

**2025-2045 Sheppard Ave East – OPA & Rezoning  
Final Report**

<b>Date:</b>	May 5, 2011
<b>To:</b>	North York Community Council
<b>From:</b>	Director, Community Planning, North York District
<b>Wards:</b>	Ward 33 – Don Valley East
<b>Reference Number:</b>	11 182818 NNY 33 OZ

**SUMMARY**

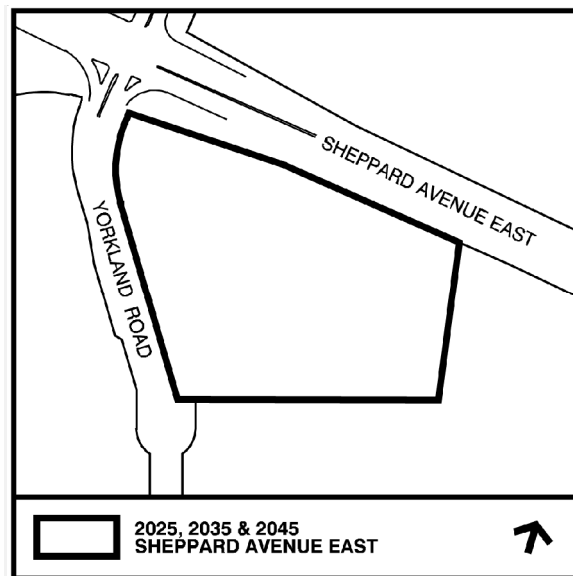
At its meeting of April 21, 2011 North York Community Council directed staff to bring forward an Official Plan amendment and zoning by-law amendment for the lands known in 2007 as 2025-2045 Sheppard Ave East to reduce the minimum required gross floor area for buildings to be built on the south side of the new public road from 3,995 square metres to 1,970 square metres, and that the owner be required to pay an additional financial contribution in the amount of \$300,000 to the City prior to the issuance of a building permit for the third residential building on the site. The Section 37 financial contribution is to be used for pedestrian related improvements along Sheppard Avenue to the Don Mills subway station.

This report recommends that the Official Plan and zoning by-law amendments be adopted and that the Section 37 agreement also be amended to reflect this change.

**RECOMMENDATIONS**

The City Planning Division recommends that:

1. City Council amend Official Plan



- Amendment No. 586 of the City of North York, for the lands at 2025-2045 Sheppard Avenue East substantially in accordance with the draft Official Plan Amendment attached as Attachment No 2.
2. City Council amend Zoning By-law No. 295-2010 for the lands at 2025-2045 Sheppard Avenue East substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 3.
  3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and draft Zoning By-law Amendment as may be required.
  4. City Council authorize the City Solicitor to amend the Section 37 Agreement dated November 7, 2007 applying to the lands at 2025-2045 Sheppard Avenue East to
    - a. Amend Section 2.2 to require that the \$200,000 letter of credit be replaced with a certified cheque, and to delete the text after the words "Don Mills subway station".
    - b. Amend Section 2.4 to replace the gross floor area number of "3,995 square metres" in the second sentence of Section 2.4 with the number "1,970 square metres".
    - c. Amend Section 2.4 to require further that the Owner pay an additional financial contribution by certified cheque of \$300,000 to the City prior to the issuance of a building permit for the third residential building on the site. This Section 37 financial contribution is to be used for pedestrian related improvements along Sheppard Avenue East west of Yorkland Road to the Don Mills subway station.
  5. Before introducing the necessary Bills to City Council for enactment, require that the Section 37 Agreement be amended to the satisfaction of the City Solicitor as set out in recommendation 4.

## **Financial Impact**

The recommendations in this report have no financial impact.

## **DECISION BACKGROUND**

In 2004 the Ontario Municipal Board approved an Official Plan amendment and zoning by-law amendment for the lands at 2025-2045 Sheppard Avenue East which permit development of 3 residential buildings, commercial development, a new public road and set out a number of Section 37 provisions. One of the requirements is that commercial buildings which have a minimum gross floor area of 3,995 square metres on the south side of the new public road shall be substantially completed prior to the occupancy of the third residential building. This provision is also included in a Section 37 agreement registered on the lands.

At its meeting of April 21, 2011 North York Community Council directed staff to bring forward an Official Plan amendment and zoning by-law amendment for the lands to reduce the minimum required gross floor area for buildings to be built on the south side of the new public road from 3,995 square metres to 1,970 square metres, and that the owner be required to pay an additional financial contribution in the amount of \$300,000 to the City prior to the issuance of a building permit for the third residential building on the site. The Section 37 financial contribution is to be used for pedestrian related improvements along Sheppard Avenue East to the Don Mills subway station.

