

STAFF REPORT ACTION REQUIRED

3105 to 3133 Sheppard Ave E - Official Plan Amendment and Zoning By-law Amendment Applications – Request for Direction Report

Date:	October 23, 2015			
To:	Scarborough Community Council			
From:	Director, Community Planning, Scarborough District			
Wards:	Ward 40 – Scarborough-Agincourt			
Reference Number:	14 265429 ESC 40 OZ			

SUMMARY

This application proposes to amend the Official Plan and Zoning By-law to permit a 30-storey mixed use building including a 6-storey podium at 3105 to 3133 Sheppard Avenue East. The proposal consists of 365 apartment dwelling units and ground floor commercial uses fronting Sheppard Avenue East. Three levels of underground parking are proposed with driveway access proposed from Pharmacy Avenue.

On June 29, 2015, the owner appealed the Official Plan and Zoning By-law Amendment applications to the Ontario Municipal Board citing City Council's failure to make a decision within the prescribed time frames set out in the *Planning Act*. A pre-hearing conference was held on September 29, 2015 with a second pre-hearing conference scheduled on January 26, 2016. A full hearing at the Scarborough Civic Centre is scheduled for 10 days beginning April 18, 2016.

This report seeks Council's direction to oppose the applications at the Ontario Municipal Board.



The applications do not represent an appropriate redevelopment of the site and do not represent good planning for the reasons discussed in this report. It is recommended that the City Solicitor be directed to attend the OMB Hearing to oppose the development, in its current form and that staff be authorized to continue discussions on a revised proposal which addresses the issues set out in this report.

RECOMMENDATIONS

The City Planning Division recommends that:

- City Council authorize the City Solicitor together with City Planning staff and other staff as appropriate to oppose the applicant's appeal respecting Official Plan and Zoning By-law Amendment Application No. 14 265429 ESC 40 OZ at 3105 to 3133 Sheppard Avenue East and attend any Ontario Municipal Board hearing in opposition to such appeal, for the reasons discussed in this report and any additional issues identified through the detailed review of these applications.
- 2. City Council authorize City staff to continue discussions with the applicant on a revised proposal which addresses the issues set out in this report and if necessary, for the City Solicitor to report further to City Council if a settlement is reached.
- 3. City Council direct the City Solicitor to advise the OMB that the zoning by-law should not be approved without the provision of such services, facilities or matters pursuant to Section 37 of the Planning Act as may be considered appropriate by the Chief Planner in consultation with the applicant and the Ward Councillor.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

At its meeting on April 14, 2015, Scarborough Community Council adopted the recommendations of the Preliminary Report on the above-noted applications, with an amendment to expand the notification area for the community consultation meeting. The Preliminary Report is available on the City's website at:

http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.SC5.25

On June 29, 2015, the owner appealed the Official Plan and Zoning By-law Amendment applications to the Ontario Municipal Board citing City Council's failure to make a decision within the prescribed time frames set out in the *Planning Act*. A pre-hearing conference was held on September 29, 2015 with a second pre-hearing conference scheduled on January 26, 2016. A full hearing is scheduled for 10 days beginning April 18, 2016 at the Scarborough Civic Centre.

Pre-Application Consultation

A pre-application consultation meeting was held on July 25, 2012 with the previous property owner along with the current planning consulting firm and architect to provide feedback and to discuss complete application requirements for an 18-storey, mixed-use 384 dwelling unit building consisting of a 9-storey podium and a 9-storey tower element. City Planning Division staff expressed concerns with this proposal in terms of the proposed height and massing.

The ownership of the lands changed in 2014. Discussions and a meeting were held in February 2014 with the current property owner, at their request, to discuss site servicing issues related to the possibility of re-locating the existing storm and sanitary sewer easement across the southern portion of the site and related implications.

No pre-application consultation meetings were requested by the current property owner to discuss the 30-storey proposal that was subsequently filed as part of these development applications. A pre-application checklist was provided to the applicant, upon request, on September 30, 2014.

ISSUE BACKGROUND

Proposal

This application proposes to demolish the existing commercial plaza and amend the Official Plan from *Neighbourhoods* to *Mixed Use Areas* and Zoning By-law to permit a 30-storey mixed use building including a 6-storey podium.

The U-shaped podium extends along the Sheppard Avenue frontage and partially along the Pharmacy Avenue frontage and east property line. The tower element sits atop the podium along the northwest portion of the site towards the intersection.

The proposal consists of 365 apartment dwelling units and 1,190 square metres of ground floor commercial uses fronting Sheppard Avenue East. The total proposed gross floor area is 29,005 square metres or approximately 5.84 times the area of the lot.

The residential unit mix proposes 54 one-bedroom units, 157 one-bedroom plus den units, 73 two-bedroom units, 63 two-bedroom plus den units and 18 three-bedroom units.

The building proposes 1,460 m² of amenity area on the seventh floor, comprising 595 m² of indoor amenity space and 865 m² outdoor amenity space.

A total of 341 parking spaces are proposed, including 295 parking spaces within a three-level underground parking garage for residents and 46 shared surface parking spaces for residential visitors and commercial uses. Two full movement vehicular accesses are proposed off Pharmacy Avenue including: a driveway to the surface parking area and

residential drop-off area; and a ramp to the underground parking garage, located immediately north of the driveway. The development site excludes a 2.13 metre road widening along the Sheppard Avenue East frontage.

Attachments 1 and 2 include the applicant's site plan and elevations. Additional site and development statistics are included in the application data sheet (Attachment No. 5).

Site and Surrounding Area

The site is located on the southeast corner of Sheppard Avenue East and Pharmacy Avenue. The rectangular site is approximately 0.5 hectares in area with frontages of approximately 82 metres along Sheppard Avenue East and 61 metres along Pharmacy Avenue. A 6.15-metre easement is located along the south property boundary for stormwater and sanitary infrastructure.

The lands are currently occupied by a one and two-storey commercial building (Wishing Well Plaza) with surface parking located between the building and Sheppard Avenue East. There are three existing full movement vehicular accesses: one driveway off Sheppard Avenue East and two driveways off Pharmacy Avenue.

Surrounding land uses include:

North: an 11-storey apartment building on the northeast corner of Pharmacy

Avenue and Sheppard Avenue and a two-storey townhouse development immediately north. Further north and east to the Hydro Corridor are detached dwellings. Further west on the northwest corner of Pharmacy Avenue and Sheppard Avenue is a vacant parcel with zoning approvals for a 15-storey apartment building, further north are townhouses and detached dwellings. Further west along the north side of Sheppard Avenue to just east of Victoria Park Avenue are apartment buildings ranging between 10

and 20 storeys;

South: a local municipal park (Wishing Well Woods Park) immediately south and

further south are detached dwellings;

East: the Sheppard Avenue pedestrian entrance to Wishing Well Woods Park is

located immediately east. Further east along the south side of Sheppard Avenue to the Hydro Corridor is a place of worship with detached

dwellings further south; and

West: a one and two-storey commercial plaza on the southwest corner of

Pharmacy Avenue and Sheppard Avenue and a one-storey commercial plaza further south on the west side of Pharmacy Avenue. Further west are detached dwellings on the south side of Sheppard Avenue to just east of Victoria Park Avenue. Closer to the Victoria Park Avenue/Sheppard Avenue intersection is a vacant parcel with zoning approvals for an 18-storey apartment building with at-grade commercial uses, which forms part of the *Mixed Use Areas* node at this intersection and is part of ConsumersNext Planning Study, which is currently underway.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS), 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; wise use and management of resources and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. 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 to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Staff will review the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The site is designated *Neighbourhoods* in the City of Toronto Official Plan (Attachment No. 3). The Official Plan identifies *Neighbourhoods* as being physically stable areas made up of residential uses in lower scale buildings such as detached houses, semidetached houses, duplexes, triplexes and townhouses, as well as interspersed walk-up apartments that are no higher than four storeys. Parks, low scale local institutions, home occupations, cultural and recreational facilities and small-scale retail, service and office uses are also provided for in *Neighbourhoods*.

