenity space, outdoor open space area, locker space, and Section 37 benefits.
- (4) As part of the detailed review of the revised plans, the applicant shall address the concerns of the commenting departments and agencies including the requirements of the Works & Emergency Services Department and the Ministry of Transportation, Corridor Management Office.
- (5) The City Solicitor request that the Ontario Municipal Board hold its Order approving the Official Plan amendment and zoning by-law until:

- (a) The owner has entered into an Agreement under Section 37 of the Planning Act agreeing to provide a \$1 million contribution to be used for community facility improvements in the area, to the satisfaction of the Commissioner of Economic Development, Culture and Tourism in consultation with the ward Councillor. The payment is to be submitted to the City prior to building permit for the first residential building.
 - (b) The owner has entered into an Agreement under Section 37 of the Planning Act agreeing to provide a \$200,000 contribution to be used for sidewalk and other pedestrian related improvements along Sheppard Avenue west of Yorkland Road to the Don Mills subway station, to the satisfaction of the Commissioner of Urban Development Services. The payment is to be submitted to the City prior to building permit for the first residential building.
 - (c) The owner has entered into an Agreement under Section 37 of the Planning Act agreeing to contribute \$10,000 for future traffic monitoring, to the satisfaction of the Director, Community Planning, North District. The payment is to be submitted to the City prior to building permit for the first residential building.
 - (d) The owner has entered into an Agreement under Section 37 of the Planning Act agreeing to provide a shuttle bus service to the Don Mills subway station, to the satisfaction of the Director, Community Planning, North District. Details of the shuttle bus service will be included in the agreement.
 - (e) The owner has entered into an Agreement under Section 37 of the Planning Act agreeing to the timing for the provision of a commercial use and office building on the south side of the new public road.
 - (f) The owner has submitted a plan of subdivision application for the new road.
 - (g) The owner has given a written undertaking in a form satisfactory to the City Solicitor, that upon the Official Plan amendment and zoning by-law described in this report coming into force and effect, that the owner's appeal of the New Toronto Official Plan be settled upon the necessary amendments to the New Toronto Official Plan being made to reflect the Official Plan amendment and zoning by-law approved by the OMB.
 - (h) The owner has applied for and received site plan approval, which may include phasing, and entered into an agreement under Section 41 of the Planning Act.
- (6) City staff be authorized to attend the Ontario Municipal Board hearing in support of the proposed development as revised pursuant to the recommendations above and the City Solicitor and any other appropriate City staff be authorized to take such actions as necessary to give effect to the recommendations of this report.

Background:

Proposal

In May 2002 Monarch submitted an Official Plan and zoning by-law amendment application for 4 apartment buildings with 1,200 residential units (ranging in heights from 25 storeys to 40 storeys) and 15,500 sq.m. of office/commercial space with an overall density of 4.8 FSI. On July 22, 2003, Monarch appealed their application to the Ontario Municipal Board as Council has not dealt with their application within 90 days from the date their application was submitted. An OMB preliminary hearing was held on February 23, 2004 and a full hearing is to start on September 20, 2004.

During the past several months, staff have held a number of meetings with the applicant which have resulted in a revised site concept. The proposal is now to create two development blocks separated by a public road connecting Yorkland Road to Sheppard Avenue at a new signalized intersection. The northern development block would include 3 residential buildings with heights of 38, 30 and 25 storeys. A 5 storey podium building is proposed along Sheppard Avenue. The revised concept plan includes a range of 900 to 1,070 residential units. The northern block would also include a central open space area of 0.21 hectares (0.52 acres). To the south of the new road the proposal includes two 3 storey office buildings with 8,740 sq.m. The proposed density is 3.2 FSI for residential uses and 0.3 FSI for office and retail uses. Below is a summary of the site statistics.

