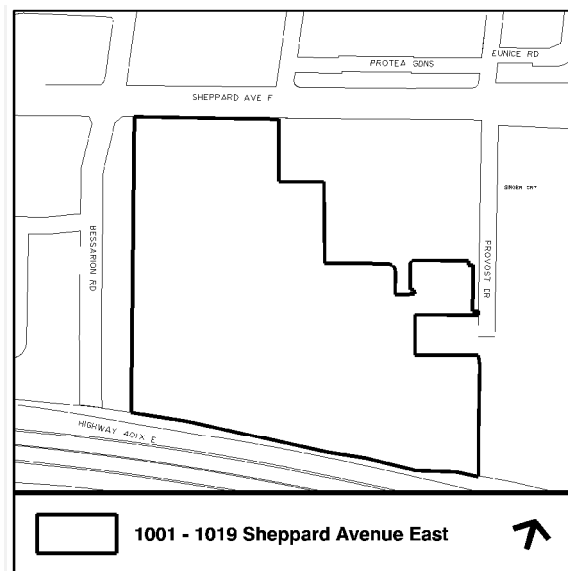


**1001-1019 Sheppard Avenue East - Official Plan,
Rezoning, Subdivision and Site Plan Approval
Applications - Request for Direction Report**

Date:	May 28, 2012
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 24 – Willowdale
Reference Number:	09 133474 NNY 24 OZ & 10 227038 NNY 24 OZ & 10 246801 NNY 24 SB & 11 234661 NNY 24 SA

SUMMARY

The applicant has appealed Official Plan, Zoning By-law and subdivision amendment applications as well as a site plan application to the Ontario Municipal Board based on Council's failure to make a decision within the time prescribed by the *Planning Act*. A second Pre-Hearing Conference has been scheduled for July 16, 2012 and a Hearing has been scheduled for September 4, 2012. These applications propose to amend previous approvals for a new mixed use community at 1001-1019 Sheppard Avenue East located between the Bessarion neighbourhood and Provost Drive. A revised street, block and park plan is proposed. Two park blocks are proposed and provide area for public recreation as well as for a community centre, a public library, a daycare facility and a school. A total of 3,458 residential units on seven development blocks is proposed. A separate development block containing 428 units was approved in February 2012 bringing the total number of units for the lands west of Provost Drive to 3,886. The purpose of this report is to recommend that the City Solicitor and appropriate staff bring forward the position outlined in the report to the Ontario Municipal Board.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council authorize, subject to recommendation 2 below, the City Solicitor and appropriate City staff to attend the Ontario Municipal Board in support of the proposed development subject to the changes set out below:
 - (a) The approval of an Official Plan Amendment that is substantially in accordance with the draft Official Plan Amendment contained in Attachment 8 which includes the following key elements which are changes to the applicant's submission:
 - i. A minimum of 10% of the total units to be a minimum size of 100 m² are to be provided by Parcel;
 - ii. The requirement that a daycare facility is to be provided remains in place rather than the applicant's request that the option of providing cash be permitted;
 - iii. The following Section 37 provisions be included:
 - A contribution of 5.6 million dollars toward a public community centre which is to be located within the Bessarion Node of the Sheppard East Subway Corridor Secondary Plan. The contribution of 5.6 million dollars is to be indexed to the Statistics Canada Non-Residential Construction Price Index for Toronto calculated from the date of execution of the Section 37 Agreement to the date of submission of the funds by the owner to the City and is to be paid prior to the issuance of the first above grade building permit. The agreement should also provide an option for construction of the community centre by the owner in accordance with City policies including the Fair Wage Policy and purchasing and procurement policies; and,
 - a public art contribution of 1% of gross construction cost for previously approved development.
 - iv. The sale of parkland on Block 10 to the Toronto District School Board for the purpose of construction of a school is permitted.
 - (b) The approval of a Zoning By-law Amendment that is substantially in accordance with the draft Zoning Bylaw Amendment contained in Attachment 9 which includes the following key elements which are changes to the applicant's submission:
 - i. Calculation of gross floor area to comply with definition in the former City of North York Zoning By-law No. 7625
 - ii. Delete definitions for 'car share', 'car share parking space', 'live-work uses', 'long term bicycle spaces', 'mechanical penthouse' and 'storey'
 - iii. Delete 'live-work use' and 'studio' from the proposed list of permitted uses and add home occupation

- iv. The number of dwelling units on any one block can exceed the permitted maximum by up to 5% provided the number of units by phase does not exceed the permitted phase total and the overall total does not exceed 3,458 units
 - v. Building heights to be indicated in metres and storeys
 - vi. Provision of build-to requirements for the north and south lot lines of Parcels E, F and G with a minimum height of 14 metres for buildings on the north lot line and a minimum height of 6 metres for buildings along the south lot line
 - vii. Parking and loading standards to be as set out in the Technical Services memorandum of December 21, 2011 including visitor parking at 0.15 spaces per unit. Parking/loading spaces required for a building on a lot shall be provided on the same lot
 - viii. Bicycle parking spaces may not be included in lockers
 - ix. A minimum 10% of the total units to be a minimum size of 100 m² are to be provided by Parcel
 - x. A contribution of 5.6 million dollars toward a public community centre which is to be located within the Bessarion Node of the Sheppard East Subway Corridor Secondary Plan. The contribution of 5.6 million dollars is to be indexed to the Statistics Canada Non-Residential Construction Price Index for Toronto calculated from the date of execution of the Section 37 Agreement to the date of submission of the funds by the owner to the City and is to be paid prior to the issuance of the first above grade building permit. The agreement should also provide an option for construction of the community centre by the owner in accordance with City policies including the Fair Wage Policy and purchasing and procurement policies;
 - xi. A public art contribution of 1% of gross construction cost for previously approved development
- (c) The approval of a revised draft plan of subdivision, prepared by Lloyd & Purcell Ltd. Ontario Land Surveyors, dated November 10, 2011 and contained in Attachment 10, subject to the conditions of draft plan of subdivision approval which includes a Phasing Plan and is contained in Attachment 11 as well as any additional or modified conditions the Chief Planner may deem to be appropriate to address matters arising from the on-going technical review of the development.
2. City Council authorize City staff to continue discussions with the applicant to resolve the outstanding matters identified in this report prior to the Ontario Municipal Board hearing including items such as:
- a) heights of buildings on Parcel F
 - b) additional Section 37 contributions
 - c) the applicant's request for additional Development Charge credits
3. The Ontario Municipal Board be requested to withhold its Order approving the Official Plan and Zoning By-law amendments and site plan approval until the Owner enters into one or more agreements with the City pursuant to Section 37 of the *Planning Act* to the satisfaction of the Chief Planner and Executive Director of City Planning and the City Solicitor, to ensure the facilities, services and matters set forth in the Official Plan and Zoning By-law Amendment and that such agreement(s) be registered on title to the lands in a manner satisfactory to the City Solicitor including:

- i) a contribution of 5.6 million dollars toward a public community centre which is to be located within the Bessarion Node of the Sheppard East Subway Corridor Secondary Plan. The contribution of 5.6 million dollars is to be indexed to the Statistics Canada Non-Residential Construction Price Index for Toronto calculated from the date of execution of the Section 37 Agreement to the date of submission of the funds by the owner to the City and is to be paid prior to the issuance of the first above grade building permit. The agreement should also provide an option for construction of the community centre by the owner in accordance with City policies including the Fair Wage Policy and purchasing and procurement policies;
 - ii) continue to provide a 52 space, 532 m² fully equipped and furnished daycare facility together with 290 m² of outdoor play space as secured under the 2002 approvals.
4. The City Solicitor be authorized, as part of the drafting of the agreement(s) identified in Recommendation 3 above, to incorporate in the agreement any matters currently secured in the existing Subdivision Agreement which may be more appropriately secured in a Section 37 Agreement including public art and matters related to the proposed community centre.
 5. The Ontario Municipal Board be requested to withhold its Order approving the Official Plan and Zoning By-law amendments until the owner revises the draft Bessarion – Leslie Context Plan, Urban Design Guidelines and the Master Streetscape Plan which implement the proposed Official Plan and Zoning By-law amendments identified in Recommendation 1 above, to the satisfaction of the Chief Planner and Executive Director of City Planning which revisions shall include the following:
 - i. Description of how the proposal is consistent with the Tall Buildings and Infill Townhouse Guidelines;
 - ii. Provides a transition to the Bessarion neighbourhood;
 - iii. Direction for building floor plate size, orientation and maximum east-west dimensions to minimize shadows on the park, streets and adjacent uses;
 - iv. Direction for the design and program of open space and civic uses;
 - v. Provides for a safe, comfortable and attractive pedestrian environment.
 6. The Ontario Municipal Board be requested to withhold its Order approving the Site Plan for Parcel D until the owner enters into a Site Plan Agreement for the proposed development on Parcel D to the satisfaction of the Director, Community Planning North York District.
 7. All streets within the subject development, including Street D which is identified as Block 17 on the applicant's survey plan, are public streets and that they are to be secured as public streets in the Subdivision Agreement.
 8. The District Public Art Plan be updated to reflect the change in location of the installations of the public art based on the revised draft plan of subdivision to the satisfaction of the Director, Community Planning, North York District.
 9. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan and Zoning By-law amendments and the draft conditions of Subdivision Approval as may be required.

Financial Impact

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

DECISION HISTORY

The subject site is part of the former Canadian Tire lands, now owned by Concord Adex, which are located on the south side of Sheppard Avenue between the Leslie Subway Station and the Bessarion Subway Station extending south to Highway 401.

In 2000 Canadian Tire filed an application for a new mixed use community on the 20 hectare (50 acre) property and a Canadian Tire retail store. To provide further guidance for the proposal, the Bessarion-Leslie Context Plan and an Environmental Assessment (EA) for Esther Shiner Boulevard were undertaken and, after community consultation, were approved in February 2002. The Context Plan provided a framework for development including street and block pattern, building heights, transportation linkages and urban design guidelines.

Official Plan Amendment No. 530 to the former North York Official Plan, now incorporated in the City of Toronto Official Plan, created a 3.7 hectare (9.2 acre) park block located on the western boundary of the subject site. A public community centre, public library, daycare facility and two school sites were proposed to share the park block.

In November 2002, Official Plan and Zoning By-law amendments were approved and a draft Plan of Subdivision approval was recommended to be granted by the Chief Planner. Two daycare facilities to be provided on the lands were secured as Section 37 benefits through these approvals. Development charge credits were approved for a \$5.2 million contribution to a proposed community centre and library and for the construction of Esther Shiner Boulevard. These approvals implemented the Bessarion-Leslie Context Plan. The 2002 approved plan is shown in Attachment 1.

A plan of subdivision applies to the lands and consists of three phases: Phase I is the Canadian Tire retail store and gas bar, now constructed at Sheppard Avenue and Provost Drive; Phase II is the lands east of Provost Drive; and Phase III is the lands west of Provost Drive which includes the subject applications. Draft plan of subdivision approval was granted for all three phases in 2002 and phases I and II were registered in 2006. Phase II is now constructed and consists of four condominium buildings and 11 townhouses with 1,131 units and street related retail uses. An office development at the south west corner of Sheppard and Leslie Street has been approved but not built. The Subdivision Agreement requires that public art be provided based on 1% of the gross construction cost of development.

The November 28, 2002 City Council decision document can be found at:
<http://www.toronto.ca/legdocs/2002/agendas/council/cc021126/ny12rpt/cl022.pdf>.

In late 2006 Concord Adex purchased the lands from the Canadian Tire Corporation with the exception of the retail store site, a mixed use block (Block 2) to the west of the store and the Canadian Tire office block at Sheppard and Leslie Street. In May 2009, Concord Adex filed an Official Plan Amendment application to change the boundaries of the *Mixed Use Areas* and *Parks* designations of the park block. At its meeting of September 15, 2009 North York Community Council adopted a recommendation that the application be considered in conjunction with the applicant's pending Official Plan and Zoning By-law amendments and draft plan of subdivision applications for all the applicant's lands west of Provost

Drive. The September 15, 2009 North York Community Council decision document can be found at: <http://www.toronto.ca/legdocs/mmis/2009/ny/bgrd/backgroundfile-22960.pdf>.

In July and August 2010 Concord Adex submitted the subject applications to amend the Official Plan and Zoning By-law and the draft subdivision approval seeking to amend the 2002 approvals. On January 18, 2011 North York Community Council received a Preliminary Report on the applications. The Preliminary Report is available at: <http://www.toronto.ca/legdocs/mmis/2011/ny/bgrd/backgroundfile-34504.pdf>

ISSUE BACKGROUND

Proposal

The subject applications propose revisions to the 2002 Official Plan and Zoning By-law amendments and draft plan of subdivision approval for seven development blocks owned by Concord Adex located west of Provost Drive. Two additional development blocks located on the lands west of Provost Drive are not part of the subject applications. Block 18 located at the southwest corner of Provost Drive and Esther Shiner Boulevard received approval for 428 residential units in February 2012 at the Ontario Municipal Board. The Canadian Tire Corporation retained ownership of Block 2 located on the west side of the retail store and no application has been filed for this block or for the Canadian Tire store site. The lands subject to this application are shown on Attachment 3.

These applications propose revisions to the street and block pattern and park configuration of the plan that was approved in 2002 (see Attachment 1 – 2002 Approved Plan). The proposed Master Plan is shown on Attachment 2 and the proposed changes are described in this section. A redistribution of building massing and density and increases in height and density are proposed on seven development blocks and two park blocks. The application proposes an increase in gross floor area of 54,145 m² including the density incentive for a daycare facility, for a total gross floor area of 297,571 m². The applicant indicates this is approximately 640 additional units more than is currently permitted. The Floor Space Index for the subject development application is 2.5 with an overall density of 2.2 for all the lands west of Provost Drive. A total of 3,458 units are proposed and, with the development block approved in February 2012 there is a total of 3,886 units proposed for the lands west of Provost Drive. The application Data Sheet is shown on Attachment 4.

The proposed extension of Esther Shiner Boulevard from Provost Drive to its intersection with McMahan Drive to the south and the location of the north/south Billes Heights are generally maintained. The street pattern changes with Esther Shiner Boulevard ending at the public park west of Billes Heights. From Esther Shiner Boulevard, McMahan Drive loops southward encircling the park block, then westward and then north to connect to Sheppard Avenue East. The north-south portion of McMahan Drive will provide address for and access to the community centre, school and park and direct, safe pedestrian connections to the subway from apartment towers on McMahan Drive located south of the park. Street D, a new east-west street, south of Sheppard Avenue provides a connection between McMahan Drive and Billes Heights and provides access to the community centre and park.

The approved plan has a 3.7 hectare (9.2 acre), generally rectangular park block located at the western edge of the development. While the area of the park remains the same in the revised proposal, and continues to abut the Bessarion neighbourhood to the west, the shape of the park has been elongated eastward and divided into two park blocks by McMahon Drive. The proposed community centre, library and school site are provided for within the long rectangular west park block west of McMahon Drive and behind the neighbourhood to the west. The east portion of the park extends to form the focus for the mixed use blocks. The areas of land under the *Mixed Use Areas* designation and the *Parks* designation remain the same.

One block of mixed use development fronts onto Sheppard Avenue with a 2 and 6 storey building at Sheppard Avenue and two 8 storey buildings at the rear of the block. Five tall buildings are proposed for the central portion of the site located on either side of Billes Heights and Esther Shiner Boulevard. These buildings include base buildings at 5 and 6 storeys in height and tall building portions at 14, 18, 21, 24 and 28 storeys in height. The applicant is proposing commercial uses at grade and in the base buildings to serve the residents of the new community and to make Esther Shiner Boulevard and Billes Heights pedestrian oriented, active streets.

Six tall buildings ranging in height from 15 storeys to 38 storeys are located in the southern portion of the site between McMahon Drive and Highway 401. Townhouses and base buildings frame McMahon Drive and internal courtyards. A base building with a 15 storey tall building is located closest to the Bessarion neighbourhood to the west.

All areas of the subject application are within 500 metres of the Bessarion subway station. The new street configuration provides additional public sidewalks for pedestrians to access the Bessarion TTC Station. As well, a pedestrian walkway extends diagonally in a southeast-northwest direction providing access from the central development blocks, along the park block to the Bessarion Subway station.

Parking is provided underground and no above ground parking structures are proposed. Proposed parking standards range from 0.6 and 1.5 spaces per unit for apartment residents and 0.10 spaces per unit for visitor parking.

An amendment to the draft plan of subdivision and conditions approved by the Chief Planner on February 20, 2003 is proposed. The amendment changes the block, street and open space layout of the draft plan of subdivision and revises the draft conditions of subdivision approval.

Block 18

Block 18 is located at the southwest corner of Provost Drive and Esther Shiner Boulevard and is not part of the subject Official Plan, zoning and subdivision amendment applications (see Attachment 3).

The proposal for Block 18 is a 31 storey residential building with townhouses for a total of 428 units and street related retail space at Esther Shiner Boulevard. The applicant wished to have minor variances, site plan approval and building permits issued ahead of the zoning amendment and subdivision approval process for the lands west of Provost Drive. Planning staff were supportive of this approach. In September 2011, the Committee of Adjustment granted a severance which removed the block from the draft plan of subdivision but refused the minor variances. On February 23, 2012 the Ontario Municipal

Board approved the minor variances. Site plan approval and a building permit have now been issued for Block 18.

Block 17

Block 17 is located at the northwest corner of Provost Drive and Esther Shiner Boulevard. Block 17 is subject to the overall rezoning application and is part of the draft plan of subdivision. The proposal is for a 21 storey residential building with 257 units and street related retail space at Esther Shiner Boulevard. On July 8, 2011, the applicant filed a Site Plan Control application for Block 17 and has consolidated the application with the Official Plan, zoning by-law and subdivision applications at the Ontario Municipal Board. Notice of Approval Conditions for site plan approval are expected to be issued prior to the hearing on September 4, 2012.

Community Consultation

A community consultation meeting was held on October 28, 2009 for an Official Plan Amendment application to reconfigure the park and mixed use blocks for portions of the west of Provost Drive. The ward Councillor held Ratepayers' Association meetings prior to the community consultation meeting.

In July and August 2010 the applicant filed Official Plan and Zoning By-law amendments and a subdivision application. On January 18, 2010, North York Community Council directed City Planning staff to schedule a community consultation meeting with an expanded notice area.

A community consultation meeting was held on November 3, 2011 and approximately 80 members of the public attended along with the applicant, Ward Councillor and staff from City Divisions. The Councillor held a Ratepayers' Association meeting prior to the community consultation meeting on October 5, 2011. The following issues were expressed at both meetings:

- the proposal will increase existing a.m. and p.m. rush hour traffic congestion on Sheppard Avenue particularly at already congested major intersections;
- questioned the assumption that a high proportion of future residents will use the Bessarion and Leslie Subway Stations;
- adequacy of the proposed parking supply, in particular, the visitor parking supply as it could result in on-street parking on neighbouring streets;
- the overall density of the development is too high;
- the proposal targets investors and single persons rather than a community that accommodates people in all phases of life;
- the small size of the dwelling units, particularly, the lack of family size units;
- the quality and safety of open spaces adjacent to Highway 401;
- health issues such as noise and pollution associated with the development adjacent to Highway 401; and
- The proposal will have a long construction phase with disruption in the form of noise, dust, mud, and construction traffic.

Site and Surrounding Area

The subject property contains a Presentation Centre located at the Sheppard Avenue frontage and is otherwise vacant with Block 18 at the south east portion of the site under construction. Sheppard Avenue and the Bessarion Subway Station abut the subject site to the north. There is a significant change in grade between the lower subject site and the higher Bessarion neighbourhood to the west. The abutting properties include:

North: Sheppard Avenue East, gas station and retail plaza on the north side of Sheppard Avenue and low density residential neighbourhood beyond;

South: Highway 401;

East: Canadian Tire retail store, Provost Drive, the IKEA store and mixed use development by Concord Adex beyond ; and

West: the low density Bessarion neighbourhood

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow and the provision of infrastructure to support growth. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

OFFICIAL PLAN

The Sheppard Avenue frontage of the subject lands is identified as an *Avenue* on Map 2 - Urban Structure and the lands are designated *Mixed Use Areas* and *Parks*.

Avenues are corridors along major streets which are intended to accommodate new housing and job opportunities, supported by public transit.

Mixed Use Areas include a broad range of commercial, residential and institutional uses as well as parks and open spaces. Development within *Mixed Use Areas* will provide a balance of high quality commercial, residential, institutional and open space uses that reduces auto dependency and meets the needs of the local community. Development in *Mixed Use Areas* is to provide an appropriate transition to and protection of adjacent stable residential neighbourhoods.

The *Parks* designation provides for parkland and for recreation and cultural facilities. There is no provision for schools or daycare facilities on lands designated *Parks*. Policy 4.3 contains development criteria which includes among other things that comfortable and safe pedestrian conditions are provided. Policy 3.2.3.3 requires that the effects of development on adjacent properties, including additional shadows, noise, traffic and wind on parks and open spaces will be minimized as necessary to preserve their utility.