Sheppard Avenue is shown as an *Avenue* on Map 2 Urban Structure of the Toronto Official Plan. *Avenues* are important corridors along major streets where reurbanization can create new housing and jobs while improving the pedestrian environment, the look of the street, shopping opportunities and transit service for community residents. Reurbanizing the Avenues will be achieved through the preparation of Avenue Studies for strategic mixed use segments of the corridors.

The Official Plan notes that not all Avenues are the same. "Each Avenue is different in terms of lot sizes and configurations, street width, existing uses, neighbouring uses, transit service and streetscape potential. There is no "one size fits all" program for reurbanizing the Avenues."

Development may be permitted on the *Avenues* prior to an Avenue Study and will implement the policies of the Plan for the relevant designation area(s). Where a portion of an *Avenue* is designated *Neighbourhoods*, the policies of Chapter 4 will prevail to ensure any new development respects and reinforces the general physical character of established neighbourhoods, and that parks and open spaces are protected and enhanced.

Map 4 – Higher Order Transit Corridors – identifies Sheppard Avenue East as a Transit Corridor for potential expansion. Map 5 – Surface Transit Priority Network – identifies

Sheppard Avenue East as Transit Priority Segments.

Healthy Neighbourhoods Policy 2.3.1.1 states that "Neighbourhoods and Apartment Neighbourhoods are considered to be physically stable areas. Development within Neighbourhoods and Apartment Neighbourhoods will be consistent with this objective and will respect and reinforce the existing physical character of buildings, streetscapes and open space patterns in these areas." Developments in Mixed Use Areas and Apartment Neighbourhoods that are adjacent or close to Neighbourhoods will be compatible with those Neighbourhoods, providing a gradual transition of scale and density of buildings and setbacks towards Neighbourhoods and maintaining adequate light and privacy for residents in those Neighbourhoods.

Policy 4.1 of the Official Plan contains specific development criteria related to lands designated *Neighbourhoods*. Policy 4.1.5 states that development in established *Neighbourhoods* will respect and reinforce the existing physical patterns and character of the *Neighbourhoods*, with particular regard to, among other things:

- Heights, massing, scale and type of dwelling unit of nearby residential properties;
- Size and configuration of lot;
- Prevailing building type;
- Setback of buildings from the street; and
- Prevailing patterns of rear and side yard setback and landscaped open space.

An application has been submitted to amend the Official Plan to redesignate the site as *Mixed Use Areas*. The *Mixed Use Areas* land use designation provides for a broad range of commercial, residential and institutional uses. Policies for *Mixed Use Areas* within Section 4.5 of the Plan require new development to:

- create a balance of high quality commercial, residential and institutional uses that reduce automobile dependency and meet the needs of the local community;
- provide good site access and circulation and an adequate supply of parking;
- provide an attractive, safe and comfortable pedestrian environment; and
- provide indoor and outdoor recreation space for building residents.

Specific development criteria for *Mixed Use Areas* necessitate, among other matters, new development to be located and massed in order to:

- provide a transition between areas of different intensity and scale, through means such as appropriate setbacks and/or stepping down of heights, particularly towards lower scale *Neighbourhoods*;
- limit shadow impacts on adjacent *Neighbourhoods*;
- frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces; and

- provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development.

For context, the *Apartment Neighbourhoods* land use designation provides for apartment buildings and parks, local institutions, cultural and recreational facilities, and small-scale retail, service and office uses that service the needs of area residents. *Apartment Neighbourhoods*, in large part reiterate the development criteria noted above. Built Form Policy 3.1.2 of the Official Plan, in large part, also re-iterates the development criteria noted above.

Built Form Policy 3.1.3 of the Official Plan identifies tall buildings as those whose height are typically greater than the width of the adjacent road allowance. The planned right-of-way width in front of this site is 36 metres and the proposed building height (excluding mechanical penthouses) is 93.9 metres (30 storeys). As such, the proposed building meets the definition of a tall building.

Section 3.1.1 of the Official Plan includes policies on the public realm. The policies encourage development that improves the public realm (streets, sidewalks and open spaces) for pedestrians.

The Housing policies of the Official Plan support a full range of housing in terms of form, tenure and affordability, across the City and within neighbourhoods.

Policy 5.3.1 of the Official Plan states that amendments to the Official Plan that are not consistent with its general intent will be discouraged. Council will be satisfied that any development permitted under an amendment to this Plan is compatible with its physical context and will not affect nearby *Neighbourhoods* or *Apartment Neighbourhoods* in a manner contrary to the neighbourhood protection policies of this Plan. When considering a site specific amendment to this Plan, at the earliest point in the process the planning review will examine whether the application should be considered within the immediate planning context or whether a broader review and possible area specific policy or general policy change are appropriate.

The Official Plan provides for the use of Section 37 of the Planning Act to secure community benefits in exchange for increased height and density for new development, provided it first meets the test of good planning and is consistent with the policies and objectives of the Plan.

In addition to the policies referenced above, the entire Official Plan will be considered through the review of this application. The Toronto Official Plan is available on the City's website at: www.toronto.ca/planning/official_plan/introduction.htm.

Zoning

The lands are zoned Neighbourhood Commercial (NC) under the Sullivan Community Zoning By-law 10717, as amended, of the former City of Scarborough. The NC Zone

permits non-residential uses such as day nurseries, automobile service stations, banks, business and professional offices, personal service shops and restaurants. Residential uses are not permitted. The existing zoning for the site permits a maximum gross floor area of 50% of the lot area.

The site is also part of the new City of Toronto Zoning By-law No. 569-2013 enacted by City Council on May 9, 2013. The lands are zoned Local Commercial Zone, CL 0.5 (x104) (Attachment No. 4). The LC Zone permits non-residential uses such as a retail store, restaurant, personal service shop, medical office, office and financial institution. The maximum permitted density is 0.5 FSI and the maximum permitted height is 10 metres. The site abuts Wishing Well Woods Park, which is zoned Open Space – Recreational (OR). In the CL Zone if a lot abuts an OR zone, every building on the lot in the CL zone must not penetrate a 45 degree angular plane measured, if there is no rear lane, from the ground at the rear lot line.

Site Plan Control

The property is subject to site plan control. A site plan control application has not been submitted.

City-Wide Tall Building Design Guidelines

In May 2013, Toronto City Council adopted the updated city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of all new and current tall building development applications. The guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure that they fit within their existing and planned context and minimize their local impacts.