Site Area 26,794 m ² (2.68 ha/ 6.6 ac)	Original Proposal (May 2002)	Revised Proposal (June 2004)
Site Area Northern site Public Road dedication Southern site	26,804 m ² (2.68 ha/ 6.62 ac)	26,804 m ² (2.68 ha/ 6.62 ac) 1.57 ha (3.87 ac) 0.44 ha (1.1 ac) 0.67 ha (1.66 ac)
Gross Floor Area Residential Office Retail/Other Total	113,200 m ² 13,000 m ² 3,200 m ² 129,400 m ²	84,524 m ² 8,740 m ² 550 m ² 93,814 m ²
Density	4.2 FSI residential 0.6 FSI office and retail 4.8 FSI total	3.2 FSI residential 0.3 FSI office and retail 3.5 FSI total
No. of Dwelling Units	1,200	900 to 1,070
Building Height	25, 30, 35 and 40 storeys	25, 30 and 38 storeys
No. of Parking Spaces	1,942 spaces	1,467

Site and Surrounding Area

The 2.68 hectare site is located on the south side of Sheppard Avenue at Yorkland Road, just east of Highway 404. There is an existing 4 storey office building and a 1 storey building with a bank and restaurant on the site. Abutting uses are as follows:

North: three 22 storey condominium apartment buildings, and further east are 3 storey townhouses.

South: 3 storey office building, and two industrial buildings

East: car wash, two restaurants, auto repair and gas station

West: two 8 storey office buildings and a private school

Metropolitan Toronto Official Plan

The Metro Toronto Official Plan encourages a mix of employment, residential and other uses to be concentrated in Metropolitan Centres and along Metropolitan Corridors, with densities which support the use of existing and planned transit. The Plan identifies Sheppard Avenue (along which this site is located) as a Metropolitan Corridor. In order to increase the housing supply, the Plan includes a policy which supports the introduction of mixed use development within business parks. This site is located in the Consumers Road Business Park. While the Plan identifies a number of Metropolitan Industrial/Employment Areas throughout the city, the Consumers Road Business Park is not identified as a Metropolitan Industrial/Employment Area. Consequently, the Metro Toronto Official Plan does not seek to retain this site for industrial/employment purposes and supports reurbanization occurring on arterial roads at the periphery of industrial/employment areas such as the Consumers Road Business Park.

North York Official Plan

The site is designated Industrial in the North York Official Plan and subject to the Business Parks Secondary Plan which permits employment uses including industrial, office, retail, service and institutional uses to a maximum density of 1.5 FSI. Residential uses are not permitted.

The North York Official Plan recognizes that with little vacant land available for new development, additional housing may be accommodated through the conversion of one land use to another. While industrial areas should generally be preserved for employment uses, the Plan provides for the redesignation of industrial land for other purposes in limited circumstances subject to compliance with a number of criteria.

This application involves a redesignation of part of the site to Mixed Use with a site specific policy to permit a maximum density of 3.5 FSI, a maximum of 900 to 1,070 residential units, and a minimum of 8,740 square metres of office space.

New Toronto Official Plan

At its meeting of November 26-28, 2002, City Council adopted the new Official Plan for the City of Toronto. The Minister of Municipal Affairs and Housing approved the new Official Plan, in

part, with modifications. The Minister's decision has been appealed in its entirety. The Official Plan is now before the Ontario Municipal Board.

Once the Plan comes into full force and effect, it will designate the property Employment Area, which does not permit residential uses. Employment Areas are intended to be places of business and economic activity. Uses that support this function consist of: offices, manufacturing, warehousing, distribution, research and development facilities, utilities, restaurants and small scale stores and services that serve area businesses and workers. The Monarch proposal would require an amendment to the Employment Area land use designation.

The Plan includes an Urban Structure Map (Map 2) which identifies the site as an Employment District and the Sheppard Avenue frontage is also identified as an Avenue. The Plan states that Employment Districts will be protected and promoted exclusively for economic activity in order to offer suitable locations for a variety of employment uses. The Monarch proposal would require an amendment to the Urban Structure Map.

The Monarch proposal does not comply with the new Toronto Official Plan. Monarch has appealed the new Toronto Official Plan.

OMB Appeal of Development Application

Monarch submitted their development application in May 2002, prior to the adoption of the new Toronto Official Plan by City Council in November 2002. Monarch has appealed their development application as Council has not dealt with their application within 90 days from the date their application was submitted. On February 23, 2004 the OMB conducted a prehearing conference relating to the appeal of the development application. At the prehearing conference the Board member seized of this matter indicated that the Monarch appeal is being heard on the basis of the in force Metro Toronto Official Plan and North York Official Plan as the application was submitted prior to the adoption of the new Toronto Official Plan. The OMB hearing is scheduled for September 20, 2004.