Section 3.3 of the Official Plan, Building New Neighbourhoods, outlines a comprehensive framework for planning new neighbourhoods which includes consideration of the pattern of streets, blocks and open space, the mix and location of land uses and building types and a strategy to provide parkland and community services. The policy states that for new neighbourhoods to be viable communities they need a focal point, a fine grain of interconnected streets and pedestrian routes that define development blocks, high quality parks and open spaces and services that meet the needs of residents, workers and visitors. New neighbourhoods are to be integrated into the surrounding fabric of the City with good access to transit, good connections to surrounding streets and open spaces, and uses and building scales that are compatible with surrounding development. The Official Plan provides that a full range of housing in terms of form which include townhouses and mid-rise buildings be provided across the City and within neighbourhoods.

The Official Plan provides guidance for development of a high quality public realm. Quality architectural, landscape and urban design are encouraged and new development is to enhance the quality of the public realm. A number of public uses including a community centre, library, day care and sites for two elementary schools are proposed on the new park. Policy 3.1.1 provides guidance for the development of such buildings within the public realm including promoting high quality design and siting to ensure prominence, visibility and accessibility.

Policy 3.1.2 provides general built form policies on building location and organization, massing and the provision of pedestrian amenity. These policies state that new development will fit harmoniously into its existing and/or planned context. New development will appropriately frame streets and open spaces, will be massed to provide for adequate light and privacy, adequately limit shadows and uncomfortable wind conditions, provide attractive, safe and comfortable pedestrian environments and locate vehicle parking, access and service areas to minimize their impact.

Policy 3.1.3 provides guidance for the appropriate location and design of tall buildings. Based on policy 3.1.3, City Council approved “Design Criteria for the Review of Tall Buildings” calls for the creation of slender rather than bulky forms with floor plates of 750 square metres rising from base buildings with appropriate height based on the width of the street. The Design Criteria for the Review of Tall Buildings provides direction for the height of base buildings, building stepbacks and separation distances between buildings in order to ensure a comfortable and attractive environment and human scale at the street level.

Policy 5.1.1 provides guidance for height and density incentives under Section 37 of the *Planning Act*. These policies allow the passing of a zoning by-law to grant a height and/or density increase for a project that is greater than the zoning would otherwise permit in return for community benefits.

SHEPPARD EAST SUBWAY CORRIDOR SECONDARY PLAN

The subject site is located within the Sheppard East Subway Corridor Secondary Plan which establishes the subject lands as a key development area for mixed use development. The subject lands are within the Bessarion Node which provides that there is to be an appropriate transition between new development and adjacent stable residential neighbourhoods. The Secondary Plan provides for the preparation of a Context Plan to review the relationship of a proposed development to adjacent streets, open space and development sites.

The Secondary Plan permits a maximum density of 2.0 Floor Space Index for the subject lands. Where land is conveyed for parkland and required roads are provided, the density attributable to such land may be transferred to another parcel within the same node or to land in the Leslie Node located east of Provost Drive.

The Secondary Plan provides density incentives for the provision of specific facilities. The gross floor area of such facilities is exempt from the calculation of density and allows an additional amount of gross floor area to be exempted from the density calculations. The incentives policy includes a list of items that are eligible for incentives including; public community centre, daycare facility and private recreational uses. The Sheppard East Subway Corridor Secondary Plan is shown on Attachment 5.

ZONING

The subject site is zoned under Site Specific Zoning By-law 1094-2002 of the former City of North York which provides for Open Space (01), Apartment Zone – Sixth Density (RM6) and General Commercial (C1). Schools and a public library are permitted uses in the Open Space (01) zone. Existing zoning is shown on Attachment 6.

BESSARION – LESLIE CONTEXT PLAN

The Bessarion-Leslie Context Plan was adopted with an implementing Zoning By-law (1094-2002) by City Council in January 2002. It applies to the lands located between Sheppard Avenue and Highway 401 and Leslie Street and Bessarion Road and includes the subject lands. The Context Plan provides a framework for the development of the new mixed use community proposed for this location. It identifies an appropriate public road network, street character, pedestrian connections and building massing and height to be secured through zoning and subdivision approval. A Master Streetscape Plan including a pedestrian circulation plan for the lands east and west of Provost Drive describes a hierarchy of streets in the development, treatment of special intersections and landscaping, paving and lighting.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the Provincial Policy Statement (2005) by intensifying an urban area around a major transit station and reducing automobile dependency through mixed-use, transit supportive and pedestrian friendly development.

The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe which calls for intensification in urban growth centres and around major transit station areas and promotes the development of complete communities including a range of housing choices, easy access to open space, amenities, services and employment opportunities.

The implementation of the Provincial Policy Statement and Provincial Growth Plan occurs through the adoption of an Official Plan. The detailed implementation of this proposal and the Official Plan policies are discussed below.

Official Plan

New Neighbourhoods

The subject application proposes revisions to 2002 approvals for a new, mixed use neighbourhood. The new neighbourhoods policies direct that new neighbourhoods will have a comprehensive planning framework reflecting the Plan's city wide goals as well as the local context. This application supports the policy as discussed below.

New streets are provided in a revised configuration which promote a connected grid and offer a number of travel options with safe and convenient access for residents to the Bessarion TTC station. The proposed community centre location is now confirmed adjacent to the Bessarion TTC station at Sheppard Avenue and it will be accessible to both new residents and the surrounding communities via the new north south portion of McMahan Drive.

There are a mix of land uses including institutional and commercial uses which are located to support the streets and public park. The commercial uses provide shopping and services to support the residential uses and create animated streets and public open space.

The development provides a 3.7 ha (9 ac) park with public uses and the park has been reconfigured to provide a focus for the community and locate the new public buildings with access and address on new public streets.

A mix of apartments, ground related units and townhouses are proposed, and as indicated in this report the applicant has agreed to provide a minimum 10% of dwelling units which are to be a minimum size of 100 m² (1,076 ft²) and would contribute to a full range of housing for this new neighbourhood.

The proposal provides an appropriate transition to the adjacent low density Bessarion neighbourhood and connections to Sheppard Avenue.

Land Use

The lands are designated *Mixed Use Areas* and *Parks* and the proposed development provides a mix of uses including residential, commercial, institutional and parkland. Residential uses take the form of apartments, ground related units in base buildings and townhouses. A total of 3,651 m² gross floor area is proposed for commercial uses primarily for at grade retail, restaurants, personal service and office uses along Billes Heights, Esther Shiner Boulevard and Sheppard Avenue.

An amendment to the Official Plan is required to redesignate the Parks and Mixed Use Areas as shown on Map 1 of the draft Official Plan Amendment contained in Attachment 8.

Institutional uses including a community centre, library, daycare facility and an elementary school are proposed on the western portion of the park (Block 10). The draft Official Plan Amendment contained in Attachment 8 provide for a community centre, a public library, a school and a daycare facility on Park Block 10 and are in keeping with the original design of the community.

An amendment to the Official Plan is required to permit the sale of parkland to the Toronto District School Board for the construction of a school.

Revised Street, Block and Park Layout

The revised street layout provides public street frontage and address for the community centre and schools and a direct pedestrian sidewalk to the Bessarion TTC station, community centre, library and school. Esther Shiner Boulevard and Billes Heights have been identified as retail streets and have widths which allow for on-street parking and bike lanes. A new street (Street D) is proposed parallel to Sheppard Avenue which connects McMahon Drive and Billes Heights. The applicant has proposed that Street D be a private street in order to accommodate underground parking. The policies of the Bessarion Node in the Sheppard East Subway Corridor Plan require that proposed roads are to be public roads. This report recommends that all roads in the proposed development, including Street D, are to be public roads in order to fulfill their role serving pedestrians, cyclists and vehicles, providing space for public utilities and services and trees and landscaping.

The shape of the park has been revised from the 2002 approvals and is now a more central component of the new community as it extends east into what in the previous plan was development blocks and has frontage on both the east-west and the north-south alignment of McMahon Drive and on Esther Shiner Boulevard. The Bessarion – Leslie Context Plan calls for civic buildings in highly visible and accessible locations. The site of the new community centre has been confirmed south of the Sheppard Avenue frontage behind the Bessarion TTC station with access and address from the new McMahon Drive. This location reinforces the community centre as a public facility for the wider community.

Density

The application proposes an increase in gross floor area of 54,145 m² including the incentive for a daycare facility. When applied to the land area which includes the applicant's lands, the Canadian Tire store, Block 2 owned by Canadian Tire, the park and the roads, the proposed density is 2.2 FSI. The gross floor area of the development proposed on the applicant's lands, the proposed community centre and school is 309,671 m² or 2.5 FSI.

The proposed increase in density is consistent with the goals and objectives of the Provincial Growth Plan and the Provincial Policy Statement. The Official Plan recognizes that new growth within the city will occur from land use intensification in areas such as the subject lands where existing land use patterns, infrastructure, the road network and transit can accommodate intensified development.

The proposed density is in accordance with the Secondary Plan goal of encouraging “appropriate, high quality development in the Sheppard East Subway Corridor in support of, and to take advantage of, the large public investment in rapid transit.” The subject development will promote the use of public transit. Future residents of the subject site will be within 500 metres of the Bessarion subway station and are in proximity to the Leslie subway station and the Oriole GO station. The proposed increase in density and heights does not adversely impact adjacent neighbourhoods and are in keeping with policies of the Secondary Plan in this regard. The proposed development is consistent with City urban design policies and the subject lands can accommodate the proposed increase in density in terms of its distribution over the site. For these reasons the proposed increase in density is appropriate.

The proposed increase of 54,145 m² includes a density incentive of 2,128 m² which is available when a daycare facility is provided. The applicant wishes to have the option of paying cash for a daycare facility rather than providing the facility. The Sheppard Subway Corridor Secondary Plan specifies that in order to receive a density incentive, in this case 2,128 m², a daycare facility shall be provided. The applicant is proposing an Official Plan Amendment to provide for the option of paying cash or providing the daycare facility. The Secondary Plan does not provide for a density incentive when a cash contribution to a community facility is made. Childrens Services staff have commented that the applicant should provide the daycare facility rather than a cash payment. Staff do not support the applicant's request to allow the option to amend the Official Plan to permit a cash payment.

The 2002 approvals also provided for a density exemption of a minimum 1.5 m²/unit for the provision of private indoor amenity space which is calculated at the building permit stage.

Height and Building Massing

The previous plan approved in 2002 anticipated residential uses in the form of 6 tall buildings and 8 mid-rise buildings (total 14 buildings). These mid-rise buildings were 10 to 14 storeys in height and would now be classified as tall buildings under the approved Official Plan policies and Tall Buildings Guidelines. The subject application proposes 11 tall buildings with bases, a mid-rise building at Sheppard Avenue and townhouse blocks. The proposal conforms to the Sheppard East Subway Corridor Secondary Plan with the greatest heights in the development blocks at Highway 401 and a transition downward to Sheppard Avenue and to the Bessarion neighbourhood. Staff have worked with the applicant to bring the subject application into conformity with the approved Official Plan policies and Tall Buildings Guidelines in terms of floor plate size, base buildings and separation distances.

The Official Plan requires new development to adequately limit shadow impacts on parkland. Six tall buildings are located in the development blocks adjacent to Highway 401. With the change in the configuration of the park, these buildings are now sited along the southern edge of the park and this location results in the potential for building shadows on the park. A shadow study (including June 21, March 21 and December 21) was prepared in order to assess the impacts. Staff have determined that a number of performance standards are required in the draft Zoning By-law to minimize shadow impacts. These include:

- delineation of tower locations
- maximum floor plate sizes of 750 m²
- maximum east-west tall building dimensions of 30 metres
- no balconies permitted on the east and west tall building elevations
- no balconies permitted at the exterior corners of tall buildings

The central portion of the site contains five tall buildings which front onto Esther Shiner Boulevard and Billes Heights and four of these back onto the existing Canadian Tire parking lot. These buildings range in height from 14 to 28 storeys. Proposed building setbacks and 5 and 6 storey base buildings with active uses at street level will provide for pedestrian scale, street level animation, and space for adequate pedestrian amenity.

Parcel B is also in the central portion of the site and contains one of the tall buildings noted above. Due to the constraining configuration of this block, a particular layout of base buildings and the tall building as well as heights is recommended in order to ensure appropriate development. A 20 storey tall building is to be located at the southern point of the block with base buildings of 5 and 6 storeys and a 6 storey building is to be located across the north end of the parcel. There is to be continuous building face along Billes Heights to the east and an opening from the courtyard to the park to the west.

The mixed use development block fronting onto Sheppard Avenue proposes a 2 storey and 6 storey building at Sheppard Avenue and two 8 storey buildings at the rear of the block as provided for in the Secondary Plan. Development on this block provides appropriately scaled definition and support on Sheppard Avenue.

The draft zoning by-law contained in Attachment 9 provides for heights of buildings. For Parcels A, B, C and D ground floors are permitted a maximum height of 6.8 metres in order to accommodate commercial uses. The base buildings for Parcels E, F and G are to be located along the north lot line at McMahan Drive and have a minimum height requirement of 14 metres in order to frame the street and park.

The design of building rooftops including the mechanical components is reviewed through the site plan approval process. The detailed review of site plan applications will ensure good, high quality design and appropriate screening of mechanical components.

The Toronto Official Plan and Sheppard East Subway Corridor Secondary Plan require appropriate transitions between new development and stable residential neighbourhoods. The western portion of the park and a development block abuts the Bessarion neighbourhood. The proposed uses in this portion of the park include the community centre at 3 storeys and elementary schools at 2 storeys. It is anticipated that the buildings will be built into the existing slope and the lower grade of the land at the community centre and schools compared to the adjacent Bessarion neighbourhood properties, which are located on a small hill west of the park block, means that the proposed buildings should be approximately one storey above grade when viewed from the homes in the Bessarion neighbourhood. This is considered an appropriate transition in scale in accordance with the Bessarion – Leslie Context Plan.

A 15 storey residential building with a base building is proposed adjacent to the Bessarion neighbourhood along Highway 401. The massing, height and organization of this development block provides appropriate transitions as defined in the Secondary Plan with height equal to the setback or a 45 degree angular plane and is sufficiently setback so as to not adversely impact the adjacent neighbourhood.

The heights of buildings on Parcel F, a development block along Highway 401 are proposed at 38 and 31 storeys. These heights are still under discussion with the applicant.

Size of Units

Official Plan policy 3.2.1.1 and policy 3.3.3 provide that a full range of housing to meet the current and future needs of residents be provided and maintained. Providing larger dwelling units which could be suitable for households with children contributes to the development of a complete community which

accommodates a more diverse range of households. The applicant has agreed that a minimum of 10% of the proposed units will be a minimum size of 100 m² (1,076 ft²).

This minimum will be required in all Parcels so that family suitable units are provided throughout the development and would be available during all stages of the development build out. The applicant has agreed to provide 10% of the units as large units on a Parcel by Parcel basis, except for Parcel D which is nearing completion of the Site Plan Approval process. Staff are recommending that this provision be secured in the Official Plan and Zoning By-law amendments.

The applicant proposes to maintain the maximum unit size requirements which encourage affordable housing as contained in site specific Zoning By-law 1094-2002 and in the former City of North York Official Plan. This provision has not been carried forward in the housing policies of the Toronto Official Plan and has been replaced with a range of policies respecting the form, tenure and affordability of the city's housing supply. The maximum unit size requirement for affordability has therefore not been included in the draft zoning by-law contained in Attachment 9.

Transportation

At the community consultation meeting on this development proposal, residents identified traffic congestion on Sheppard Avenue at major intersections, particularly at Leslie Street, attributable to development within the Sheppard corridor as a significant issue.

The Official Plan provides for future growth of the City and identifies where such growth can be accommodated. Growth is to be accommodated in Centres, Avenues, Employment Districts and the Downtown. Sheppard Avenue East from Yonge Street to Brimley Road is identified as an Avenue and as a Higher Order Transit Corridor. The Official Plan provides direction regarding reducing automobile dependence and increasing the modal share for transit, walking and cycling through development that is transit supportive. In addition, the Sheppard East Subway Corridor Secondary Plan provides for development that supports the subway.

Transit supportive development requires not only a mix of uses, but also appropriate densities to support higher order transit service. The Secondary Plan provides for an increased number of residents and employees living and working close to the Bessarion and Leslie subway stations. All of the subject site is within 500 metres of Bessarion TTC Station and future residents have access to the Leslie TTC Station and the Oriole GO Station. The subject applications continue to achieve the vision and objectives of the Sheppard East Subway Corridor Secondary Plan.

The subject application provides for a revised road pattern from the 2002 approvals. It provides for a modified grid pattern and includes a new alignment of McMahan Drive and adds a new street close to and parallel to Sheppard Avenue which connects McMahan Drive and Billes Heights. The proposed road pattern provides sufficient capacity to accommodate anticipated demand for automobile travel without relying on local residential streets north of Sheppard Avenue or to the west. The north-south alignment of McMahan Drive provides street frontage for improved accessibility to the large central park. It also provides direct pedestrian access along a public sidewalk to the Bessarion TTC station and serves the proposed community centre and potential school site.

The Secondary Plan also provides for monitoring of traffic volumes, travel demand management outcomes and modal split trends. As development proceeds throughout the Sheppard corridor, transportation monitoring will be undertaken.

Wind

The applicant submitted a wind assessment study for the proposed development prepared by RWDI. The assessment concludes that generally, wind comfort conditions are acceptable and that proposed design features for wind control such as tall buildings with setbacks to appropriately scaled base buildings, weather protection elements including canopies and overhangs and landscaping are to be incorporated in the final building designs. Further wind studies will be required at the site plan approval stage for each development. The findings of this analysis have been accepted by City Planning staff.

Noise Study

The subject lands are adjacent to Highway 401 and the applicant has submitted a noise study undertaken by Golder Associates. The study examined potential issues with respect to noise from Highway 401 on the 3.7 hectare park and on the condominium suites and outdoor amenity areas. The study concludes that the proposed earth berm to be located parallel to Highway 401 would provide a continuous barrier for noise on the park from the highway. It should be noted that the proposed built form along Highway 401 and that the grade of the development lands is higher than the highway also contributes to reduced noise levels in the park. The draft Zoning By-law requires continuous building edges along the highway to help address noise.

Community Services and Facilities

In 2002, Council approved a proposal for a new mixed use community, which included the subject lands and the lands east of Provost Drive. A Community Services and Facilities review was undertaken at that time so that adequate parkland, schools and community facilities could be planned for the new community and this portion of the Sheppard corridor. The Community Services and Facilities review identified the need for a community centre and daycare facilities to serve this area. Accordingly, the 2002 planning approvals for the new community east and west of Provost Drive included a new public community centre, a school and two daycare facilities. The 2002 Community Services and Facilities Review was updated in 2008 and confirmed the need for these facilities.

The 2002 approvals secured 5.2 million dollars toward the provision of a joint community facility. Parks Forestry and Recreation staff have indicated that they are seeking additional funds to finance the construction of a community recreation facility in the Bessarion Node.

The 2002 approvals contemplated a public library on the subject lands. In response to the current applications, the Toronto Public Library has commented that including a library facility on the park block, potentially as a combined facility with the proposed community centre is an acceptable option.

The 2002 approvals require the applicant to provide a 52 space daycare with open space on the development block adjacent to Sheppard Avenue. In response to the current applications, Children's Services has indicated that including a daycare facility in the community centre is an acceptable option. The Secondary Plan also identifies the provision of a daycare facility as eligible for a density incentive.

If the applicant provides a daycare facility a density of 2,128 m² is available. The applicant is seeking to have an option to pay cash for a daycare facility or to provide the facility, however site specific Zoning By-law 1094-2002 and the executed Section 37 Agreement for these lands require that a daycare facility be provided.

Preliminary development of a schematic design has been underway on the proposed community centre to be located on Block 10 at Sheppard Avenue and the Bessarion subway station. Parks and Recreation staff are looking at the location, program elements which include recreation and community uses, a public library and a daycare facility to be incorporated into the design of the building and site and cost estimates.

The draft Official Plan and zoning by-law amendments contained in Attachments 8 and 9 provide for a community centre, public library, daycare facility and schools.

Parks

Parks, Forestry and Recreation supports the new configuration of the park, identified as Block 10 and Block 14 which is 3.7 hectares (9.2 acres) in size and is shown on Attachment 2. No requirement for additional parkland or cash-in-lieu for parkland has been identified by Parks, Forestry and Recreation.

Schools

The Final Report dated October 31, 2002 on the former Canadian Tire lands application contemplated two elementary schools located within the park. In a letter dated January 21, 2011 the Toronto District School Board (TDSB) identified the need for an elementary school site in this area to address both existing and future school needs. In a letter dated May 25, 2012 the TDSB seeks assurance that a site for a school on the Park Block will be secured for school purposes. The Toronto District Catholic School Board has not indicated that they require a school site. The Secondary Plan has policies to guide the provision of schools including the size, location and possibility of a joint use facility with a community centre. A school is a permitted use in the draft Official Plan and Zoning By-law amendment contained in Attachments 8 and 9.