The Guidelines provide specific recommendations for tall buildings on issues of fit and transition in scale, sunlight and sky view, building placement, base building height and scale, tower floor plate size, separation distances, tower articulation, sustainable design and pedestrian realm considerations including streetscape, wind effects and landscape design.

The Guidelines can be found at: http://www.toronto.ca/planning/tallbuildingdesign.htm

Mid-Rise Building Guidelines

Toronto City Council, in July 2010, adopted the recommendations contained in the staff report prepared by City Planning entitled "Avenues and Mid-Rise Buildings Study", with modifications and directed staff to use the Performance Standards for Mid-Rise Buildings in reviewing all new and current mid-rise development proposals on the *Avenues* for a two year monitoring period and in November 2013 Council extended the monitoring period to the end of 2014.

At its meeting on October 8, 2015, Planning and Growth Management Committee considered a staff report on Mid-Rise Building Performance Standards Monitoring and

recommended that City Council authorize City Planning staff to make minor adjustments to the Mid-Rise Buildings Performance Standards and requested the Chief Planner and Executive Director, City Planning to continue the development of draft built form policies for the purpose of public consultations that include policies for mid-rise buildings. These recommendations will be tabled at City Council at its meeting on November 3-4, 2015 City Council.

The Avenues and Mid-rise Buildings Study identifies a list of best practices and establishes a set of performance standards for new mid-rise buildings. Key issues addressed by the Study include maximum allowable building heights, setbacks and stepbacks, sunlight and skyview, pedestrian realm conditions, transition to *Neighbourhoods* and *Parks and Open Space Areas* and corner sites.

The Study can be found at: http://www1.toronto.ca/City%20Of%20Toronto/City%20Planning/Urban%20Design/Mid-rise/midrise-FinalReport.pdf

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 construction scheduled to begin at the end of 2021 with operation scheduled for 2026. 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 Pharmacy Avenue and Sheppard Avenue East intersection.

Reasons for the Application

This proposal is not consistent with the policies of the Official Plan, in particular, the policies of the *Neighbourhoods* designation. An amendment to the Official Plan from *Neighbourhoods* to *Mixed Use Areas* is proposed to permit the development.

A zoning by-law amendment is required to both the Sullivan Community Zoning By-law and the new City-wide Zoning By-law 569-2013 to permit the proposed residential use and to establish appropriate zoning provisions to implement the proposed development.

Community Consultation

A Community Consultation Meeting was held on June 23, 2015 at GracePoint Baptist Church. City Planning and Transportation Services staff, the Ward Councillor and approximately 85 members of the public attended this meeting.

Concerns raised in the meeting, written submissions and by telephone related to:

- the proposed type, height and density of the building;
- impacts of the development regarding loss privacy and overlook in the surrounding neighbourhood for both residents and users of Wishing Well Woods Park;

- compatibility of this development with the surrounding neighbourhoods
- shadow impacts on surrounding neighbourhoods;
- lack of proposed parking;
- lack of safe pedestrian routes to local schools;
- the potential loss of community-owned small commercial businesses if the site is redeveloped;
- impact of the development on the groundwater and drainage conditions of surrounding neighbourhood;
- a development of this scale could set a precedent in the area; and
- impacts of the development on the area in terms of traffic capacity, servicing infrastructure capacity (including low water pressure), existing flooding issues in the area, basement flooding and school capacities.

After the OMB Appeal was filed, a second community information meeting, was held by the Ward Councillor on September 9, 2015 at Vradenburg Junior Public School. City Legal Services and City Planning staff and approximately 100 members of the public attended this meeting. Members of the public raised the similar issues that were noted at the previous community meeting.

Agency Circulation

The application was circulation to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the applications.

COMMENTS

Provincial Policy Statement and Provincial Plans

Redevelopment and intensification of this site represents a type of development that is consistent with the intent of the Growth Plan for the Greater Golden Horseshoe. The proposed built form is not consistent with the policies contained within the Official Plan, which the PPS refers to as the most important vehicle for implementing the PPS and the Growth Plan. While staff support the redevelopment of the site in a manner that is consistent with the objectives of the Growth Plan, the proposed built form, height, massing and density does not respect its existing and planned context as required by the Official Plan

Land Use

The applications propose a 30-storey mixed use tall building including a 6-storey podium on a site designated *Neighbourhoods*. An official plan amendment is proposed to redesignate the site from *Neighbourhoods* to *Mixed Use Areas* to provide for the proposed development.

Policy 5.3.1.3 states that amendments to the Official Plan that are not consistent with its general intent will be discouraged. Council will be satisfied that any development permitted under an amendment to this Plan is compatible with its physical context and will not affect nearby *Neighbourhoods* or *Apartment Neighbourhoods* in a manner

contrary to the neighbourhood protection policies of this Plan. When considering a site specific amendment to this Plan, at the earliest point in the process the planning review will examine whether the application should be considered within the immediate planning context or whether a broader review and possible policy or general policy change are appropriate.

The immediate existing and planned context of this proposal includes the following uses:

- apartment buildings ranging between 10 and 20 storeys on deep lots designated *Apartment Neighbourhoods* along the north side of Sheppard Avenue west of Pharmacy Avenue to just east of Victoria Park Avenue. Further north are townhouses and detached dwellings designated *Neighbourhoods*;
- an apartment building and townhouse development designated *Neighbourhoods* at the northeast intersection of Pharmacy Avenue and Sheppard Avenue;
- detached dwellings designated *Neighbourhoods* located along the north side of Sheppard Avenue, east of Pharmacy Avenue to the Hydro Corridor;
- the two commercial plaza properties designated *Neighbourhoods* across the street at the southwest intersection of Pharmacy Avenue and Sheppard Avenue East;
- Wishing Well Woods Park designated *Parks and Open Space Areas* immediately east and a place of worship designated *Neighbourhoods* further east of the subject site. Detached dwellings designated *Neighbourhoods* are located further east of Wishing Well Woods Park within the interior of the neighbourhood to the south;
- detached dwellings designated *Neighbourhoods* are located on the south side of Sheppard both east and west of the subject property across from Pharmacy Avenue. All of these lots contain detached dwellings with lot depths ranging between 30 to 45m; and
- Wishing Well Woods Park designated *Parks and Open Space Areas* immediately south and detached dwellings designated *Neighbourhoods* further south.

As outlined above, the immediate planned context consists solely of properties designated *Neighbourhoods*, *Apartment Neighbourhoods* and *Parks and Open Space Areas*. The Healthy Neighbourhoods Policy 2.3.1.2 and Chapter 4 of the Official Plan indicate that these land use designations are considered to be physically stable areas that reinforce the existing physical character.

Staff are of the opinion that the proposed site-specific redesignation from *Neighbourhoods* to *Mixed Use Areas* is not appropriate. As noted above, the immediate planned context consists solely of *Neighbourhoods*, *Apartment Neighbourhoods* and *Parks and Open Space Areas*. There are no sites within the immediate planned context that are designated *Mixed Use Areas*. Staff expect that the immediate planned context will remain *Apartment Neighbourhoods* and *Neighbourhoods* and *Parks and Open Space Areas*. If this site-specific Official Plan Amendment is approved to *Mixed Use Areas*, it could set a precedent for other sites within the immediate planned context.