This report reviews and evaluates the Monarch development proposal with respect to the existing in force planning documents. The development concept proposed by Monarch as discussed in this report has merit and is the basis for recommending a settlement of their appeal. Over the next few months, staff will be meeting with Monarch to finalize the details of the proposal.

Zoning By-law

The site is zoned MO (Industrial-Office Business Park Zone) which permits industrial, office, retail, service and institutional uses at a maximum density of 1.5 FSI. Residential uses are not permitted.

Site Plan Control

An application for site plan approval has not yet been submitted.

Reasons for the Application

The proposed residential development is not permitted under the North York Official Plan Industrial designation and the MO zoning.

Community Consultation

A community consultation meeting was held on October 23, 2002 attended by approximately 70 people. The following comments and concerns were raised at the community meeting:

- impact of residential uses on the business park area
- impact on community services, parks and schools
- there are traffic problems on Sheppard Avenue
- impact on traffic
- proposed buildings are too high
- impacts on views of existing residential buildings
- will there be shadows on residential area to the north
- what will happen to the Fish House Restaurant
- provide splash guards for pedestrians crossing Highway 404 bridge

Agency Circulation

The original application was circulated to all appropriate agencies and City Departments.

Comments:

Land Use

As the Monarch application was submitted prior to the adoption of the new Toronto Official Plan, the issue of land use is being reviewed under the existing North York Official Plan and Metro Toronto Official Plan.

The North York Official Plan provides for the redesignation of industrial land to non-industrial uses provided the proposal complies with a number of impact criteria. The plan lists a number of criteria to be reviewed including the following: location of the site on the periphery of the industrial area; not jeopardize the planned role of the area; not impact the viability of the industrial lands, and adequacy of community services and facilities.

This site is located at the periphery of the Business Park along Sheppard Avenue and Yorkland Road. The application provides for the creation of a new public road which will serve as the separator /buffer between the residential lands and the employment lands. The proposal will not destabilize or jeopardize the planned role and function of the business park. The creation of a new public road minimizes any potential impacts on the rest of the area by making a clear boundary between residential uses and employment uses. Based on the North York Official Plan criteria, the boundaries for change are appropriate.

The Monarch site is located about 700 metres from the Don Mills subway station. High rise residential uses are located on the north side of Sheppard Avenue, across the street from the Monarch site. Providing residential uses along the Sheppard frontage supports the North York Official Plan objective of concentrating high density employment and residential uses near subway stations. It will also support the role of the business park by providing additional office, retail and other commercial uses as well as enabling people to live close to the employment area. Overall, the proposal will serve to enhance the attractiveness of the business park and the Sheppard frontage.

In order to redevelop the site, Monarch will need to move out of its building. Monarch has indicated that it will relocate within Toronto and is prepared to provide a written assurance to that effect. Planning staff have sought to have one of the office buildings proceed as part of the first phase of development. Monarch has indicated that it is not able to proceed with the first office building until phase 2 of the development (which is the third residential building). In order to show its commitment to the business park, Monarch has agreed to provide a commercial use of minimum 464 square metres on the south side of the new road as part of the first phase of development. Prior to the construction of the third residential building, Monarch has agreed to construct an office building of minimum 3,251 square metres on the lands south of the new road. This will be secured in the zoning by-law and in the Section 37 agreement.

Height

The proposed residential buildings have heights of 25, 30 and 38 storeys. These heights will have no impacts on the low density residential lands to the north-east. The proposed heights are similar to other residential buildings found along the Don Valley/Highway 404 corridor. At Wynford Drive/Concorde Place/Eglinton Avenue are buildings with heights of 30-37 storeys. At Finch Avenue and Don Mills Road are several buildings with heights of 29-35 storeys. The Monarch proposal continues the pattern of tall buildings which characterize the Don Valley/Highway 404 corridor.

Density

The revised proposal is at a density of 3.2 FSI for residential uses and 0.3 FSI for office and commercial uses. This level of density is similar to densities found on a number of sites along the Sheppard corridor generally between Bayview Avenue and Leslie Street, which are assigned densities ranging from 2.0 to 3.8 FSI. The level of density proposed for this site is appropriate given the unique location of the site within walking distance of the subway station and adjacent to Highways 404 and 401.