Bessarion – Leslie Context Plan

The Bessarion – Leslie Context Plan was approved in 2002 and applies to the lands located between Sheppard Avenue and Highway 401 and Leslie Street and Bessarion Road which includes the subject applications on the lands west of Provost Drive. The subject applications propose a revised street, block and park layout, revised building heights and massing, new urban design guidelines in the form of a revised Context Plan and a new Master Streetscape Plan. As well, since the approval of the Context Plan, the Official Plan and its implementing guidelines, Tall Buildings Guidelines and Infill Townhouse Guidelines have been approved by City Council. These policy changes require that this portion of the Context Plan be updated. The former Bessarion - Leslie Context Plan will continue to apply only to the lands east of Provost Drive for which approvals are in place and/or are constructed. Attachment 7 shows the original and revised portions of the Bessarion – Leslie Context Plan.

The proposed development is consistent with the intent of the Secondary Plan policy to use the Context Plan to guide an appropriate street and block layout, the proposed distribution of height and density and connections within the community. Buildings in the proposed development frame adjacent streets and the park, main entrances are located with direct accessibility to the street and new buildings frame streets in a way that respects the street proportion.

The revised Bessarion-Leslie Context Plan, including Urban Design Guidelines and a Master Streetscape Plan is not yet completed by the applicant to the satisfaction of the City. This report recommends that the draft Context Plan be completed in a manner which implements the draft Official Plan and Zoning By-law amendments attached to this report to the satisfaction of the Chief Planner and Executive Director prior to the Ontario Municipal Board issuing any Order approving the Official Plan and Zoning By-law amendments or Site Plan Approval for the subject lands.

Urban Design Guidelines

As part of the revised Bessarion – Leslie Context Plan revised Urban Design Guidelines are being prepared which support the overall development vision and direction on urban design relationships. The Urban Design Guidelines give specific detail to the policies of the Official Plan and the Secondary Plan and guide the detailed design of the Zoning By-law for these lands. The Guidelines will provide for a development plan that sets out how the proposed development is consistent with the Tall Building and Infill Townhouse Guidelines, provide direction for open space and civic uses and, provides for a safe, comfortable, attractive pedestrian environment.

The Urban Design Guidelines set out the design principles and direction for the following development matters:

- the location and organization of buildings
- setbacks and building setbacks
- the location and heights of base buildings
- floor plate size and separation distances for tall buildings
- maximum east-west building dimensions and siting to minimize shadow impacts on the park and provide acceptable shadows for streets
- street address for tall buildings in development blocks along Highway 401
- building ground floor uses and grading and landscaping of setbacks
- transition to the Bessarion neighbourhood

Master Streetscape Plan

A Master Streetscape Plan is being prepared and is to be incorporated in the Context Plan. The Streetscape Plan sets out the character of the community streets and the elements of sidewalks and landscape on public boulevards. Sidewalks and landscaped areas will be co-ordinated with the landscape and grading of front yard setbacks to provide safe, attractive, interesting and comfortable spaces for pedestrians. The intersection of Esther Shiner Blvd and Billes Heights, located in the centre of the community and on the park, is proposed as a public focal point with special features and streetscape treatments. The vision is to integrate the park, street and publicly accessible open space. The streetscape will feature widened sidewalks, paved areas and walkways and street trees along the retail frontages. A special lighting style is being considered.

Staff will be following up respecting the applicant's revision to the Bessarion – Leslie Context Plan, Urban Design Guidelines and Master Streetscape Plan to address the items identified above.

Zoning

The applicant has submitted a proposed Zoning By-law amendment to the Ontario Municipal Board for approval. Through a detailed review of the applicant's submission the following issues have been identified:

- The calculation of gross floor area to comply with definition in the former North York Zoning By-law.
- There is a considerable amount of floor area dedicated to atriums, stairwells, escalators, elevators, ventilation and utilities, including mechanical penthouses within buildings. The inclusion of these floor areas provide a more predictable description of the overall massing and height of the building, and is required under the currently in-force former North York Zoning By-law No. 7625.
- Delete definitions for 'car share', 'car share parking space', 'live-work uses', 'long term bicycle spaces', 'mechanical penthouse' and 'storey'. These are not necessary to be defined or are otherwise addressed in the body of the draft zoning by-law contained in Attachment 9.
- Delete 'live-work use' and 'studio' from the proposed list of permitted uses. Provide for Home Occupation with certain restrictions to ensure compatibility between land uses.
- The number of dwelling units on any one block may not exceed 10% more than the permitted maximum providing the total number of units does not exceed 3,458. A more reasonable threshold is 5% given the large number of units (3,458) proposed and the possibility that at the time the last building is constructed as many as 346 units would still be permitted under a 10% scenario. The number of units in each phase is not to exceed the phase total and the overall total is not to exceed 3,458 units.
- Building heights are to be indicated in metres and storeys to ensure that the metric height results in the permitted number of storeys.
- Parking and loading standards to be as set out in the Technical Services memorandum of December 21, 2011 including visitor parking at 0.15 spaces per unit. Parking/loading spaces required for a building on a lot shall be provided on the same lot.
- The visitor parking requirement is 0.15 space per dwelling unit. The applicant is proposing 0.10 and that a charge be permitted. Transportation Services recommends 0.15 spaces per unit because the proposed development is not within proximity of large public parking facilities and the large scope of this development. City policy does not permit a charge for visitor parking for residential uses.
- Bicycle parking spaces may not be included in lockers. All bicycle parking spaces are to be easily accessible to building entrances to facilitate their use.

- No above or below grade encroachments are permitted in the Ministry of Transportation 14 metre setback for any development block that is adjacent to Highway 401. This is a Ministry of Transportation requirement in the event that Highway 401 is widened.

The recommended zoning provisions, including the items discussed above, are contained in the draft Zoning By-law Amendment contained in Attachment 9.

District Public Art Plan

The Council approved District Public Art Plan for the subject lands identifies zones for public art and describes priorities and potential site opportunities within the zones. It was approved by City Council for the applicant's lands both east and west of Provost Drive in December 2008 and is based on the 2002 approved plan of subdivision. It is recommended in this report that the District Public Art Plan be updated to reflect revised locations for public art based on the street and block configuration of the current application.

Plan of Subdivision

The applicant has applied to amend the draft plan of subdivision and the conditions of subdivision approval and has consolidated this application with their appeal to the Ontario Municipal Board. This report recommends that the draft plan of subdivision prepared by Lloyd & Purcell Ltd. Ontario Land Surveyors, dated November 10, 2011 and shown in Attachment 10 be recommended for approval subject to the conditions of draft approval contained in Attachment 11. Technical issues will continue to be resolved through the subdivision review and approval process.

Phasing Plan

The timeframe for the build out of this community is expected to be 10 years or more. A Phasing Plan has been established that sets out the order in which the subdivision blocks may proceed and the servicing infrastructure that is needed to support the incremental development of lands. The intent of the Phasing Plan is to provide for the orderly development of services, public streets, the park and civic uses. It identifies the order and timing of road, boulevard and underground servicing construction to ensure that new residents have safe access to the Bessarian subway station and, when the park and community centre are developed, access to those public facilities. The Phasing Plan requires that whenever a street is built, the associated above and underground servicing will be provided. The Phasing Plan is incorporated in the Conditions of Draft Plan of Subdivision approval contained in Attachment 11. The Phasing Plan is as follows:

Phase 1: Prior to any above grade building permit being issued for any building on Block 13, a portion of Esther Shiner Boulevard, a portion of McMahan Drive and a temporary cul-de-sac will be constructed. After these roads are constructed and dedicated, Park Block 14 East shall be conveyed to the City in base park condition not later than June 1, 2015, unless otherwise agreed upon by the General Manager, Parks, Forestry and Recreation.

Phase 2: Prior to any above grade building permit being issued for a public community centre, any building on Block 12 or Block 15, the remaining portion of Esther Shiner Boulevard, all of Billes Heights and the remaining portion of McMahan Drive will be constructed. Block 11 may proceed when the remaining portion of McMahan Drive and all of Billes Heights has been constructed. When the remaining portion of McMahan Drive has been constructed and dedicated, Park Block 14 West shall be

conveyed to the City in base park condition not later than January 1, 2017 unless otherwise agreed upon by the General Manager, Parks Forestry and Recreation.

Phase 3: Blocks 7 and 9 may proceed when Esther Shiner Boulevard, Billes Heights, McMahon Drive and Street D have been constructed.

Park Block 10 shall be conveyed to the City immediately following 12 months notice provided by the City to the owner and in any event no later than the condominium registration of the condominium on Block 7.

Toronto Green Standard

The Toronto Green Standard (TGS) is a set of performance measures for green development. Tier 1 is required for new development and Tier 2 is a voluntary, higher level of performance with financial incentives. The applicant is required to meet Tier 1 of the TGS. These measures will be secured through the Site Plan Control process. The requirement for this application to meet TGS Tier 1 is contained in the conditions of draft subdivision approval contained in Attachment 11.

Community Benefits and Density Permissions

2002 Approvals

The Secondary Plan provides for a density of 2.5 FSI for the lands east of Provost Drive and 2.0 FSI for the lands west of Provost Drive. It also states that where land is conveyed for parkland and required roads are provided, the density attributable to such land may be transferred to another parcel within the Bessarion Node or to land in the Leslie Node located east of Provost Drive.

Development density has been transferred from parkland, roads and the Canadian Tire store site to lands within the Leslie Node and the Bessarion Node which include the subject development blocks. The Secondary Plan density permissions of 2.5 and 2.0 FSI however, do not reflect transferred density. Instead, transferred density is contained in Zoning By-law 1094-2002 which permits a gross floor area of 411,800 m² for all the lands east and west of Provost Drive, including lands still owned by the Canadian Tire Corporation.

Through the 2002 approvals the applicant agreed to provide certain items which included:

- 5.2 million dollars toward a community centre and library
- public art calculated at 1% of gross construction cost of development (these two items were secured in the Subdivision Agreement)
- two daycare facilities; one 72 space and one 52 space daycare to be provided on the lands east and west of Provost respectively for which the applicant would be eligible for a density exemption of 4 times the gfa of the daycare facility (these were secured in a Section 37 Agreement)

As noted above, the original approvals in 2002 required that the owner contribute 1% of the gross construction cost of development for the provision of public art. Providing funds for public art was a requirement of the original approvals for 2.0 times density on the subject lands and should not be considered a Section 37 community benefit for the current application. The value of the public art contribution in 2008 was estimated by the applicant to be \$7.38 million dollars. The applicant has updated this estimate to 2012 construction costs. Based on the 2002 approvals the applicant is required to provide public art with an estimated value of \$9.08 million dollars.

The owner is required to continue to provide these 2002 approval obligations. It is noted that the 72 space daycare centre is permitted in Zoning By-law 1094-2002 on an office block located east of Provost Drive which is presently owned by Canadian Tire. The City is in possession of a letter of credit for the 5.2 million dollar contribution toward the community centre.

Current Proposal

The applicant has offered a community benefit of 5.6 million dollars toward the provision of a public community centre to be located on the park block. This funding together with the funds that have been secured through previous planning approvals in this portion of the Sheppard corridor can be used to provide a needed community facility to serve the development and the area and provide a focal point for the neighbourhood.

Discussions with the applicant on possible additional Section 37 contributions toward the community centre are on going. The agreed upon Section 37 contribution toward the provision of a community centre will be secured in the Section 37 agreement. The agreement should also provide an option for construction of the community centre by the owner. Legal Services have advised that the construction of the facility must be in accordance with the City's Fair Wage Policy and purchasing and procurement policies. The contribution is to be paid prior to the issuance of the first above grade building permit. The applicant has requested a density incentive which would exempt the community facility from the calculation of GFA and exempt an additional 52,014 m² from the density calculations. As the applicant is not proposing to completely fund and construct the community facility as provided for in the Secondary Plan incentive policy, the GFA exemption has not been granted.

Development Charges

As part of the 2002 approvals, City Council approved development charge credits of 4 million dollars for the contribution toward the community centre and library, the construction of Esther Shiner Boulevard and for park improvements. At its meeting of April 14, 2005, City Council approved an increase in the development charge credits for this development to \$5.7 million dollars based on the increase in development charges that the City would be receiving because development charges had increased. The exception to the increase in development charge credits was credit for the construction of Esther Shiner Boulevard which was capped at the 2002 rate as the road had been constructed.

As noted above, the applicant received Development Charge credits through the 2002 approvals for the lands east and west of Provost Drive based on the provision of parkland, public roads and a contribution to the community centre. Through this application, the applicant is requesting that Development Charge

credits be granted for the requested density increase. Final comments from City Divisions on this matter have not been received as of the writing of this report and this issue is still under discussion. In addition, the applicant is requesting that the existing Development Charge credits be indexed.

It is estimated that development charges for this project will be approximately \$33.9 million. This is an estimate and the actual charge is assessed and collected upon issuance of the building permits.

Conclusions

The applicant has appealed the development proposal to the Ontario Municipal Board and a Hearing is scheduled for September 4, 2012. This report recommends that the subject applications be supported and seeks direction with respect to changes to key elements of the applications. The proximity of the site to the Bessarion and Leslie Subway stations makes it an appropriate site for intensification, subject to the recommendations contained in this report. The proposal provides an opportunity to take advantage of the Sheppard Subway, create additional housing, improve the street, block and park layout of the development and secure community benefits to serve residents of the development and the neighbourhood. The report also recommends that discussions with the applicant to resolve outstanding matters including heights of buildings on Parcel F, additional Section 37 contributions and the applicant's request for additional Development Charge credits continue.

CONTACT

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E-mail: lpoole@toronto.ca

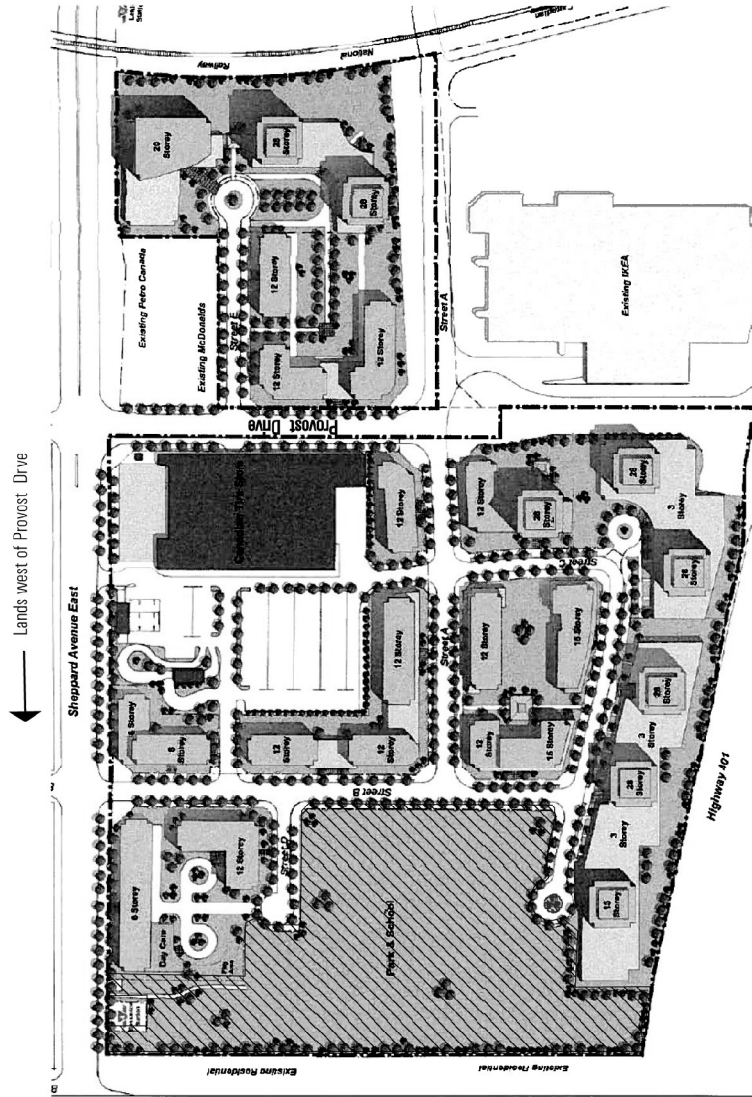
SIGNATURE

Allen Appleby, Director
Community Planning, North York District

ATTACHMENTS

- Attachment 1: 2002 Approved Plan
- Attachment 2: Proposed Master Plan
- Attachment 3: Lands Subject to the Applications
- Attachment 4: Application Data Sheet
- Attachment 5: Sheppard East Subway Corridor Secondary Plan
- Attachment 6: Zoning By-law 1094-2002 (Lands West of Provost Drive)
- Attachment 7: Original and Revised Portions of the Bessarion – Leslie Context Plan
- Attachment 8 : Draft Official Plan Amendment
- Attachment 9: Draft Zoning By-law Amendment
- Attachment 10 : Draft Plan of Subdivision
- Attachment 11 : Conditions of Draft Plan of Subdivision Approval and Phasing Plan

Attachment 1: 2002 Approved Plan



CONCORD PARK PLACE MASTER PLAN DEVELOPMENT | 090121
 Kneibart Payne Dickson Blumberg Architects

