



STAFF REPORT
Committee of Adjustment
Application

Date:	November 7, 2017
To:	Chair and Committee Members of the Committee of Adjustment North York District
From:	Joe Nanos, Director, Community Planning, North York District
Ward:	Ward 33 (Don Valley East)
Reference:	File No. A0800/17NY Address: 2135 SHEPPARD AVENUE EAST Application to be heard: Wednesday, November 8, 2017 at 9:30 a.m.

RECOMMENDATION

Should the Committee of Adjustment choose to approve the application, staff recommend that it be approved subject to the following condition:

1. Prior to the issuance of any above grade building permit, or at a later date at the discretion of the Chief Planner and Executive Director, City Planning, the owner shall enter into and register, an agreement pursuant to Section 45(9) of the *Planning Act*, satisfactory to the City Solicitor in consultation with City Planning Staff, securing:
 - a. Prior to occupancy of the Phase 1 building of the development:
 - i. Provide a cash contribution of \$100,000 to the City for the provision of two bikeshare stations.
 - ii. Enter into a formal agreement with Smart Commute North Toronto, Vaughan that Smart Commute will add a stop on the site for service to and from Don Mills subway station. Alternatively, the applicant may operate a private shuttle from the site to and from Don Mills subway station.
 - iii. Enter into a formal agreement with a car-share provider to utilize the proposed dedicated car-share spaces. These spaces are to be secured for the long-term and have exclusive use on the site.
 - iv. Provide a Presto card to each unit (310 total) with \$200 pre-loaded on it.

- v. Amend the necessary drawings to secure a Transit Screen in the lobby of the Phase 1 building.
- vi. Amend the necessary drawings to meet the Tier 2 requirements of the Toronto Green Standard for resident and visitor bicycle parking.
- vii. Provide a cash contribution of \$39,000 to the City which is to be allocated to any one or more of the following uses:
 - 1. Towards the City's Capital Revolving Fund for Affordable Housing for the purpose of maintaining and constructing affordable rental housing units in Ward 33, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the local councillor.
 - 2. Towards capital improvements to Toronto Community Housing Corporation properties in Ward 33.
- b. Prior to occupancy of the second residential building of the development:
 - i. Provide a cash contribution of \$100,000 to the City for the provision of two bikeshare stations.
 - ii. Provide a Presto card to each unit (890 total) with \$200 pre-loaded on it.
 - iii. Provide a financial contribution in the amount of \$300,000 to the City of Toronto for the construction of grade related cycling infrastructure.
 - iv. Amend the necessary drawings to secure a Transit Screen in the lobby of the second residential building of the development.
 - v. Amend the necessary drawings to meet the Tier 2 requirements of the Toronto Green Standard for bicycle parking.

Provide a cash contribution of \$111,000 to the City for the provision of new affordable rental housing in Ward 33, to be directed to the Capital Revolving Fund for Affordable Housing.

- c. All cash amounts shall be indexed upwardly in accordance with the Statistics Canada Residential Construction Price Index for Toronto for the period from the date of the execution of the Section 45(9) Agreement to the date of payment.

APPLICATION

To permit an increase in the proposed number of units and a reduction in the number of resident parking spaces.

REQUESTED VARIANCE(S) TO THE ZONING BY-LAW:

1. **Section 64.23(142)(j), By-law No. 7625 as amended**
The number of dwelling units shall not exceed 1,100.
The proposed number of dwelling units is 1,200.
2. **Section 64.23(142)(t) of North York Zoning By-law No. 7625 as amended**
The minimum required number of resident parking spaces is 928.
The proposed number of parking spaces is 627 for residents and 20 car-share parking spaces.
3. **Section 2, By-law No. 7625 as amended**
The Zoning By-law does not define "car-share parking space" and "car share motor vehicle".
A car-share parking space will mean a parking space used exclusively for the parking of a car-share motor vehicle. Further, a car-share motor vehicle will mean a motor vehicle available for short term rental, including an option for hourly rental, for the use of at least the occupants of a building erected on the lot.

COMMENTS

In February 2012, applications to amend the Official Plan and the Zoning By-law were submitted to permit a mixed-use development with residential, retail and other commercial uses (File No. 12 126689 NNY 33 OZ). On April 3, 2014, the applicant appealed the applications to the Ontario Municipal Board (Case No. PL140351) due to Council's failure to make a decision within the prescribed time frames set out in the *Planning Act*.

At its meeting of October 8, 9, 10 and 11, 2014, City Council directed staff to attend the Ontario Municipal Board hearing in support of the amendment applications, subject to them being revised to address the issues set out in the report dated July 17, 2014 from the Director, Community Planning, North York District. The Decision Documents and Request for Direction report on the amendment applications can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.PG35.13>

A settlement reached between the applicant and the City was presented to the Ontario Municipal Board at its hearing of September 25, 2014. In a decision dated October 28, 2014, the Ontario Municipal Board approved the zoning by-law subject to the execution of the Section 37 Agreement and an application for Plan of Subdivision being filed by the applicant. The Ontario Municipal Board issued its final order on December 8, 2015, approving the By-law.

Site and Area Specific Policy 386 (SASP 386) covers these land, among others, and provides additional direction for future change and directs that an implementation plan be brought forward as Official Plan policy for the Consumers Road Business Park. A study on this implementation plan, known as ConsumersNext, was brought forward to City Council in July 2017 with an expectation that a final Secondary Plan will be brought forward in early 2018. The study included an incentive program to encourage office development, provide amenities to support the

employment uses in the business park and establish development densities and new streets and blocks in the study area. The study also included the creation of a Transportation Master Plan (TMP) which provides directions how to better the current transportation in the business park for all users. The TMP includes recommendations on providing transportation options such as cycling infrastructure and bikeshare programs, shuttle services to nearby TTC Don Mills subway station and car-share services. Offering Presto cards and information screens in residential lobbies are additional ways to encourage residents to use public transit.

In order to justify the reduction in parking, the impacts of the reduction need to be mitigated. Through discussions with the applicant and upon a review of the applicant's transportation report, which itself responded to the ConsumersNext study, a number of mitigating measures have been identified. These measures should be provided to ensure that the shortfall in parking does not create a negative impact on the existing road network. These measures should also be secured through the Section 45(9) agreement.

The applicant is now seeking an increase in the number of residential units and a reduction in the amount of parking provided on the site. Pursuant to Section 45(9) of the *Planning Act*, the applicant has agreed to enter into an agreement with the City due to the increase in density proposed. The applicant has agreed to provide \$150,000 towards affordable housing within the Ward. In limited instances, cash contributions to the City for affordable housing can be directed to specific reserve funds (e.g. Capital Revolving Fund - Affordable Housing Reserve Fund (AHRF), Public Art Reserve Fund, etc.). There may be instances, such as this case, where the monies secured and received to date may not be sufficient to provide for their intended use in isolation of additional funds anticipated to be secured or which have been secured from other developments within the geographic area. In cases where the pooling of funds is needed to achieve a major investment, or a number of identified benefits, funds may remain in the AHRF accounts collecting interest until the necessary funds are collected so that a larger project can move forward.

Staff recommend that should the Committee choose to approve the application, staff recommend that the Committee make it conditional on entering into a Section 45 agreement to the satisfaction of the City Solicitor in consultation with City Planning staff.

CONTACT

Guy Matthew, Senior Planner
Tel: 416-395-7102
Fax: 416-395-7155
E-mail: guy.matthew@toronto.ca

SIGNATURE

Joe Nanos
Director, Community Planning, North York District

A0800/17NY –**2135 SHEPPARD AVENUE EAST**