

3401, 3445 and 3459-3471 Sheppard Ave E – City-Initiated Official Plan Amendment Application – Final Report

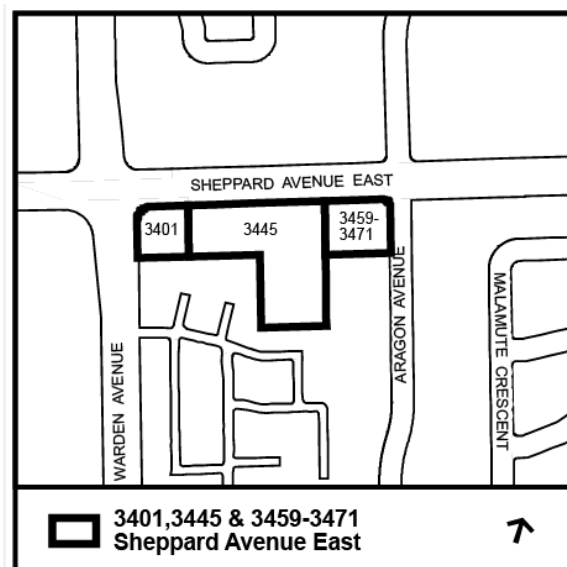
Date:	April 24, 2015
To:	Scarborough Community Council
From:	Acting Director, Community Planning, Scarborough District
Wards:	Ward 40 – Scarborough-Agincourt
Reference Number:	14 151903 ESC 40 OZ

SUMMARY

This City-initiated Official Plan Amendment application proposes to amend the Official Plan to delete the provision of a proposed public lane on the south side of Sheppard Avenue East between Warden Avenue and Aragon Avenue, as generally shown on Map 2 of 2 of Site and Area Specific Policy No. 373, for the addresses municipally known as 3401, 3445 and 3459-3471 Sheppard Avenue East.

The removal of the public lane requirement from Site and Area Specific Policy (SASP) No. 373 will provide for the orderly development of three properties within this block and will facilitate a municipal park location with frontage on Sheppard Avenue East that is consistent with the policy framework of the Sheppard/Warden Avenue Study and implements the intent of SASP No. 373 and the Built Form and Public Realm policies of the Official Plan.

This report reviews and recommends approval of the City-initiated application to amend the Official Plan.



This report also recommends that City Council instruct the City Planning Division to process a City-initiated Zoning By-law Amendment to delete the Holding Provision for the public lane requirement (Exception No. 50) from the properties municipally known as 3401 and 3459-3471 Sheppard Avenue East as a housekeeping zoning by-law amendment.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the Official Plan, for the lands at 3401, 3445 and 3459-3471 Sheppard Avenue East substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 7 to report dated April 24, 2015.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment as may be required.
3. City Council direct the City Planning Division to process a City-initiated Zoning By-law Amendment to delete the Holding Provision for the public lane requirement (Exception No. 50) from the properties municipally known as 3401 and 3459-3471 Sheppard Avenue East as a housekeeping amendment.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

At its meeting of February 7, 2012, Toronto City Council enacted amendments to both the Official Plan and former City of Scarborough Sullivan and Tam O'Shanter Community Zoning Bylaws to implement the findings, in part, of the 'Sheppard Avenue East Avenue Study'. The final staff report on the Avenue Study can be found on the City's website at: <http://www.toronto.ca/legdocs/mmis/2012/sc/bgrd/backgroundfile-43418.pdf>

The Council-enacted By-laws can be found at:

<http://www.toronto.ca/legdocs/bylaws/2012/law0128.pdf>

<http://www.toronto.ca/legdocs/bylaws/2012/law0129.pdf>

At its meeting of September 10, 2013, Scarborough Community Council (SCC) considered a preliminary report for the zoning by-law amendment application on 3445 Sheppard Avenue East. SCC directed that a community consultation meeting be scheduled and that the applicant be responsible for the costs associated with expanding the notice area. The preliminary report is available on the City's website at: <http://www.toronto.ca/legdocs/mmis/2013/sc/bgrd/backgroundfile-60688.pdf>

ISSUE BACKGROUND

On June 4, 2013, Zoning By-law Amendment Application 13 180572 ESC 40 OZ was filed on 3445 Sheppard Avenue East to permit a mixed use-development of two mid-rise residential buildings (10 and 11 storeys) containing 329 units, fronting on Sheppard Avenue East with retail on the ground floor and four blocks of stacked townhouses with 43 units to the rear of the site.

On April 2, 2015, the applicant filed an Official Plan Amendment application on 3445 Sheppard Avenue East to amend Official Plan Site and Area Specific Policy No. 373 on the subject property to provide for an increased building height for the proposed 14-storey mixed use building (Building "B") from 11 storeys to 14 storeys.

The Final Report on the Official Plan and Zoning By-law Amendment Application 13 180572 ESC 40 OZ for the lands at 3445 Sheppard Avenue East proposes to delete the provision of a proposed public lane on the south side of Sheppard Avenue East between Warden Avenue and Aragon Avenue.

This City-initiated Official Plan Amendment application proposes to amend the Official Plan to delete the provision of a proposed public lane on the south side of Sheppard Avenue East between Warden Avenue and Aragon Avenue, as generally shown on Map 2 of 2 of Site and Area Specific Policy No. 373, for the addresses municipally known as 3401, 3445 and 3459-3471 Sheppard Avenue East. The amendment will provide for the orderly development of three properties within this block and will facilitate a municipal park location with frontage on Sheppard Avenue East.

Both the subject City-initiated Official Plan Amendment and the Official Plan and Zoning By-law Amendment application for 3445 Sheppard Avenue East will be considered concurrently at this meeting of Scarborough Community Council.