In its current form, the 30-storey tall building proposal does not address the criteria in the Official Plan including the Healthy Neighbourhoods, *Avenues*, *Neighbourhoods*, *Mixed*

Use Areas, Built Form, Public Realm, as well as above-noted Site-Specific Official Plan Amendment Policy 5.3.1.3 policies of the Official Plan. For the reasons outlined in this report, staff are not supportive of the current development and do not support an Official Plan Amendment to provide for it.

If the proposal is revised to conform with all applicable policies of the Official Plan including Healthy Neighbourhoods, *Avenues*, *Apartment Neighbourhoods*, Built Form and Public Realm, it is recommended that the site be redesignated to *Apartment Neighbourhoods* to in order to more appropriately protect and reinforce the existing physical character of the area and reflect the gradual intensification that could be supported along this Avenue segment.

On this basis, staff are of the opinion that a redesignation to *Apartment Neighbourhoods* could be considered within the planning context of the immediate area and if so, a broader review, incorporating similar sites within the area is not necessary as there are limited opportunities for intensification within the immediate context.

Height, Built Form, Massing, Shadow and Density

The Healthy Neighbourhoods policies of the Official Plan state that Neighbourhoods and Apartment Neighbourhoods are considered to be physically stable areas. Developments within Neighbourhoods and Apartment Neighbourhoods that are adjacent or close to Neighbourhoods will be consistent with this objective and reinforce the physical character of buildings, streetscapes and open space patterns in these areas. Developments in Mixed Use Areas and Apartment Neighbourhoods that are adjacent or close to Neighbourhoods will be compatible with those Neighbourhoods, providing a gradual transition of scale and density of buildings and setbacks towards Neighbourhoods and maintaining adequate light and privacy for residents in those Neighbourhoods.

The Built Form policies of the Official Plan state that new development will be massed and its exterior facades will be designed to fit harmoniously into its existing and/or planned context, and will limit its impact on neighbouring street, parks, open spaces and properties in a way that respects the existing and/or planned context, creating appropriate transitions in scale to neighbouring existing and/or planned buildings, providing for adequate light and privacy and limiting any resulting shadow on neighbouring streets and parks.

The *Mixed Use Areas* policies of the Official Plan support the policies above but add additional detail with respect to locating and massing new buildings to provide a transition between areas of different development intensity and scale through means such as providing setbacks from, and/or stepping down of heights towards lower scale *Neighbourhoods*.

For context, *Apartment Neighbourhoods* and Built Form Policy 3.1.2 of the Official Plan in large part reiterate the development criteria noted above.

The Public Realm policies of the Official Plan encourage development that improves the public realm (streets, sidewalks and open spaces) for pedestrians.

Sheppard Avenue is shown as an *Avenue* on Map 2 Urban Structure of the Official Plan.

The immediate existing and planned context of this proposal is previously outlined in this report. All of the properties on the south side of Sheppard Avenue within the immediate existing context are low-rise in character, including two-storey detached dwellings and a place of worship.

The subject site is located at the southeast corner of Sheppard Avenue East and Pharmacy Avenue. Although Sheppard Avenue East is a 36m arterial road, Pharmacy Avenue is a local road that terminates further south at Highway 401. With the adjacent Wishing Well Woods Park, two commercial plazas at the intersection, detached dwellings and Wishing Well Park at its southern terminus, Pharmacy Avenue south of Sheppard Avenue is also low-rise in character.

The lot has a frontage of 81m along Sheppard Avenue, which is significantly longer than lots along the south side of Sheppard Avenue within the immediate context, with the exception of the commercial plaza sites at the southwest intersection of Sheppard Avenue and Pharmacy Avenue. The 59-metre lot depth of the subject site is modestly deeper than the ideal minimum 51.8m lot depth under the Mid Rise Guidelines.

With respect to planned context, the Official Plan outlines that new development will be assessed on the basis of the Plan's policies, including Secondary Plans, and height and density limits taken from the Plan or the area zoning, which will be a benchmark for those aspects of the planned context. Where there are no height and density limits in the Plan and no area zoning implementing the Plan, height and density aspects of the planned context are to be determined on the basis of an area review, such as an Avenue Study. The subject site is located on an *Avenue* on Map 2 of the Official Plan. As previously outlined, the planned immediate context are properties designated *Neighbourhoods*, *Apartment Neighbourhoods* and *Parks and Open Space Areas*.

The subject site is identified on Map 1 of the Avenue and Mid-Rise Building Study. The recommendations of the Avenue and Mid-Rise Building Study provides the benchmarks by which to evaluate the planned context.

Height

The proposed 30-storey building height significantly exceeds the existing and planned building heights found within the immediate context. The proposed height does not respect and reinforce the existing physical character of the neighbourhood.

The proposed building at 30-storeys, including a 6-storey podium is considered a tall building. The site is not a tall building site. A detailed discussion of the proposal in relation to the Tall Building Design Guidelines is not included in this report. However, it

is noted that the proposal does not meet the key requirements of the Tall Building Design Guidelines with respect to: site context, fit and transition in scale, sunlight and sky view and site organization. The 30-storey tall building proposal:

- significantly exceeds the existing and planned building heights found within the surrounding neighbourhood and does not respect the scale of the local context;
- does not provide an appropriate transition in height and intensity to the surrounding lower scale *Neighbourhoods* and adjacent Wishing Well Woods Park:
- casts an unacceptable level of shadow on the surroundings;
- does not provide a sufficient tower step-back;
- does not locate the underground vehicle ramp within the building mass;
- proposes excessive surface parking and a lack of open space at grade; and
- does not provide an appropriate building setback from the Wishing Well Woods Park to the east.

The subject site is located on an *Avenue*. With its lot depth and its proximity to the surrounding lower-scale *Neighbourhoods* and the adjacent Wishing Well Woods Park to the south, the appropriate building type at this location would be a mid-rise.

Based on the Mid Rise Guidelines, the maximum allowable height would be 36 metres, based on a 1:1 relationship with the Sheppard Avenue East right-of-way, which translates to a building of approximately 11 storeys.

The proposed 30-storey building height significantly exceeds the maximum height in the Mid Rise Guidelines and as discussed below, does not provide appropriate transitions to the surrounding *Neighbourhoods*, the adjacent Wishing Well Woods Park and casts an unacceptable level of shadow on the surroundings.

Transition to *Neighbourhoods*

The Mid-Rise Guidelines include a performance standard that applies a 45 degree angular plane that follows the *Neighbourhoods* designation boundary to ensure an appropriate transition between higher intensity Avenue properties and lower scale areas designated *Neighbourhoods*. As a result of its height, the 30-storey building significantly pierces the 45 degree angular plane taken from the front property line of the *Neighbourhoods* on the north side of Sheppard Avenue East. The proposed 30-storey building does not provide an appropriate transition to the surrounding lower-scale *Neighbourhoods* to the north. Compliance with this angular plane would significantly reduce the proposed 30-storey building height.

