

**179-181 Sheppard Avenue East – Zoning Amendment  
Application – Refusal Report**

<b>Date:</b>	January 4, 2017
<b>To:</b>	North York Community Council
<b>From:</b>	Director, Community Planning, North York District
<b>Wards:</b>	Ward 23 – Willowdale
<b>Reference Number:</b>	16 225685 NNY 23 OZ

**SUMMARY**

This application proposes to amend the zoning by-laws to permit a 10-storey building with 230 units and 1,750 square metres of ground floor retail space at 179-181 Sheppard Avenue East. The proposal also includes a 4 level underground garage with 218 parking spaces. The proposal would have an overall density of 5.2 times the site area.

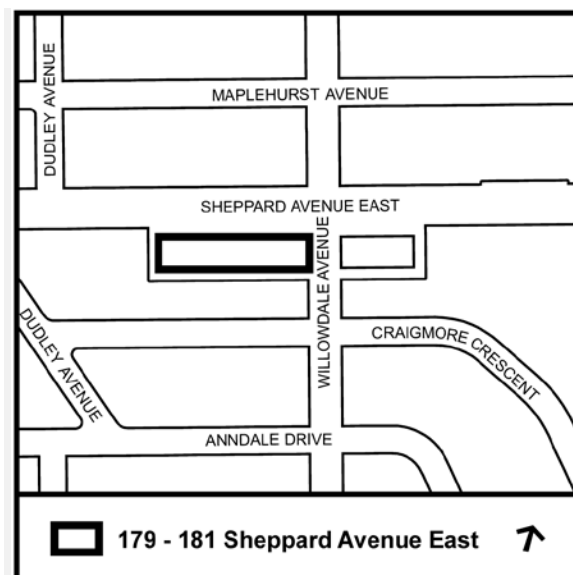
The proposed development does not provide an appropriate transition to the adjacent *Neighbourhood*, is out of character with this section of Sheppard Avenue East and is not consistent with the Official Plan and implementing guidelines. The proposed height and density would set a precedent for this portion of Sheppard Avenue East.

This report reviews and recommends refusal of the application to amend the Zoning By-law.

**RECOMMENDATIONS**

**The City Planning Division recommends that:**

1. City Council refuse the application for a Zoning By-law Amendment at 179-181 Sheppard Avenue East for the reasons outlined in the January 4, 2017 report from the Director,



Community Planning, North York District.

2. Should the application be appealed to the Ontario Municipal Board, City Council authorize the City Solicitor and appropriate City staff to appear before the Ontario Municipal Board in support of Council's refusal of the Zoning By-law Amendment application.

### **Financial Impact**

The recommendations in this report have no financial impact.

## **ISSUE BACKGROUND**

### **Proposal**

The applicant is proposing to amend the Zoning By-laws for 179 – 181 Sheppard Avenue East to permit a 10-storey mixed use building at 34 metres in height with 1,750 square metres of retail uses on the ground floor. The total gross floor area of the proposal is 17,400 square metres with a density of 5.2 times the site area.

Along Sheppard Avenue East, the proposed 10-storey building is 34 metres in height (36 metres including the mechanical penthouse) with a 2.1 metre stepback above the 7th floor. The rear of the building would step back approximately 2.75 metres above the first floor rising to the top of the 5<sup>th</sup> floor where it steps back an additional 1.9 metres at each of the 6<sup>th</sup>, 7<sup>th</sup> and 8<sup>th</sup> floors and a further 2.3 metres above each of the 8<sup>th</sup> and 9<sup>th</sup> floors. These step backs would result in the rear wall of the building being located within a 60 degree angular plane measured from 10.5 metres above a 7.5 metre setback from the rear of the unopened public laneway. Refer to Attachment No.2 for the building elevations.

The proposed building is approximately 113 metres in its east-west orientation and approximately 23.3 metres in its north-south orientation. It would be set back 0.4 metres from Sheppard Avenue East, with the ground floor setback increasing to 2 metres at the east and west ends of the building. The proposed setback from the south property line is 1.5 metres varying at vehicle and pedestrian access points. There is an unopened public laneway beyond the south and west property lines that is approximately 7-7.5 metres wide. The proposed building would be set back approximately 4.7 – 7.6 metres from the east property line and 0 metres from the west property line, beyond which is the north-south portion of the unopened public laneway.