Site and Surrounding Area

The subject area is located within one City block on the south side of Sheppard Avenue East, between Warden and Aragon Avenues and consists of three properties: 3401, 3445 and 3459-3471 Sheppard Avenue East. These properties are currently occupied by a gas station, one-storey Kia automotive dealership and a two-storey retail/commercial plaza.

Surrounding Uses include:

North: on the north side of Sheppard Avenue East is another large, one-storey Audi automotive dealership; one and two-storey commercial buildings, a four-storey office building, and a gas station;

West: a 2-storey commercial building on the northwest corner of Sheppard Avenue East and Warden Avenue and a one-storey retail plaza at the southwest corner of Sheppard Avenue East and Warden Avenue;

South: a two-storey condominium townhouse development, which extends south of Cass Avenue to Scarden Park and detached dwellings on the west side of Aragon Avenue;

East: a one-storey bank at the southeast corner of Sheppard Avenue East and Aragon Avenue and a 20-storey apartment building on the northeast corner of Sheppard Avenue East and Aragon Avenue.

Official Plan

Map 2 of the City's Official Plan identifies Sheppard Avenue East as an 'Avenue' within the City's large-scale Urban Structure. Policies for Avenues within Section 2.2.3 speak to for the creation of Avenue Studies to guide growth and development on identified Avenues.

Policies pertaining to Parks and Open Spaces state that the location and configuration of lands to be conveyed for parkland should be sufficiently visible and accessible from adjacent public streets to promote the safe use of the park.

The subject properties are designated *Mixed Use Areas* on Map 19, Land Use Plan, within the City's Official Plan. This designation supports a balance of commercial, residential, institutional and open space uses that meet the needs of local communities and provides criteria to direct the form and quality of development.

Attachment No. 1 provides an excerpt of the Official Plan designation for the site and vicinity.

Sheppard/Warden Avenue Study

To implement the recommendations of the Sheppard/Warden Avenue Study, the City adopted Official Plan Amendment No. 143, which placed the entire study area into Site and Area Specific Policy No. 373 (see Attachment 2). Mid-rise buildings are intended to be the predominant form of new development. A mix of uses is encouraged, where appropriate; non-residential uses will be concentrated on the Sheppard Avenue East and Warden Avenue frontages; small-scale retail, office and community uses which are part of an integrated development will be located in close proximity to the Sheppard Avenue East and Warden Avenue intersection.

SASP No. 373 Policy 3(b), applying to public and private streets and lanes, indicates that "as a condition of development approval, new public streets and public lanes that serve to divide the existing lands into smaller blocks, provide a framework for organizing new uses and provide connections to Sheppard Avenue East and Warden Avenues, will be

secured and be required to be dedicated to the City." Across the subject parcels, a public lane is identified as being required with a minimum right-of-way width of 8 m, within which a 2.0 m landscape buffer strip shall be provided.

The plan makes a brief mention of landscaping improvements that should be provided, stating that "publicly accessible private courtyards and walkway connections are encouraged to be provided as part of any new development to complement the public realm."

Official Plan Amendment No. 143 for the Sheppard/Warden Avenue Study can be found at: <http://www.toronto.ca/legdocs/bylaws/2012/law0128.pdf>

Zoning

The properties at 3401 and 3459-3471 Sheppard Avenue East are zoned Commercial-Residential Holding zone [CR(H)], while the property at 3455 Sheppard Avenue East is split-zoned with a Commercial-Residential Holding zone [CR(H)] on the front portion of the site and a Multi-Family Residential Holding zone [M(H)] on the rear portion (see Attachment No. 3). The zoning on the subject lands is the result of the City-initiated zoning amendment (By-law 130-2012) to the former City of Scarborough Tam O'Shanter Community Zoning By-law No. 12360 that implemented the Sheppard/Warden Avenue Study.

The CR Zone permits a wide range of commercial uses as well as residential uses while prohibiting uses related to vehicle service, sales and repair and grade-related residential uses. The M Zone only permits street townhouses. Both zones contain performance standards for gross floor area, height, stepbacks, angular planes and maximum and minimum parking standards, among others.

Exception No. 50 that applies to all of the properties within the subject area states that permitted uses prior to the removal of the Holding Provision shall be restricted to all uses permitted in the Highway Commercial (HC) Zone, save and except automobile service stations, car washes and public garages. The holding provision can only be lifted when:

Council is satisfied that land dedicated to the City for the design, construction and financing of new public street(s) [including lanes] has been satisfactorily reviewed by the Chief Planner and Executive Director in consultation with the Executive Director of Technical Services and that any recommended improvements have been implemented, or financially secured through appropriate agreements.

As a result, any redevelopment of these properties for non-Highway Commercial type uses requires approval of a zoning by-law amendment to lift the holding provision.

Sheppard LRT

The Sheppard East Light Rail Transit (LRT) line is one of the projects funded under the Master Agreement signed between the City, TTC and Metrolinx. It is proposed to extend from Don Mills Station to Morningside Avenue. Metrolinx is in the process of advancing the design of the facility with a target start of service date in December 2021. Once completed, the Sheppard LRT will provide an enhanced level of public transit along the Sheppard corridor. An LRT stop is proposed in proximity to the Warden Avenue and Sheppard Avenue East intersection.

