

**847-873 Sheppard Avenue West
Official Plan Amendment, Zoning By-law Amendment
and Rental Housing Demolition Applications
Request for Direction Report**

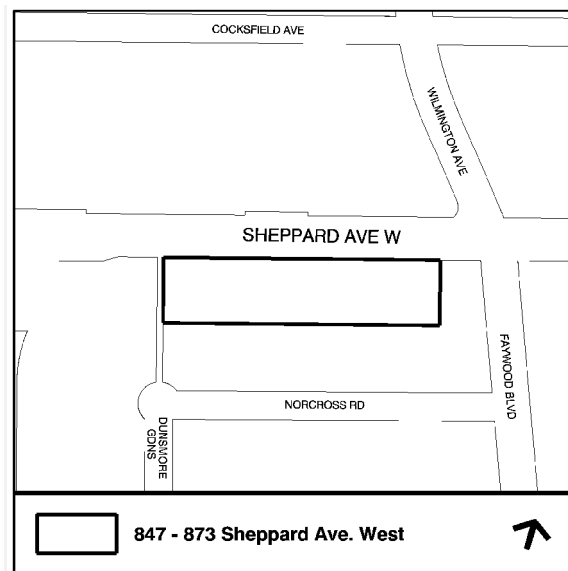
Date:	August 23, 2012
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 10 – York Centre
Reference Number:	09 187447 NNY 10 OZ & 10 203250 NNY 10 RH

SUMMARY

The purpose of this report is to request direction from City Council regarding an appeal of Official Plan and Zoning By-law Amendment applications filed by the owner of 847-873 Sheppard Avenue West to the Ontario Municipal Board based on the lack of decision by City Council within the timeframe provided for by the *Planning Act*. The OMB hearing has been scheduled for October 1, 2012. A City Council position on the applications is required to provide the City Solicitor, the Chief Planner and other City staff with direction for the upcoming OMB hearing.

A City Council decision is also sought regarding the owner's application for the demolition of 16 rental housing units within 12 single detached dwellings, pursuant to Chapter 667 of the Municipal Code.

The applications propose to demolish the existing single detached dwellings on the site and amend the Official Plan and Zoning By-law to permit the construction of a nine storey mixed-use midrise building containing 296 residential apartment units



and non-residential uses at grade.

This report recommends City Council authorize the City Solicitor and necessary City staff to attend the Ontario Municipal Board hearing in support of the Official Plan and Zoning By-law Amendments for the proposed development as outlined in this report and the OMB be requested to withhold its Order until a Section 37 Agreement is executed and registered against the property.

This report also recommends that if the Ontario Municipal Board approves Official Plan and Zoning By-law Amendments for the proposed development as substantially outlined in this report and in keeping with staff recommendations, that Council also approve the application to demolish the 16 rental housing units within the 12 single detached dwellings subject to the recommended conditions contained in this report.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council authorize the City Solicitor, the Chief Planner and Executive Director, City Planning together with any other necessary City staff to attend the Ontario Municipal Board hearing in support of the proposed Official Plan and Zoning By-law Amendments for the development at 847-873 Sheppard Avenue West as outlined in this report.
2. City Council authorize the City Solicitor to request the Ontario Municipal Board to withhold any final Orders approving Official Plan and Zoning By-law Amendments until such time as the Owner has entered into and registered on title a Section 37 Agreement to the satisfaction of the City Solicitor, requiring the Owner to at its expense and including provisions for no credit for Development Charges or parkland dedication, indexing escalation of financial contributions, indemnity, insurance and priority of agreement:
 - a. Provide and maintain on the site not less than seven (7) new replacement rental dwelling units, comprising three (3) one-bedroom units and four (4) two-bedroom units, of which at least 5 shall have affordable rents and 2 shall have rents no higher than mid-range rents as outlined in this report; and
 - b. Prior to issuance of the first above grade building permit for the development, provide a \$375,000 contribution towards capital improvements at Irv Chapley Park and Community Centre, the Wilson Heights Parkette and the Heschel School as determined by the General Manager of Parks, Forestry & Recreation in consultation with the local Councillor, such payment to be indexed upwardly in accordance with the Statistics Canada Non-residential Construction Price Index for Toronto CMA reported quarterly by Statistics Canada as calculated from the date

of the Section 37 Agreement to the date of payment;

The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support the development:

- c. Prior to the issuance of the first building permit for the development, provide a cash-in-lieu payment in the amount of \$189,002.41 towards future downstream sanitary sewer improvements to the satisfaction of the Executive Director, Technical Services Division;
 - d. Prior to the issuance of site plan approval, provide a financial security in the amount of \$131,250.00 to the satisfaction of the Executive Director, Technical Services Division for to secure the upgrading of two sanitary sewer pipes on Gorman Park Road as indicated in submitted studies by the applicant's consultant engineer;
 - e. Prior to issuance of site plan approval, pay an engineering review fee in the amount of \$7,415.63 (including HST) to the satisfaction of the Executive Director, Technical Services Division, for matters related to the implementation of Recommendation 2.d. above.
 - f. Submit an application for Site Plan Control that reflects the resolution of issues related to the overall design of the development including materials, fenestration and landscaping as outlined in this report.
3. Subject to approval by the Ontario Municipal Board of Official Plan and Zoning By-law Amendments for a development as substantially outlined in this report, and subject to site plan approval to the satisfaction of the Chief Planner and Executive Director, City Planning, City Council approve the application to demolish the twelve existing detached rental houses located at 847-873 Sheppard Avenue West pursuant to Municipal Code Chapters 667 and 363 subject to the following conditions under Chapter 667:
- a. the owner shall provide and maintain seven (7) residential rental units on the subject site for a period of at least 20 years, comprising 3 one-bedroom and 4 two bedroom units, of which at least 5 shall have affordable rents and 2 shall have rents no higher than mid-range rents; and
 - b. the owner shall enter into and register one or more Section 111 Agreements to secure the conditions outlined in Recommendation 3.a above and as described in the draft Zoning By-law Amendment as any requirements may relate to rental replacement and protection to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning Division; and