AS-OF-RIGHT PLAN
 1/2000

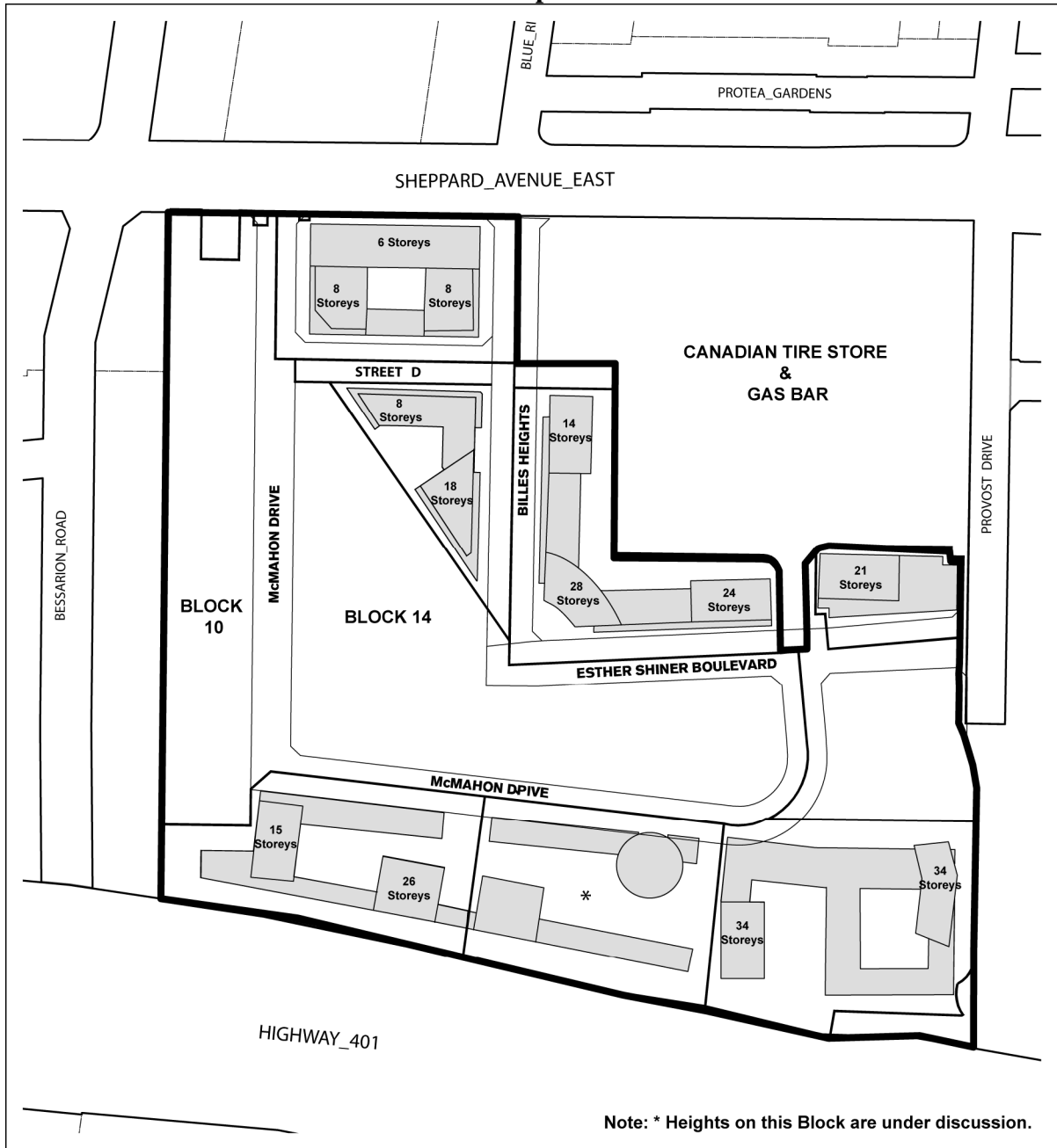
2002 Approved Plan

1001 - 1019 Sheppard Ave. E

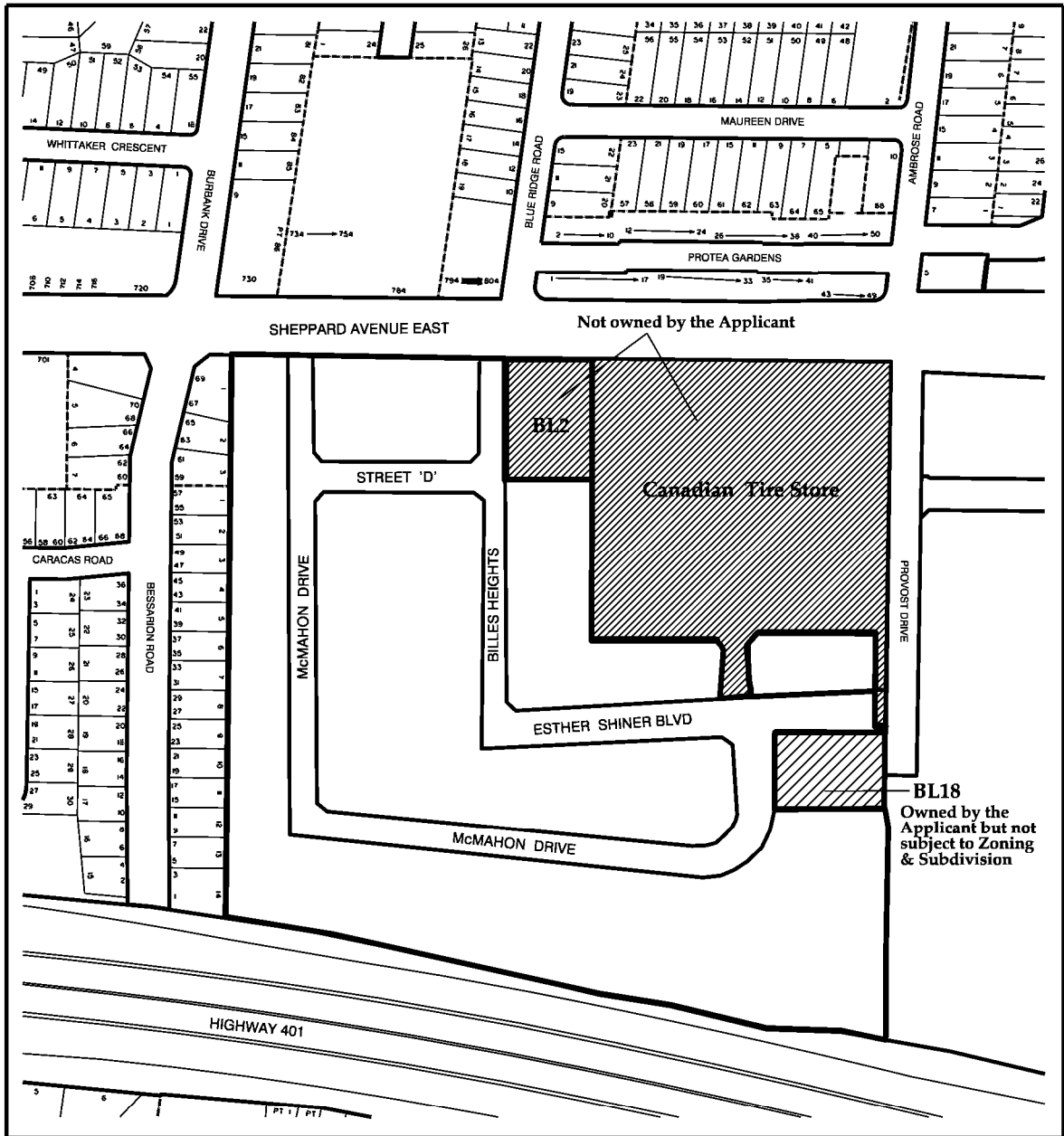
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 10/09/2010

File # 10_227038

Attachment 2: Proposed Master Plan



Attachment 3: Lands Subject to the Applications



TORONTO City Planning
Lands Subject to the Applications

1001 - 1019 Sheppard Avenue East
 File # 10 227038 NNY 24 02

 Lands Subject to the Applications


 Not to Scale

Attachment 4: Application Data Sheet

APPLICATION DATA SHEET

Application Type	OPA + Rezoning	Application Number:	10 227038 NNY 24 OZ
Details	OPA + Rezoning, Standard	Application Date:	July 23, 2010

Municipal Address: 1001-1019 SHEPPARD AVE E
 Location Description: CON 2 EYS PT LOTS 14 AND 15 RP 66R19264 PT PART 16 PARTS 17 TO 21 **GRID N2406
 Project Description: Re-designate park and mixed use blocks and amend the existing zoning by-law performance standards, including height and density.

Applicant:	Agent:	Architect:	Owner:
AIRD AND BERLIS L.L.B			Concord Adex Investments Ltd

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas, Park	Site Specific Provision:	1094-2002
Zoning:	C1, RM6, O1	Historical Status:	No
Height Limit (m):		Site Plan Control Area:	Yes

PROJECT INFORMATION

Site Area (sq. m):	161,225	Height:	Storeys:	2 to 38
Frontage (m):	121.98		Metres:	
Depth (m):	572			

Total Residential GFA (sq. m):	293,920
Total Non-Residential GFA (sq. m):	3,651
Total GFA (sq. m):	354,696 of which 297,571 is Concord

Floor Space Index: 2.2

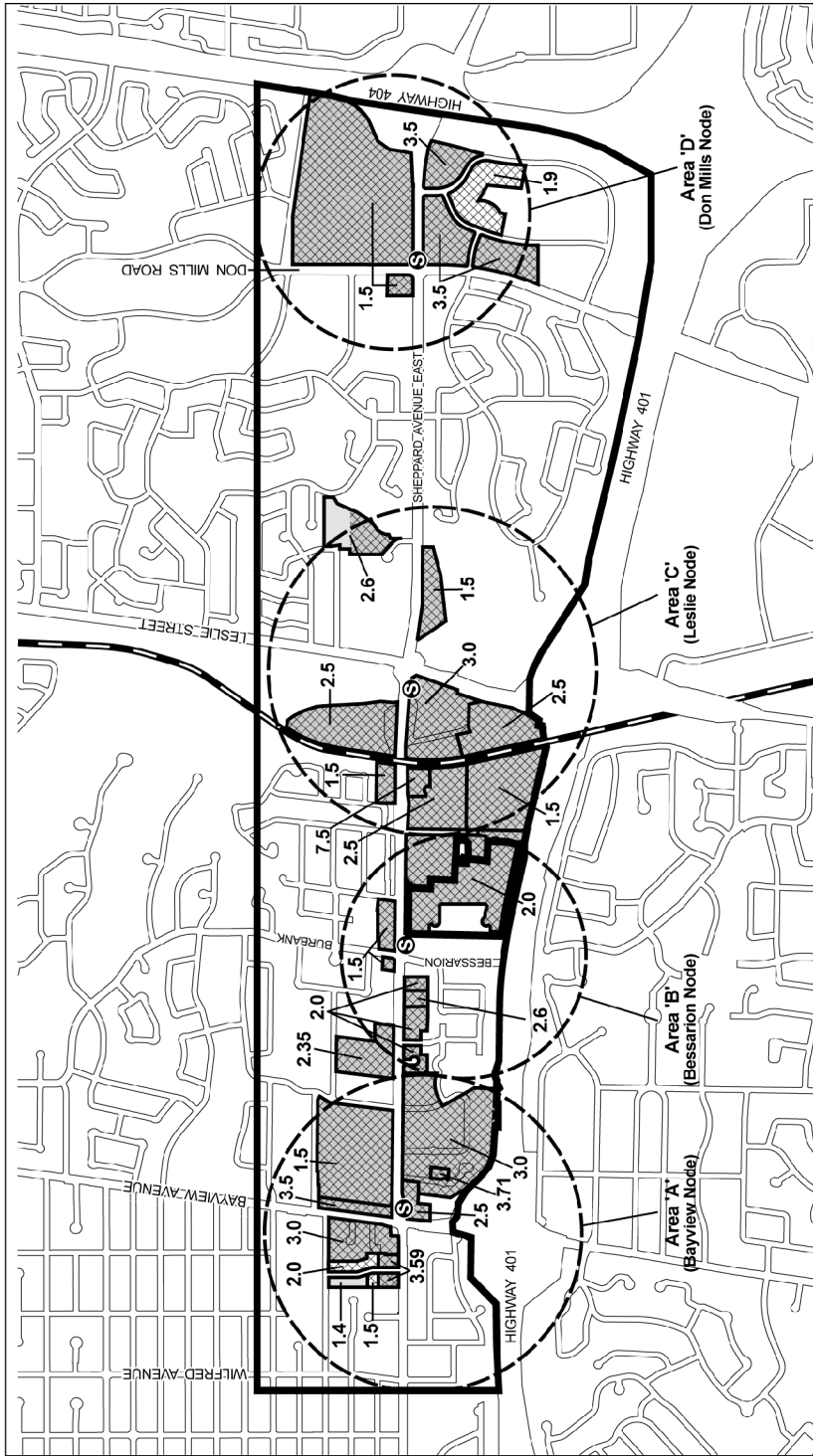
DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Condo		
Rooms:	0	Residential GFA (sq. m):	293,920
Bachelor:	0	Retail GFA (sq. m):	3,651
1 Bedroom:	0	Office GFA (sq. m):	0
2 Bedroom:	0	Industrial GFA (sq. m):	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0
Total Units:	3,458		

CONTACT:	PLANNER NAME:	Lynn Poole, Senior Planner
	TELEPHONE:	(416) 395-7136

Attachment 5: Sheppard East Subway Corridor Secondary Plan



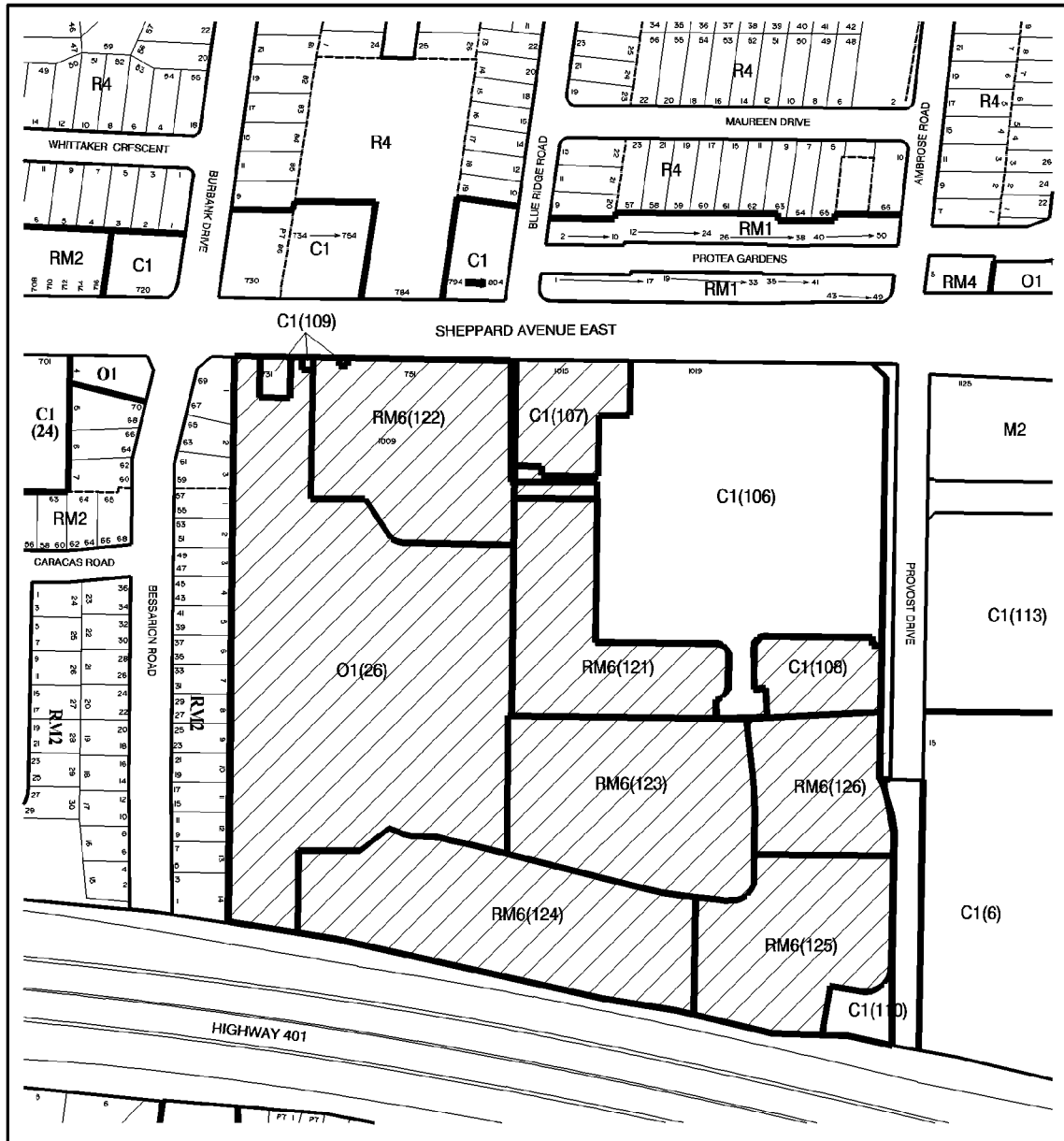
1001-1019 Sheppard Ave. E.

TORONTO City Planning
Sheppard East Subway Corridor Secondary Plan

File# 10_227038 0Z



Attachment 6: Zoning By-law 1094-2002 (Lands West of Provost Drive)



1001 - 1019 Sheppard Avenue East

File # 10_227038

- R4 One-Family Detached Dwelling Fourth Density Zone
- RM2 Multiple-Family Dwellings Second Density Zone
- RM4 Multiple-Family Dwellings Fourth Density Zone
- RM6 Multiple-Family Dwellings Sixth Density Zone
- C1 General Commercial Zone

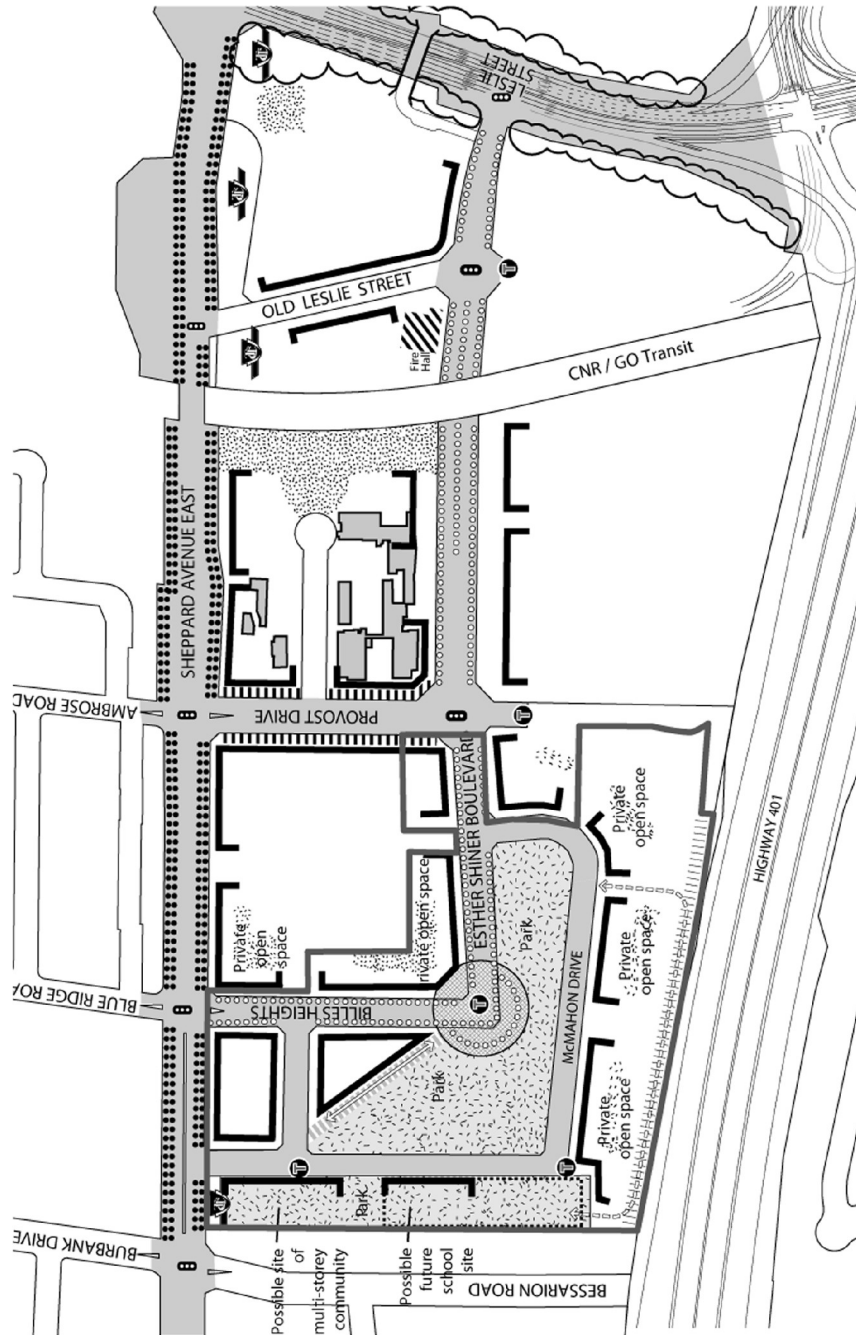
- M2 Industrial Zone Two
- O1 Open Space Zone

NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category



Not to Scale
Zoning By-law 7625
Extracted 07/29/2010

Attachment 7: Original and Revised Portions of the Bessarion – Leslie Context Plan



Structure Diagram
 Applicant's Submitted Drawing
 Not to Scale
 12/08/2010

File # 10_227038

- Level Street Street Drive
- Shopped Aerial Promenade
- Private Drive Shopping Street
- Either Shiner Boulevard / Bikes Heights
- Bikes Heights / Esther Shiner Plaza
- Landscaped Water Affirmation Zone
- Existing TTC Station
- Potential Future CMC Building
- Important View Terminus
- Pedestrian Connection / View Corridor
- Potential Pedestrian Connection
- Possible Building Edge
- Significant Streets and Open spaces
- Public Open Space
- Private Open Space
- Traffic Diverter - "No Through Traffic"
- Existing Traffic Signal
- Proposed Traffic Signal

Attachment 8: Draft Official Plan Amendment

CITY OF TORONTO

To adopt Amendment No. 186 to the Official Plan for the City of Toronto with respect to lands municipally known as 1001 Sheppard Ave East

The Ontario Municipal Board hereby amends the Official Plan as follows:

1. The text and maps attached hereto as Schedule “A” are adopted as an Amendment to the Official Plan for the City of Toronto.
2. This is Official Plan Amendment No. 186.

SCHEDULE “A”

Chapter Four, Land Use Designations, Land Use Map 19, is amended as shown on the attached Map 1.

Chapter Six, Section 9, The Sheppard East Subway Corridor Secondary Plan, Map 9-2, is amended as shown on the attached Map 2.

Chapter Six, Section 9, The Sheppard East Subway Corridor Secondary Plan, Section 4.2.3 (b) is amended to read:

“Development will provide appropriate transitions in density, height and massing toward the stable residential uses on the east side of Bessarion Road.”