Transition to Wishing Well Woods Park

Zoning By-law 569-2013 states that lots abutting an Open Space – Recreational (OR) Zone shall not penetrate a 45 degree angular plane measured from the rear lot line at the ground. This zoning provision implements a performance standard in the Mid-Rise Guidelines that applies a 45 degree angular plane following the *Parks and Open Space*

designation boundary to ensure an appropriate transition between higher intensity Avenue properties and Wishing Well Woods Park, designated *Parks and Open Space*, located immediately south of the subject site.

As a result of its height, the proposed 30-storey building significantly pierces the 45 degree angular plane taken from the property line of the Wishing Well Woods Park, zoned OR abutting the subject site to the south. The proposed 30-storey building does not provide an appropriate transition to the Wishing Well Woods Park. Similar to the angular plane from *Neighbourhoods* to the north, compliance with the angular plane from the Park would significantly reduce the proposed 30-storey building height.

Sun and Shadow

A Shadow Study for the current proposal was submitted by the applicant and reviewed by City staff. As a result of its height, the 30-storey building casts an unacceptable level of shadow on the surroundings.

During the spring equinox, throughout the day, the shadows negatively impact the lower-scale 11-storey rental co-op apartment building and its outdoor amenity areas, the 2-storey rental co-op townhouses and its outdoor amenity areas and the detached dwellings and townhouse dwellings further northwest and northeast within the interior of the surrounding *Neighbourhoods* on the north side of Sheppard Avenue East.

During the summer solstice, in the late afternoon and evening hours, shadows are cast on the detached dwellings in the *Neighbourhoods* located southeast of the Wishing Well Woods Park. The building also casts some shadow on the northeast portion of Wishing Well Woods Park.

The 30-storey building also casts shadow on the opposite side of the sidewalk on the north side of Sheppard Avenue East.

A revision of building type from a tall building to a midrise form would ensure 5 hours of sunlight on the public sidewalk along the north side of Sheppard Avenue East and improve the impacts of this building on the surrounding areas, including the lower scale *Neighbourhoods*, Sheppard Avenue East and Wishing Well Woods Park.

Interface with the Park along East Property Line

The proposed 2.5m building setback along the east property line is not sufficient to provide an appropriate transition from the proposed building to Wishing Well Park to the east.

Density

Density is a measure of the level of intensity that arises from the built form, massing and height of a development. The density of the proposed development in its current form is approximately 5.84 times the area of the lot. The proposed density and built form will result in a development that does not conform with Official Plan policies relating to Built Form, Avenues, *Mixed Use Areas*, Healthy Neighbourhoods, Public Realm,

Neighbourhoods, and Site-Specific Official Plan Amendments. For context, the proposal also does not conform with the *Apartment Neighbourhoods* policies of the Official Plan. Staff are of the opinion that the proposed density is not appropriate and is an overdevelopment of the site. Conformity with the above-noted Official Plan policies will result in a development which reflects an appropriate density.

Summary

The applications propose a 30-storey mixed use tall building including a 6-storey podium on a site designated *Neighbourhoods* along an *Avenue*. The recommendations of the Avenue and Mid-Rise Building Study provides the planned context for this site. The proposal does not conform to the Official Plan policies for *Mixed Use Areas*, *Avenues*, Healthy Neighbourhoods, *Neighbourhoods*, Built Form and Public Realm. For context, the proposal also does not conform with the *Apartment Neighbourhoods* policies of the Official Plan. The proposal also does not adequately address the Council-approved Mid-Rise Building Performance Standards.

The proposed height, massing, built form and density of the 30-storey tall building:

- significantly exceeds the immediate existing and planned context and does not adequately respect and relate to either its existing context or the planned context in the Official Plan;
- does not fit harmoniously into the immediate existing and planned context;
- does not provide appropriate transitions to the surrounding lower scale *Neighbourhoods* and the adjacent Wishing Well Woods Park;
- casts unacceptable shadows which negatively impact the surroundings; and
- represents an overdevelopment of the site.

Based on the immediate existing and planned context, proximity to the planned Sheppard LRT, a mid-rise building is the appropriate form at this location. The site is located on the south side of Sheppard Avenue East, and has a unique configuration with a long frontage (82m) and a lot depth (59m) that is moderately deeper than the ideal minimum lot depth as per the Mid-Rise Guidelines. Staff are of the opinion that the building should be designed in general compliance with the Mid-Rise Guidelines, including but not limited to the front façade angular plane and pedestrian perception step-back.

Minor variations to some of the performance standards could be considered, provided that the negative impacts on the surroundings are minimized. To enhance the articulation of the long façade along Sheppard Avenue East and to improve the sky view from the Park and the transition to the *Neighbhourhoods* to the southeast, a portion of the 11 storey maximum density and building mass along the Sheppard Avenue East frontage could be re-distributed towards the Sheppard/Pharmacy intersection, resulting in a slightly higher building height at the corner, while still providing appropriate transitions to the *Neighbourhoods* to the north, Wishing Well Woods Park, and the *Neighbourhoods* to the southeast.

Traffic Impact, Access and Vehicle Parking

The Built Form policies of the Official Plan require that new development locate and organize vehicle parking, vehicle access and service areas, and utilities to minimize their impact on the property and surrounding properties, and to improve the safety and attractiveness of adjacent streets, parks and open spaces. These objectives will be achieved by consolidating and minimizing the width of driveways and curb cuts across the public sidewalk, using shared service areas, including public and private lanes, driveways and service courts and integrating services and utility functions within buildings.

A Traffic Impact Study, including an assessment of parking requirements was submitted by the applicant and has been reviewed by City staff. Regarding traffic, Transportation Services staff have identified a number of revisions required to the Traffic Impact Study including:

- clarifying the existing background and total future traffic volumes;
- providing a rationale supporting traffic signal optimization and the intersection of Sheppard Avenue East and Pharmacy Avenue;
- clarifying am/pm northbound trips to both the proposed underground parking ramp and retail access; and
- providing future Level of Service of the Sheppard Avenue East / Pharmacy Avenue intersection based on correct existing traffic volumes.

The development proposes a full movement driveway access to the underground parking garage located immediately next to another full movement driveway leading to the surface parking area and residential drop-off area. Transportation Services staff advise that left turns at this location will increase the potential for collisions, in addition to numerous interlocking turning manoeuvres within this proposed driveway configuration. Northbound left turn 95th percentile queues during the am/pm hours will also extend to the proposed access to the underground parking garage. Accordingly, Transportation Services staff advise that the proposed access to the underground parking garage must be relocated to an alternative location within the subject site. Planning staff recommend that the parking ramp be internalized within the building.

Engineering & Construction Services advises that a 1.84 metre wide strip of land along the entire Sheppard Avenue East frontage is to be conveyed to the City for this development.

The application proposes 341 vehicle parking spaces, including 295 parking spaces within a three-level underground parking garage for residents and 46 shared surface parking spaces for residential visitors and commercial uses. Transportation Services staff advise that a minimum of 375 parking spaces are required to support this development, in its current form. Additional parking spaces would be required to accommodate this deficiency.

Conformity with all applicable Official Plan policies along with the Mid-Rise Guidelines would significantly reduce the number of units and the amount of parking spaces required to support this development.

All of these matters must be addressed for acceptance by City staff prior to the approval of the Zoning By-law Amendment application.