- c. the owner shall enter into and register, a Section 118 Restriction under the *Land Titles Act* (to the satisfaction of the City Solicitor) agreeing not to transfer or charge those parts of the lands, comprising the 7 replacement rental units, without the written consent of the Chief Planner and Executive Director, City Planning Division or his designate, to assist with securing the Section 111 Agreement against future owners and encumbrances of the lands.
4. Subject to approval by the Ontario Municipal Board of Official Plan and Zoning By-law Amendments for a development as substantially outlined in this report, and the owner entering into and registering the Agreement required in Recommendation 2 above to the satisfaction of the City Solicitor, and subject to site plan approval to the satisfaction of the Chief Planner and Executive Director, City Planning, City Council authorize the Chief Planner and Executive Director, City Planning Division to issue a preliminary approval to the demolition application under Municipal Code Chapter 667 after the satisfaction of the conditions in Recommendation 3.b above and after the Official Plan Amendment and Zoning By-law Amendments in Recommendation 1 above have come into full force and effect.
5. Subject to approval by the Ontario Municipal Board of an Official Plan Amendment and Zoning By-law Amendment for a development as substantially outlined in this report, and subject to site plan approval to the satisfaction of the Chief Planner and Executive Director, City Planning Division, City Council authorize the Chief Building Official to issue a Section 111 permit under Municipal Code Chapter 667 after the Chief Planner and Executive Director, City Planning Division has given the preliminary approval in Recommendation 4 above.
6. City Council authorize the Chief Building Official to issue a permit under Section 33 of the *Planning Act* no earlier than issuance of the first building permit for the foundation of the development, and after the Chief Planner and Executive Director, City Planning Division has given the preliminary approval in Recommendation 4 above, which permit may be included in the demolition permit for Chapter 667 under 363-11.1E, of the Municipal Code, on condition that:
 - a. The owner erect a residential building on site no later than three (3) years from the date demolition of the first building at 847-873 Sheppard Avenue West is commenced; and
 - b. Should the owner fail to complete the new building within the time specified in Recommendation 6.a, the City Clerk shall be entitled to enter on the collector's roll, to be collected in a like manner as municipal taxes, the sum of twenty thousand dollars (\$20,000) for each dwelling unit for which a demolition permit is issued, and that each sum shall, until payment, be a lien or charge upon the land for which the demolition permit is issued.

7. Authorize the appropriate City officials to take such actions as are necessary to implement the foregoing, including execution of the Section 37 and Section 111 Agreements.

Financial Impact

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

DECISION HISTORY

Previous Applications

Three properties within the development site (865–869 Sheppard Avenue West) were subject to an Official Plan and Zoning By-law Amendment application submitted in 2005. The application sought permission to construct a six storey mixed-use building with ground floor commercial uses and 54 apartment units above at a density of 2.5 times the area of the lot. City Council approved the application at its meeting of September 28, 29 and 30, 2005. The approval included the adoption of a recommendation that prior to introducing the Bills enacting the Official Plan and Zoning By-law Amendments, the owner be required to obtain a Notice of Approval Conditions from the Director of Community Planning, North York District. A copy of the Decision of City Council can be found at the following link:

<http://www.toronto.ca/legdocs/2005/agendas/council/cc050928/ny7rpt/cl037.pdf>

The previous owner of the property did not obtain the required Notice of Approval Conditions and the Bills to enact the Official Plan and Zoning By-law Amendments were never put before Council. Because the approval had not yet been enacted by the passing of a Bill by City Council, the Ontario Municipal Board listed 865 – 869 Sheppard Avenue West in Attachment 6 of its July 5, 2006 Order that brought the majority of the Toronto Official Plan into force and effect.

The listing of these properties in Attachment 6 meant that the policies and land use designations of the Toronto Official Plan did not apply to these lands when the current application was made and the Official Plan of the former City of North York was the in-force Plan for the subject lands. Subsequent to the current application being filed, the current owner consented to the previous application being dismissed by the Municipal Board. On December 14, 2010 the Board issued an Order removing 865-869 Sheppard Avenue West from Attachment 6, thereby bringing the Toronto Official Plan into force for the subject lands.

Current Application

A preliminary report on the current Official Plan and Zoning By-law Amendment application was adopted by North York Community Council on February 9, 2010

authorizing staff to conduct a community consultation meeting, with an expanded notification area. A copy of the Decision of Community Council can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2010.NY31.19>

ISSUE BACKGROUND

Proposal

The applicant is proposing two 9 storey (30.4m) mixed use buildings above a common 2 storey underground parking garage on the south side of Sheppard Avenue West, two properties west of Faywood Boulevard. A total gross floor area of 27,957m² is proposed resulting in a density of 3.0 times the area of the lot. Retail/commercial uses are proposed at grade in the building on the western part of the site and 13 live/work units are proposed at grade in the building on the eastern part of the site. A total of 296 residential dwelling units are proposed including seven (7) replacement rental housing units.

As illustrated in Attachment 1, the tallest portions of the buildings are located along Sheppard Avenue West with two wings that terrace down to 3 storeys at the rear of the site. The ground floor non-residential uses are provided separate architectural treatments as illustrated in Attachment 2. The live/work units in the eastern building are setback further than the non-residential uses at grade in the western building that are predominantly commercial units closer to the public sidewalk. A two-storey masonry treatment is also provided on the base of the eastern building to add diversity to the pedestrian realm along the development block's Sheppard Avenue West frontage.

Residential units occupy the second through eighth storeys, while each ninth storey consists of indoor amenity space that wraps the mechanical penthouse. The eighth and ninth storeys are stepped back to provide an articulation to the taller portions of the buildings. The principal entrance and lobby to each building is proposed from Sheppard Avenue West, while a secondary entrance is taken from a vehicular entrance court between the two proposed buildings.

A total of 415 parking spaces are proposed to serve the development. The majority of this parking is proposed to be provided below grade in a 399-space two storey parking garage shared by the two buildings. In addition, 238 bicycle parking spaces are proposed at grade and within the P1 level of the parking garage. The applicant proposes that vehicular access to the garage be taken from Sheppard Avenue West along the west property line. An additional access point off Sheppard Avenue West for service vehicles, pick-up and drop-off operations and 16 surface parking spaces is proposed in the middle of the block between the two proposed buildings.

The massing allows a significant amount of landscaped open space to be provided in the rear yard of the proposed development. The landscaped area is proposed to be programmed as outdoor amenity space for building residents. In certain locations, the parking garage has been set back to provide generous planting areas for landscaping as

well as protection to allow for the retention of significant mature trees on abutting residential properties.

The site statistics are presented on the Application Data Sheet (Attachment 6).

Site and Surrounding Area

The site has a 195.4m frontage on Sheppard Avenue West, a depth of 47.25m and an area of 0.93 hectares. The site is an assembly of 14 properties that encompass a major portion of the block between Faywood Boulevard and Wilson Heights Boulevard. The majority of the assembled properties contain single detached homes, while 871 and 873 Sheppard Avenue West contains a single storey building occupied by 2 restaurant uses.

Land uses surrounding the site are as follows:

North: at the corner of Wilmington Avenue and Sheppard Avenue West, a two-storey mixed use plaza with residential units above grade-related retail, a place of worship and a mix of mid-rise residential apartment buildings ranging from 6 to 8 storeys in height.

East: two single storey single detached houses (843 and 845 Sheppard Avenue West).

South: single detached dwellings fronting Norcross Road.

West: an existing public laneway, west of the laneway is a two storey building with retail uses at grade and residential apartment uses on the second storey, and two mixed use mid rise buildings beyond at the intersection of Sheppard Avenue West and Wilson Heights Boulevard.

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. The key objectives include: building strong communities; wise use and management of resources; and protecting public health and safety. 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; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation.