The proposal consists of 230 residential units including 30 studio units (13%), 137 one-bedroom units (60%), and 63 two-bedroom units (27%). The ground floor would contain 750 square metres of retail uses with the residential units located on floors 2-10.

The proposal includes 218 parking spaces in a 4-level underground parking garage including 171 parking spaces for residents, 23 spaces for visitors and 24 spaces for the retail uses. The proposal also includes one type G loading space and two type B loading spaces. All three loading spaces would be located on the ground floor. The applicant is

proposing to use the currently unopened public laneway at the rear of the property for both car and loading space access.

Zoning By-law 569-2013 requires 2 square metres of indoor amenity space per residential unit and 2 square metres of outdoor amenity space per residential unit. The applicant is proposing 750 square metres of indoor amenity space located on the ground floor and 2<sup>nd</sup> floor and 170 square metres of outdoor amenity space outside the rear lobby doors and at the south end of the 2nd floor adjacent to the indoor amenity area. This results in 3.26 square metres of indoor amenity space per unit and 0.74 square metres of outdoor amenity space per unit.

Direct pedestrian access to the ground floor retail units would be provided along Sheppard Avenue East. The residential lobby would be located at the centre of the ground floor and have pedestrian access from an entrance along Sheppard Avenue East as well as from the rear of the building adjacent to a proposed layby for cars dropping off building residents and visitors.

The distance between the curb and the north property line of the subject site along Sheppard Avenue East varies from approximately 13-14 metres which contributes to the existing adjacent right-of-way width of 38 metres. The planned right-of-way for this section of Sheppard Avenue East is 36 metres.

### **Site and Surrounding Area**

The subject site is located on the south side of Sheppard Avenue East, on the west side of Willowdale Avenue. It is relatively flat and rectangular in shape, with a frontage of approximately 122 metres on Sheppard Avenue East, and a frontage of approximately 27 metres on Willowdale Avenue. The site has a site area of 3,343 square metres. The site is located along the Sheppard Subway Line. An entrance to the Yonge-Sheppard subway station is located approximately 900 metres west of the subject site at Sheppard Avenue East and Yonge Street.

The subject site is comprised of two properties. The property at 179 Sheppard Avenue East currently contains a single storey commercial building occupied by The Beer Store. The property at 181 Sheppard Avenue East also contains a single storey commercial building which was formerly occupied by a now vacant Pizza Pizza restaurant. Both commercial buildings are considerably set back from the street and include surface parking areas at the front and sides of the buildings. To the west and rear of the subject site is an unopened public laneway which connects to Sheppard Avenue East and continues to the rear of the commercial buildings to connect with Willowdale Avenue to the southeast corner of the site.

North: Immediately north of the subject site, on the north side of Sheppard Avenue East, are a number of commercial uses in a range of building forms, including a two-storey private school and day-care with a large surface parking area (200 Sheppard Avenue East), a two-storey brick office building replicating a house-like form (210 Sheppard Avenue East), a three-storey house-form office

building (218 Sheppard Avenue East), a two-storey house used for offices (220 Sheppard Avenue East), and a three-storey office building (250 Sheppard Avenue East) at the northwest corner of Sheppard Avenue East and Willowdale Avenue. North of the buildings fronting onto Sheppard Avenue East are single detached dwellings.

South: Immediately south of the subject site is an unopened public laneway, which extends from Willowdale Avenue to Sheppard Avenue East, surrounding the subject site. Further south is a residential neighbourhood comprised primarily of single-detached dwellings and Glendora Park, a 3.5 hectare park containing green space, a playground and splash pad.

East: To the east of the subject site across Willowdale Avenue is a single-storey commercial plaza (185-201 Sheppard Avenue East) containing small-scale retail, service and restaurant uses. Continuing east is a two-storey commercial building (207-209 Sheppard Avenue East) with retail uses at-grade and office uses above, followed by the Sheppard East Park, a 1.91 hectare linear park with extends from Sheppard Avenue East to Highway 401 to the south.