BACKGROUND

Sheppard/Warden Avenue Study

The Sheppard/Warden Avenue study recommended that landowners be required to provide public lanes within a number of blocks within the Study Area, including the subject parcels. The proposed public lane on the south side of Sheppard Avenue East would generally be constructed along the southern boundary of the study area between Warden Avenue and Aragon Avenue, as shown on Map 2 of 2 of SASP No. 373. The proposed public lane would be a minimum of 8 metres in width, including a 2 metre landscaped strip separating the lane from the existing stable residential neighbourhood. To implement the public lane requirement in the SASP No. 373, the zoning by-law for the Sheppard/Warden Avenue Study contains holding provisions which require consideration by the City for landowners to dedicate the required lands for the design and construction of the public lane prior to any mixed use redevelopment proceeding.

The intent for this public lane requirement is to provide a framework for organizing new uses and buildings and to ensure the majority of loading, servicing and parking ingress/egress points are removed from Sheppard Avenue East, and organized through the shared public lane.

Although no local parks were proposed fronting Sheppard Avenue East in the urban design concept plan of the consultant's final report for the Sheppard/Warden Avenue Study, it was suggested that a local park with adequate public street frontage could be provided in the northwest quadrant of the study area. The report identified a small parkette at the rear portion of the property fronting a public lane at 3445 Sheppard Avenue East. (see Attachment No. 4)

Zoning By-law Amendment Application 13 180572 ESC 40 OZ

Zoning By-law Amendment Application 13 180572 ESC 40 OZ for the lands at 3445 Sheppard Avenue East originally proposed a municipal parkette fronting a proposed east-west public lane bisecting the site in accordance with the public lane requirement in SASP No. 373 and the park location shown in the above-noted urban design concept plan (see Attachment No. 5).

A consolidated 2-level underground parking structure was proposed across the entire site, a portion which was located under the proposed public lane. Transportation Services

Division staff advised that underground parking is not permitted to encroach within any future municipal rights-of-way.

In addition, the original proposal for the Zoning By-law Amendment application for 3445 Sheppard Avenue East was presented to the City's Design Review Panel (DRP) on two occasions - October 16, 2013 and May 12, 2014. At the first hearing, the original proposal was evaluated and the Panel voted unanimously for a redesign of the proposal. Among other matters, the Panel advised that the proposed public lane requirement disrupts direct park access from Sheppard Avenue East. The Panel also recommended relocating the land-locked municipal park to provide a more visible and clearly accessible and active open space fronting Sheppard Avenue East. The minutes for the first DRP hearing can be found at:

<http://www1.toronto.ca/City%20Of%20Toronto/City%20Planning/Urban%20Design/Files/pdf/DRP/DRP%20Minutes%20Oct%2016.pdf>

The above-noted issues identified by the Design Review Panel regarding the proposal were also shared by City Planning Division and Parks, Recreation and Forestry staff. To address these comments, among other matters, the applicant incorporated a number of revisions into a revised proposal including deleting the east-west public lane and relocating the municipal park from the interior of the site to the northwestern portion of the site, fronting Sheppard Avenue East.

In accordance with SASP No. 373, the revised proposal includes a private north-south street between Buildings A and B from Sheppard Avenue East into the interior of the site, with a landscaped amenity area at the southern terminus. The 15-metre wide private street will allow for trees and sidewalks and will extend into the interior of the site to enhance the visibility and accessibility of the stacked townhouses from Sheppard Avenue East.

The revised proposal for 3445 Sheppard Avenue East will be considered at the same meeting of Scarborough Community Council as the subject City-initiated Official Plan Amendment application (see Attachment No. 6).

COMMENTS

The main intent of the rear public laneway required by SASP No. 373 is to allow for shared vehicular and service access to the properties from the lane and to maintain a pedestrian-friendly streetscape with minimal vehicular interruptions along Sheppard Avenue East. The revised design of the proposal for 3445 Sheppard Avenue East addresses these issues as outlined below.

3445 Sheppard Avenue East is the mid-block parcel, the only parcel bisected by the lane and the only parcel with an active development application under review. The removal of the rear lane will not have a negative impact on the pedestrian and vehicular access to the future developments at 3401 and 3459-3471 Sheppard Avenue East. Redevelopment of the adjacent parcels at 3401 Sheppard Avenue East and 3459-3471 Sheppard Avenue

East, access for loading, servicing and parking ingress/egress could be provided from Warden Avenue and Aragon Avenue, respectively. Access from these streets, would also promote mixed use redevelopment on these parcels that will create a strong street edge on Sheppard Avenue East with continuous sidewalks without curb cuts, as contemplated in the Sheppard/Warden Avenue Study and consistent with the Built Form policies of the Official Plan.

In the absence of a rear public lane, pedestrian and vehicular circulation will be appropriately served by the new north-south private street proposed in accordance with Map 2 of SASP No. 373. The private street is proposed as part of the Official Plan and Zoning By-law Amendment application at 3445 Sheppard Avenue East to break up this large development block and improve its connectivity between Sheppard Avenue East and the rear portion of this deep parcel. The 15-metre wide private street will allow for a row of trees and continuous sidewalks on both sides. The private street will serve both pedestrians and vehicles and will extend into the interior of the site for improved visibility and accessibility and connect with the rear yard loading and servicing areas.

The removal of the public lane requirement also facilitates a municipal park location, which maintains the vision and intent of the Sheppard/Warden Avenue Study by providing a municipal park with street frontage at a location for access by the public with high visibility and accessibility along Sheppard Avenue East.

In summary, the removal of the public lane requirement from SASP No. 373 will provide for orderly development of the three properties within this block and will facilitate a municipal park location with frontage on Sheppard Avenue East that is consistent with the recommendations of the Sheppard/Warden Avenue Study and maintains the intent of SASP No. 373 and the Built Form and Public Realm policies of the Official Plan.