Chapter Six, Section 9, The Sheppard East Subway Corridor Secondary Plan is amended by adding the following to Section 4.2.3. Mixed Use Areas West of Provost Drive:

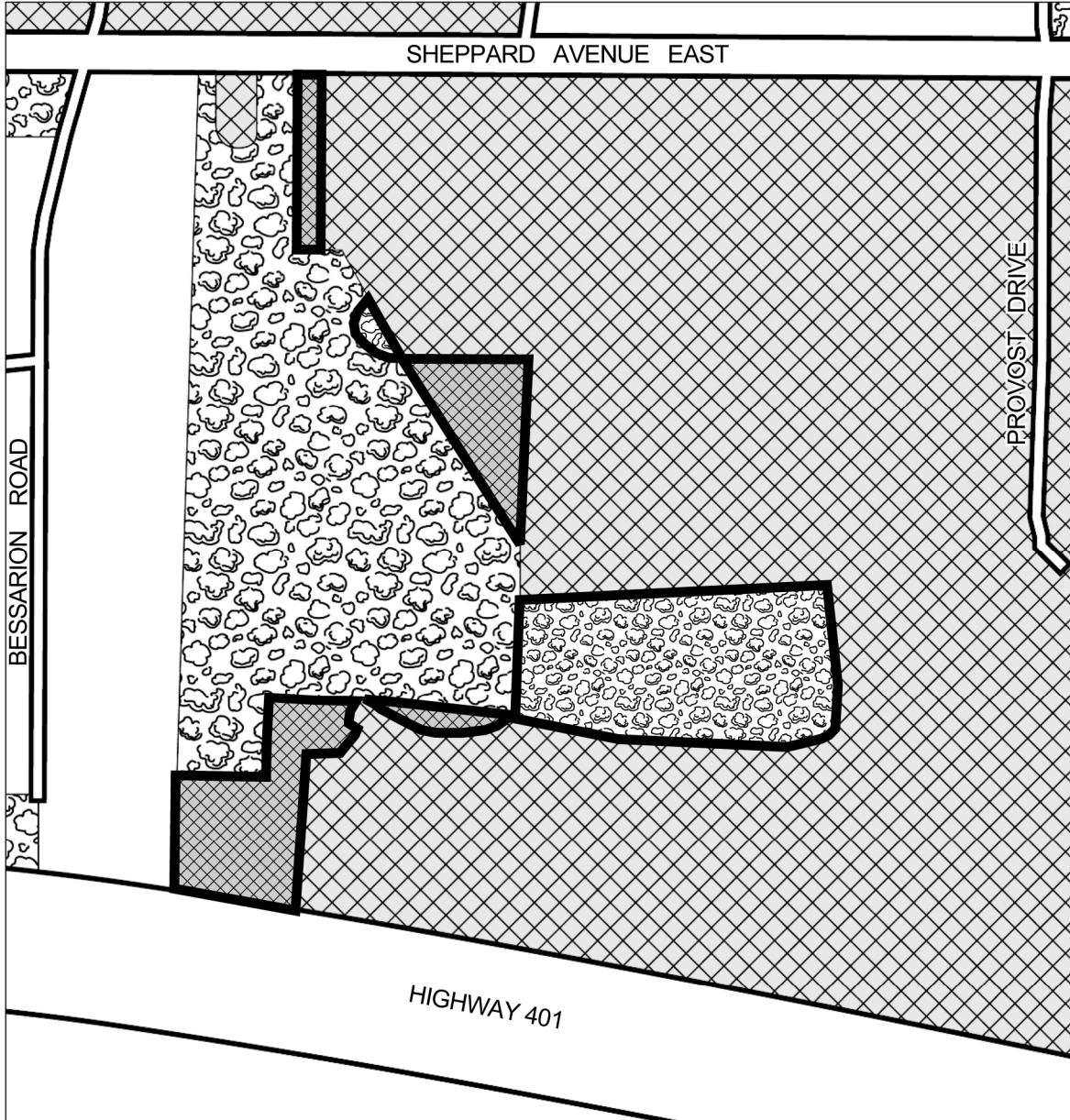
- (g) In addition to the uses permitted by the Official Plan on lands designated as Parks within this development node, a public school, a public community centre, a day nursery and a public library shall be permitted.
- (h) Notwithstanding Policy 4.3.8 the sale of parkland on Block 10 shown on Schedule 1 to the Toronto District School Board for the purpose of a public school is permitted.
- (i) Pursuant to Section 37 of the *Planning Act*, and subject to compliance with the provisions of the By-law, the increase in height and density of development on the lands is permitted in return for the provision by the owner of the following facilities, services and matters to the City at the owner’s sole expense, in accordance with an agreement or agreements, in a form satisfactory to the Chief Planner and Executive Director, City Planning Division and the City Solicitor and such agreement(s) shall be registered against title to the lands shaded on Schedule 1 to secure the following facilities, services or matters;
 - (i) A contribution of 5.6 million dollars toward a public community centre which is to be located within the Bessarion Node of the Sheppard East Subway Corridor Secondary Plan. The contribution of 5.6 million dollars is to be indexed to the Statistics Canada Non-Residential Construction Price Index for Toronto calculated from the date of execution of the Section 37 Agreement to the date of submission of the funds by the owner to the City and is to be paid prior to the issuance of the first above grade building permit. The agreement should also provide an option for construction of the community centre by the owner in accordance with City policies including the Fair Wage Policy and purchasing and procurement policies;

- (ii) The owner is to provide a 52 space, 532 m² finished, furnished and equipped day nursery with 290 m² of outdoor play space contiguous to the day nursery in exchange for a density incentive of a maximum gross floor area of 2,128 m² and a density exemption of 532 m².
- (iii) The owner is to provide a public art contribution of 1% of the gross construction cost for approved development.
- (j) The maximum permitted gross floor area of the lands known municipally as 1019 Sheppard Avenue East shall be 15,200 m².
- (k) The maximum gross floor area of Part 2 as shown on Plan 66R-24332 shall be 11,000 m².

Chapter Six, Section 9, The Sheppard East Subway Corridor Secondary Plan, Section 7.1, is amended by revising the fourth sentence to read as follows:

A separate or joint use facility may be developed on lands less than 4 hectares where arrangements have been made to the satisfaction of the School Boards.

Map 1
Official Plan Amendment No. 186



1001 - 1019 Sheppard Ave. E.



Official Plan Amendment #186

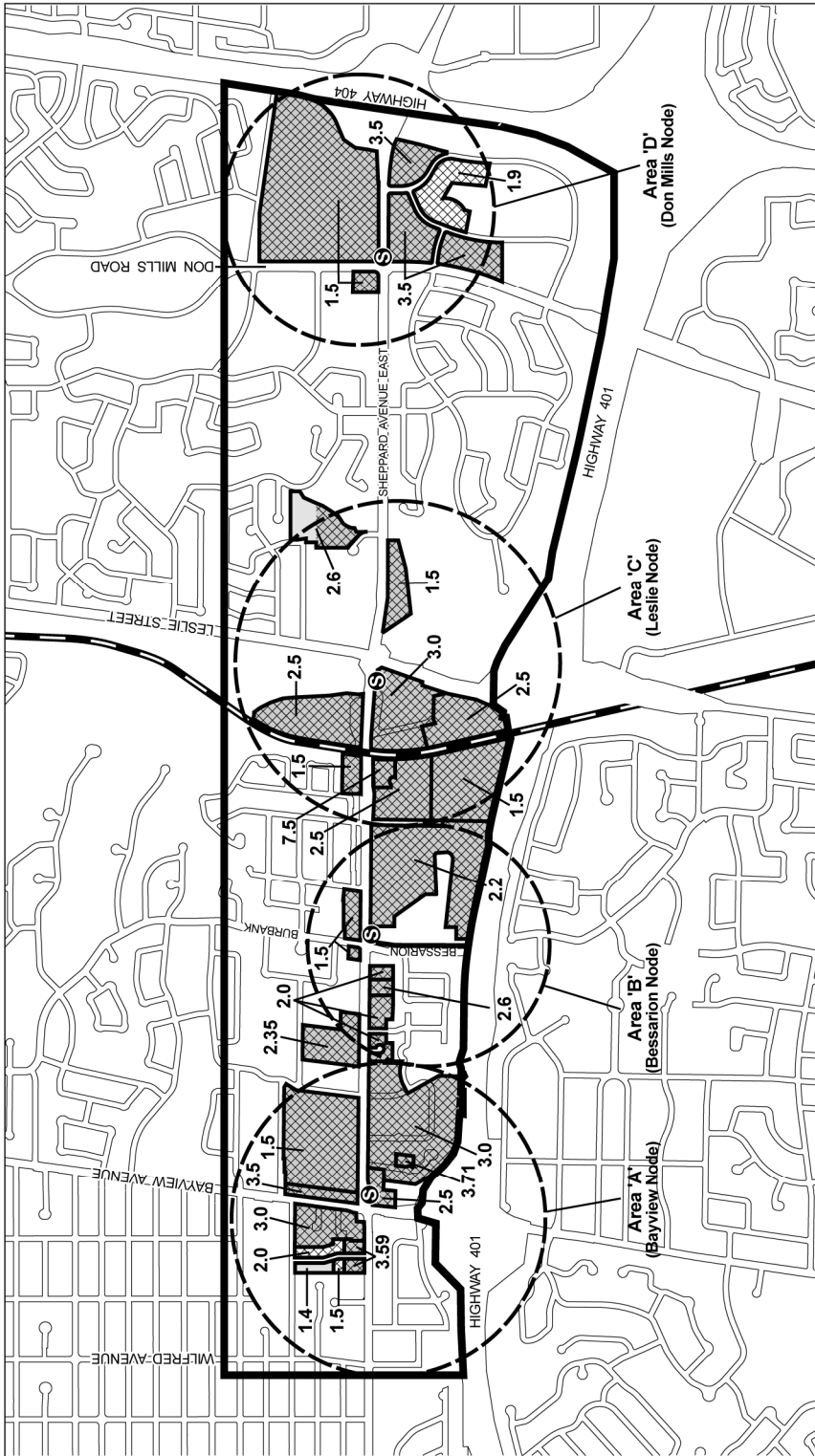
Revisions to Land Use Map 19 to Redesignate lands from 'Mixed Use' to 'Park' & 'Park' to 'Mixed Use'

File # 10_227038 NNY 24 0Z

Subject Site	Parks & Open Space Areas
Neighbourhoods	Parks
Apartment Neighbourhoods	Mixed Use Areas to Parks
Mixed Use Areas	Parks to Mixed Use Areas

↑
 Not to Scale
 04/24/12

Map 2 Official Plan Amendment No. 186



1001-1019 Sheppard Ave. E.



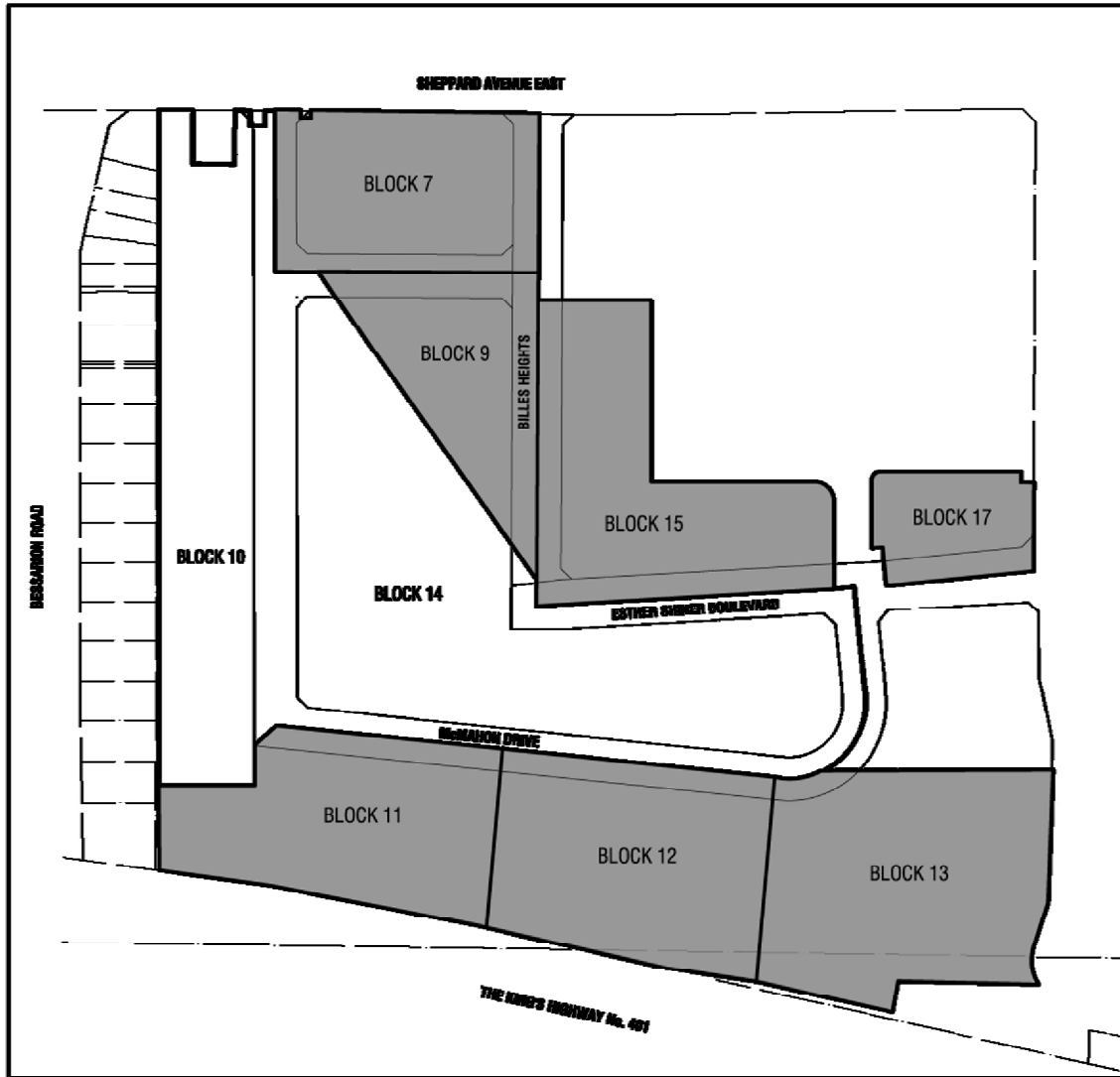
Sheppard East Subway Corridor Secondary Plan

File # 10 227038 NNY 24 0Z

- Secondary Plan Boundary
- Neighbourhoods
- Apartment Neighbourhoods
- Mixed Use Areas
- 1.5 Density
- Subway Station

↑
Not to Scale
04/24/2012

**Schedule 1
Official Plan Amendment No. 186**



Attachment 9: Draft Zoning By-law Amendment to North York Zoning By-law 7625

The Ontario Municipal Board amends the former City of North York Zoning By-law 7625 as follows:

CITY OF TORONTO**BY-LAW No. 2012****To amend former City of North York By-law No. 7625 in respect of lands municipally known as 1001 - 1019 Sheppard Avenue East**

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of a municipality may, in a By-law under Section 34 of the *Planning Act*, authorize increases in the height and density of development otherwise permitted by the By-law that will be permitted in return for the provision of such facilities, services or matters as are set out in the By-law; and,

WHEREAS Subsection 37(3) of the *Planning Act* provides that, where an owner of land elects to provide facilities, services or matters in return for an increase in height and density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services or matters; and,

WHEREAS the owner of the lands hereinafter referred to has elected to provide the facilities, services and matters as hereinafter set forth; and,

WHEREAS the increases in the height and density of development permitted hereunder, beyond that otherwise permitted on the aforesaid lands by the By-law, as amended, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law which are to be secured by one or more agreements between the owner of such lands and the City of Toronto; and,

WHEREAS the owner of the aforesaid lands has agreed to enter into one or more agreements having been executed dealing with certain facilities, services and matters in return for the increases in height and density in connection with the aforesaid lands as permitted by this By-law;

THEREFORE:

1. Schedules "B" and "C" of By-law No. 7625 of the former City of North York are amended in accordance with Schedule 1 of this by-law.
2. Upon execution and registration of an agreement or agreements with the owner of the site pursuant to Section 37 of the *Planning Act*, securing the provision of the facilities and services and matters set out in Section 3 hereof, the site is subject to

the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the owner may not erect or use such building until the owner has satisfied the said requirement.

3. Section 64.20-A of By-law No. 7625 of the former City of North York is amended by adding the following new subsection:

64.20-A (208) A-G RM6(208)A-G

DEFINITIONS

- a) For the purpose of this exception, “apartment house dwelling” shall mean a building containing more than four dwelling units, each unit having access either from an internal corridor system or direct access at grade, or any combination thereof.
- b) For the purpose of this exception “home occupation” means a business use within a dwelling unit where the dwelling unit is the principal residence of the business operator and only includes professional office and personal service shop uses.
- c) For the purpose of this exception “grocery store” shall mean a retail store in which the primary product for sale to the public is packaged, canned or uncooked groceries and foodstuffs and fresh produce or meats for private consumption.
- d) For purposes of this exception “Parcels A, B, C, D, E, F and G” shall mean those lands shown as Parcels A, B, C, D, E, F and G on Schedules RM6(208)A, RM6(208)B, RM6(208)C, RM6(208)D, RM6(208)E, RM6(208)F and RM6(208) G.
- e) For purposes of this exception Buildings 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 shall mean Buildings 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 as shown on Schedule RM6(208) and Schedules RM6(208)A, RM6(208)B, RM6(208)C, RM6(208)D, RM6(208)E, RM6(208)F and RM6(208) G.
- f) For the purpose of this exception, “established grade” for Parcels A, B, C, D, E, F and G shall mean the following geodetic elevations on the following Parcels:
 - (i) 160.5 metres for Parcel A
 - (ii) 156.3 metres for Parcel B
 - (iii) 156.3 metres for Parcel C
 - (iv) 151.0 metres for Parcel D
 - (v) 160.1 metres for Parcel E
 - (vi) 156.1 metres for Parcel F
 - (vii) 153.3 metres for Parcel G

PERMITTED USES

- g) The following shall be the only uses permitted on Parcels A and C:

Apartment house dwelling including accessory private recreational amenity area
Business and Professional office
Dry Cleaning and Laundry Collecting Establishment
Financial Institution
Fitness Centre
Grocery Store
Home Occupation
Personal Service Shop
Restaurant including accessory outdoor café
Retail Store
Take-out Restaurant

- h) The following shall be the only uses permitted on Parcels B and D :

Apartment house dwelling including accessory private recreational amenity area
Business and Professional office
Dry Cleaning and Laundry Collecting Establishment
Financial Institution
Fitness Centre
Home Occupation
Personal Service Shop
Restaurant including accessory outdoor café
Retail Store
Take-out Restaurant

- i) The following shall be the only uses permitted on Parcels E, F and G:

Apartment house dwelling including accessory private recreational amenity area
Dry Cleaning and Laundry Collecting Establishment
Home Occupation
Personal Service Shop

- j) Despite (f) above, a Day Nursery shall be permitted on Parcel A.

- m) Use Qualifications

i) Permitted non-residential uses or home occupation uses shall be located on the ground floor and on any mezzanine level located between the ground floor and second floor only.

EXCEPTION REGULATIONS

n) Dwelling Units

- i. The total number of dwelling units on all of Parcels A, B, C, D, E, F and G combined shall not exceed 3,458 dwelling units.
- ii. Parcel A shall have a maximum of 288 dwelling units.
- iii. Parcel B shall have a maximum of 274 dwelling units.
- iv. Parcel C shall have a maximum of 839 dwelling units.
- v. Parcel D shall have a maximum of 259 dwelling units.
- vi. Parcel E shall have a maximum of 420 dwelling units.
- vii. Parcel F shall have a maximum of 682 dwelling units.
- viii. Parcel G shall have a maximum of 696 dwelling units.
- ix. Notwithstanding subsections (i), (ii), (iii), (iv), (v), (vi) (vii) and (viii) above increases up to 5% of the maximum number of dwelling units permitted for Parcels D and G combined does not exceed 955, Parcels E and F combined does not exceed 1102 and Parcels A and B combined does not exceed 562 and provided the total number of dwelling units for Parcels A, B, C, D, E, F and G combined does not exceed 3,458.

o) Gross Floor Area

The total maximum gross floor area of all buildings on Parcels A, B, C, D, E, F and G combined shall be a maximum of 297,571 m² with the following maximum gross floor areas for each Parcel:

Parcel A	25,524 m ²
Parcel B	25,080 m ²
Parcel C	71,652 m ²
Parcel D	21,541 m ²
Parcel E	36,109 m ²
Parcel F	58,323 m ²
Parcel G	59,342 m ²

p) Minimum Unit Sizes

- i. A minimum of 10% of the total of all the dwelling units on Parcels A, B, C, E, F and G will have a minimum gross floor area of 100 m² as follows:

Parcel A:	28
Parcel B:	27
Parcel C:	84
Parcel E:	42
Parcel F:	68
Parcel G:	70

-
- q) **Building Heights and Building Stepbacks**
- i) Building heights and building stepbacks for Parcels A, B, C, D, E, F and G will not exceed the maximums in metres and storeys shown on Schedule RM6(208)A, RM6(208)B, RM6(208)C, RM6 (208)D, RM6(208)E, RM6(208)F and RM6(208)G measured from established grade.
 - ii) Despite (i) above for Building 5 on Parcel B, Building 7 on Parcel C and Building 13 on Parcel F, 30% of the building perimeter may have a 0 building stepback from Esther Shiner Boulevard, Billes Heights and McMahan Drive respectively.
 - iii) On Parcels B and C the minimum height will be 23 metres.
 - iv) Despite (i) above, a penthouse or other roof structure which is used only as an ornament or to house mechanical equipment of the building or stairwells to access the roof does not constitute a storey and will be disregarded in calculating the height of the building in storeys and in metres provided it shall not cover more than 50% of the roof area and of that 50%, a maximum of 30% shall not exceed a height of 8 metres and a maximum of 20% shall not exceed a height of 10 metres.
 - v) Despite (i) above, on Parcels A, B, C and D only, a mezzanine level located between the first storey and the second storey of a building does not constitute a storey for the purpose of calculating the height of a building, provided that the gross floor area of the mezzanine level shall not exceed 50% of the floor area of the first storey in the building.
- s) **Separation Distance**
- i) For all buildings on Parcels A, and C, buildings or portions of buildings located above a height of 23 metres and 6 storeys will be separated by a minimum distance of 25 metres measured to the exterior edge of the building façade.
 - ii) For all buildings on Parcels E, F and G, buildings or portions of buildings located above a height of 15 metres will be separated by a minimum distance of 25 metres measured to the exterior edge of the building façade.
 - iii) The minimum horizontal facing distance between windows of dwelling units will be 25 metres except that:
 - a) The minimum horizontal facing distance between walls with windows of dwelling units on Parcels E, F and G which are located below a height of 15 metres will be 11 metres; and