## **COMMENTS**

While the zoning of the lands permits residential and commercial uses north of the new road, on the south side of the road only commercial uses are permitted. The road serves as the dividing line between residential uses to the north and non-residential uses to the south. The change to the minimum gross floor area requirement maintains the intent of providing for one or more buildings for commercial uses on the south side of the new public road. It would require buildings with a minimum of 1,970 square metres of commercial uses to be built prior to the occupancy of the third residential building.

Under the current Official Plan, zoning by-law and Section 37 Agreement, Monarch has given a contribution to the City of \$200,000 by way of letter of credit to be used for sidewalk and other pedestrian related improvements along Sheppard Avenue East west of Yorkland Road to the Don Mills subway station. Section 2.2 of the Section 37 Agreement provides that if the pedestrian improvements have not been constructed within five years from the date the letter of credit was delivered to the City (March 1, 2010), the letter of credit is to be returned to Monarch.

The direction from North York Community Council to amend the Official Plan and zoning by-law would require Monarch to provide a further \$300,000 to the City to be used for pedestrian related improvements.

The Section 37 Agreement should be amended to reflect these changes. In addition, the Official Plan, zoning by-law and Section 37 Agreement should be amended to require Monarch to replace the original \$200,000 letter of credit with a certified cheque and to

delete the five year time limitation. This would result in the City having a total of \$500,000 to be used for pedestrian related improvements along Sheppard Avenue to the Don Mills subway station. The contribution amount together with the deletion of the time limitation are appropriate.

## **CONTACT**

Nimrod Salamon, Senior Planner

Tel. No. (416) 395-7095

Fax No. (416) 395-7155

## **SIGNATURE**

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Allen Appleby, Director  
Community Planning, North York District