City Council's planning decisions are required by the *Planning Act* to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

Map 2 of the Toronto Official Plan identifies this portion of Sheppard Avenue West as *Avenues*. *Avenues* are corridors along major streets intended for incremental reurbanization to create new residential, commercial and retail opportunities while improving the overall pedestrian environment, the appearance of the street and

accessibility to transit for community residents. Map 4 of the Plan identifies Sheppard Avenue West as a possible higher-order transit corridor expansion opportunity and Map 5 identifies Sheppard Avenue West as a Transit Priority Segment demonstrating the intention of maintaining and improving transit service along this corridor over both the short- and long-term.

The Toronto Official Plan designates the site *Mixed Use Areas* which provides for a wide range of land uses to create animated districts along transit routes that provide opportunities to rely less on private automobile trips. New buildings in *Mixed Use Areas* are to be located and massed to provide a transition between different development intensity and scales, particularly towards lower scale *Neighbourhoods*. Development in these districts is to frame streets and provide an attractive, comfortable and safe pedestrian environment to take advantage of nearby transit services.

Sheppard West/Dublin Secondary Plan

The site also falls within the Sheppard West/Dublin Secondary Plan area. The objectives of this Secondary Plan are very similar to those of the *Avenues* in structuring growth along this transit corridor. The site straddles two *Mixed Use Areas* designations within the Sheppard West/Dublin Secondary Plan, with 847 – 867 Sheppard Avenue West designated *Mixed Use Area 'B'* and 869 – 873 Sheppard Avenue West designated *Mixed Use Area 'A'*.

Lands designated *Mixed Use Area 'A'* are intended to be the primary commercial areas of the Secondary Plan; centered around major intersections along the Sheppard Avenue West corridor (Bathurst Street, Wilson Heights Boulevard and Allen Road). The maximum permitted density provided for in *Mixed Use Area 'A'* is 2.0 times the area of the lot provided the maximum commercial density does not exceed 1.0 times the area of the lot.

In *Mixed Use Area 'B'*, the preferred form of mixed use development also contains ground floor commercial uses with upper floor residential uses. This designation provides greater densities for development parcels that provide a mix of commercial and residential uses and which have a frontage on Sheppard Avenue West of greater than 30 meters. Given the frontage of the site having this designation and the mix of uses being proposed, the maximum density provided for is 2.0 times the area of the lot.

The maximum height provided for by the Secondary Plan regardless of designation is 5 storeys with the height of any building or portion thereof, not exceeding the horizontal distance separating that building, or portion thereof from any lands designated *Neighbourhoods*. All buildings are to have a minimum rear yard setback of 9.5m from lands designated *Neighbourhoods*.

Zoning

The majority of the properties comprising the development site are zoned One-Family Detached Dwelling Fourth Density Zone (R4) as indicated in Attachment 5. The western

most parcels (871 – 873 Sheppard Avenue West) are zoned General Commercial Zone (C1). The R4 zoning permits single detached dwellings and accessory buildings as well as various recreational and institutional uses. The C1 zone permits a wide array of uses including restaurants, retail stores, banks, business and professional offices as well as residential uses (apartment house dwellings and multiple attached dwellings).

Site Plan Control

An application for Site Plan Control is required but has not been submitted. Detailed discussions on site plan matters have been ongoing throughout the review of the Official Plan and Zoning Bylaw Amendment applications by City staff as well as in working group sessions with the Local Councillor and neighbouring residents. The rear yard landscape treatment and buffering provisions discussed below will be secured through the approval of a Site Plan Control application when filed.

Rental Housing Demolition and Conversion By-law

The Rental Housing Demolition and Conversion By-law (885-2007) implements the City's Official Plan policies protecting rental housing. By-law 885-2007 established Chapter 667 of the Municipal Code and was approved by City Council on July 19, 2007. The By-law prohibits demolition or conversion of rental housing units without a permit issued under Section 111 of the *City of Toronto Act*. Proposals involving six or more rental housing units require a decision by City Council.

Under Section 33 of the *Planning Act* and Municipal Code Chapter 363, Council has the authority to approve or refuse a demolition permit, except in cases where a building permit has been issued to construct a new building. The proposed demolition requires approval under both Section 33 of the *Planning Act* and Section 111 of the *City of Toronto Act*. Section 363-11.1 of the Municipal Code provides for the co-ordination of these two processes. The Chief Building Official may issue one demolition permit for the purposes of Section 33 of the *Planning Act* and Chapter 667 of the Municipal Code and the Chief Planner in consultation with the Chief Building Official may report on the application for a decision by City Council.

Reason for Applications

An application to amend the Official Plan is required as the applicant is proposing a nine storey mixed use building with a density 3.0 times the area of the lot which exceeds the height and density provisions of the Sheppard West/ Dublin Secondary Plan. The proposal also does not meet the Official Plan provisions requiring the full replacement of rental housing units when demolishing 6 or more units.

An amendment to the Zoning By-law is required to permit the proposed mixed use development at the proposed height and density, as well as to establish appropriate performance standards to facilitate the proposal.

A Section 111 application is required to permit the demolition of the existing rental housing units on the property and to secure conditions for the construction of replacement rental housing units.

Community Consultation

A Community Consultation meeting was held on April 12, 2010 at Irving Chapley Community Centre that was attended by representatives of the previous local Councillor, the applicant, City staff and 28 members of the community.

The main issue raised at the meeting was related to the massing of the proposed building. Those in attendance commented on the proposed height compared to other buildings along the Sheppard West corridor and were concerned with the overlook possible from the terraced portions of the buildings that were closer to the property line. There were concerns with the access proposed by the original scheme that took vehicular access from a shared City-owned laneway that had been dedicated for pedestrian purposes. Another issue raised was related to the east side setback of the proposal from properties fronting Sheppard Avenue West that were not part of the property assembled for redevelopment. There was concern that if the proposal was not properly set back from the property line, it could make the redevelopment of the remaining two properties difficult and possibly sterilize their future potential. Those who were not opposed to the redevelopment of the site expressed a more general concern about density along the Sheppard West/Dublin Secondary Plan area and its continued transformation to a midrise corridor.

Many in attendance, particularly those who lived in abutting residential properties to the south on Norcross Road commented on the need for buffering along the rear property line and the lack of information provided regarding the landscape concepts for the rear yards and the south elevation of the building. In response to this concern, the local Councillor and the applicant organized a working group meeting for neighbouring residents to provide comments on the issues related to the buffering and landscaping proposed.

The working group meeting was held on March 30, 2011 at the Irving Chapley Community Centre, attended by the local Councillor, the applicant, City staff and 17 neighbouring residents. The applicant presented updated south elevations and perspective drawings as well as a lot-by-lot analysis of landscape buffering provisions that included elevation views from each backyard of abutting properties along Norcross Road.