West: To the west is the unopened public laneway, which is between the site and the three-storey medical office building (145 Sheppard Avenue East) further west. The subject site and medical building currently utilize this part of the laneway as a driveway, with shared parking which extends on either side, and to the south of the buildings. Continuing west is a single storey medical office building (143 Sheppard Avenue East), followed by a series of single-storey detached dwellings, currently used for commercial purposes (141-133 Sheppard Avenue East).

## **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, by the *Planning Act*, to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required, by the *Planning Act*, to conform, or not conflict, as the case may be, with the Growth Plan for the Greater Golden Horseshoe.

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

## **Official Plan**

The subject site is located in a *Mixed Use Areas* designation on Map 16 – Land Use Plan of the Official Plan. The site is located immediately north of an area with a *Neighbourhoods* land use designation.

## **Chapter 2 – Shaping the City**

### **Section 2.2.3 Avenues: Reurbanizing the Arterial Corridors**

The subject site is located on an *Avenue* on Map 2 – Urban Structure in the Official Plan. *Avenues* are important corridors along major streets where reurbanization is anticipated and encouraged to create new housing and job opportunities while improving the pedestrian environment.

A framework for change is to be tailored to the situation of each *Avenue* through a local Avenue Study that will contain a vision and implementation plan that will set out:

- investments in community improvements by public agencies or public/private partnerships including streetscape improvements, transportation improvements, parks and open spaces, and upgraded water or sewer infrastructure; and
- contextually appropriate as-of-right zoning and other regulations designed to achieve high quality development along the *Avenue* which includes: permitted uses and maximum density and height limits; appropriate massing, scale, siting and organization of buildings; appropriate scale transitions to adjacent areas; and transit-supportive measures such as minimum development densities; maximum and minimum parking standards; and restrictions on auto-oriented retailing and services.

Development in *Mixed Use Areas* on *Avenues*, prior to an *Avenue* Study has the potential to set a precedent for the form and scale of reurbanization along the *Avenue*. In addition to the policies of the Plan for *Mixed Use Areas*, proponents of such proposals will also address the larger context and examine the implications for the segment of the *Avenue* in which the proposed development is located. This review will:

- include an assessment of the impacts of the incremental development of the entire *Avenue* segment at a similar form, scale and intensity, appropriately allowing for distinguishing circumstances;
- consider whether incremental development of the entire *Avenue* segment as identified in the above assessment would adversely impact any adjacent *Neighbourhoods* or *Apartment Neighbourhoods*;
- consider whether the proposed development is supportable by available infrastructure; and
- be considered together with any amendment to the Official Plan or Zoning By-law at the statutory public meeting for the proposed development.

Development requiring a rezoning will not be allowed to proceed prior to completion of an *Avenue* Study unless the review demonstrates to Council's satisfaction that subsequent development of the entire *Avenue* segment will have no adverse impacts within the context and parameters of the review. An Avenue Segment Study has been submitted and has been reviewed by City Planning staff.

### **Section 2.3.1 Healthy Neighbourhoods**

This section of the Official Plan contains policies that specifically address the relationship between *Neighbourhoods* and areas with other Official Plan designations in order to ensure development is sensitive to the physically stable areas within the *Neighbourhoods* designation. Policies in this section require development in *Mixed-Use Areas* that are adjacent or close to *Neighbourhoods* to be: compatible with those *Neighbourhoods*; provide a gradual transition of scale and density, as necessary to achieve the objective of the Official Plan through the stepping down of buildings towards and setbacks from those *Neighbourhoods*; and, maintain adequate light and privacy for residents in those *Neighbourhoods*.

## **Chapter 3 – Building a Successful City**

### **Section 3.1.2 Built Form**

The Official Plan requires new development to be massed and its exterior façade to be designed to fit harmoniously into its existing and/or planned context, and limit impact on neighbouring streets, parks, open spaces and properties by creating appropriate transitions in scale to neighbouring existing and/or planned buildings for the purpose of achieving the objectives of this Plan.

## **Chapter 4 – Land Use Designations**

### **Section 4.5 Mixed Use Areas**

The *Mixed Use Areas* designation permits a broad range of commercial, residential and institutional uses, in single or mixed use buildings, as well as parks and open spaces. *Mixed Use Areas* will absorb most of the anticipated increase in retail, office and service employment in the coming decades and provide much of the new housing.