-
- b) The minimum horizontal facing distance between walls with windows of dwelling units on Parcels A and C which are located below a height of 23 metres will be 11 metres.
 - c) The minimum horizontal facing distance between walls with windows of dwelling units on Parcel B which are located below a height of 29 metres and 8 storeys will be 11 metres.
- t) Floorplate Size
- i) On Parcel C, for the portion of a building located above a height of 23 metres and 6 storeys the maximum gross floor area of a floor shall not exceed 810 m².
 - ii) On Parcel B, for the portion of the building located above a height of 29 metres and 8 storeys the maximum gross floor area of a floor shall not exceed 750 m².
 - iii) On Parcel D, for the portion of a building located above a height of 26 metres and 7 storeys the maximum gross floor area of a floor will not exceed 887 m².
 - iv) On Parcels E, F and G, for the portion of a building located above a height of 15 metres or 4 storeys the maximum gross floor area of a floor will not exceed 750 m².
- u) Build-to Requirements
- i) On Parcel B a minimum of 75% of the main wall of the building to a height of 28 metres and 8 storeys will be constructed along the east lot line excluding the area located within the required setbacks.
 - ii) On Parcels E, F and G, within 18 metres of the southerly property line there will be a building wall having a minimum height of 6 metres and a maximum height of 23 metres constructed between the west property line of Parcel E and the east property line of Parcel G, excluding the area located within the required yard setbacks of Parcels E, F and G.
 - iii) On Parcels E, F and G there will be, for 75% of the frontage, a building wall having a minimum and maximum height of 14 metres, constructed along the front setback line between the west property line of Parcel E and the east property line of Parcel G.

v) Maximum East-West Building Dimensions

- i) For the portion of Buildings 10 and 11 on Parcel E, Building 12 on Parcel F and Buildings 14 and 15 on Parcel G located above a height of 14 metres or 4 storeys the maximum east-west building dimension will not exceed the maximum width shown on Schedules RM6(208)E, RM6(208)F and RM6(208)G.
- ii) The maximum width of Building 12 and Building 13 on Parcel F will not exceed 30 metres and the maximum gross floor area of a floor will not exceed 750 m².
- iii) The maximum width of Building 14 and 15 on Parcel G will not exceed 30 metres and the maximum gross floor area of a floor will not exceed 750 m².

w) Courtyard Requirements

Despite (q) above, on Parcels E, F and G, a minimum area of 225 m² having minimum dimensions of 15 metres by 15 metres, will have a maximum height of 0 metres.

x) Landscaping

Parcels E, F and G will have a minimum area of 30% of the area of the Parcel as landscaped open space.

y) Front Lot Line

The front lot line for Buildings shall be as follows:

- Building 1 the north property line of Parcel A
- Buildings 2 and 3 the south property line of Parcel A
- Building 4 the north property line of Parcel B
- Building 5 the west property line of Parcel B
- Building 6 and 7 the west property line of Parcel C
- Building 8 the south property line of Parcel C
- Building 9 the south property line of Parcel D
- Buildings 10 and 11 the north property line along McMahon Drive of Parcel E
- Buildings 12 and 13 the north property line of Parcel F
- Buildings 14 and 15 the north west property line of Parcel G

z) Yard Setbacks

- i) Subject to the permitted projections listed in iii) below, the minimum yard setbacks above established grade will be as shown on Schedule RM6 (208)A, RM6(208)B, RM6(208)C, RM6(208)D, RM6(028)E, RM6(208)F and RM6(208)G.
- ii) Despite (i) for buildings abutting the Ministry of Transportation setback of 14 metres adjacent to Highway 401, no projections above or below grade within the setback will be permitted except for fences, public art, landscape structures or landscaping.
- iii) Projections outside of building envelopes permitted in this sub-clause are as follows:
 - a) Belt courses, cornices, eaves or gutters, pilasters and sills, which may project 0.5 metres beyond building envelopes into yard setbacks;
 - b) Canopies and awnings may project up to 2.5 metres beyond building envelopes into yard setbacks provided the canopy is no higher than 4 metres above the ground below the canopy;
 - c) Lighting fixtures, trellises, guardrails, railings, stairs, stair enclosures, wheelchair ramps and landscape and public art features are permitted to project outside the building envelopes;
 - d) For buildings up to 23 metres in height, porches and canopies may project 1.5 metres into the 11 metre separation distance contained in clause (s)(iii)(a) and (b);
 - e) Balconies may not encroach into the courtyards described in clause (w);
 - f) For all buildings on Parcels E, F and G above 14 metres in height balconies may project up to 2.5 metres into the tower separation distance contained in z) i), ii) and iii) except for the east and west elevations of buildings where no balcony projections will be permitted;
 - g) For all buildings on Parcels E, F and G, no balcony shall project within 3 metres of any exterior corner of a tower building above 15 metres;

-
- h) Balconies of any building above 14 metres in height are permitted to encroach into the 25 metres separation distance provided no balcony encroaches into the minimum 3 metre building setback along a public street or the west face of Parcel B.
 - iv) Minimum yard setbacks for underground parking structures shall be 0 metres.
 - aa) Dwelling Units and Non-Residential Space at Grade
 - i) For dwelling units located at ground level, the first floor shall be a maximum of 0.9 metres above the elevation of the adjacent exterior pedestrian sidewalk or park walkway.
 - ii) For non-residential space at grade the first floor level shall be at the elevation of the adjacent exterior pedestrian sidewalk or park walkway, up to a minimum depth of 12 metres within the building.
 - bb) Provisions Not Applicable

The provisions of Section, 20-A “Multiple-Family Dwellings Sixth Density Zone” will not apply.
 - cc) Parking
 - i) The provisions of Section 6A(2)(a) “Parking Requirements” and 6A(16) “Loading Space Requirements” will not apply.
 - ii) Parking, bicycle parking and loading requirements for the lands shown on Schedules RM6A, RM6B, RM6C, RM6D, RM6E, RM6F and RM6G are shown on Schedule 2 to this By-law.
 - dd) Private Recreational Amenity Area
 - i) A minimum of 1.5 m² of outdoor private recreational amenity area per dwelling unit will be provided on each Parcel;
 - ii) A minimum of 1.5 m² of indoor private recreational amenity area per dwelling unit will be provided on each Parcel and the floor area of indoor private recreational amenity area shall be excluded from the calculation of gross floor area;

- iii) On Parcels E and F, the indoor private recreational amenity area required by (i) and (ii) above may be provided on either Parcel E or Parcel F for the shared use of residents of those Parcels.

ee) Locker Space

A minimum of 1 locker per dwelling unit with a minimum area of 1.35 m² will be provided on Parcels A, B, C, D, E, F and G.

4. Section 64.37 of By-law 7625, as amended, is amended by adding the following subsection:

64.37(26) 01(26)

PERMITTED USES

- (a) In addition to the uses permitted in the 01 Zone the following uses will be permitted on Block 10:

Public Library
Underground Parking

- (b) The only permitted uses on Block 14 will be:

Uses permitted in Section 37.1.2 Commercial
Uses permitted in Section 37.1.3 Recreational
Uses permitted in Section 37.1.4 Accessory

EXCEPTION REGULATIONS

- (c) Minimum Yards:

Front (east property line): 3.0 metres
Side: 1.8 metres
Rear (west property line): 7.5 metres

- (d) The maximum building height shall not exceed 15 metres or 3 storeys.
- (e) The maximum gross floor area of a community centre, library and daycare facility shall not exceed 7,000 m².
- (f) The maximum gross floor area of a public school shall not exceed 5,100 m².

5. Section 64.23 of By-law 7625, as amended, is amended by repealing section 64.23(109) C1(109) and replacing it with the following:

64.23(109) C1(109)

PERMITTED USES

The following uses will be the only permitted uses on the lands subject to this Exception C1(109) and identified as Block 11A and Block 11B on Schedule RM6(208):

Transit Station
Community Centre
Public Library
Day Nursery

PROVISIONS NOT APPLICABLE

The provisions of Section 22 “General Provisions for Commercial Zones” and Section 23 “General Commercial Zone (C1)” will not apply.

64.23(110) C1(110)

EXCEPTION REGULATIONS

The maximum gross floor area will be 0 m².

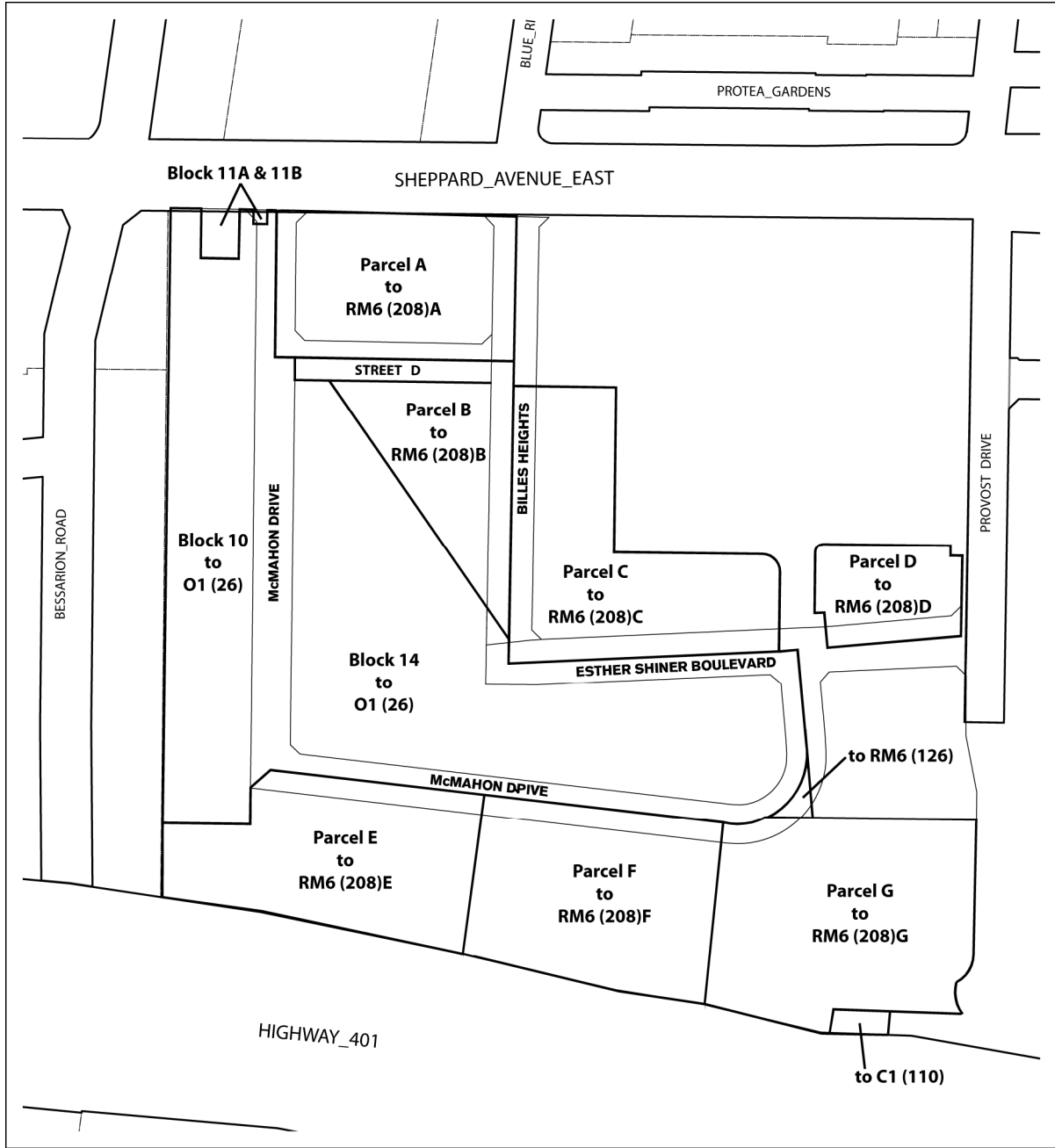
DIVISION OF LAND

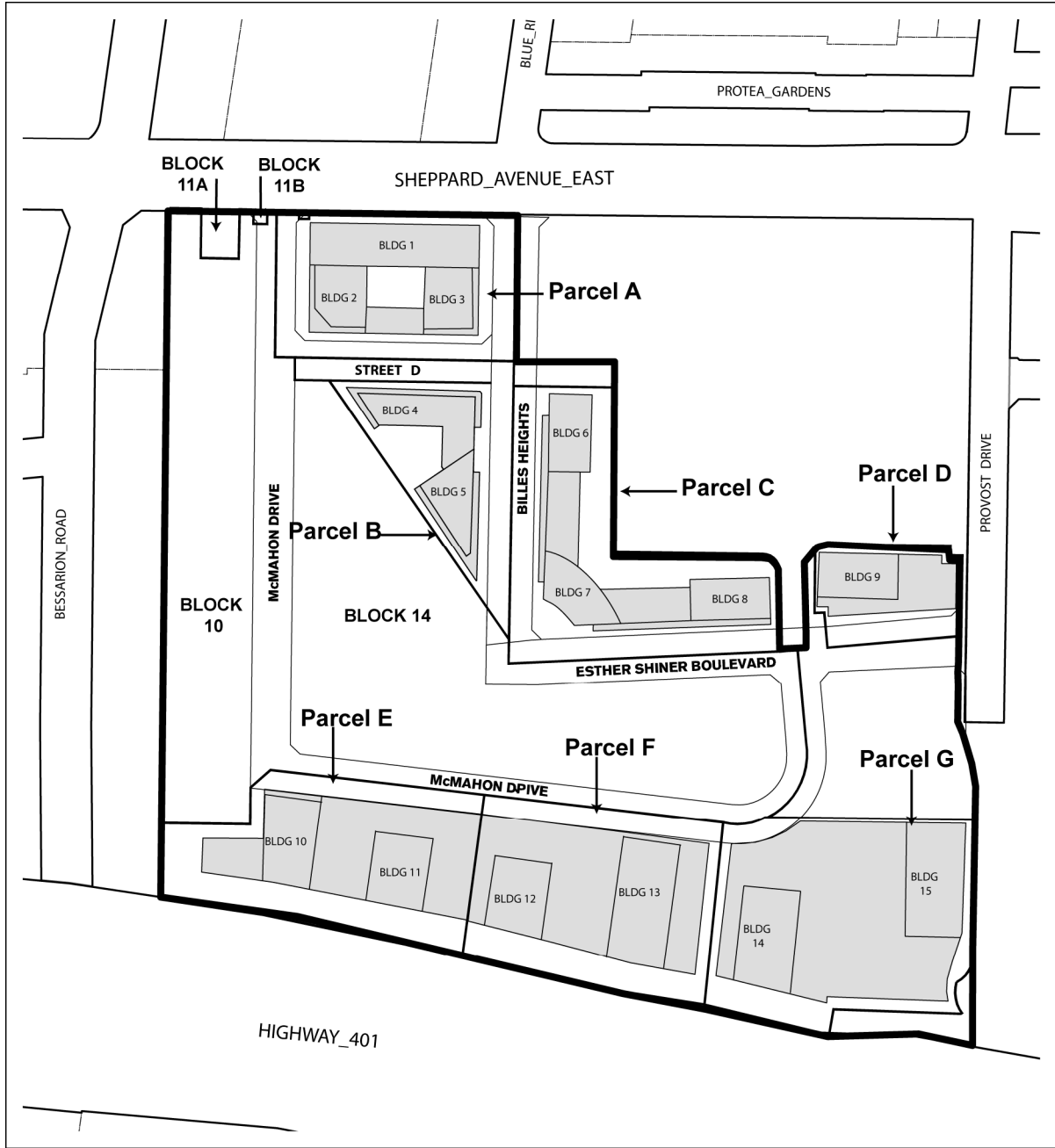
Notwithstanding any severance or division of the lands subject to exceptions RM6(208), 01(26), C1(109) and C1(110), the regulations of these exceptions shall continue to apply to the whole of the lands.

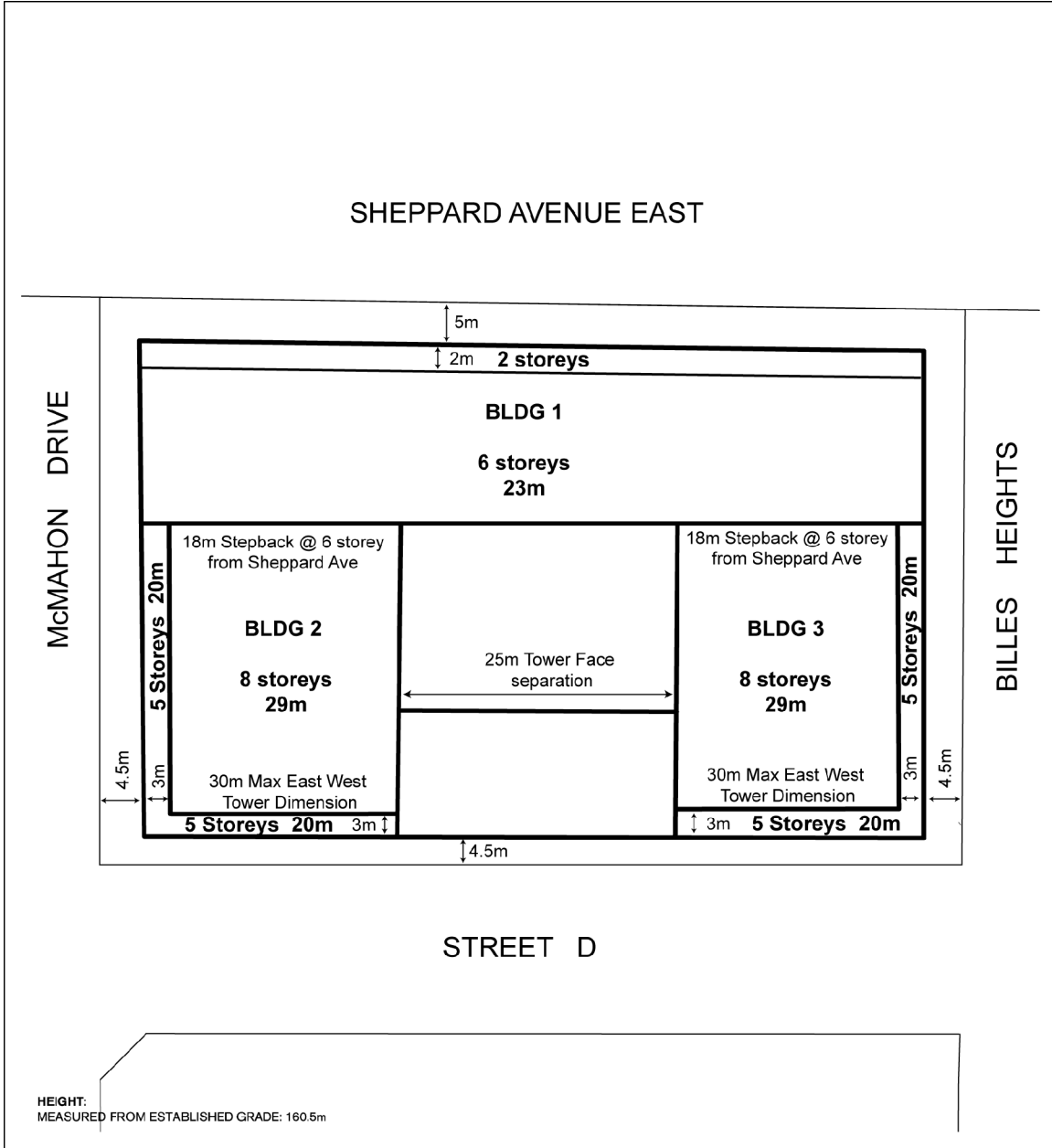
SECTION 37 AGREEMENT

Pursuant to Section 37 of the *Planning Act*, and subject to compliance with the provisions of this By-law, the increase in height and density of development on the lands is permitted in return for the provision by the owner of the following facilities, services and matters to the City at the owner’s sole expense, in accordance with an agreement or agreements, in a form satisfactory to the Chief Planner and Executive Director, City Planning Division and the City Solicitor and such agreement(s) shall be registered against title to the lands outlined in heavy lines on Schedule 1 to secure the following facilities, services or matters:

-
- a) A financial contribution to the City of \$5,6 million dollars toward a public community centre which is to be located on Block 10 as shown on Schedule RM6(208). The contribution of 5.6 million dollars is to be indexed to the Statistics Canada Non-Residential Construction Price Index for Toronto calculated from the date of Execution of the Section 37 Agreement to the date of submission of the funds by the owner to the City and is to be paid prior to the issuance of the first above grade building permit. The agreement should also provide an option for construction of the community centre by the owner in accordance with City policies including the Fair Wage Policy and purchasing and procurement policies;
 - b) A 52 space, 532 m² finished, furnished and equipped day nursery with 290 m² of outdoor play space contiguous to the day nursery; and,
 - c) A public art contribution of 1% of the gross construction cost of development.
6. Within the lands shown on Schedule 1 attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
- (a) all new public roads necessary to serve the building or structure have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and
 - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.
7. Sections 64.20-A(121), 64.20-A(122), 64.20-A(123), 64.20-A(124), 64.20-A(125) and Section 64.23(108) of By-law 7625 of the former City of North York are hereby repealed.
8. Section 64.20-A of By-law 7625, as amended, is amended by adding Schedule 1, Schedule RM6(208), Schedules RM6(208)A, RM6(208)B, RM6(208)C, RM6(208)D, RM6(208)E, RM6(208)F, RM6(208)G and Schedule 2 attached to this By-law.