The discussion centered on the proposed fencing and buffering provisions, as well as focusing on details related to the underground parking structure that was setback to allow for the preservation of existing mature trees along the south property line as well as more intensive landscape treatment. The analysis was generally well-received by the neighbours in attendance, although issues related to the possible provision of acoustic fences taller than the proposed 6.0m tall wood board-on-board privacy fences. In terms of the proposed program for the amenity space, there was some concern raised regarding the private walkway connecting the Sheppard Avenue West sidewalk to the rear yard. Most of the issues raised at the working group meeting will be addressed through the evaluation of a Site Plan Control application.

Correspondence received touched on these issues. Additionally, concerns were also raised via petition from a neighbouring condominium building on the north side of

Sheppard Avenue West. The residents of Plaza Royale, an eight storey, mixed use building located at 872 Sheppard Avenue West, submitted a petition indicating they were not opposed to the redevelopment of 847-873 Sheppard Avenue West, but they were opposed to the proposed height of the buildings and the impact on views from the existing condominium's south facing terrace on the eighth floor.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions and their responses have been used to assist in evaluating the application.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the PPS. It accommodates an appropriate range and mix of land uses for the infrastructure and public services available and planned. It is also located within a designated growth area and would be developed with appropriate standards to facilitate intensification in a compact form.

The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe. It focuses intensification within an identified intensification corridor providing a mix of land uses and housing types. The proposal is transit supportive and achieves an appropriate transition of built form to surrounding areas.

Land Use and Built Form

The City of Toronto Official Plan directs growth in the City to areas that are well served by public transit. Specifically, residential growth is intended to be directed to major arterial corridors identified by the *Avenues* overlay on Map 2. In addition to falling within an identified *Avenue*, the subject site is located within an existing Secondary Plan area that promotes residential intensification along a major arterial road well served by public transit.

The proposed mix of uses conforms to the land use provisions of the Official Plan and the site is appropriate for residential intensification. The proposal takes advantage of existing municipal infrastructure and the commercial uses at grade will provide a lively pedestrian amenity with an improved streetscape on a large development block within the Secondary Plan area. The proposed development would promote additional ridership on public transit. The subject site is near surface transit stops at the intersection of Sheppard Avenue West, Faywood Boulevard and Wilmington Avenue that make east-west connections to the Downsview and Sheppard/Yonge subway stations, and north-south connections to the Wilson subway station.

Height and Density

The applicant proposes a nine-storey mixed use building with a density of 3.0 times the area of the lot. The proposal is similar in form, scale and intensity to other proposals in

the Secondary Plan Area approved through site specific Official Plan policies and implementing zoning.

Seven other properties in the corridor have been redesignated and rezoned for mixed use buildings of 7-9 storeys in height and densities between 2.8 and 3.5 times the area of the lot. These previously approved buildings have mechanical penthouses which are not included in the measurement of height as determined by the Zoning By-law but when constructed add mass to a proposed building. By wrapping the mechanical penthouse with residential amenity space, the proposal is considered a 9-storey building by the Zoning By-law. The ninth floor is stepped back significantly from the eighth floor and is below the required angular plane from properties designated *Neighbourhoods*. Staff have reviewed the submitted sun/shadow studies and have determined the shadow impact is acceptable. The proposed massing at nine storeys appropriately fits within the emerging height context for this corridor.

The significant size of the development block allows for the provision of appropriate setbacks and step backs that can accommodate the additional density. The requested height and density is appropriate as the proposal meets the buffering and transitioning provisions of the Secondary Plan while providing an active and articulated street frontage along Sheppard Avenue West as described below.

Public Realm and Built Form along Sheppard Avenue West

The substantial frontage of the development block along Sheppard Avenue West presents challenges as it relates to the public realm and pedestrian experience. The applicant has made revisions to the original proposal by differentiating the built form, architectural treatment and setbacks of the grade-related non-residential uses between the buildings to enliven the pedestrian experience along Sheppard Avenue West.

The live/work units within the eastern building are treated with a two-story mass clad in masonry and set back 1.5m from the property line. The retail and service uses on the ground floor of the western building are closer to the property line to encourage direct access from the public sidewalk while enlivening the public realm. As with the eastern building, the massing of the western building steps back above the second floor to create a pedestrian scale. In addition to the non-residential uses, the principal pedestrian entrances to the residential components of the buildings are taken from the Sheppard Avenue West sidewalk and are clearly marked by the proposed built form and architectural treatments.

Gaps in the streetwall have been minimized to allow for a continuous built form and minimally sized curb cuts to encourage pedestrian comfort. The distance between the two buildings has been reduced from the original proposal to 13m, which provides sufficient space for the vehicular access point and pick-up/drop-off areas but does not create a significant gap in the built form along this corridor. A two-storey form projects from the main massing of the eastern building along Sheppard Avenue West to close the gap between the proposal and the properties fronting Sheppard Avenue West to the east

of the site. This provides additional amenity and activity adjacent to the public realm rather than the originally proposed unprogrammed landscape area.

Although the two-storey element is only setback 2.1m from the east property line, the remainder of the building has been setback a minimum of 5.1m from the properties to the east. This revision was made in response to concerns raised at community consultation meetings and via correspondence that future redevelopment at the corner of Sheppard Avenue West and Faywood Boulevard would be compromised if the proposal was too close to the east property line. The two remaining properties on the block that are not part of the development assembly (843 and 845 Sheppard Avenue West) have a frontage of over 30m along Sheppard Avenue West at its intersection with Faywood Boulevard. The proposed east yard setbacks allow sufficient space for redevelopment to occur at 843-845 Sheppard Avenue West in a manner provided for by the Sheppard West/Dublin Secondary Plan.

Transition and Compatibility with Adjacent Lands designated *Neighbourhoods*

The Sheppard West/Dublin Secondary Plan includes policies intended to protect abutting lands designated *Neighbourhoods* from the increased level of development along the corridor. These policies form the framework that guides the review of any development proposed within the Secondary Plan area, particularly those which request an amendment to the Plan for additional heights or densities.

The proposed development falls within the 45 degree angular plane required by the Secondary Plan. This angular plane requires the higher and denser parts of the building to be located towards Sheppard Avenue West and away from the lower scale residential neighbourhood to the south, providing a transition in built form. Significant portions of the proposal are setback 22.5m from the south property line affording significant opportunities for landscaping. Within the setback, landscape areas are provided which include landscape buffering to meet the provisions of the Secondary Plan. In areas where surface parking is provided, the proposal also provides the 1.5m landscape strip as required by the Secondary Plan. The parking structure is also setback from the property line to allow for the preservation of existing mature trees on adjacent properties, as well as to provide large areas for planting to establish that are not on the slab of the parking garage.

Two portions of the building terrace south towards the Norcross properties. The eastern building terraces down to a 3 storey mass setback over 10m from the south property line which is in excess of the 9.5m minimum setback provided for by the Secondary Plan. The western building terraces down to a similar height and setback, but a portion of the building containing bicycle parking spaces projects into the minimum 9.5m setback. This is acceptable given the use does not impact the adjacent properties. The proposed transitional elements (angular plane and setback) and landscaped buffer results in acceptable conditions of overlook, views and privacy between the development site and adjacent residential properties.