City-initiated Zoning By-law Amendment for 3401 and 3459-3471 Sheppard Avenue East

As noted earlier, Exception No. 50 of the Tam O'Shanter Community Zoning By-law currently applies to the three subject properties. Under this Exception, any redevelopment of these properties for non-Highway Commercial type uses requires approval of a zoning by-law amendment to lift the holding provision to secure the dedication of the public lane.

To ensure conformity between the Official Plan and Zoning By-law, should the subject City-initiated Official Plan Amendment Application be approved by City Council to delete the provision of a proposed public lane for these properties, then the implementing zoning by-law should be amended to delete Exception No. 50 from all three properties. Since no active zoning by-law amendment applications are currently filed on 3401 and 3459-3471 Sheppard Avenue East, Exception No. 50 would continue to apply.

Accordingly , it is recommended that City Council instruct the City Planning Division to process a City-initiated Zoning By-law Amendment to delete the Holding Provision for

the public lane requirement (Exception No. 50) from the properties municipally known as 3401 and 3459-3471 Sheppard Avenue East as a housekeeping zoning by-law amendment at the next opportunity.

CONTACT

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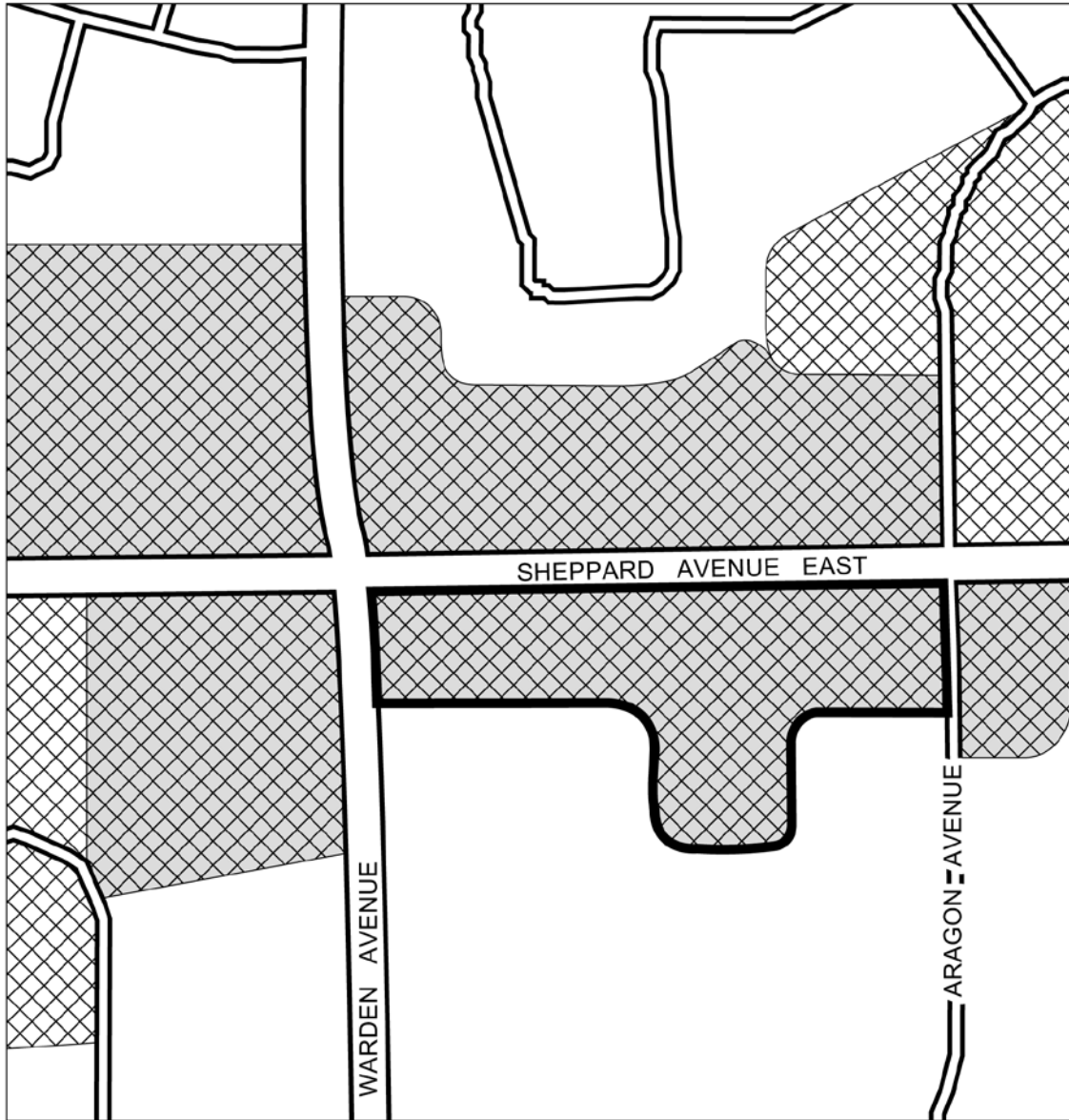
SIGNATURE

Joe Nanos, Acting Director
Community Planning, Scarborough District

ATTACHMENTS

- Attachment 1: Official Plan
- Attachment 2: Site and Area Specific Policy No. 373
- Attachment 3: Zoning
- Attachment 4: Sheppard/Warden Avenue Study – Urban Design Concept Plan
- Attachment 5: Original Site Plan – Zoning By-law Amendment Application
13 180572 ESC 40 OZ
- Attachment 6: Current Site Plan – Zoning By-law Amendment Application
13 180572 ESC 40 OZ
- Attachment 7: Draft Official Plan Amendment