Bicycle Parking

The application proposes 282 bicycle parking spaces. There are a number of matters that will be addressed through the Site Plan Application process, including providing at-grade covered residential visitors bicycle parking and parking for retail uses along the front entrances of the retail units. In addition, one of the doors to the residents bicycle parking room on the P1 level appears to open onto the auto ramp. This door should be relocated to a safer location. The plans should also be revised to identify a bicycle access route, as per the City's Bike Parking Guidelines.

Servicing

A Functional Servicing Report addressing drainage, water and sewer services and stormwater management was submitted by the applicant, which was reviewed by City staff. Engineering & Construction Services staff identified deficiencies in the water and fire analysis, sanitary analysis and the basement flooding studies.

In addition, Engineering & Construction Services staff cannot confirm if the width of the existing 6.1-metre municipal servicing easement extending along the southern boundary of the site is adequate. A legal survey is required defining the required width of the easement for the existing 250 mm sanitary sewer and 450 mm storm sewer with an approximate depth of 3.9 metres. Toronto Water requires the easement to extend from the south property line to 3 metres north of the outside edge of the diameter of the existing sanitary sewer.

All of these matters must be addressed for acceptance by Engineering & Construction Services prior to the approval of the Zoning By-law Amendment application.

Geotechnical Issues

Engineering & Construction Services staff advise that a nearby site with zoning approvals for a 15-storey apartment building at the northeast corner of Pharmacy Avenue and Sheppard Avenue East has encountered high water issues that have a major impact on that development.

A Preliminary Geotechnical Investigation Report addressing on-site soil and groundwater conditions for the subject site was submitted by the applicant, which was reviewed by City staff. The report indicates a perimeter drainage system will be required around the exterior basement walls and the finished floor elevation at the lowest basement level is not known at this time. As part of a revised report, Engineering & Construction Services staff require the applicant provide confirmation that this issue has been addressed by

conducting detailed investigation to ensure that the subject development does not experience the same issue as the development at the northeast corner of Pharmacy Avenue and Sheppard Avenue East. In addition, confirmation is also required that groundwater collected by foundation drains are not discharged to the municipal storm or sanitary sewer network.

These matters must be addressed for acceptance by Engineering & Construction Services prior to the approval of the Zoning By-law Amendment application.

Amenity Space

The Built Form and *Mixed Use Areas* policies of the Official Plan require that every significant multi-unit residential development provide indoor and outdoor recreation space for building residents. The policies also provide that each resident have access to outdoor amenity spaces such as balconies, terraces, courtyard, rooftop gardens and other types of outdoor spaces.

The application currently proposes a 595 square metre common indoor amenity space on the 7th floor, which equates to a rate of 1.6 square metres per dwelling unit. The indoor amenity area leads to a 865 square metre common outdoor amenity area, which equates to a rate of 2.3 square metres per dwelling unit. Private balconies and terraces are also proposed for all units.

City Planning staff have concerns with the amount of indoor amenity space being proposed. It is recommended that additional indoor amenity area be provided in keeping with the minimum standard of 2 square metres per dwelling unit in any revised proposal.

Conformity with all applicable Official Plan policies along with the Mid-Rise Guidelines would significantly reduce the number of units and the amount of amenity space required to support this development.

This matter would be secured in the zoning by-law.

Unit Mix

The proposed unit mix is as follows: 58% one-bedroom units; 37% two-bedroom units; and 5% three bedroom units. To ensure a sufficient proportion of family-sized units to support this development, it is strongly encouraged that the proportion of three-bedroom units be increased to a minimum of 10% of the overall units in any revised proposal. In addition, average unit sizes for each unit type should be provided.

It is recommended that these matters be secured in the zoning by-law.

Wind

A Pedestrian Level Wind Preliminary Study was submitted by the applicant, which was reviewed by City staff. The study concludes that acceptable wind conditions will be generated by the proposed development for pedestrians on adjacent streets, parks and

open spaces and that additional wind mitigation is not required. A revised Wind Study will be required for any revised proposal, which should ensure acceptable wind conditions for pedestrians on adjacent streets, parks and open spaces. A Final Pedestrian Level Wind Study will be required for any revised proposal based on additional analysis, including wind tunnel testing.

All of these matters must be addressed for acceptance by City staff prior to the approval of the Zoning By-law Amendment application.

Streetscape

The development, in its current form proposes a 6-storey podium to be setback 2.7m from the widened Sheppard Avenue right-of-way and 2.55m from the Pharmacy Avenue right-of-way. In any revised proposal, it is recommended that these setbacks be increased to a minimum of 3m, to ensure adequate space for landscaping and other pedestrian amenities that can be integrated into both the Sheppard Avenue and Pharmacy Avenue streetscape designs to create an enhanced pedestrian realm along these streets. This matter will be secured in the zoning by-law.

Both street frontages are also proposed to be designed with street trees abutting the sidewalk. Within the front yard setback of both street frontages, landscaping is proposed within a series of trees in planters. Bike rings are proposed along the Sheppard Avenue frontages. Details of the streetscape design will be addressed through the site plan approval process.

Metrolinx advises that the boulevard width along the Sheppard Avenue East frontage will be reduced to accommodate road widening for the LRT, resulting in the southern curb of Sheppard Avenue East being relocated further south, which impacts the proposed streetscaping. The design and construction of the streetscape will be coordinated with the detailed boulevard design related to the Sheppard East LRT. This matter will be addressed through the site plan approval process.

Urban Forestry

The applicant proposes the removal of two privately owned trees that qualify for protection under the Tree Protection By-law, as well as three by-law protected City-owned trees. Urban Forestry staff advise that the landscape concept plan is not acceptable as there is an inadequate number of City and private tree plantings proposed on site and the trees that are proposed do not meet City planting specifications. These matters must be addressed for acceptance by Urban Forestry prior to the approval of the Zoning By-law Amendment application.

Open Space / Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows the local parkland provisions across the City. The lands which are the subject of this application are in an area with 1.57 - 2.99 hectares of local parkland per 1,000

people. The site is in the second highest quintile of current provision of parkland. The site is in a parkland priority area, as per the City Wide Parkland Dedication By-law 1020-2010.

Parkland dedication is based on a site area of 0.4969 hectares (4,969m²). At the alternative rate of 0.4 hectares per 300 units, specified in By-law 1020-2010, the residential component will generate a parkland requirement of 0.04765ha (476m²) while the non-residential component will generate a parkland requirement of 0.000408ha (4m²). In total, the parkland dedication requirement will be 0.0481ha (481m²).

The applicant is required to satisfy the parkland dedication through a cash-in-lieu payment. The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit. This parkland payment is required under Section 42 of the *Planning Act*, and is required as a condition of the building permit application process.

Schools

The Toronto District School Board (TDSB) advises that there is insufficient space at the local schools to accommodate students anticipated from this proposed development and students may be accommodated in schools outside the area until space in local schools becomes available. The TDSB advises that the status of local school accommodation should be conveyed to potential purchasers of the proposed units. Specifically, the TDSB requests that the owner agree to post and maintain signs on site and include warning clauses in all offers of purchase and sale advising purchasers of the status of local school accommodation. It is recommended that this requirement be included as a matter of legal convenience in a Section 37 agreement.