Rental Housing

The existing single detached dwellings at 847-873 Sheppard Avenue West meet the definition of rental housing in the City's Official Plan and Chapter 667 of the Municipal Code. Within the 12 single detached dwellings, there are 21 dwelling units or rooms, of which 16 have been used for rental housing purposes. Official Plan policy 3.2.1.6 requires rental replacement where redevelopment would result in the loss of 6 or more rental housing units.

The house form assembly is not made up of conventional rental buildings. However, many of the houses on the property were assembled and rented for a meaningful period of time, changing their nature from individual houses that may be taken in and out of the rental market from time to time, to rental accommodation that played an ongoing and permanent role as family-sized affordable housing. The inclusion of basement apartments in most of the houses further adds to the properties rental character.

In determining appropriate replacement requirements, staff reviewed a Housing Issues Report prepared by the applicant, City records and conducted a number of site visits. At the time of application, there were three tenants who departed the units while the application was under review. In order to determine the number of rental units required to be replaced, staff looked at whether the units were used as longer-term, continuous rental housing and whether the units were typical, self-contained apartments. Of the 16 rental units, only a portion was used as rental housing for a significant period of time. Further, a number of the units were "bachelorette-style" basement units, and as such were not required to be replaced in the new development. A total of seven rental units were deemed to be required to be replaced, comprised of three 1-bedroom units of at least 600 sq ft and four 2-bedroom units of at least 715 sq ft.

The applicant has proposed to construct seven replacement units within the eastern building on the first floor, four of which will be two-bedroom units. The units will be secured as rental housing for a period of at least 20 years during which time no application for the demolition without replacement or conversion to condominium or non-rental housing purposes shall be made. Five of the units will be rented at "affordable" rents, or no more than average market rent by bedroom type for the City of Toronto, and two units may be "mid-range" rents, or up to one and a half times average market rent, for a period of at least 10 years. These rents shall be subject only to annual increases. For any tenants who remain after the 10 year period expires, rents will be maintained until they end their tenancy or the 20 year rental period expires, whichever occurs first.

An Official Plan Amendment is required as not all of the existing 16 rental housing units will be replaced in the new development as provided for by policy 3.2.1.6. Staff are supportive of the amendment and staff support the rental housing replacement plan as it maintains the intent of the Official Plan rental housing policies, and is consistent with established City practices for similar applications. The applicant's proposal and the City's standard practices for the length of rental tenure of the replacement rental units and restrictions on rent increases will be secured through the zoning by-law and Section 37

provisions, as well as with a Section 111 agreement, pursuant to Municipal Code 667, and a Section 118 Restriction. Staff recommend these provisions securing 7 replacement units be incorporated into the proposed Official Plan Amendment, Zoning By-law Amendment and the Agreements authorized by those instruments.

Traffic, Access and Parking

The applicant submitted a Traffic Impact Statement and Parking Study that concluded the number of trips generated by the proposal in the AM and PM peak hours is not expected to have a significant impact to the local area and can be accommodated by the existing transportation network. Transportation Services staff have reviewed the conclusions of this report and agree with its findings.

Vehicular access to the site would be provided from two locations. A driveway along the west property line would provide access to the underground parking garage. A second driveway in the middle of the block between the two proposed buildings would provide access to pick-up/drop-off facilities, loading spaces and a small surface parking lot for the non-residential uses and visitors. All of these facilities would be located behind the buildings and would be well landscaped which is consistent with Official Plan policies for minimizing curb cuts and consolidating service and access points to the rear of buildings on arterial roads.

The applicant is proposing 415 parking spaces, 19 of which would be located in the surface parking lot with the remainder provided in a two level underground garage. It is proposed that 90 parking spaces would be shared between residential visitors and non-residential uses. A total of 238 bicycle parking spaces will be provided on site at grade and within the P1 level of the underground garage which satisfies Toronto Green Standard Tier 1 requirements. Transportation Services has reviewed the parking provided and required by the Zoning By-law and support the proposed parking arrangements. Staff recommend that the proposed parking rates be incorporated into the Zoning By-law Amendment.

Servicing

The applicant's consultant was requested as part of the review of the application to conduct a sanitary sewer analysis of the local tributary area and identify any impacts of the proposed development on the downstream infrastructure. The analysis revealed segments of servicing infrastructure which surcharged in post-development conditions and other capacity issues that arise when the proposal is analysed alongside other redevelopments in the area. The applicant undertook additional analysis to determine the proposal's contribution to the surcharge conditions.

Technical Services staff have determined that downstream upgrades to the sanitary system are required. It was determined that the applicant is required to submit a financial security in the amount of \$131,250.00 (plus an Engineering review fee of \$7,415.63) to secure the upgrading of two segments of the sanitary system which the analysis indicate surcharge under post-development conditions. The owner will also be required to provide a second contribution of \$189,002.41 in lieu of further upgrades to downstream

infrastructure. This amount is based on the sanitary flow generated by the proposal as a portion of the total sanitary flow generated by this and other development proposals that rely on the local infrastructure. It is recommended that these financial securities be secured through the Section 37 Agreement as a legal convenience.

Toronto Green Standard

On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment. The applicant is required to meet Tier 1 of the TGS.

The proposed draft site specific Zoning By-law will secure performance measures for the following Tier 1 development features related to Automobile Infrastructure and Cycling Infrastructure. Other applicable TGS performance measures will be secured through the Site Plan Approval process.

Draft Zoning By-law Amendment

The applicant and staff are working collaboratively on a detailed Zoning By-law Amendment to submit to the Ontario Municipal Board that will establish appropriate performance standards for the proposed development. The Zoning By-law Amendment to be submitted to the Board will establish detailed performance standards including height and floor area limits as well as secure setback and step backs in built form as outlined in this report. The Amendment will also set out Section 37 provisions as outlined below including community benefits, housing replacement and rent control, and matters to be secured in the Section 37 Agreement as a legal convenience.

Section 37

Section 37 of the *Planning Act* authorizes a municipality with appropriate Official Plan provisions to pass Zoning By-laws involving increases in the height and/or density otherwise permitted by the Zoning By-law in return for the provision of community benefits by the owner. The community benefits must bear a reasonable planning relationship to the proposed development including at a minimum, an appropriate geographic relationship and addressing planning issues associated with the development.

In consultation with the local Councillor and City Divisions, it was determined that Section 37 benefits be directed towards recreation facilities in the area. The Parks, Forestry and Recreation Division provided a list of capital improvement initiatives at three local park sites: Irving Chapley Park and Community Centre, Heschel School Field, and Wilson Heights Parkette including by not limited to walkway improvements, playing field improvements, new playground equipment and other renovations. The applicant has agreed to a contribution of \$375,000.00 to be directed towards the funding of these capital facilities improvements with specific direction outlined in the Zoning By-law Amendment and Section 37 Agreement.