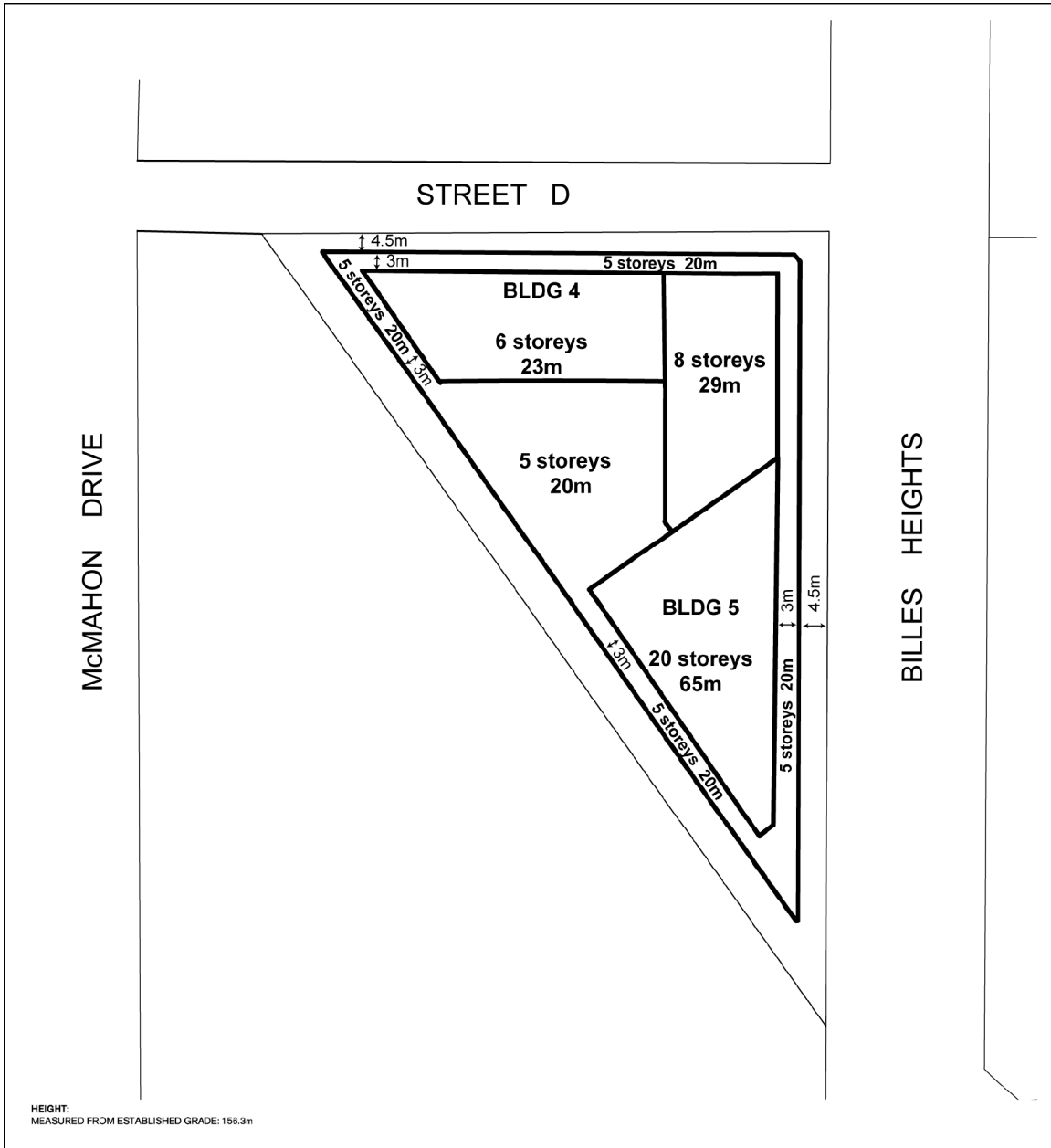
Schedule RM6 (208) A

From Applicant's Drawings.

File # 10 227038 NNY 24 0Z

Date: 05/17/2012
Approved by: L.P.

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Not to Scale



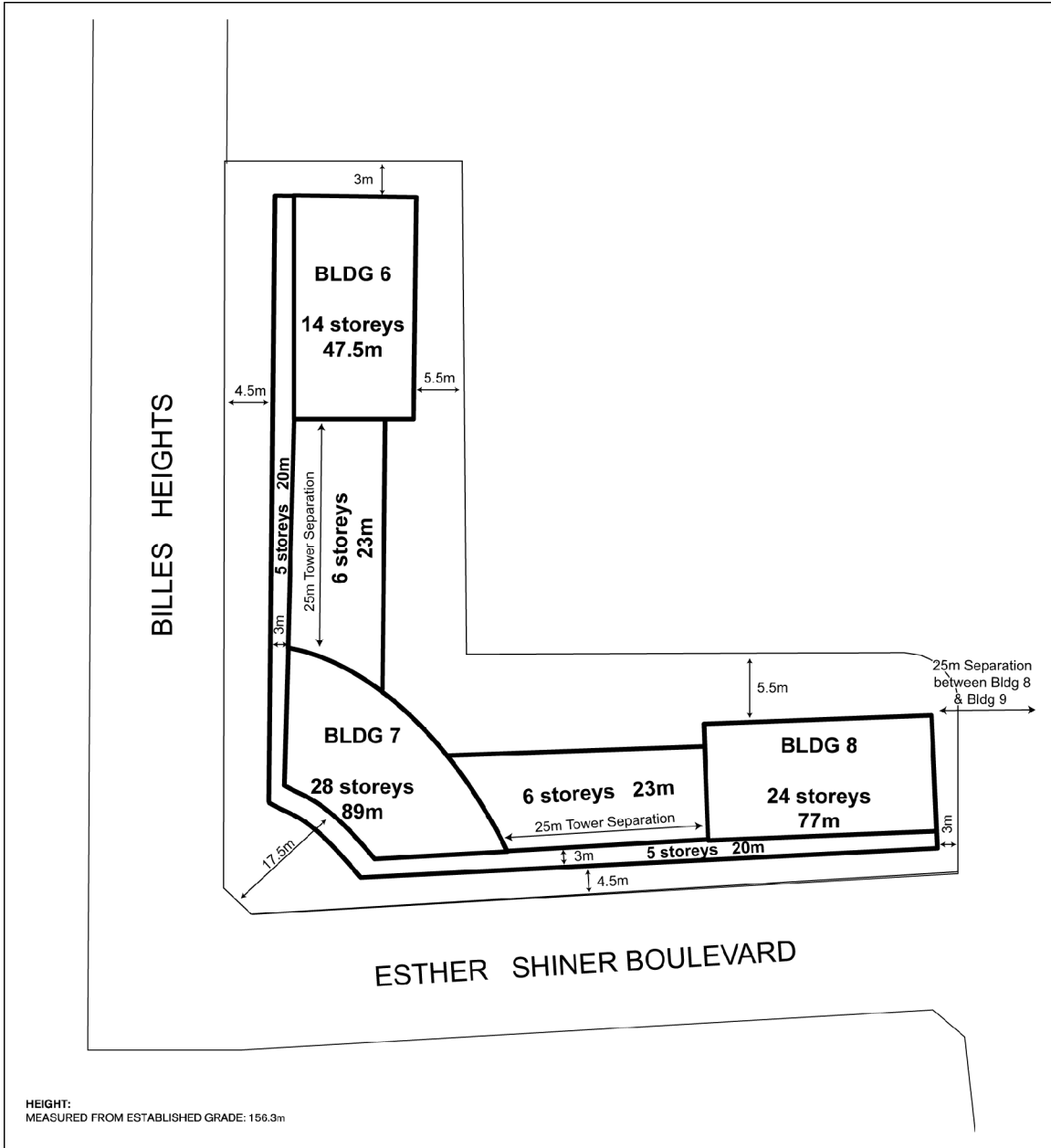
Schedule RM6 (208) B

From Applicant's Drawings.

File # 10 227038 NNY 24 0Z

Date: 05/17/2012
Approved by: L.P.

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Not to Scale



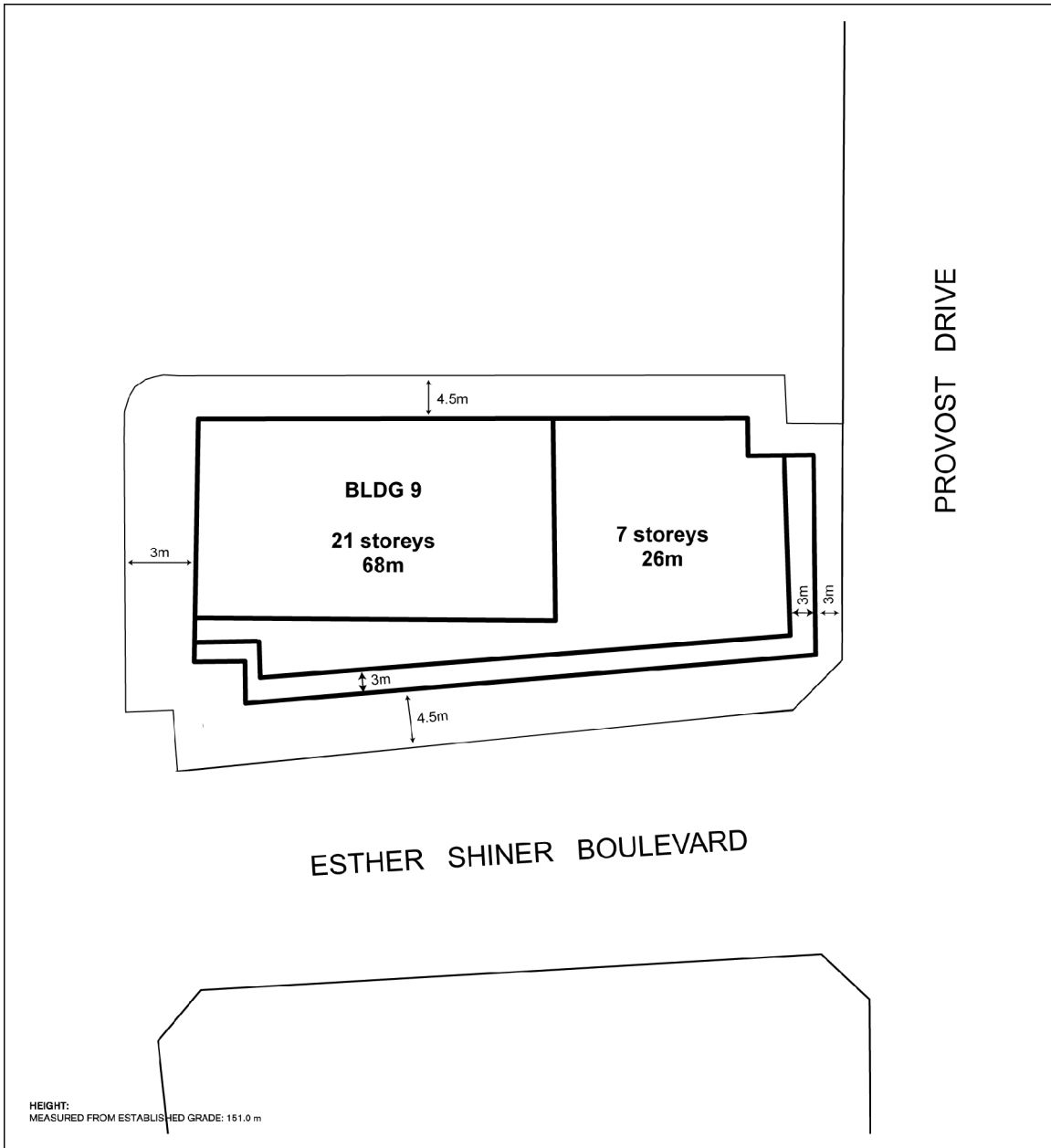
Schedule RM6 (208) C

From Applicant's Drawings.

File # 10 227038 NNY 24 0Z

Date: 05/17/2012
Approved by: L.P.

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HEIGHT:
MEASURED FROM ESTABLISHED GRADE: 151.0 m



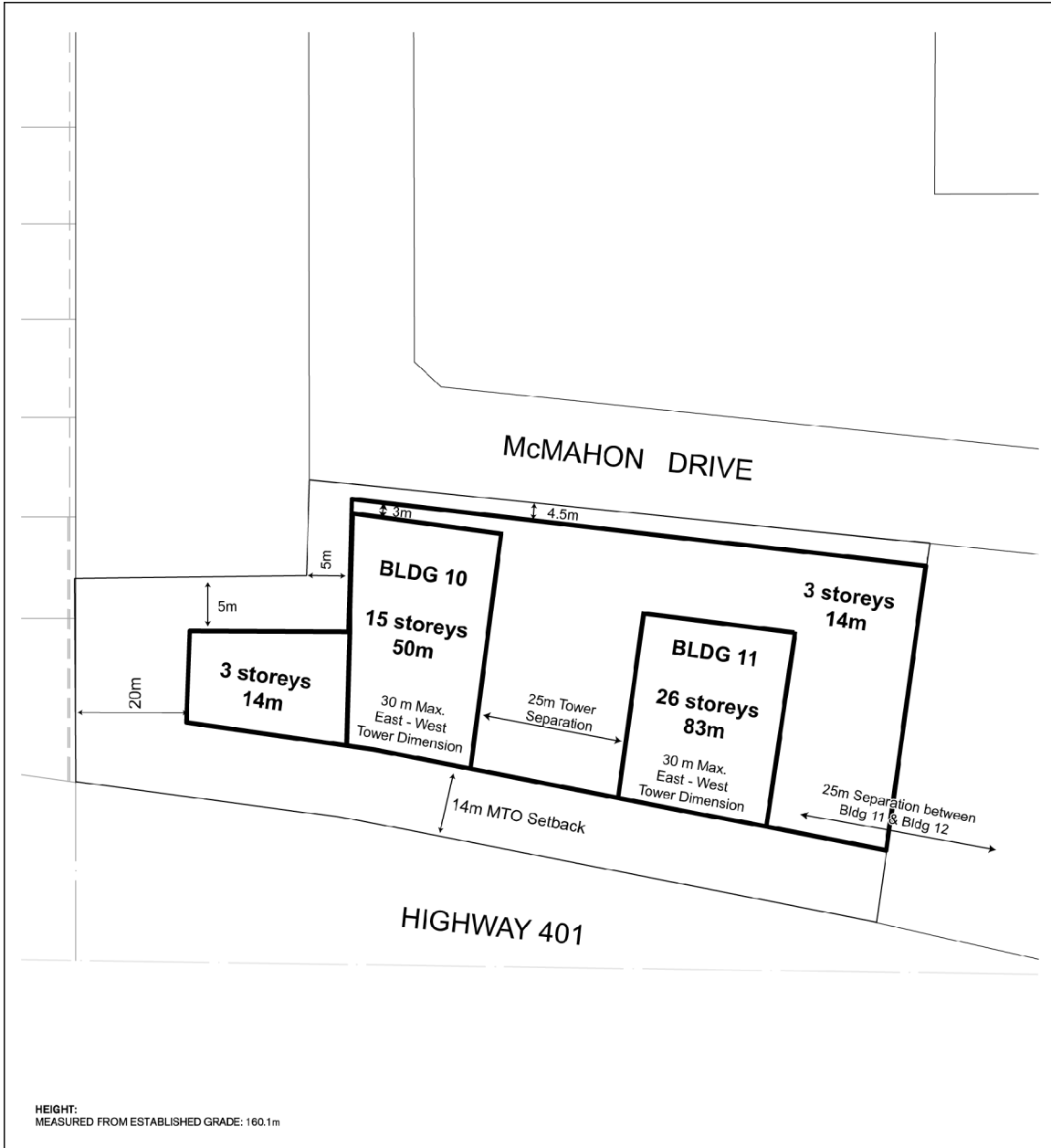
Schedule RM6 (208) D

From Applicant's Drawings.

File # 10 227038 NNY 24 02

Date: 05/17/2012
Approved by: L.P.

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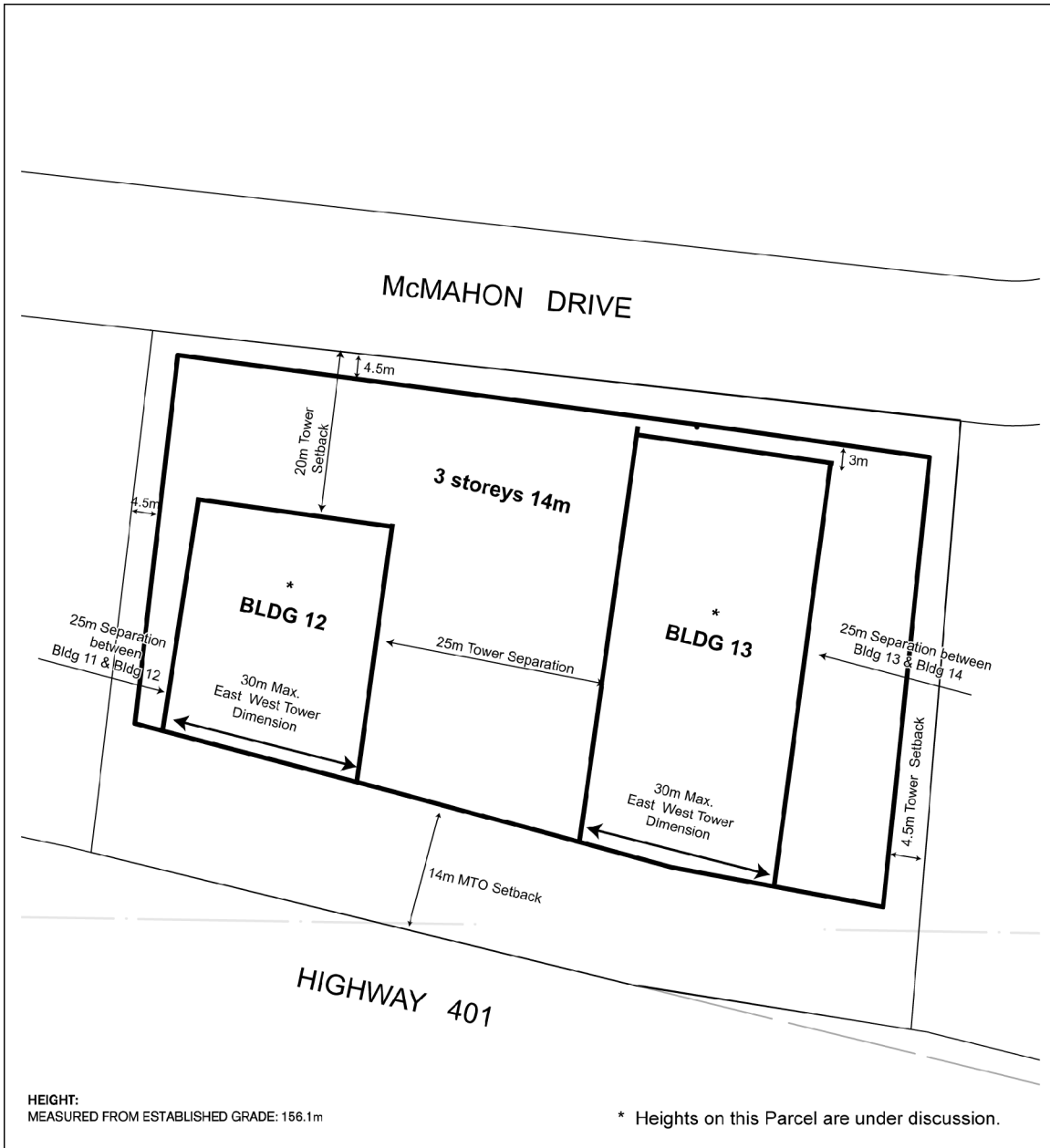
Schedule RM6 (208) E

From Applicant's Drawings.

File # 10 227038 NNY 24 0Z

Date: 05/17/2012
Approved by: L.P.