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. Should the proposed development be approved by the OMB, the proposal would be required to meet Tier 1 of the TGS.

Section 37

Based on the increase in height and density proposed, this application would be subject to Section 37 provisions. No meetings have taken place between the applicant and City staff to discuss the provision of Section 37 benefits, since the proposal in its current form does not represent good planning. It is recommended that staff continue discussions with the applicant to resolve the issues identified in this report, including securing appropriate community benefits.

Conclusion

The applications do not represent an appropriate redevelopment of the site and do not represent good planning for the reasons discussed in this report. It is recommended that the City Solicitor be directed to attend the OMB Hearing to oppose the development, in its current form and that staff be authorized to continue discussions on a revised proposal which addresses the issues set out in this report.

CONTACT

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SIGNATURE

Lorna Day, Director Community Planning, Scarborough District

ATTACHMENTS

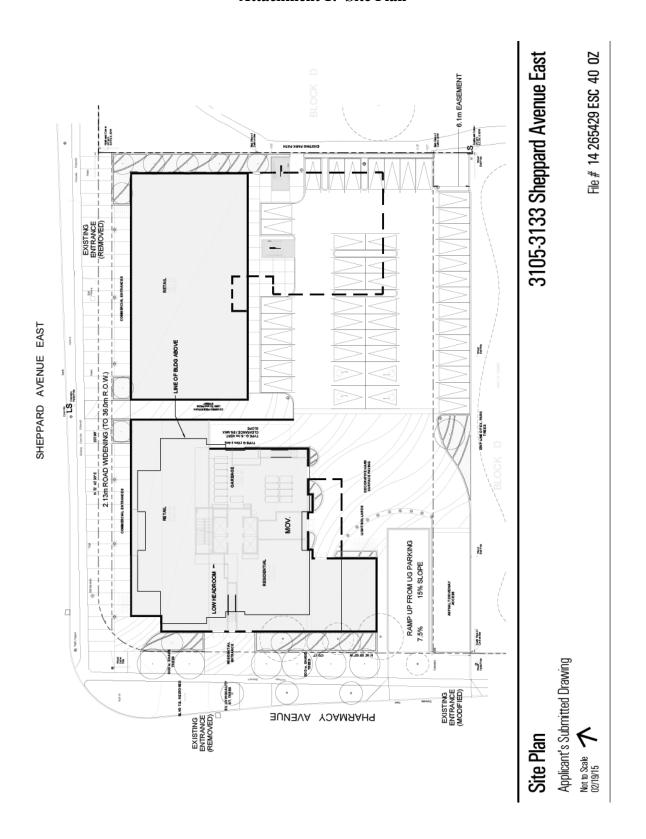
Attachment 1: Site Plan

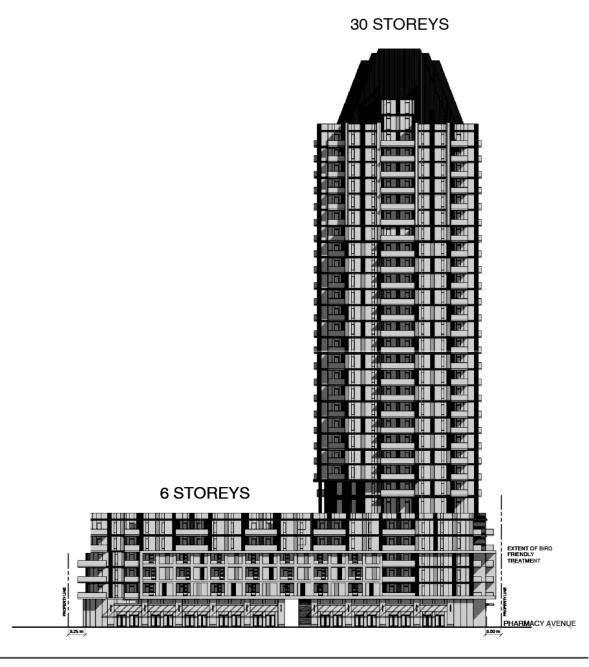
Attachment 2: Elevations, as provided by applicant