Development proposals in *Mixed Use Areas* are evaluated to ensure they:

- provide a transition between areas of different development intensity and scale through means such as providing appropriate setbacks and/or stepping down of height, particularly toward lower scale *Neighbourhoods*;
- locate and mass buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes;
- locate and mass new buildings to 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;
- provide an attractive and safe pedestrian environment;
- have access to schools, parks, community centres, libraries and childcare;

- take advantage of nearby transit services;
- locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences; and
- provide indoor and outdoor recreation space for building residents.

## **Sheppard Avenue Commercial Area Secondary Plan**

The eastern portion of the Sheppard Avenue Commercial Area Secondary Plan (SACASP) applies to properties along Sheppard Avenue East between Bonnington Place and Clairtrell Road. The properties subject to the SACASP have a height limit of 3 storeys or 12 metres and a maximum density of 1 times the site area. However, the Secondary Plan does not apply to all the properties within the area. While the subject site is located on Sheppard Avenue East between Bonnington Place and Clairtrell Road, the policies of the plan do not apply to this site.

In June, 2011, North York Community Council requested the Director, Community Planning, North York District, to bring forward modifications to the western portion of the SACASP which incorporate the use of the 45 degree angular plane and other appropriate and desirable measures to protect adjoining Neighbourhoods, and which provide for a mix of residential and retail uses.

A status report on the review of the Sheppard Avenue Commercial Area Secondary Plan was adopted at the January 19, 2016 meeting of North York Community Council. The report summarizes the analysis completed to date, issues identified and next steps for the study, including the remaining scope of work. The recommendation adopted directed staff to expand the study area and scope and phase it to include all properties within the SACASP designated as *Mixed Use Areas* on Map 16 in the Official Plan. The report can be viewed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.NY11.32>

The North York Community Council recommendation directed staff to focus the review on the western segment of the SACASP area. The final report will be considered at a statutory public meeting of North York Community Council on January 17, 2017.

Further information on this study including the final report can be viewed at:

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

A review and update of the eastern segment of the Secondary Plan area is scheduled to begin in 2017 and is intended to create an integrated vision, policies and a planning framework to achieve a quality streetscape, pedestrian amenities and a framework for appropriate development within the entire Secondary Plan area.

## **Zoning**

The site is currently zoned C2 (Local Shopping Centre) under North York Zoning By-law No. 7625. The C2 zoning designation permits a variety of commercial and institutional uses. The maximum height permitted is 9.2 metres or 3 storeys and the maximum building coverage is 50% of the lot.

The site is zoned CR 1.0 (c1.0; r0.0) SS3 under the City of Toronto Zoning By-law 569-2013 which permits a variety of commercial and institutional uses with a height limit of 11 metres. The maximum lot coverage is 50% of the site and the maximum density is 1 times the site area. The zoning by-law also requires that a building on this site must be located under a 45 degree angular plane projected along the entire required rear yard setback, starting at a height of 10.5 metres above the average elevation of the ground along the rear lot line.

The eastern portion of the site at 181 Sheppard Avenue East is subject to a site specific zoning exception which permits a vehicle fuel station and service shop in addition to the uses permitted in the zone.

### **Mid-Rise Building Performance Standards**

City Council on July 6, 7 and 8, 2010, adopted the recommendations of the *Avenues* and Mid-Rise Buildings Study and Action Plan, with modifications. The main objective of this City-wide study is to encourage future intensification along Toronto's *Avenues* that is compatible with the adjacent neighbourhoods through appropriately scaled and designed mid-rise buildings. The report can be viewed at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2010.PG39.9>.

The *Avenues* and Mid-Rise Buildings Study identifies a list of best practices, categorizes the *Avenues* based on historic, cultural and built form characteristics, establishes a set of Performance Standards for new mid-rise buildings and identifies areas where the Performance Standards should be applied.