Attachment 1: Official Plan



3401, 3445, 3459-3471 Sheppard Avenue East

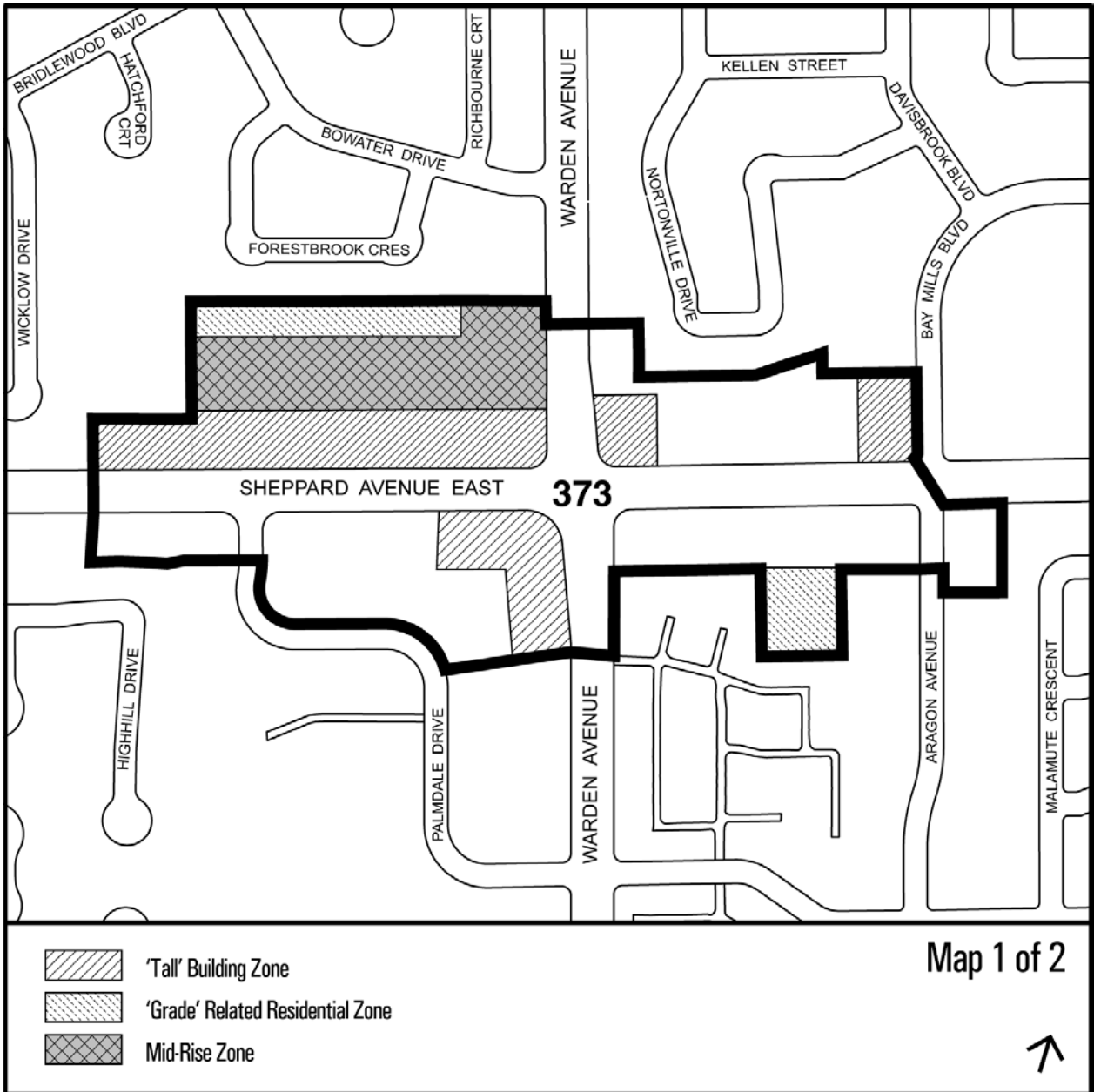
 **TORONTO** City Planning
Official Plan