Section 5.1.1.6(h) of the Official Plan authorizes Section 37 to be used to secure the replacement of existing rental housing in accordance with the Housing Policies (Section 3.2.1 of the Plan). The applicant is to provide 7 new replacement rental dwelling units comprised of 3 one-bedroom and 4 two-bedroom units. Five of the replacement rental units will have "affordable" rents and 2 will have "mid-range rents" and will be subject to more detailed requirements set out in the Zoning By-law Amendment.

It is also recommended that the financial security and payment-in-lieu of downstream improvements required by Technical Services to address capital upgrades in servicing infrastructure be secured through the Section 37 Agreement as a legal convenience.

Site Plan Control

The applicant has not submitted an application for Site Plan Control approval. Issues related to Site Plan Control were discussed through community consultation and review of the proposal including elements of design closely related to built form, density and landscape buffering. Staff are recommending that an application for Site Plan Control be submitted that substantially reflects the issues resolved through the review of the application including matters related to materials, fenestration and landscaping as outlined in this report. A Site Plan Control application should also address the provision of upgrades to the pedestrian realm along the public walkway abutting the west property line.

Conclusions

City Planning staff are supportive of the proposed Official Plan and Zoning By-law Amendments for the reasons identified in this report. The site is appropriate for intensification as it lies within an identified growth area along an arterial road. The proposal appropriately transitions to low scale residential uses as required by the Sheppard West/Dublin Secondary Plan and provides an appropriate mix of uses and built form to enliven the pedestrian realm within this emerging mid-rise corridor. If the proposal is approved by the Ontario Municipal Board, the City should also approve the demolition of the 21 existing rental housing units within the 12 single detached dwellings on Sheppard Avenue West under Section 111 of the *City of Toronto Act*.

CONTACT

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SIGNATURE

Allen Appleby, Director
Community Planning, North York District

ATTACHMENTS

Attachment 1: Site Plan

Attachment 2: North and South Elevations

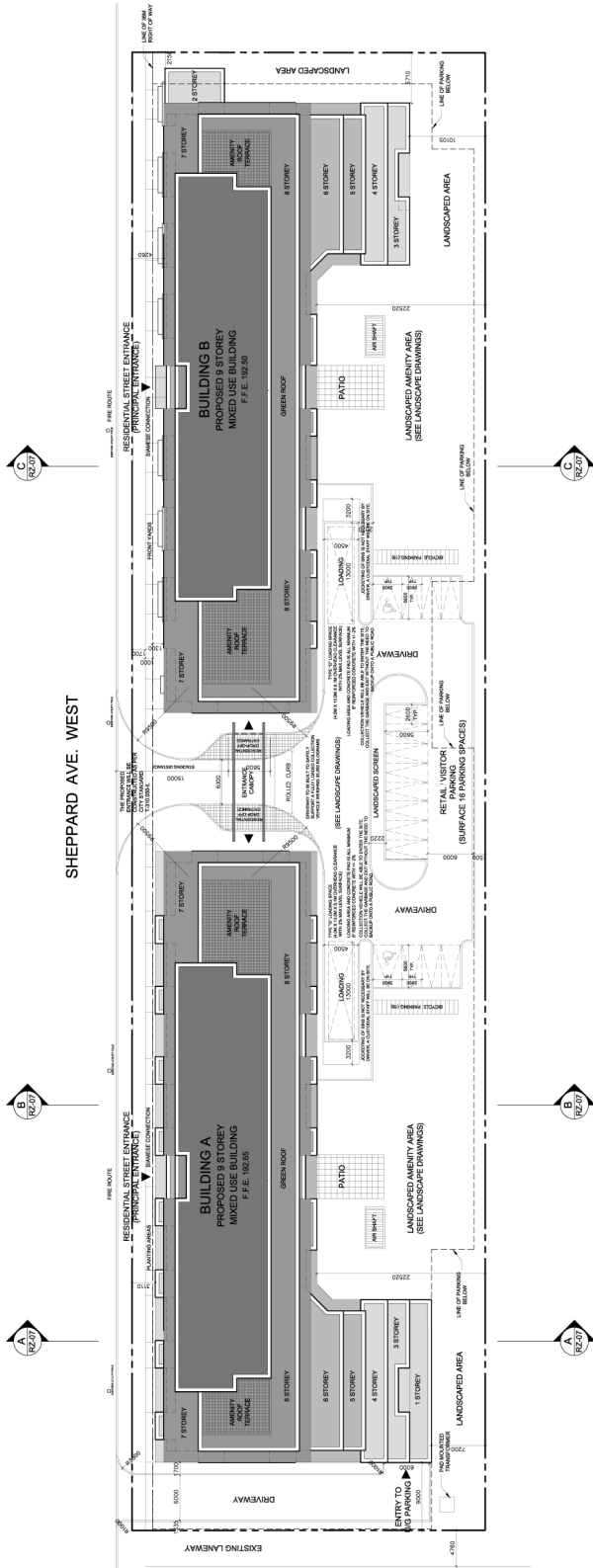
Attachment 3: East and West Elevations

Attachment 4: Official Plan

Attachment 5: Zoning

Attachment 6: Application Data Sheet

Attachment 1: Site Plan



847 - 873 Sheppard Ave. W.