The Performance Standards assist in the implementation of Official Plan policies for *Avenues* and *Mixed Use Areas*, ensuring among other matters, quality and comfortable streetscapes along the *Avenues*, which are to be framed and defined by buildings that allow for a minimum of 5 hours of sunlight on the sidewalks from March 21 to September 21; streetwall stepbacks, which mitigate the pedestrian perception of building height along the street; and an acceptable relationship between mid-rise buildings and the adjacent *Neighbourhoods* and *Parks and Open Space Areas*, which the Official Plan policies are explicit in their intent to protect through appropriate transitions. The Performance Standards provide guidance about the size, shape and quality of mid-rise development and are intended to respect Section 2.3.1 of the Official Plan.

### **Mid-Rise Building Performance Standards: Addendum**

In June 2016, City Council approved the Mid-Rise Building Performance Standards Addendum (April 20, 2016). The Addendum is to be used together with the 2010 approved Mid-Rise Building Performance Standards during the evaluation of development applications where mid-rise buildings are proposed and the Performance Standards are applicable.

Among other matters, the Addendum provides clarification regarding use of the Guidelines within Secondary Plan Areas, as well as specific land use and street frontage criteria which must be met prior to applying the Performance Standards to mid-rise proposals not located on an *Avenue*.



The Addendum is approved as an interim supplement to the 2010 Performance Standards until such time as City Council considers and adopts updated Mid-Rise Building Design Guidelines. Refer to the Council Decision <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PG12.7> and Attachment 1: Mid-Rise Building Performance Standards Addendum (April 20, 2016) <http://www.toronto.ca/legdocs/mmis/2016/pg/bgrd/backgroundfile-92537.pdf>.

The Addendum was considered together with the Mid-Rise Building Performance Standards in the evaluation of the application.

### **Site Plan Control**

An application for site plan approval was submitted on September 20, 2016 (File #16 225701 NNY 23 SA).

### **Reasons for Application**

The Zoning By-law Amendment application is required to:

- permit residential uses on the site;
- increase the permitted building height from 9.5 metres and three storeys to 34 metres and 10 storeys;
- increase the maximum permitted density from 1 times the site area to 5.2 times the site area;
- increase the permitted lot coverage from 50% to 85%;
- eliminate the requirement for the building to be located under a 45 degree angular plane measured from 10.5 metres above a 7.5 metre setback from the rear of the adjacent unopened laneway;
- reduce the minimum amount of required outdoor amenity area to 0.74 metres per dwelling unit or 170 square metres; and
- establish the appropriate development standards.

### **Community Consultation**

A community consultation meeting was held on November 28, 2016 and was attended by approximately 75 members of the public. Comments about the proposal included:

- the proposed building is too high;
- poor transition to the adjacent low rise neighbourhood;
- the building should be below the 45 degree angular plane;
- 60 degree angular plane is acceptable and used in other parts of the City;
- privacy and overlook concerns for the rear yards of the adjacent low-rise houses on Craigmere Crescent;
- the proposed building is too massive and would form a wall along Sheppard Avenue;
- redevelopment of the site would help with some of the existing problems on site including vandalism, the vacant commercial building and poor site maintenance;
- the proposal should include larger "family size" units;

- the proposed building will generate too much traffic;
- the development would increase traffic within the low-rise neighbourhood areas;
- approval of the development would set a precedent on Sheppard Avenue East for transition to low-rise *Neighbourhoods*.

## **Agency Circulation**

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and have been incorporated into this report.

## **COMMENTS**

### **Application Submission**

The following reports/studies were submitted with the application:

- Planning Rationale including a Community Services and Facilities Study and Avenue Segment Study;
- Shadow Study;
- Qualitative Pedestrian Level Wind Assessment;
- Arborist and Tree Preservation Report;
- Environmental Noise Feasibility Study;
- Subway Vibration Analysis
- Traffic Impact Study;
- Functional Servicing and Stormwater Management Report;
- Design Development Stage Energy Modelling Report;
- Preliminary Geotechnical Investigation;
- Computer Generated Building Mass Model;
- Hydrogeological Investigation; and
- Toronto Green Standards Checklist.

A Notification of Complete Application for the Zoning By-law Amendment application was issued on October 25, 2016.