File #14 015903 ESC 40 0Z

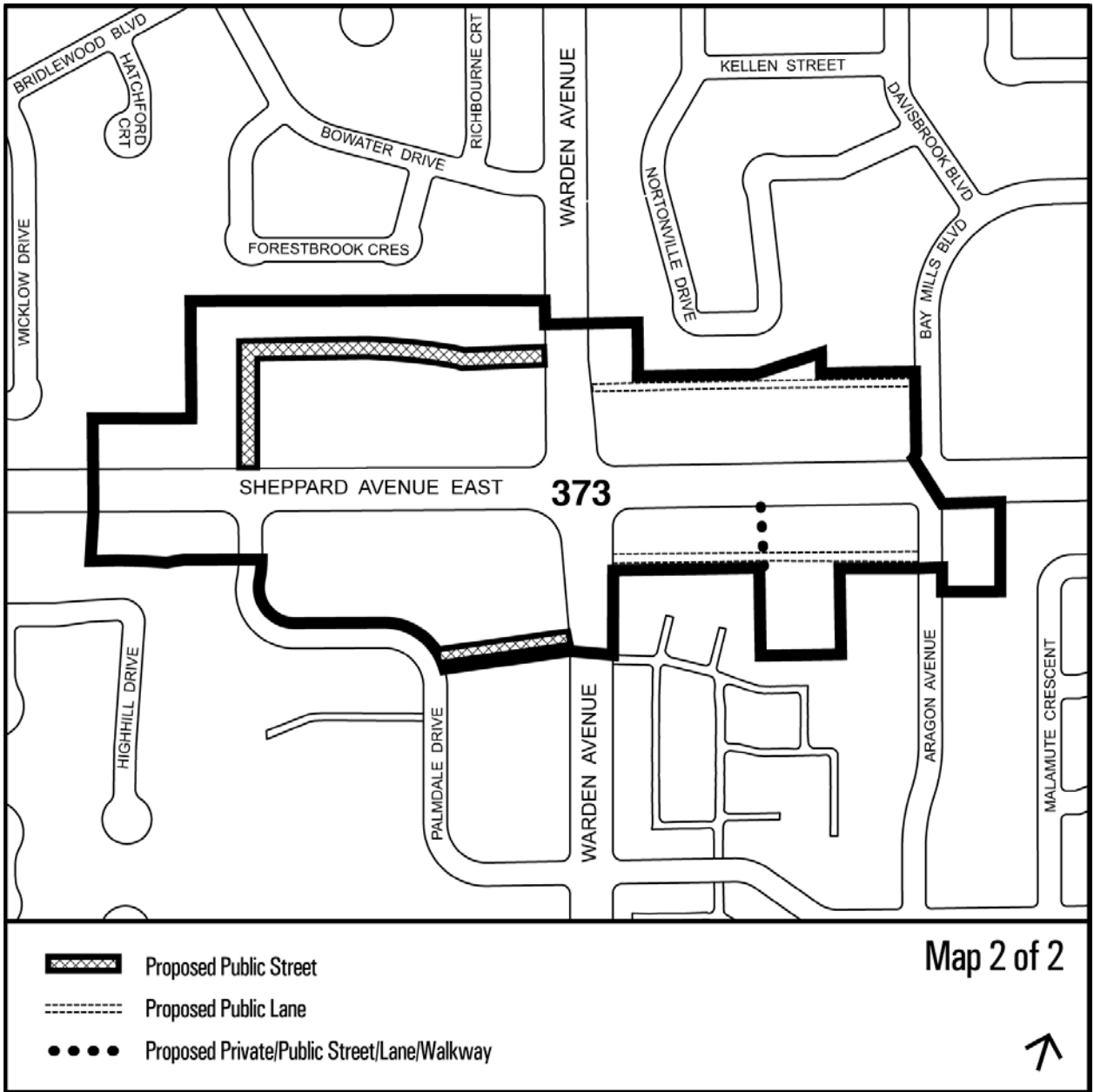
-  Site Location
-  Neighbourhoods
-  Apartment Neighbourhoods
-  Mixed Use Areas


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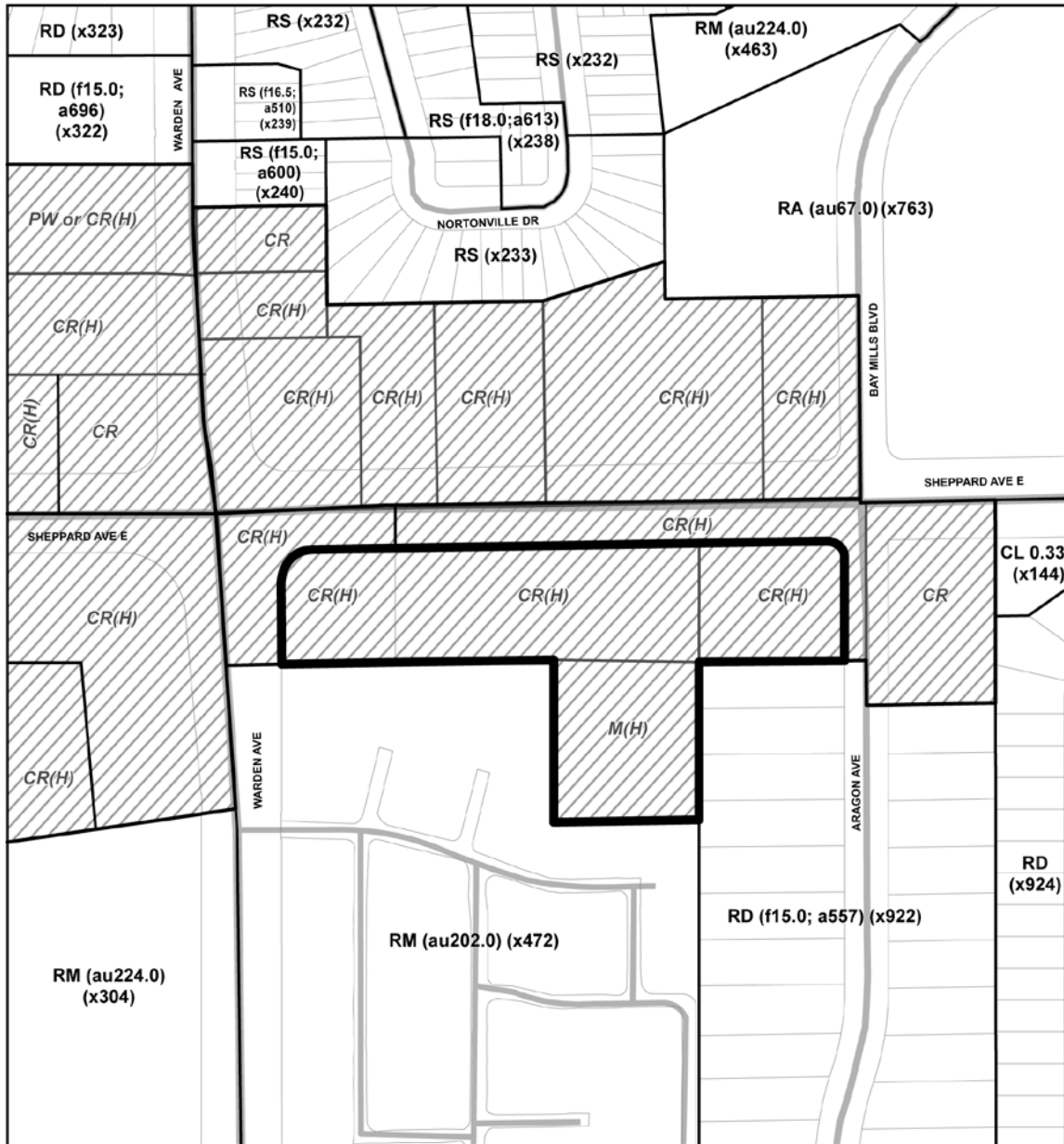
Attachment 2: Site and Area Specific Policy No. 373