Public Works

Works and Emergency Services comments on the original proposal included a request that the applicant submit an engineering report outlining the municipal servicing works necessary for this development, including roadway, sanitary, storm and water service improvements. WES has also requested the applicant to submit a noise impact study and any mitigation measures. These

studies have not yet been submitted. WES comments have not yet been received on the revised proposal. The report recommends that the approval of this development be conditional on the owner satisfying the requirements of the Works & Emergency Services Department as outlined in their memorandum dated September 6, 2002 and any other comments from Works & Emergency Services received as part of the circulation of the revised proposal.

Transportation

The revised proposal includes a new public road connecting Yorkland Road to Sheppard Avenue East. New traffic lights are proposed at the Sheppard Avenue and new road intersection. The alignment of the new road has been reviewed and is acceptable in principle and will be finalized through the processing of a plan of subdivision application. It is recommended that the OMB hold its Order approving the development until the applicant has submitted a plan of subdivision application for the construction and conveyance of the new public road. The road is to be built together with the first phase of development.

The applicant has submitted a traffic impact study which indicates that while the proposed development will generate additional new vehicle trips during the morning and afternoon peak hours, the traffic flows are opposite and complementary to the existing office traffic patterns. A new traffic signal is proposed at Sheppard Avenue and the new proposed road. In addition, the Sheppard Avenue westbound right turn lane is proposed to be extended further east to provide a longer storage area. Modifications are also proposed to Yorkland Road and the on ramps to Highway 404.

Overall, the traffic study concludes that the proposed development can be accommodated on the area road network with the recommended transportation improvements. The application includes the provision of a shuttle bus service from the site to the Don Mills subway station. This is to be secured in a Section 37 agreement.

The application has been circulated to the Ministry of Transportation for comment in view of the proximity of the site to Highway 404 and the proposed changes to the on ramp. The Ministry requires that all land use proposals within 400 metres of a provincial highway be circulated for review. We have not yet received final comments on the traffic study from the Ministry of Transportation. As the application requires modifications to the Highway 404 on ramp, it is recommended that the OMB hold its order approving the development until approval has been received from the Ministry of Transportation, Corridor Management Office.

The pedestrian environment along Sheppard Avenue should be improved to encourage people to walk to the Don Mills subway station. Monarch has agreed to provide a financial contribution of \$200,000 to be used for improvements to the sidewalks and general pedestrian environment along Sheppard Avenue to the subway station. The Section 37 agreement will detail the timing of the improvements and the financial contribution.

Parking

The proposal includes 1,320 parking spaces for the residential buildings and 147 parking spaces for the office buildings. There is to be some shared office/retail/residential and visitor spaces. The proposed parking translates to a parking rate of minimum 1.2 to maximum 1.4 parking spaces per residential unit (of which 0.2 spaces per unit are for visitors) and 1 parking space per 48 sq.m. of office space with potential for shared parking. Transportation staff support this parking rate based on the proximity of the site to the Don Mills subway station and the provision of a shuttle bus from the site to the subway. Staff will continue to discuss this with the applicant as more detailed information is provided.

Schools

In a letter dated June 2002, the Toronto District School Board indicated that there was insufficient space in the local elementary and secondary schools to accommodate students anticipated from this development. The Board requested that the owner enter into an agreement to erect warning signs on the site advising that students from the development may be accommodated in facilities outside the area. In addition, the Board has asked that a warning clause be added in all offers of purchase and sale of residential units.

A more recent review undertaken by City Planning staff indicates that there is room at the local elementary, junior high and secondary schools to accommodate students anticipated from this development. This has been confirmed in a conversation with a representative of the Toronto District School Board. Planning staff will contact the School Board to discuss this further.

No comments have been received from the Toronto Catholic District School Board, however the Catholic School Board has an Education Development Charge by-law in place. Payments are required at the time of issuance of the first building permit.

Parks and Community Facilities

The proposal includes a 2,118 sq.m. (0.52 ac) private outdoor open space area located in the centre of the development as well as private indoor recreational amenity space of 1,605 sq.m. (1.5 sq.m. per dwelling unit, which will be exempt from the calculation of gross floor area). Both the private outdoor open space and indoor amenity space will be secured in the zoning by-law.