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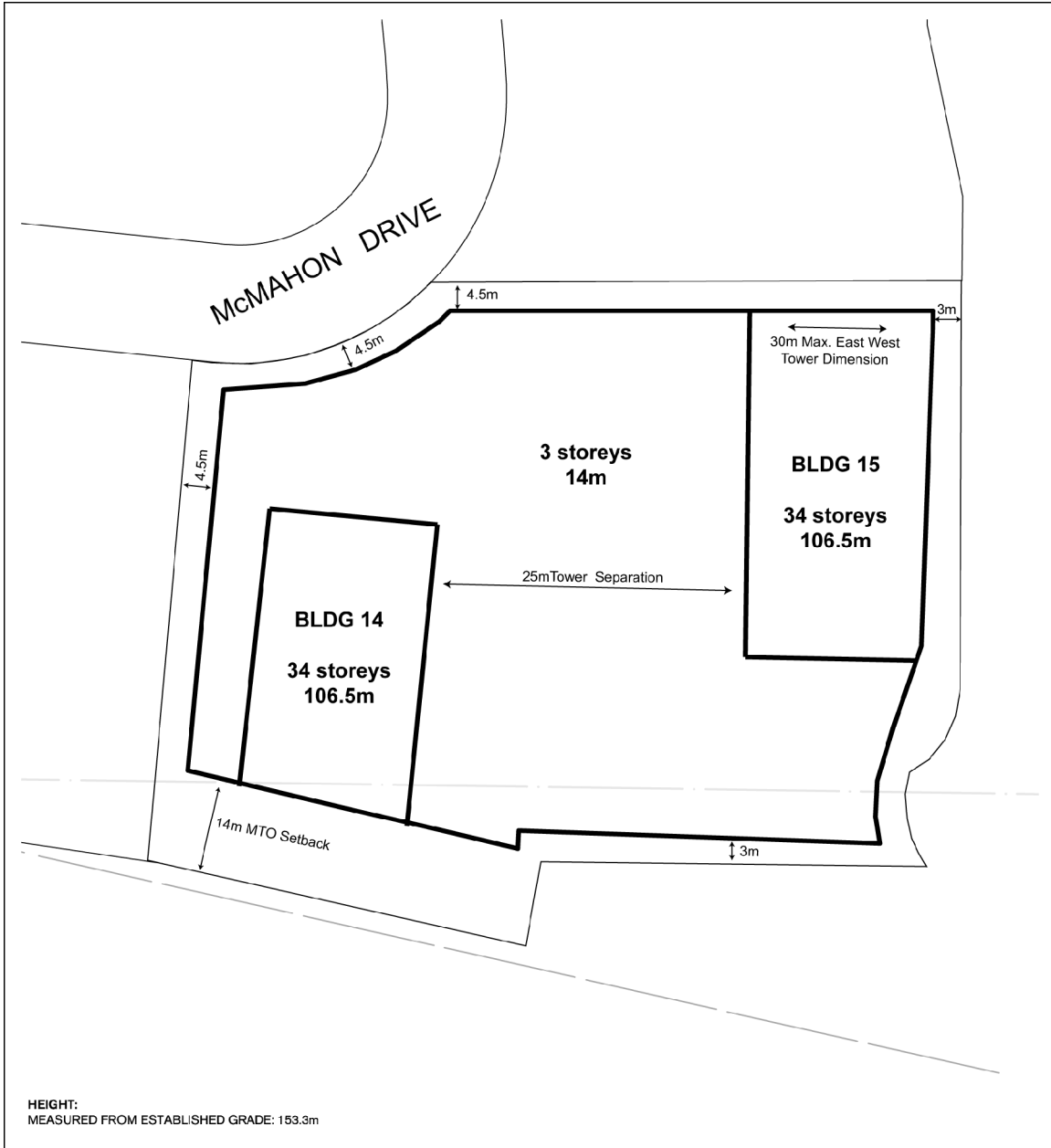
Schedule RM6 (208) F

From Applicant's Drawings.

File # 10 227038 NNY 24 0Z

Date: 05/17/2012
Approved by: L.P.





Schedule RM6 (208) G

From Applicant's Drawings.

File # 10 227038 NNY 24 0Z

Date: 05/17/2012
Approved by: L.P.



Schedule 2

1. Vehicle parking shall apply to residential and commercial uses in accordance with the following rates:

Use	Parking Space Ratios	
	Minimum	Maximum
Residential Dwellings		
Bachelor	0.6 /unit	0.9/unit
1-bedroom	0.7/unit	1.0/unit
2-bedroom	0.9/unit	1.3/unit
3-bedroom or more	1.0/unit	1.5/unit
Visitor Parking	0.15/unit	No maximum
Townhouse Resident	1.0/unit	No maximum
Townhouse Visitor	0.2/unit	No maximum
Commercial		
General Office	1.0/100 m ²	2.0/ 100 m ²
Retail (0 spaces for GFA of 200m ² or less)	1.0/ 100 m ²	4.0/ 100 m ²
Grocery Store	1.0/ 100 m ²	4.5/ 100 m ²
Eating Establishments	0 parking spaces	5.0/ of 100 m ²
Day Nursery	0.4/100 m ²	0.8/100 m ²
Elementary School	1.5/classroom and office	No maximum
Secondary School	2.0/classroom and office	No Maximum
Non Residential not listed above	1.0/ 100 m ²	4.0/ 100 m ²

- 1.1 Provide shared parking as follows:

- a) For each of the morning, afternoon and evening parking periods, the minimum number of parking spaces required for each use, is calculated using an applicable parking rate and occupancy rate;

- b) The minimum number of parking spaces required for each parking period is the total of the parking spaces required for all uses during that parking period; and
- c) The minimum number of parking spaces required for the lot is equal to the largest number of parking spaces required for any parking period.

1.2 Car Share

For any apartment or condominium development, the minimum parking requirement should be reduced by up to 4 parking spaces for each dedicated car share stall. The limit on this parking reduction is calculated as the greater of:

- (a) $4 \times (\text{total number of units}/60)$ rounded down to the nearest whole number; or
- (b) 1 space

2. Bicycle parking shall apply to residential and commercial uses as follows:

Use	Bicycle Parking Space Ratios	
	Short Term Minimum	Long Term Minimum
Apartment Dwelling	.08/unit	0.7/unit
Retail Store	3+ 0.25/GFA of 100 m ²	0.13/GFA of 100m ²
Eating Establishment	3+ 0.25/GFA of 100 m ²	0.13/GFA of 100m ²
Personal Service Shop	3+ 0.25/GFA of 100 m ²	0.13/GFA of 100 m ²
Office	3+ 0.15/GFA of 100m ²	0.13/GFA of 100m ²

- 2.1 If a bicycle parking space is required for a use on a lot, other than a dwelling unit, and the total interior floor area of all such uses on the lot is 200 square metres or less, then two bicycle parking spaces are required;
- 2.2 A bicycle parking space must be located on the same lot as the use for which it is required.
- 2.3 If the calculation of the minimum bicycle parking spaces results in a fraction of a space being required, the number of spaces must be rounded up to the next whole number.
- 2.4 A bicycle parking space must have the following dimensions:
- (a) If located in a horizontal position (on the ground):
 - (i) Minimum length of 1.8 metres
 - (ii) Minimum width of 0.6 metres
 - (iii) Minimum vertical clearance from the ground of 1.9 metres.
 - (b) If located in a vertical position (on the wall):
 - (i) Minimum length or vertical clearance of 1.9 metres
 - (ii) Minimum width of 0.6 metres
 - (iii) Minimum horizontal clearance from the wall of 1.2 metres
- 2.5 An area used to provide vertical bicycle parking spaces must have a minimum vertical clearance of 1.9 metres.

- 2.6 Long-Term bicycle parking spaces must be located in a secure, weather protected and enclosed bicycle parking area.
- 2.7 If the requirement for Short-Term bicycle parking spaces is more than 10, at least 50% of the required Short-Term bicycle parking spaces must be located in a weather protected bicycle parking area at grade.
- 2.8 If a lot containing an apartment building is located in a Residential Zone category then a long-term bicycle parking space must be located:
- a) On the ground floor of the building; or
 - b) On the first floor of the building below grade used for vehicular parking spaces.
- 2.9 If a building contains uses, other than dwelling units for which a bicycle parking space is required, shower and change facilities must be provided for each gender for every 30 bicycle parking spaces.
- 2.10 A minimum of 50% of the Long Term bicycle parking spaces must not be in a vertical position.

3. Loading spaces shall apply to residential and commercial uses in accordance with the following rates:

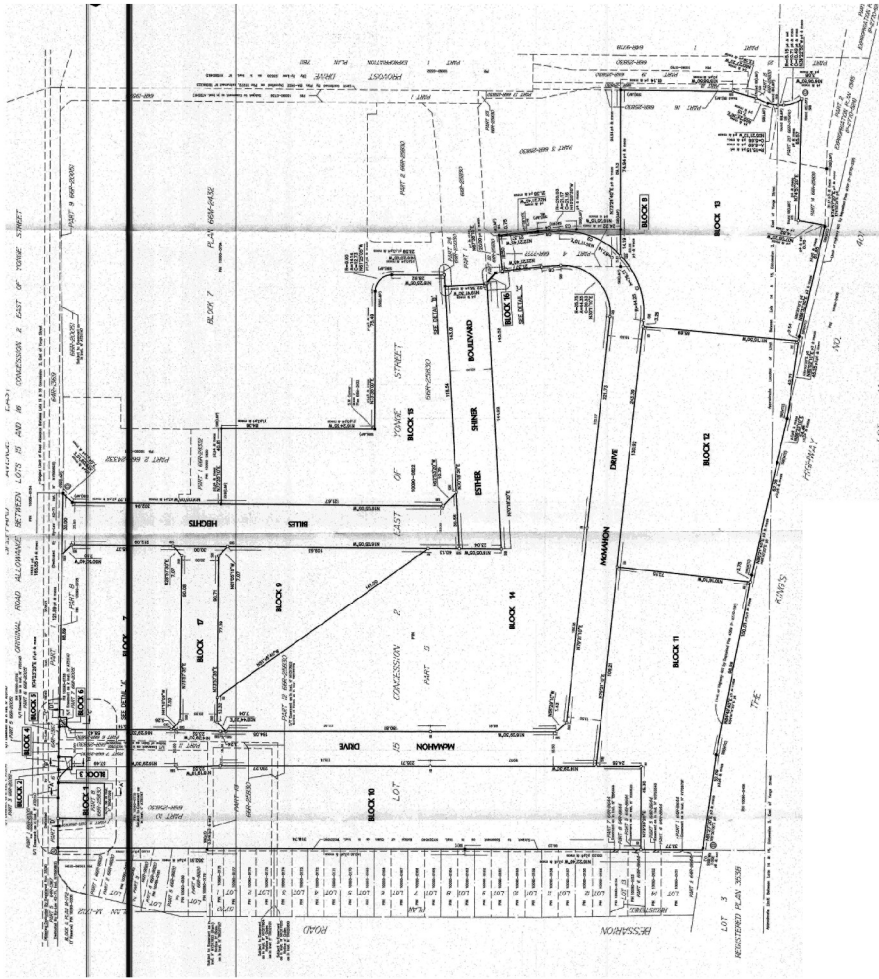
USE	CRITERIA	NUMBER AND TYPE OF LOADING SPACE
Dwelling units	0 to 30 units	None required
	31 to 399 dwelling units	1-Type G
	400 dwelling units or more	1-Type G and 1-Type C
Retail Store, Eating Establishment, Personal Service Shop	0 to 499 m ²	None required
	500 to 1999 m ²	1 Type B
	2000 to 4999 m ²	2 Type B
Grocery Store	0 to 499 m ²	None required
	500 to 999 m ²	1 Type B
	1000 to 1999 m ²	1 Type A
	2000 to 4999 m ²	1 Type A 1 Type B
Office	0 to 499 m ²	None Required
	500 to 999 m ²	1 Type B
	1000 to 1999 m ²	1 Type B and 1 Type C
	2000 to 3999 m ²	1 Type B and 1 Type C
	5000 to 9999 m ²	3 Type B
Non-Residential Uses not included above	499 m ² or less	None Required
	500m ² up to and including 2300 m ²	1 loading space
	2301m ² to 7500 m ²	2 loading space
	7501 to 14000 m ²	3 loading spaces

3.1 Provide loading spaces on-site as follows:

- a) The calculation of loading spaces must include the total gross floor area used by the principal use plus the total gross floor area used by all uses ancillary to the principal use.

- b) The interior floor area of a building that is used exclusively for heating, cooling, ventilation, electrical, emergency stairwells, elevator shafts, atriums, storage in a basement, parking space, loading space, or a drive aisle used to access a parking space or loading space, is not included as gross floor area for the purpose of calculating loading space requirements.

Attachment 10 : Draft Plan of Subdivision



1001 - 1019 Sheppard Ave. E.

Draft Plan of Subdivision
Applicant's Submitted Drawing

Not to Scale
02/04/2011

File # 10 227038 NNY 02

Attachment 11: Conditions of Draft Plan of Subdivision Approval

That Draft Plan of Subdivision Application 10 246801 NNY 24 SB (draft plan of subdivision prepared by Lloyd & Purcell Ltd., Revision dated November 10, 2011 (Job No. 09-428) as further revised be draft plan approved, subject to the following conditions:

1. The Owner shall enter into the City's standard subdivision agreement and satisfy all pre-registration conditions.
2. The Official Plan land use designations and zoning implementing the Official Plan are in full force and effect.
3. The approval of this plan of subdivision will lapse if the subdivision is not registered within 5 years of the date of draft plan approval.
4. Dedicate all roads, corner roundings, and road widenings shown on the plan.
5. Convey to the City all 0.3metre (one foot) reserves shown on the plan.
6. Convey all necessary easements to the City.
7. Convey Blocks 10 and 14 to the City for park purposes.
8. Prepare all documents to convey lands in fee simple and easement interests to the City for nominal consideration, such lands to be free and clear of all physical and title encumbrances to the satisfaction of the respective City divisions in consultation with the City Solicitor.
9. Submit a draft Reference Plan of Survey to the Executive Director of Technical Services, for review and approval, prior to depositing it in the Land Registry Office. The reference plan should:
 - (a) be in metric units and integrated to the 1983 North American Datum (Canadian Spatial Reference System) and the 3 degree Modified Transverse Mercator Projection);
 - (b) delineate by separate PARTS the lands to be conveyed to the City, the remainder of the site and any appurtenant rights-of-way and easements; and,
 - (c) show the co-ordinate values of the main corners of the subject lands in a schedule on the face of the plan.

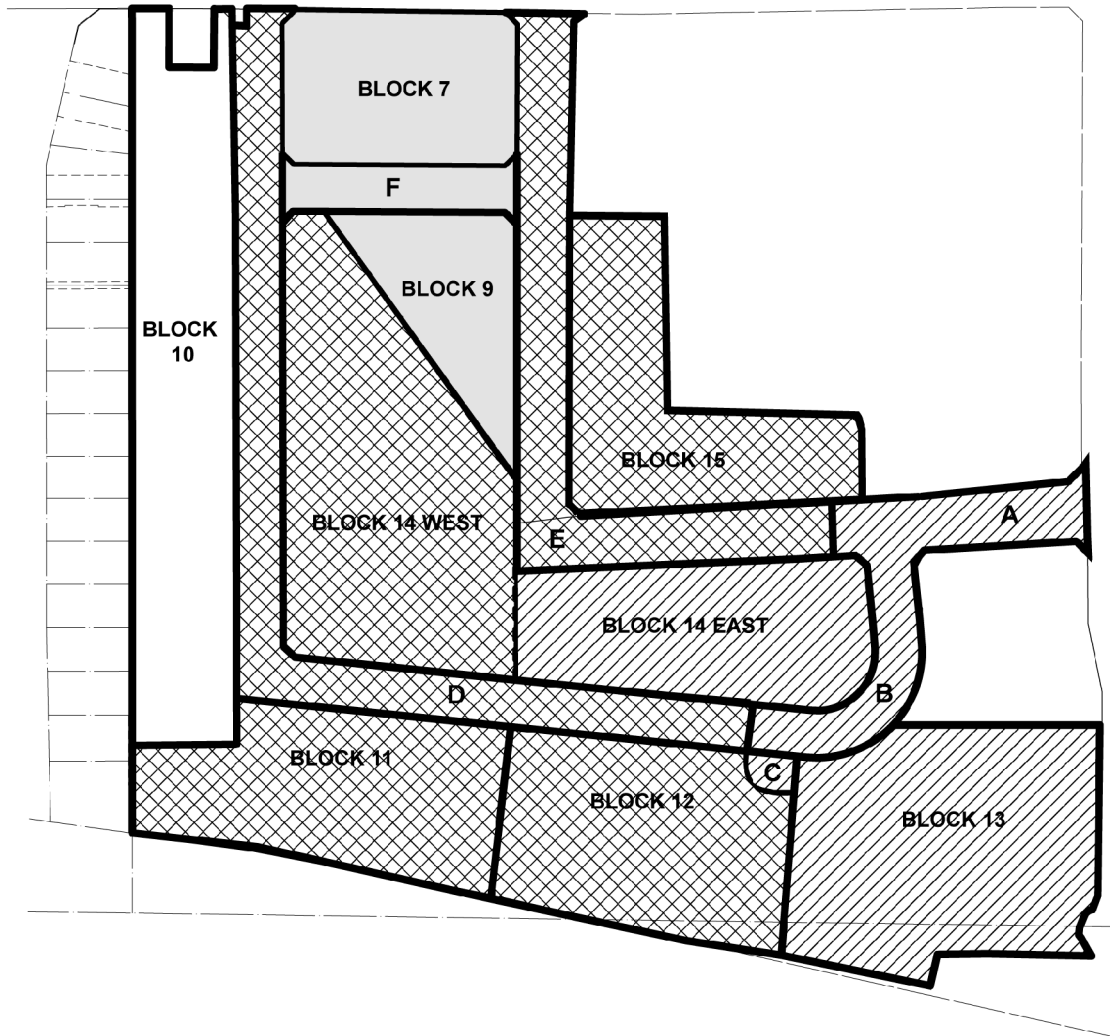
10. Pay all costs for preparation and registration of reference plan(s).
11. Apply storm water management techniques in the development of this subdivision to the satisfaction of Technical Services Division.
12. Conduct an environmental site assessment for lands to be conveyed to the City in accordance with the terms and conditions of the standard subdivision agreement, including providing payment for a peer reviewer and the submission of a Record of Site Condition (RSC).
13. Pay engineering and inspection fees in accordance with the terms and conditions of the standard subdivision agreement.
14. Submit financial security in accordance with the terms of the standard subdivision agreement.
15. Provide certification to the Director, Development Engineering, Technical Services Division by the Professional Engineer who designed and supervised the construction, that the site servicing facilities have been constructed in accordance with the accepted drawings.
16. Pay property taxes for the current taxation year.
17. The owner shall satisfy the requirements and conditions and acknowledge and agree that the warning clause from the Toronto Transit Commission as set out in their memorandum dated February 10, 2011 affects the subdivision lands.
18. The Applicant shall satisfy the requirements and conditions as contained in the Technical Services Division, North York District memoranda dated December 21, 2011, December 22, 2011 and January 11, 2012.
19. The Applicant shall satisfy the requirements and conditions as contained in the Parks, Forestry and Recreation, Policy and Development memoranda dated November 23, 2010 and November 1, 2011.
20. The Owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of PG32.3 of the Planning and Growth Committee.

21. As part of site plan approval applications and draft plan of condominium applications, the owner is to address the recommendations of the Noise and Vibration Study prepared by Golder Associates Limited dated February 2010 and the Pedestrian Wind Assessment Study, prepared by Rowan Williams Davies & Irwin Inc. dated June 15, 2010.
22. The owner shall revise the District Public Art Plan, approved by City Council in December 2008 to reflect the change in location of installations of public art based on the revised draft plan of subdivision to the satisfaction of the Director, Community Planning, North York District.
23. The Owner agrees that Street D is to be acquired by the City as a public road, it is to be unencumbered and later dedicated by bylaw to establish it as a public highway.
24. The Owner agrees to provide 1% of gross construction costs of development of Phase 3 of the subject subdivision as a public art contribution.
25. The streets, parks and development blocks within the Plan will be developed on a phased basis in accordance with the Phasing Plan described below and shown on the attached map entitled 'Phasing of Parks and Infrastructure Plan':
 - Phase 1: Prior to any above grade building permit being issued for any building on Block 13, a portion of Esther Shiner Boulevard, a portion of McMahan Drive and a temporary cul-de-sac will be constructed. After these roads are constructed and dedicated, Park Block 14 East shall be conveyed to the City in base park condition not later than June 1, 2015, unless otherwise agreed upon by the General Manager, Parks, Forestry and Recreation.
 - Phase 2: Prior to any above grade building permit being issued for a public community centre, any building on Block 12 or Block 15, the remaining portion of Esther Shiner Boulevard, all of Billes Heights and the remaining portion of McMahan Drive will be constructed. Block 11 may proceed when the remaining portion of McMahan Drive and all of Billes Heights has been constructed. When the remaining portion of McMahan Drive has been constructed and dedicated, Park Block 14 West shall be conveyed to the City in base park condition not later than January 1, 2017 unless otherwise agreed upon by the General Manager, Parks Forestry and Recreation.

Phase 3: Blocks 7 and 9 may proceed when Street D has been constructed.

Park Block 10 shall be conveyed to the City immediately following 12 months notice provided by the City to the owner and in any event no later than the condominium registration of the condominium on Block 7.

26. Additional subdivision conditions previously secured in the executed subdivision agreement be brought forward, as determined appropriate by the City, into the revised agreement.






Phasing of Parks and Infrastructure Plan

1001 - 1019 Sheppard Ave.E.

Not to Scale
05/22/2012



-  Phase 1
-  Phase 2
-  Phase 3

File # 10 227038 NNY 24 0Z