Attachment 3: Official Plan Attachment 4: Zoning

Attachment 5: Application Data Sheet

Attachment 1: Site Plan





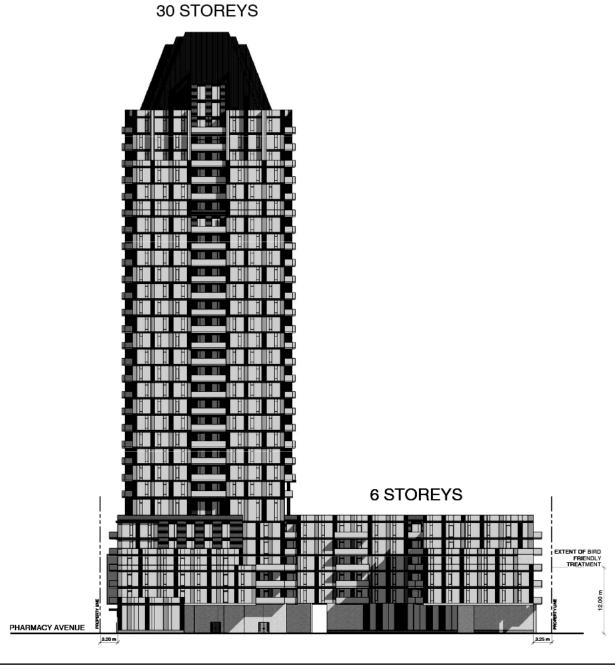
Elevation Plan - North

3105-3133 Sheppard Avenue East

Applicant's Submitted Drawing

Not to Scale 03/17/15

File # 14 265429 ESC 40 0Z



Elevation Plan - South

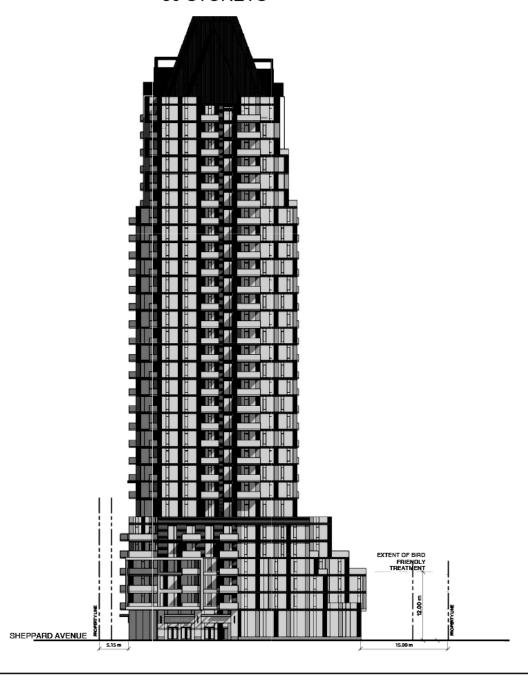
3105-3133 Sheppard Avenue East

Applicant's Submitted Drawing

Not to Scale 03/17/15

File # 14 265429 ESC 40 0Z

30 STOREYS



Elevation Plan - West

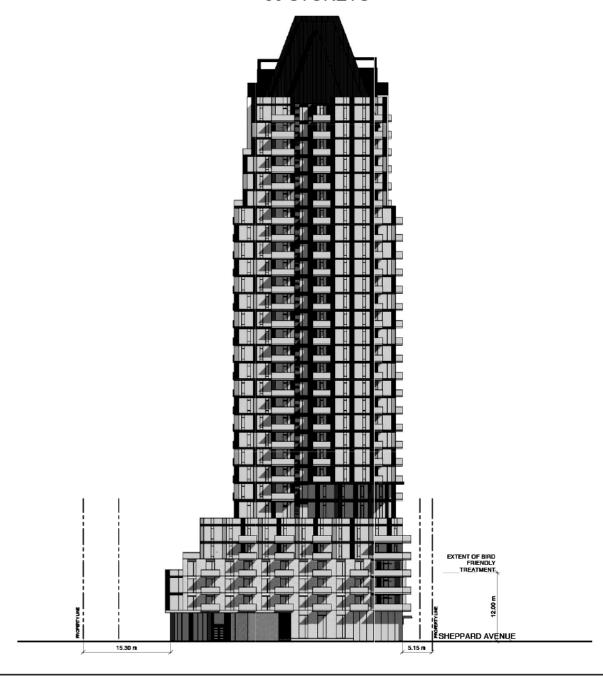
3105-3133 Sheppard Avenue East

Applicant's Submitted Drawing

Not to Scale 03/17/15

File # 14 265429 ESC 40 OZ

30 STOREYS



Elevation Plan - East

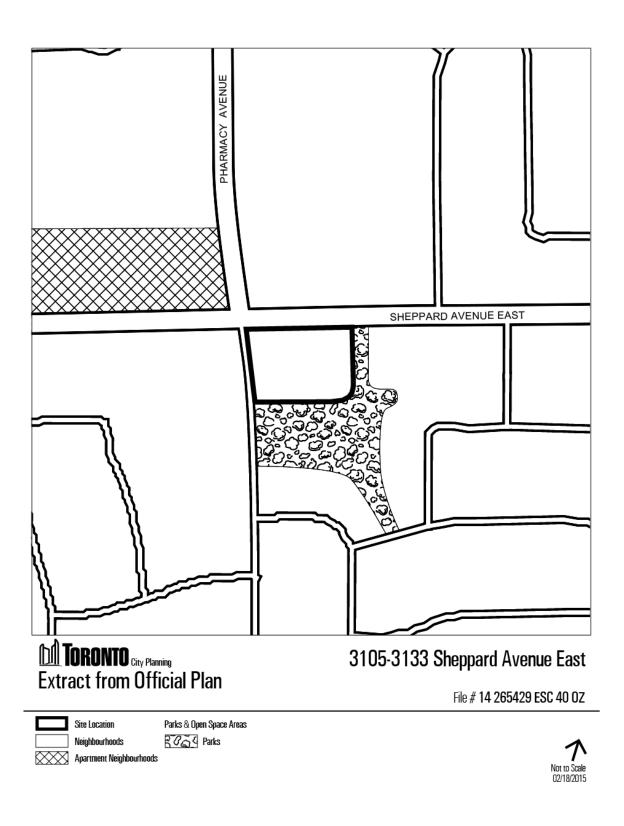
3105-3133 Sheppard Avenue East

Applicant's Submitted Drawing

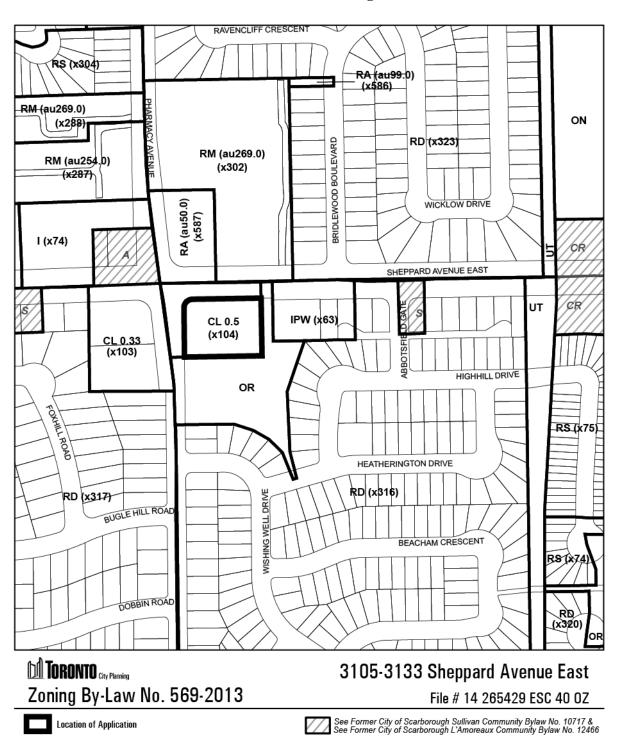
Not to Scale 03/17/15

File # 14 265429 ESC 40 OZ

Attachment 3: Official Plan



Attachment 4: Zoning



Single-Family Residential

Apartment Residential

Commercial - Residential

Not to Scale Extracted: 02/19/2015

I IPW ON

Institutional

Institutional Place of Worship Open Space Natural

Open Space Recreation Utility and Transportation

Location of Application

Residential Detached Residential Semi-Detached Residential Multiple

Residential Apartment Commercial Local

Attachment 5: Application Data Sheet

Application Type Official Plan Amendment & Application Number: 14 265429 ESC 40 OZ

Rezoning

Details OPA & Rezoning, Standard Application Date: December 17, 2014

Municipal Address: 3105 SHEPPARD AVE E

Location Description: PLAN 4787 BLK C **GRID E4003

Project Description: Proposed Official Plan Amendment and Zoning By-law Amendment to permit a 30 storey

mixed use residential building with a 6 storey podium and a 24 storey tower element. 365 residential units are proposed with a gross floor area of 29,005 m² including 1,190 m² of

retail and service commercial uses at grade and 341 parking spaces.

Applicant: Agent: Architect: Owner:

1900401 ONTARIO INC 1900401 ONTARIO INC

PLANNING CONTROLS

Official Plan Designation: Neighbourhoods Site Specific Provision:

Zoning: Neighbourhood Commercial Historical Status:

Height Limit (m): Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq. m): 4969.4 Height: Storeys: 30

Frontage (m): 81.7 Metres: 110.1

Depth (m): 60.95

Total Ground Floor Area (sq. m): 1835.1 **Total**

Total Residential GFA (sq. m): 27815 Parking Spaces: 341
Total Non-Residential GFA (sq. m): 1190.3 Loading Docks 1

Total GFA (sq. m): 29005.3 Lot Coverage Ratio (%): 36.9 Floor Space Index: 5.8

DWELLING UNITS FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Condo		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	27815	0
Bachelor:	0	Retail GFA (sq. m):	1190.3	0
1 Bedroom:	211	Office GFA (sq. m):	0	0
2 Bedroom:	136	Industrial GFA (sq. m):	0	0
3 + Bedroom:	18	Institutional/Other GFA (sq. m):	0	0
Total Units:	365			

CONTACT: PLANNER NAME: Colin Ramdial, Senior Planner

TELEPHONE: (416) 395-7150