An important objective is to ensure sufficient community services for residents. There are no public community facilities in this area south of Sheppard Avenue. There are two city owned and operated recreational facilities in the larger area north of Sheppard Avenue: Pleasantview and Oriole. Parks staff indicate that a 3 phase expansion is planned for the Oriole Community Centre, however, money has only been secured for phase 1. Monarch has agreed to provide a financial contribution of \$1 million to be used for improvements to the Oriole Community Centre or other community facilities in this area. This commitment is to be secured in a Section 37 agreement.

In addition, the Parks Department advises that the residential development will be subject to a 5% cash-in-lieu of parkland dedication payment.

Built Form and Massing

The original Monarch proposal included 4 residential towers of 25, 30, 35 and 40 storeys within a single development block. The revised Monarch proposal involves the creation of two development blocks:

- A larger mixed use block located north of the new public road, comprised of 3 residential towers connected by a podium located around a central open space; and
- A smaller block located south of the new road, comprised of two 3 storey office buildings.

Whereas the original Monarch proposal included 4 residential towers, the revised proposal is for 3 towers. This change will open up the site and improve the views for residents in the buildings on the north side of Sheppard Avenue, from the original proposal. The residential towers on the north block are slim towers with a small floorplate. The west towers have heights of 38 and 30 storeys thereby providing a focal point and gateway entrance to the area. The eastern building is 25 storeys. The 5 storey podium building along the Sheppard frontage provides an appropriate building form framing the street and defining the north face of the central open space. The podium building includes retail/commercial uses at grade. It will have an opening along Sheppard to provide a public entrance into the central open space. The lower scale office buildings on the south block include commercial uses at street level thereby helping to animate the new street and Yorkland Road.

Staff support the proposed tower form and massing. The highest buildings are located at the west part of the site and scale down to the east part of the site. This provides for an appropriate relationship to the lower scale residential area located north-east of this site. It is recommended that the applicant provide a sun/shade report and a wind tunnel test report based on these heights prior to the OMB hearing. Staff will be reviewing the results of these reports, which may result in modifications to the building massing and design.

Details of the proposed buildings, including massing, grade relationship, siting, landscaping, and streetscapes will be dealt with as part of the review of a site plan application. The report recommends that the OMB hold its Order approving the development until the owner has applied for and received site plan approval, which may include phasing, and entered into a site plan agreement.

Sheppard Corridor Study

The City Planning Division is undertaking a study of the Sheppard Corridor from Don Mills Road in the west to McCowan Road in the east. The purpose of the study is to develop a planning framework for future growth and development along the corridor. The first part of the

study, which is before the June 28, 2004 Planning and Transportation Committee meeting, outlines the area profiles along the corridor.

Next Steps

Monarch has given staff a concept plan which is to form the basis for a settlement of their appeal. More work needs to be done by the applicant in order to fully formulate the concept into revised plans. The report recommends that the applicant submit revised site, elevation and parking plans and associated data for review by the City prior to the OMB hearing. In addition, a wind test report and sun/shade report should be submitted for review prior to the OMB hearing. This will enable City staff to review the revised proposal and for Works and Emergency Services to issue revised comments and conditions of approval.

Conclusions:

Based on the existing in force Metro Toronto Official Plan and North York Official Plan, the proposal to build residential, commercial and office development on this site is appropriate. This site is a candidate for mixed used intensification. It is located at the periphery of the business park with frontage on Sheppard Avenue, and within a 7-8 minute walk of the Don Mills subway station. The proposed new road will serve as a clear buffer between the residential and the employment uses. The revised proposal is more modest than what was originally proposed and the reorganization of the uses will maintain and support the business park. Monarch has agreed to provide Section 37 financial contributions towards community facilities, sidewalk/pedestrian related improvements, and traffic monitoring. Monarch has also agreed to provide a shuttle bus service to the subway station. These Section 37 benefits form part of the overall planning approvals.

The applicant has appealed their application to the Ontario Municipal Board. The report recommends approval of the development subject to a number of conditions being fulfilled prior to the OMB approving the development. Monarch has agreed to the settlement as outlined in this report of their appeal.