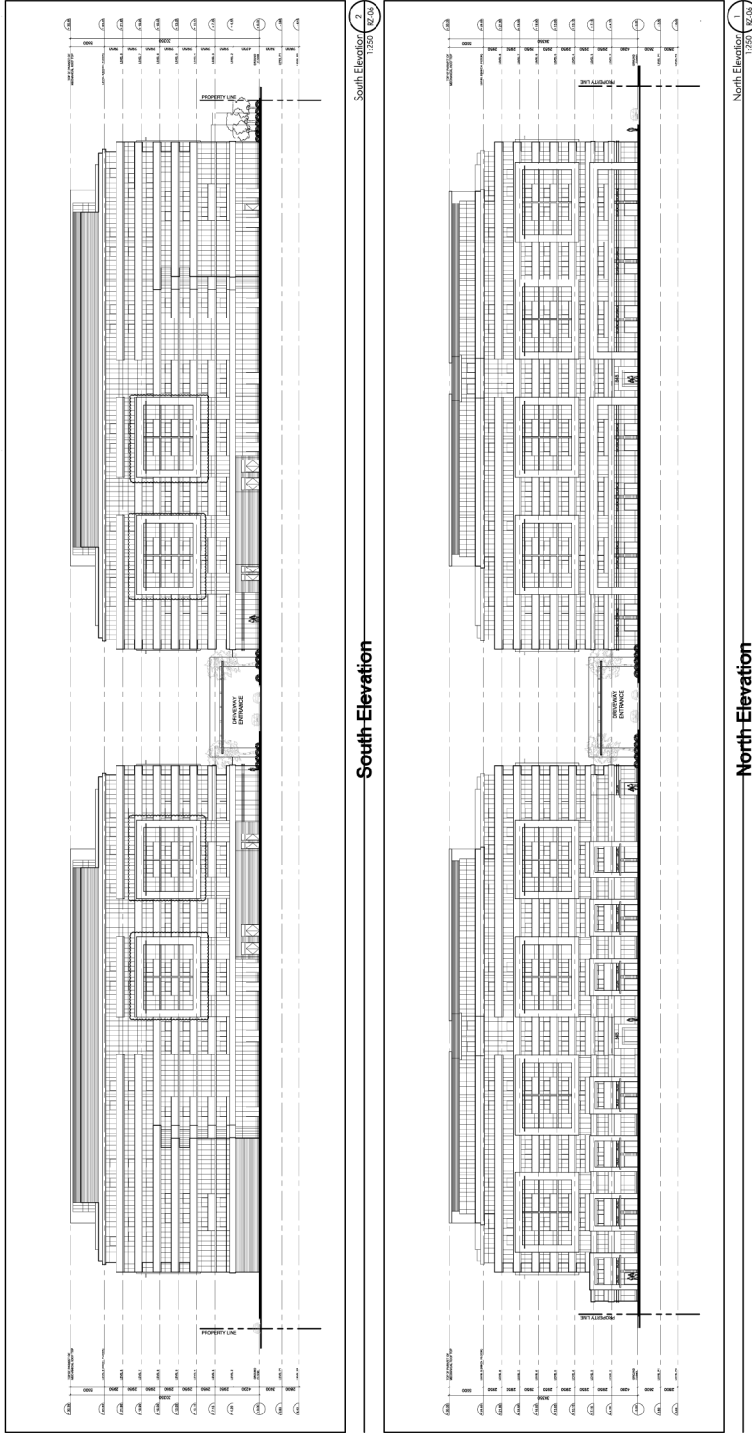
Site Plan

Applicant's Submitted Drawing

Not to Scale
08/07/2012

File # 09 187447 NNY 10 0Z

Attachment 2: North and South Elevations



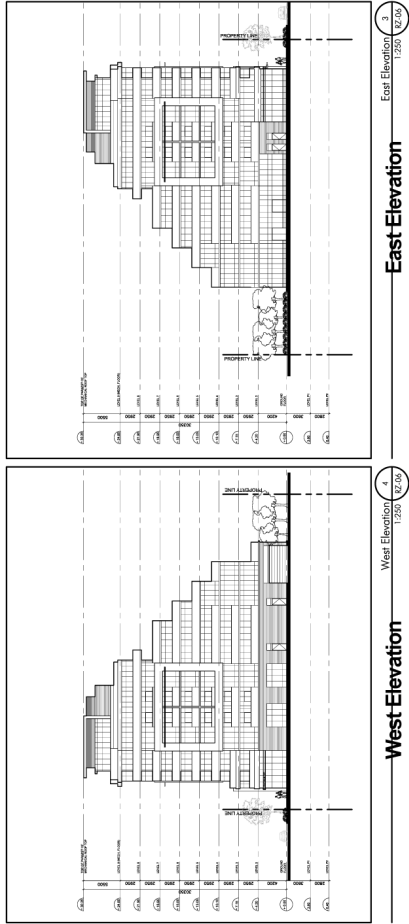
Elevation 847 - 873 Sheppard Ave. W.

Applicant's Submitted Drawing

Not to Scale
08/07/2012

File # 09 187447 NNY 10 0Z

Attachment 3: East and West Elevations



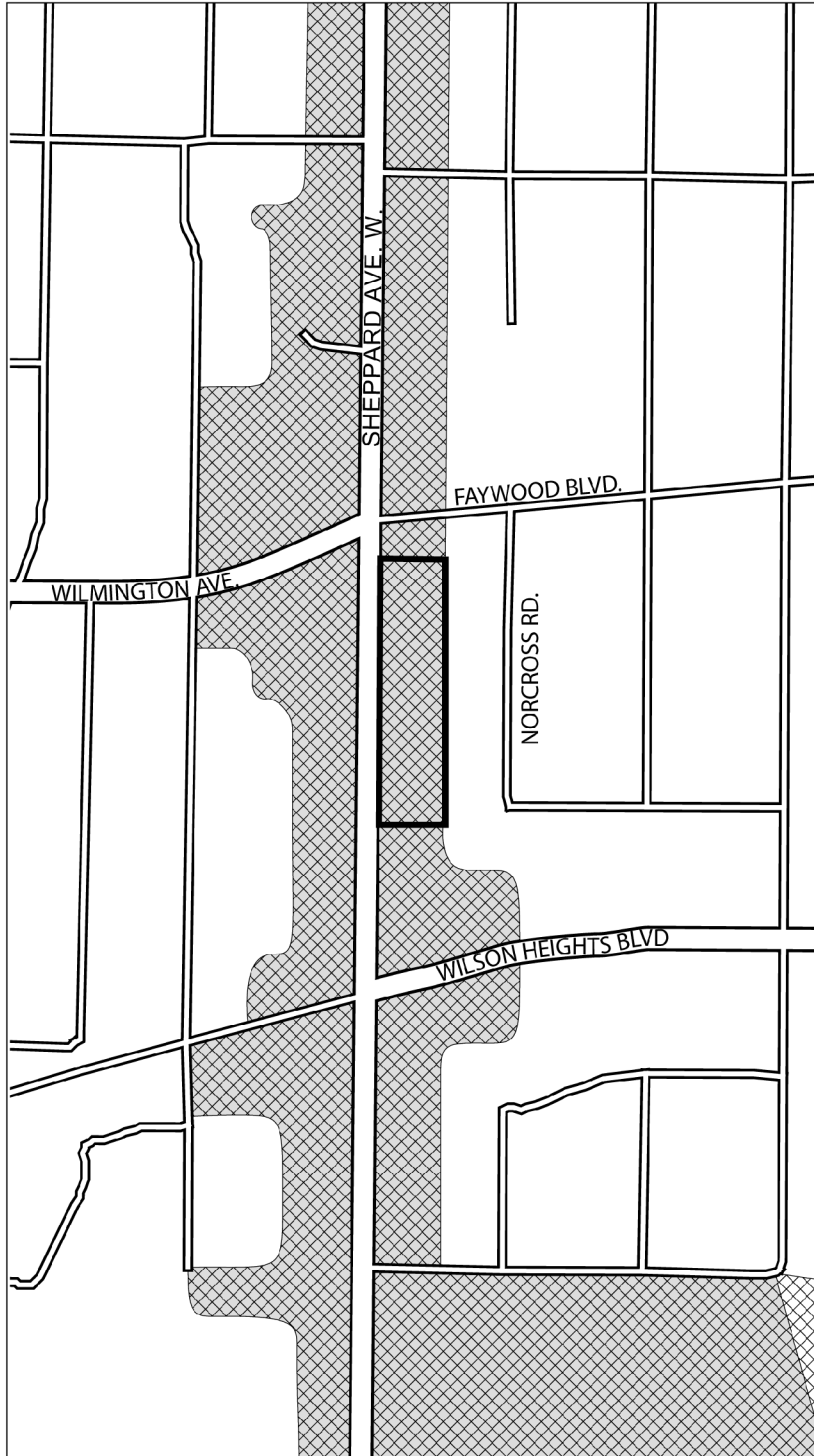
847 - 873 Sheppard Ave. W.