### **Provincial Policy Statement and Provincial Plans**

The Provincial Policy Statement (PPS) 2014 and the Growth Plan for the Greater Golden Horseshoe are high-level and broad reaching documents. The City is a development area and infill is encouraged under these policies. This proposal promotes intensification through a mid-rise built form and provides for a mix of residential and retail uses along a transit corridor.

Within the framework, the PPS recognizes that the Official Plan is the most important vehicle for implementation of the PPS and assists in implementing the Growth Plan by setting out appropriate land use designations and policies. Official plans provide clear, reasonable and attainable policies to protect provincial interests and direct development to suitable areas. Intensification on this transit corridor is encouraged, however, the

proposal in its current form does not implement Official Plan policies related to matters such as: transition, scale, compatibility and fit. The proposal does not achieve an appropriate built form transition to the adjacent residential area and the scale of development is not compatible with the existing and planned context of this portion of Sheppard Avenue East.

## **Land Use**

The subject site is designated *Mixed Use Areas* in the Official Plan. The proposed mix of retail and residential uses comply with the permitted uses within the *Mixed Use Areas* designation in the Official Plan.

## **Height, Massing and Transition**

The *Avenues* policies in the Official Plan are intended to help the City direct growth to key main streets and areas with existing infrastructure while protecting the character and stability of the existing adjacent neighbourhoods. New development along *Avenues*, designated *Mixed Use Areas*, are generally envisioned to be mid-rise where the building is no taller than the width of the right-of-way as recommended in the Mid-Rise Performance Standards. The ability to realize the maximum height is tempered by angular planes applied to the front of the site and the rear of the site as well as the existing and planned context. Not all sites on *Avenues* will be able to achieve the maximum height, as some properties are physically constrained.

The proposal does not provide an acceptable relationship between the proposed mid-rise building and the adjacent *Neighbourhoods* area. The Mid-rise Building Performance Standards provide guidance regarding appropriate building heights and transition between midrise buildings and *Neighbourhoods* through the use of angular planes. These angular planes are applied to both the front and rear of the site to ensure appropriately scaled mid-rise buildings along the *Avenues* that are responsive to their existing and planned context by creating vibrant pedestrian scaled streets and providing a gradual transition between midrise buildings and adjacent *Neighbourhoods* to limit shadow impacts and minimize privacy and overlook issues.

Midrise Building Performance Standard 4A: Front Façade: Angular Plane states that an angular plane will be taken from a height equivalent to 80% of the R.O.W. width and subsequent storeys must fit within a 45-degree angular plane from this point in order to achieve a minimum of 5-hours of sunlight onto the Avenue sidewalks from March 21st - September 21st. The proposal meets the intent of this guideline with only a small intrusion into the angular plane at the 10<sup>th</sup> storey. However, the proposal does not meet the intent of the Midrise Building Performance Standard regarding the use of a rear angular plane. The planned right-of-way for Sheppard Avenue East is 36 metres and the depth of the site is approximately 27 metres. The midrise guidelines specify that sites located adjacent to right-of-ways of 36 metres with a lot depth of less than 51.8 metres are to be considered "shallow sites".

Performance Standard Performance Standard 5B: Rear Transition to Neighbourhoods: Shallow Sites identifies that the appropriate built form transition for shallow properties

abutting *Neighbourhoods* include a minimum setback of 7.5 metres from the property line and a 45-degree angular plane from a height of 10.5 metres above the 7.5 metre setback line to a maximum height of 1:1. This provides a lower building at the rear and a gradual transition from the rear property line. Where a public laneway abuts a site, the laneway may be included for the purposes of establishing the setback and angular plane. In order to minimize overlook, principal windows should not be located closer than 10 metres from the rear property line and balconies should not be below 10.5 metres from grade measured at the rear property line.

These angular planes provide gradual built form transition from *Mixed Use Areas* to the *Neighbourhoods* designation with a lower building at the rear, minimizing privacy and overlook issues on the adjacent *Neighbourhoods* designation.

In contrast to the above performance standard, the applicant is proposing the rear of the building lie beneath a 60-degree angular plane. This results in the 5<sup>th</sup> through the 10<sup>th</sup> floors at the rear of the building piercing the 45 degree angular plane and more of the building massing being located closer to the *Neighbourhoods* designated area increasing the visual presence of the proposal to those properties. In addition, primary window and balcony intrusions into the angular plane and within 10 metres of the rear boundary increase overlook and privacy issues.