Contact:

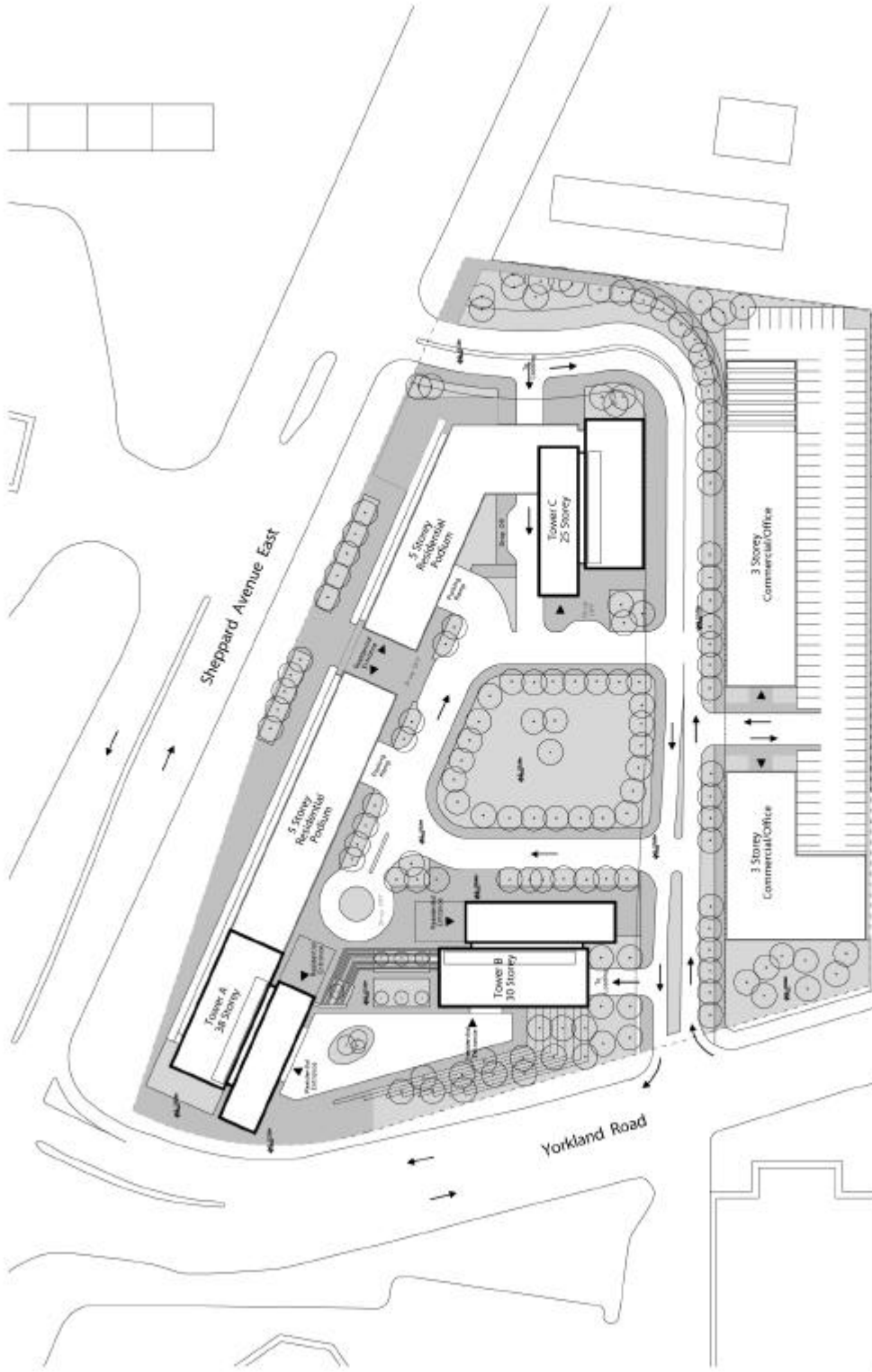
Nimrod Salamon, Senior Planner
Telephone: (416) 395-7134
Fax: (416) 395-7155

Thomas C. Keefe, Director
Community Planning, North District

List of Attachments:

- Attachment 1: Site Plan
- Attachment 2: Perspective Drawing
- Attachment 3: Zoning
- Attachment 4: Official Plan
- Attachment 5: Application Data Sheet
- Attachment 6: Agency Comments