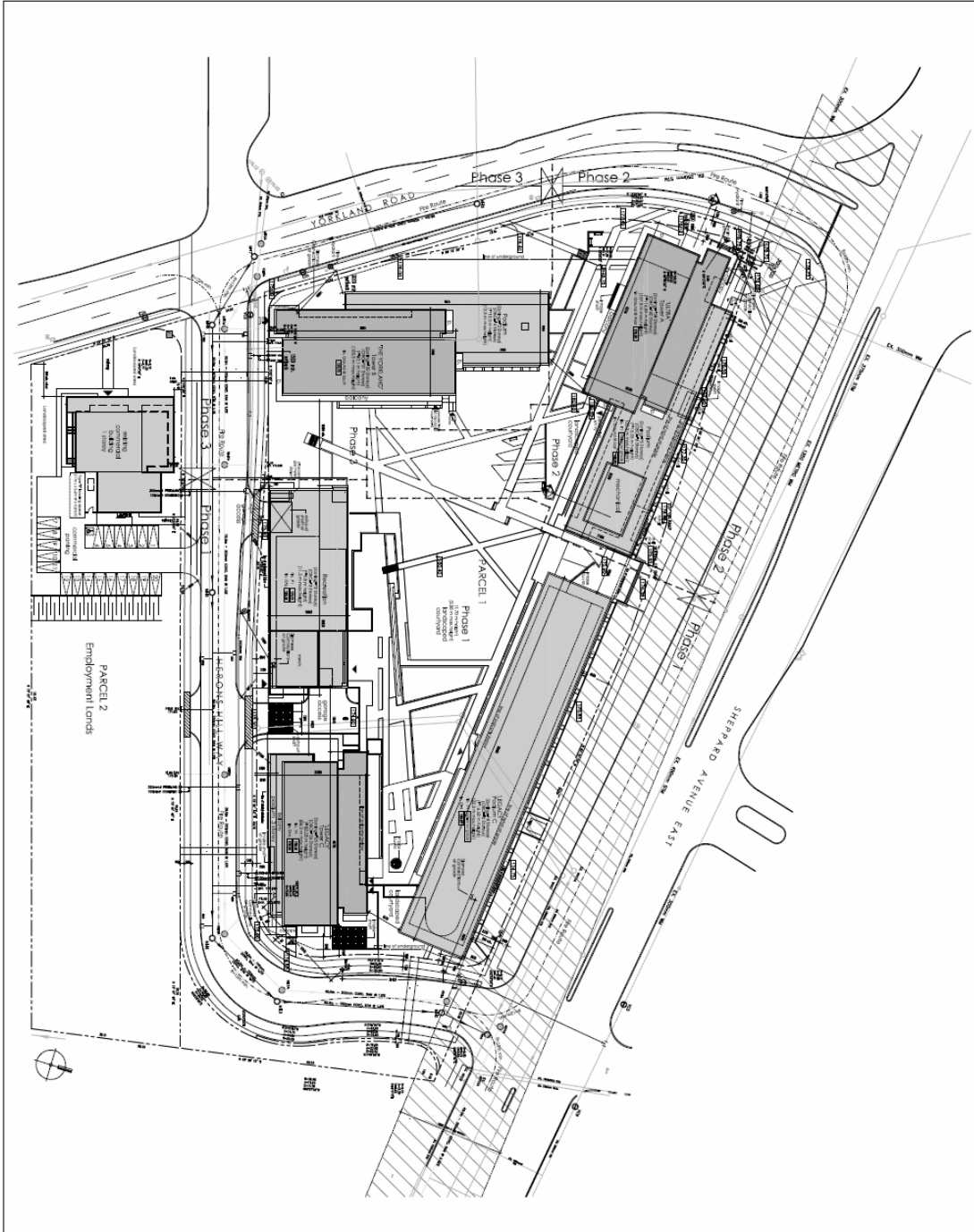
## **ATTACHMENTS**

Attachment 1: Site Plan

Attachment 2: Draft Official Plan Amendment

Attachment 3: Draft Zoning By-law Amendment

**Attachment 1: Site Plan**  
**2025-2045 Sheppard Avenue East**



**Attachment 2: Draft Official Plan Amendment**

Authority: North York Community Council Item ~ as adopted by City of Toronto  
Council on ~, 2011  
Enacted by Council: ~, 2011

**CITY OF TORONTO**

**Bill No. ~**

**BY-LAW No. ~-2011**

**To adopt Amendment No. 588  
to the Official Plan for the former City Of North York  
respecting the lands known municipally in the year 2007 as  
2025-2045 Sheppard Ave East**

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

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

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Amendment No. 588 to the Official Plan of the City of North York consisting of the attached text, is hereby adopted.
2. This By-law shall come into force and take effect on the day of the final passing thereof.

ENACTED AND PASSED this ~ day of ~, A.D. 2011.

ROB FORD,  
Mayor

ULLI S. WATKISS,  
City Clerk

(Corporate Seal)

**AMENDMENT NO. 588 TO THE OFFICIAL PLAN OF THE CITY OF NORTH YORK**

**LANDS MUNICIPALLY KNOWN IN THE YEAR 2007 AS  
2025-2045 SHEPPARD AVENUE EAST**

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The Official Plan of the City of North York is amended as follows:

1. Amendment No. 586 to the Official Plan of the City of North York is amended as follows:
  - (a) ITEM 2, Clause 1, C.9.277 section (d)(iii) is amended by deleting the words "by letter of credit".
  - (b) ITEM 2, Clause 1, C.9.277 section (d)(xi) is amended by replacing the gross floor area number of "3,995" with the number "1,970", and by adding the following subsection (xii):
    - "(xii) prior to the issuance of a building permit for the third residential building, the owner shall provide a contribution to the City in the amount of \$300,000 to be used for pedestrian related improvements along Sheppard Avenue East west of Yorkland Road to the Don Mills subway station."

### **Attachment 3: Draft Zoning By-law Amendment**

Authority: North York Community Council Item ~ as adopted by City of Toronto Council on ~, 2011  
Enacted by Council: ~, 2011

#### **CITY OF TORONTO**

**Bill No. ~**

**BY-LAW No. ~-2011**

**To amend former City of North York Zoning By-law No. 7625, as amended,  
With respect to the lands municipally known, in 2007, as  
2025-2045 Sheppard Avenue East**

WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

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

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Subsection 64.23(127) of former City of North York Zoning By-law No. 7625 is amended by deleting the words "by letter of credit" in subsection (ee)(iii).
2. Subsection 64.23(127) of former City of North York Zoning By-law No. 7625 is amended by replacing the gross floor area number of "3,995" with the number "1,970" in subsection (ee)(xi), and by adding the following subsection (xii) to (ee):
  - "(xii) Prior to the issuance of a building permit for the third residential building, the owner shall provide a contribution to the City in the amount of \$300,000 to be used for pedestrian related improvements along Sheppard Avenue East west of Yorkland Road to the Don Mills subway station."

ENACTED AND PASSED this ~ day of ~, A.D. 2011.

ROB FORD,  
Mayor

ULLI S. WATKISS,  
City Clerk

(Corporate Seal)