Attachment 2: Attachment 2: Site and Area Specific Policy No. 373



Attachment 3: Zoning





TORONTO City Planning
Zoning By-law 569-2013

3401, 3445, 3459-3471 Sheppard Avenue East

File # 14 015903 ESC 40 OZ

 Location of Application
 RD Residential Detached
 RS Residential Semi-Detached
 RA Residential Apartment
 RM Residential Multiple
 CL Commercial Local

 See Former City of Scarborough Tam O'Shanter Community By-Law No. 12360
 M Multiple-Family Residential
 CR Commercial-Residential
 PW Place(s) of Worship
 (H) Holding Provision


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 Extracted 4/21/2015

Attachment 4: Sheppard Warden Avenue Study - Urban Design Concept Plan



Urban Design Concept Plan

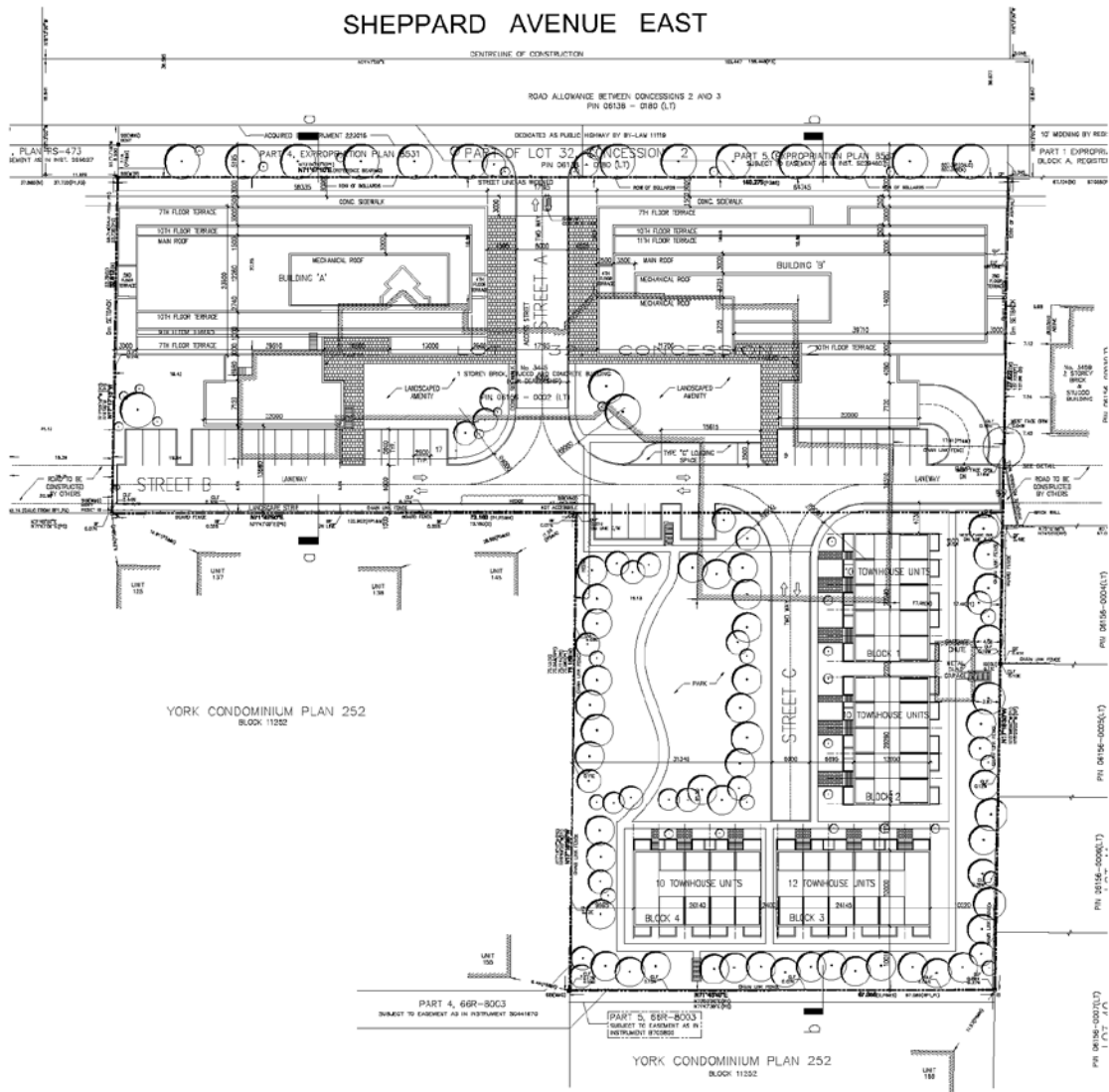
From The Sheppard / Warden Avenue Study Final Report - Dec. 16, 2011

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3401, 3445, 3459-3471 Sheppard Avenue East