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Roof Plan

Applicant's Submitted Drawing

Not to Scale
06/16/04



2025, 2035 and 2045 Sheppard Avenue East

File # TB CMB 2002 0007



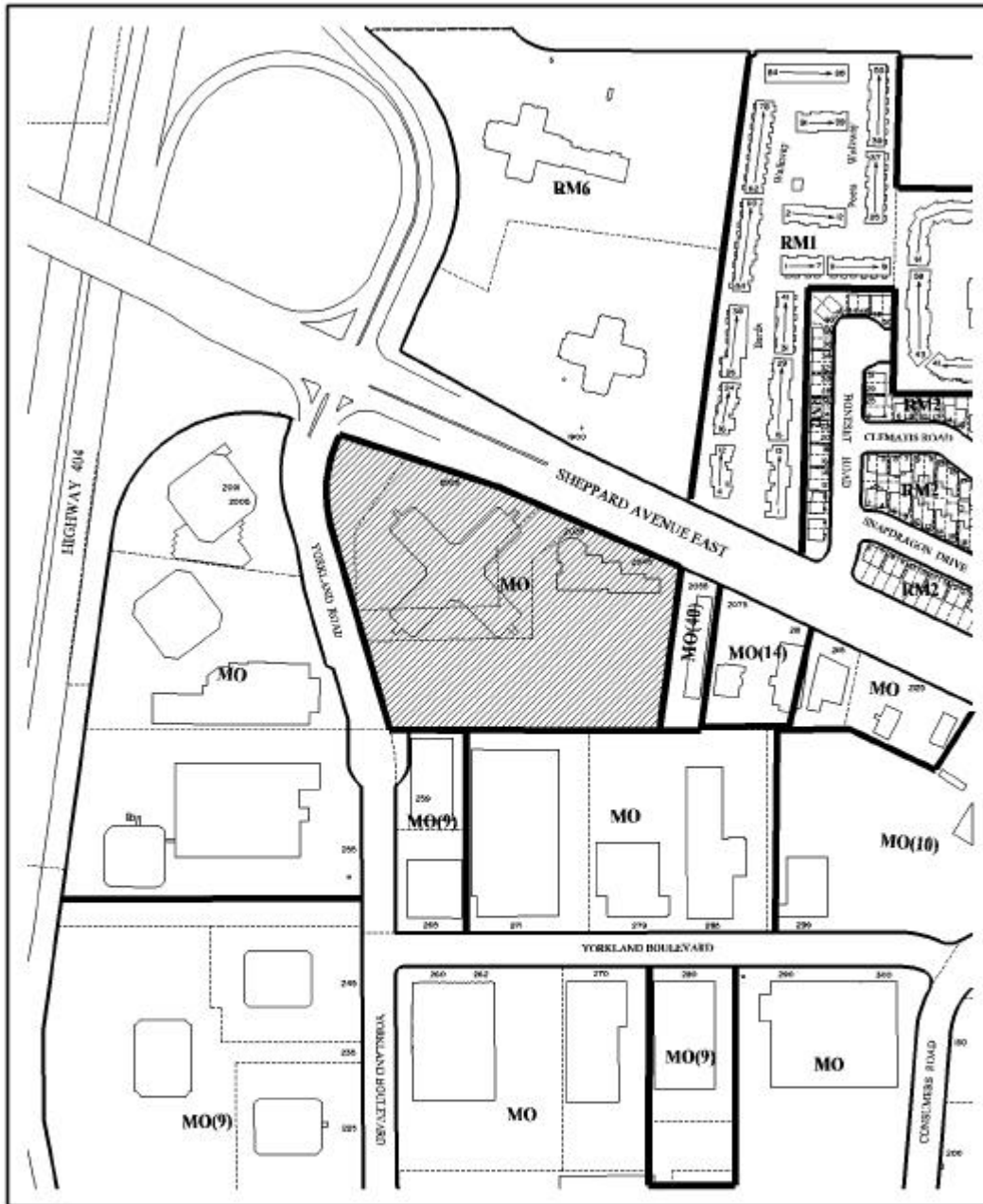
Perspective

Applicant's Submitted Drawing

Not to Scale
06/16/04

2025, 2035 and 2045 Sheppard Avenue East

File # TB CMB 2002 0007



- MO Industrial-Office Business Park Zone
- RM1 Multiple Family Dwellings First Density Zone
- RM2 Multiple Family Dwellings Second Density Zone
- RM6 Multiple Family Dwellings Sixth Density Zone
- NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category

↑ Not to Scale
Zoning By-law 7625
Extracted 06/20/02 - AK