City Planning is not supportive of the relationship between the proposed development and the adjacent *Neighbourhoods* area. Appropriate transition should be provided to the *Neighborhoods* designation through building massing, scale and balcony and primary window separation adherence to the 45 degree rear angular plane and separation distance from the rear boundary as described in Performance Standard 5B. This would provide appropriate transition in height and scale and provide for adequate privacy and reduced overlook potential as described in the Official Plan. Modifications to the proposed height, massing, separation and overall density are required to meet the transition policies in Section 2.3.1, 3.1.2 and 4.5 of the Official Plan and appropriate zoning standards. The proposal in its current form is not consistent with the Official Plan.

### **Avenue Segment Study**

The applicant has submitted an Avenue Segment Study as part of their application. The study area is generally bounded by the extents of properties fronting onto Sheppard Avenue East, extending from the Glendora Park Trail in the west to Wilfred Avenue to the East. The Avenue Segment Study identifies 9 additional sites that are deemed underutilized and/or vacant fronting onto Sheppard Avenue East that are likely to redevelop in the long term. Regarding built form and massing, the study concludes that 7 of the 9 identified soft sites should develop generally in accordance with the Midrise Building Performance Standards including those for front angular planes and 45 degree rear angular planes. These sites have similar lot depths as the subject site. The Avenue Segment Study identifies the conceptual development potential of the sites resulting in buildings with heights of 6 and 7 storeys and with densities of between 2.9 and 3.81 times the site area. However, the study identifies 2 of the soft sites that can accommodate a higher intensity of development with only one of the sites, 185-195A and 197-201A

Sheppard Avenue East, supporting a development that projects into the 45 degree rear angular plane. This site is located west of the proposed development on the opposite side of Willowdale Avenue.

The Avenue Segment study specifies that a "taller mid-rise form" should be considered at this site in order to signify the importance of the Sheppard Avenue East and Willowdale Avenue intersection and acknowledge their mixed-use character, and because the site abuts a public laneway along the rear and side property lines.

City Planning staff disagree that having frontage on Willowdale Avenue is justification for not providing appropriate built form transition between *Mixed Use Areas* and *Neighbourhoods*. Further, the Mid-rise Building Performance Standards currently address sites adjacent to laneways and allow for the laneway to be included in the setback line when determining the location of the 45 degree angular plane measurement. City Planning is not supportive of the rationale for piercing the 45 degree rear angular plane used to determine appropriate transition as specified in the Avenue Segment Study. City Planning do not concur with the conclusions of the Avenue Segment Study.

### **Traffic Impact, Access, Parking**

The applicant's transportation consultant, BA Group, prepared a Transportation Impact Study (TIS) to reflect the projected future traffic conditions along the Sheppard Avenue West corridor and on Willowdale Avenue.

The consultant estimates in this study that the proposed development will generate approximately 90, 220 and 270 two-way trips during the morning, afternoon and Saturday midday peak hours, respectively. It is noted in their study that many of these trips are associated with the existing retail on site (e.g. the Beer Store). As such, new trips on the site are projected to be in the order of 60, 90 and 100 during the morning, afternoon and Saturday midday peak hours respectively.

Given these estimated trips, the consultant concludes that site traffic will have a minor impact on the street system. Despite this conclusion, Transportation Services requires the revisions and clarification relating to the existing conditions analysis, site trip assessment, and signal timing optimization.

Access to the site is proposed via an existing unopened public laneway that runs along the west and south edges of the site. The current proposal maintains the existing public laneway on the west and south sides of the site.

Loading and parking on-site are to be accessed via the east-west portion of the public laneway at the rear (south) side of the site. The underground garage ramp, as well as the site's proposed three loading spaces, would take access from this public laneway. In principle, Transportation Services accepts this configuration however, there are site design issues that would need to be resolved.

A letter submitted on June 20, 2016 by Stafford Developments indicates an interest by the applicant to purchase the public laneway from the City. Given some of the design constraints with the proposal, Transportation Services also recommends this idea be investigated.