File # 14 151903 ESC 40 0Z

**Attachment 5: Original Site Plan – Zoning By-law Amendment
Application 13 180572 ESC 40 OZ**



Site Plan

3445 Sheppard Avenue East

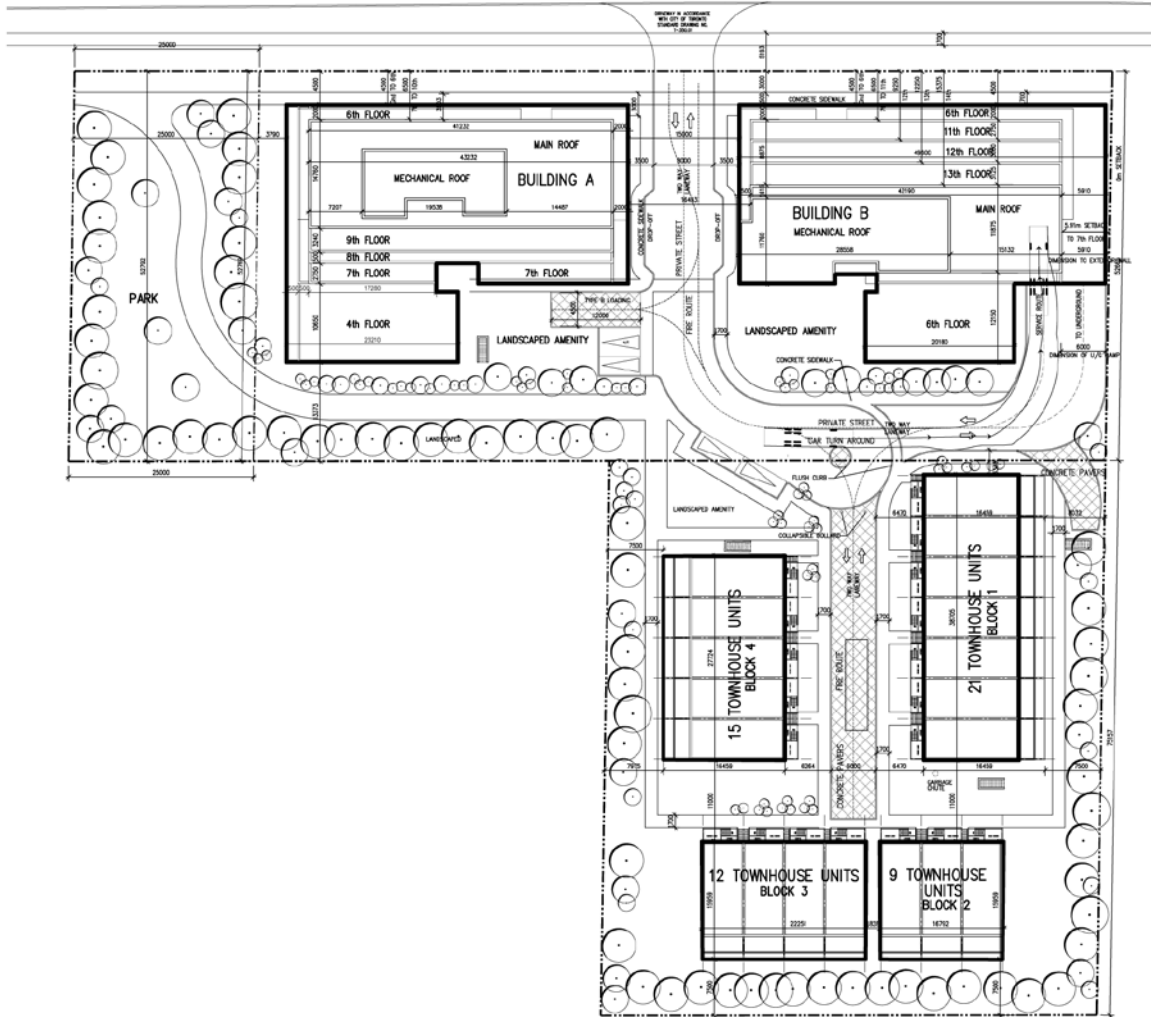
Applicant's Submitted Drawing

Not to Scale

File #13 180572 ESC 40 OZ

**Attachment 6: Current Site Plan – Zoning By-law Amendment Application
13 180572 ESC 40 OZ**

SHEPPARD AVENUE EAST



Site Plan

Applicant's Submitted Drawing

Not to Scale 

3445 Sheppard Avenue East

File #13 180572 ESC 40 OZ

Attachment 7: Draft Official Plan Amendment

Authority: Scarborough Community Council Item ~ as adopted by City of Toronto Council on ~, 20~

Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

**To adopt an amendment to the Official Plan
for the City of Toronto
respecting the lands known municipally in the year 2014, as
3401 Sheppard Avenue East, 3445 Sheppard Avenue East and 3459-3471 Sheppard
Avenue East**

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

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

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

1. The attached Amendment No. 310 to the Official Plan is hereby adopted pursuant to the *Planning Act*, as amended.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

JOHN TORY,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

AMENDMENT NO. 310 TO THE OFFICIAL PLAN

**LANDS MUNICIPALLY KNOWN IN THE YEAR 2014 AS
3401 SHEPPARD AVENUE EAST, 3445 SHEPPARD AVENUE EAST AND 3459-
3471 SHEPPARD AVENUE EAST**

The Official Plan of the City of Toronto is amended as follows:

1. Chapter 7, Site and Area Specific Policies, is amended by amending Site and Area Specific Policy No. 373 for lands known municipally in 2014 as 3401 Sheppard Avenue East, 3445 Sheppard Avenue East and 3459-3471 Sheppard Avenue East, as follows:
 - [a]. Deleting Subsection (b)5.; and
 - [b]. Deleting the Proposed Public Lane on the south side of Sheppard Avenue East between Warden Avenue and Aragon Avenue from Map 2 of 2.