Elevation
Applicant's Submitted Drawing

Not to Scale
08/07/2012

File # 09 187447 NNY 10 0Z

Attachment 4: Official Plan



847 - 873 Sheppard Ave. W.

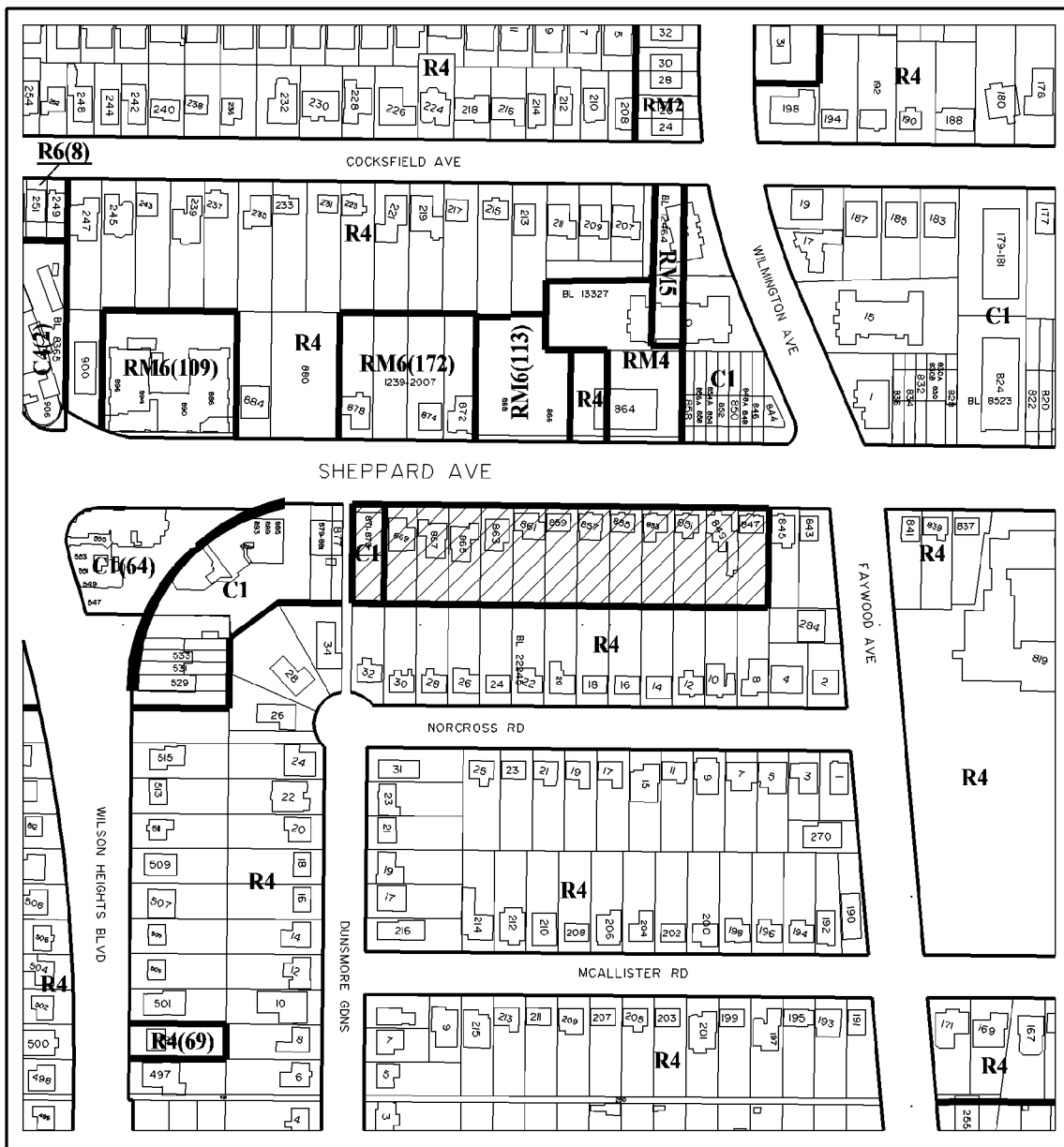


File # 09_187447

- Site Location
- Neighbourhoods
- Mixed Use Areas

↑
Not to Scale
12/08/2009

Attachment 5: Zoning



847 - 873 Sheppard Ave. West

File # 09_187447

- R4 One-Family Detached Dwelling Fourth Density Zone
- R6 One-Family Detached Dwelling Sixth Density Zone
- RM2 Multiple-Family Dwellings Second Density Zone
- RM5 Multiple-Family Dwellings Fifth Density Zone
- RM6 Multiple-Family Dwellings Sixth Density Zone

- C1 General Commercial Zone
- C4 Mixed Use Commercial Zone



Not to Scale
Zoning By-law 7625
Extracted 12/09/2009

Attachment 6: Application Data Sheet

Application Type	Official Plan Amendment & Rezoning	Application Number:	09 187447 NNY 10 OZ
Details	OPA & Rezoning, Standard	Application Date:	November 12, 2009

Municipal Address: 847 – 873 SHEPPARD AVE W
 Location Description: PLAN 3457 LOT 52 TO 64 **GRID N1004
 Project Description:

Applicant:	Agent:	Architect:	Owner:
BOUSFIELDS INC			LARKWOOD DEVELOPMENTS INC

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:
Zoning:	C1 R4	Historical Status:
Height Limit (m):		Site Plan Control Area:

PROJECT INFORMATION

Site Area (sq. m):	9321.01	Height:	Storeys:	9
Frontage (m):	195		Metres:	30.4
Depth (m):	47.3			
Total Ground Floor Area (sq. m):	4,100.26			Total
Total Residential GFA (sq. m):	25,624.30		Parking Spaces:	415
Total Non-Residential GFA (sq. m):	2332.98		Loading Docks	2
Total GFA (sq. m):	27957.28			
Lot Coverage Ratio (%):	43.99			
Floor Space Index:	3.0			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

			Above Grade	Below Grade
Tenure Type:	Condo			
Rooms:	0	Residential GFA (sq. m):	27,957.28	0
Bachelor:	0	Retail GFA (sq. m):	2332.98	0
1 Bedroom:	141	Office GFA (sq. m):	0	0
2 Bedroom:	155	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0	0
Total Units:	296			

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