



## RECOMMENDATIONS

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**The Chief Planner and Executive Director, City Planning Division recommends that:**

1. City Council amend the North York Community Council Recommendation 1 by adding a new Part b. as follows:

- b. Add the following policy to the proposed Official Plan Amendment:

"3.6.7 Balcony railings and landscape elements for outdoor amenity space within the angular plane are allowed to project beyond the angular plane provided they minimize and limit impacts of overlook and ensure privacy is maintained to adjacent development"

Or

2. City Council amend the North York Community Council Recommendation 1 by adding a new Part b. and c. as follows:

- b. Add the following policy to the proposed Official Plan Amendment:

"3.6.7 Balcony railings and landscape elements for outdoor amenity space within the angular plane are allowed to project beyond the angular plane provided they minimize and limit impacts of overlook and ensure privacy is maintained to adjacent development"; and

- c. Add the following policy to the proposed Official Plan Amendment:

"3.6.8 Buildings in *Mixed Use Areas 'A'* can utilize a modified 45 degree angular plane measured from a height of 12.5 metres at the minimum required 7.5 metre setback for the first 3 storeys of commercial/non-residential uses.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

On January 17, 2017 North York Community Council adopted the recommendations of the report from the Director, Community Planning, North York District, titled: "Sheppard Avenue Commercial Area Secondary Plan Review – Official Plan Amendment – Supplementary Report" dated January 6, 2017, as amended. North York Community Council also directed City Planning Staff to report directly to Toronto City Council at its meeting of January 31, February 1 and February 2, 2017 on "minor adjustments to the proposed Sheppard Avenue Commercial Secondary Plan Review – Official Plan Amendment, angular plane requirements to accommodate development within the intent

of the Plan on very shallow lots on the south side of Sheppard Avenue West, such minor adjustments to allow for:

- a) slightly higher floor-to-ceiling heights on buildings which are primarily commercial; and;
- b) balcony railings and landscape elements within the angular plane."

For the full decision history refer to the parent report considered by North York Community Council found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.NY19.33>

## **COMMENTS**

On January 17, 2017 North York Community Council directed Staff to report back on minor changes to the draft Official Plan Amendment (OPA) to accommodate projections into the angular plane for buildings that are primarily commercial with higher floor-to-ceiling heights, as well as for balconies and landscape elements. This direction is in response to the shallow lot conditions on the south side of Sheppard Avenue and the low rise commercial character that exists on this stretch of Sheppard Avenue.

City-wide, the Mid-rise Building Performance Standards provides direction on the shallow lot rear angular plane. When these performance standards are used within design guidelines, there is some flexibility for staff to address for site-specific circumstances and to make site-specific interpretation of standards, including the angular plane, based on the merits of an application, local context and site conditions. In this study area, the rear angular plane is established within the proposed OPA, as it has been for the existing Sheppard Avenue Commercial Area Secondary Plan. As well, the proposed OPA also provides a policy to develop Urban Design Guidelines as an implementation tool to evaluate future applications, including how they address building massing, angular planes and articulation. This approach establishes clear development criteria that are enforceable, carries more weight with the Ontario Municipal Board and has been increasingly incorporated in the development of other secondary plans and area specific policies.

The south side of Sheppard Avenue has a pattern of shallower lots than the north side of the street. Because of the alignment of Sheppard Avenue West, the proposed 36 metre right-of-way along Sheppard Avenue West requires a greater conveyance from the lots on the south side of the street.

The typical shallow lot angular plane in the Mid-rise Building Performance Standards is measured at a height of 10.5 metres. The 10.5 metre measurement is based on a 4.5 metre commercial first floor height and two typical residential floor heights of 3 metres ( $3+3+4.5 = 10.5$  m). This standard has been incorporated City-wide into zoning by-laws for development along *Avenues* with shallow lots.

Commercial floor-to-ceiling heights are typically higher than residential floor-to-ceiling heights. A mid-rise building with the first three storeys as commercial space, could result in a built form that projects beyond the angular plane.

North York Community Council has asked City Planning staff to review measures that could allow mid-rise developments, with three storeys of commercial uses, more flexibility within the proposed policy framework. After reviewing the issue of higher floor to ceiling heights, a proposed solution would start the measurement of the angular plane at 12.5 metres (4+4+4.5=12.5), instead of 10.5 metres in the Mid-rise Building Performance Standards. Another option for greater flexibility would be to allow for some projections into the angular plane for balcony railings and landscape elements. These modifications would build in some flexibility to the policy framework to recognize the site constraints on the south side of Sheppard Avenue West.

Although this approach can provide greater flexibility in the application of the Mid-rise Building Performance Standards, City Planning staff have not undertaken a comprehensive analysis of these adjustments to the measurement of the angular plane and cannot comment on the merits or implications of this approach. Staff have some concerns as to the implications of this approach on a City-wide basis and for the approved Mid-rise Building Performance Standards.

## **CONCLUSION**

In response to direction from North York Community Council, City Planning staff are presenting options to City Council to implement a modified angular plane for primarily commercial buildings and some flexibility for balconies and landscape elements. The policies to permit greater flexibility for balconies and landscape elements are consistent with approvals for mid-rise developments. However, staff are concerned with the proposed revised angular plane to accommodate commercial floor-to ceiling heights.

Staff have not undertaken an analysis of this approach in the study area or its city-wide implications beyond this study area, so City Planning staff cannot take a position on this approach or its merits. For this reason, Staff are providing two options to City Council for review. The first allows for flexibility only as it relates to balconies and landscape elements. The second option provides a recommendation to Council which includes the modified angular plane for developments where the first three storeys are proposed to be commercial.

## **CONTACT**

Allison Meistrich, Senior Planner  
Tel. No. (416) 395-7127  
Fax No. (416) 395-7155  
E-mail: [ameistr@toronto.ca](mailto:ameistr@toronto.ca)

## **SIGNATURE**

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Jennifer Keesmaat, MES, MCIP, RPP  
Chief Planner and Executive Director  
City Planning Division