According to the site statistics, a total of 218 parking spaces, of which 23 will be dedicated to visitors and 24 for retail use are proposed for this project. These spaces will be located within a four-level underground parking garage.

The parking requirements for the project are governed by the applicable parking provisions contained in the former City of North York general Zoning By-law No. 7625. However, Zoning By-law 569-2013 was developed by City staff in order to update the parking requirements for developments. This By-law was recently adopted by City Council in April 2013. The parking provisions contained in this By-law have been accepted by staff on recent development projects, where appropriate, as the associated parking standards are based on more recent information when compared to the former City of North York general Zoning By-law. As a result, Transportation Services require that parking for this project be provided in accordance with Zoning By-law 569-2013 for Policy Area 3, as defined in the By-law.

The proposed parking supply satisfies this requirement. However, the site requires a total of 6 accessible parking spaces, as per Zoning By-law 569-2013. The underground garage must be revised to include 1 additional accessible space. In addition, to comply with the Toronto Green Standard, a total of 9 roughed-in conduits must be provided for electric cars.

### **Servicing and Stormwater Management**

The applicant has submitted Functional Servicing, Preliminary Geotechnical Investigation, Hydrogeological Investigation and Stormwater Management reports with their application. Engineering and Construction Services staff have reviewed the reports and associated plans and require revisions and additional information to address outstanding requirements.

In addition, Engineering and Construction Services require a 3.0 metre wide easement along the north limit of the subject site to maintain an existing adjacent municipal sanitary sewer. The easement lands are required to be free and clear, above and below grade, of all physical and title encumbrances, and subject to a right-of-way for access in favour of the City.

### **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 local parkland provisions across the City. The lands which are the subject of this application are in an area with 1.57 to 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 acquisition priority area, as per Chapter 415, Article III, of the Toronto Municipal Code.

At the alternative rate of 0.4 hectares per 300 units specified in Chapter 415, Article III, of the Toronto Municipal Code, the parkland dedication requirement is 80 square metres or 6.91 % of the site area, which falls within the 10% cap applied to sites that are less than 1 ha in size. In total, the parkland dedication requirement is 307 square metres.

The applicant is required to satisfy the parkland dedication requirement through an on-site dedication. The 307 square metre dedication should have frontage on Sheppard Avenue East and conform to the policies within the Official Plan under Section 3.2.3. The location of the park block will be determined to the satisfaction of the General Manager, Parks, Forestry and Recreation.

### **Section 37**

The Official Plan contains policies pertaining to the provision of community benefits in exchange for an increase in height and/or density greater than the zoning by-law would otherwise permit pursuant to Section 37 of the *Planning Act*. As the application is seeking a significant increase in height and density, a Section 37 contribution would be warranted if this application were approved.

To date, staff have not had any discussions with the applicant or Ward Councillor regarding a Section 37 contribution due to the issues discussed in this report. However, the Toronto Public Library has indicated that the North York Central Library (approximately 1.8 kilometres away) is currently undergoing a major renovation and revitalization and would benefit from a Section 37 contribution. Parks, Forestry and Recreation have also identified the need for funds towards parks and facilities within the Ward.

Should the applicant appeal Council's refusal of the application and the OMB sees fit to approve the proposal, a Section 37 contribution should be secured as part of that approval.

## **CONCLUSION**

While the City is supportive of intensification at this site, the proposed development does not provide an appropriate transition to the adjacent *Neighbourhoods* area to the rear of the site. This results in massing, privacy and overlook impacts which would negatively affect the adjacent Neighbourhoods designated lands to the south. Approval of the proposal would set a precedent for allowing 60 degree angular planes to be used as a measurement of appropriate rear transition to *Neighbourhoods* areas along Sheppard Avenue East. The proposal is not consistent with the Official Plan.

City Planning recommend that City Council refuse the application to amend the zoning by-laws and authorize the City Solicitor and appropriate staff to attend any Ontario Municipal Board (OMB) hearing in support of the refusal should the applicant appeal Council's decision to the OMB.

## **CONTACT**

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Fax No. 416-395-7155  
E-mail: alex.teixeira@toronto.ca

## **SIGNATURE**

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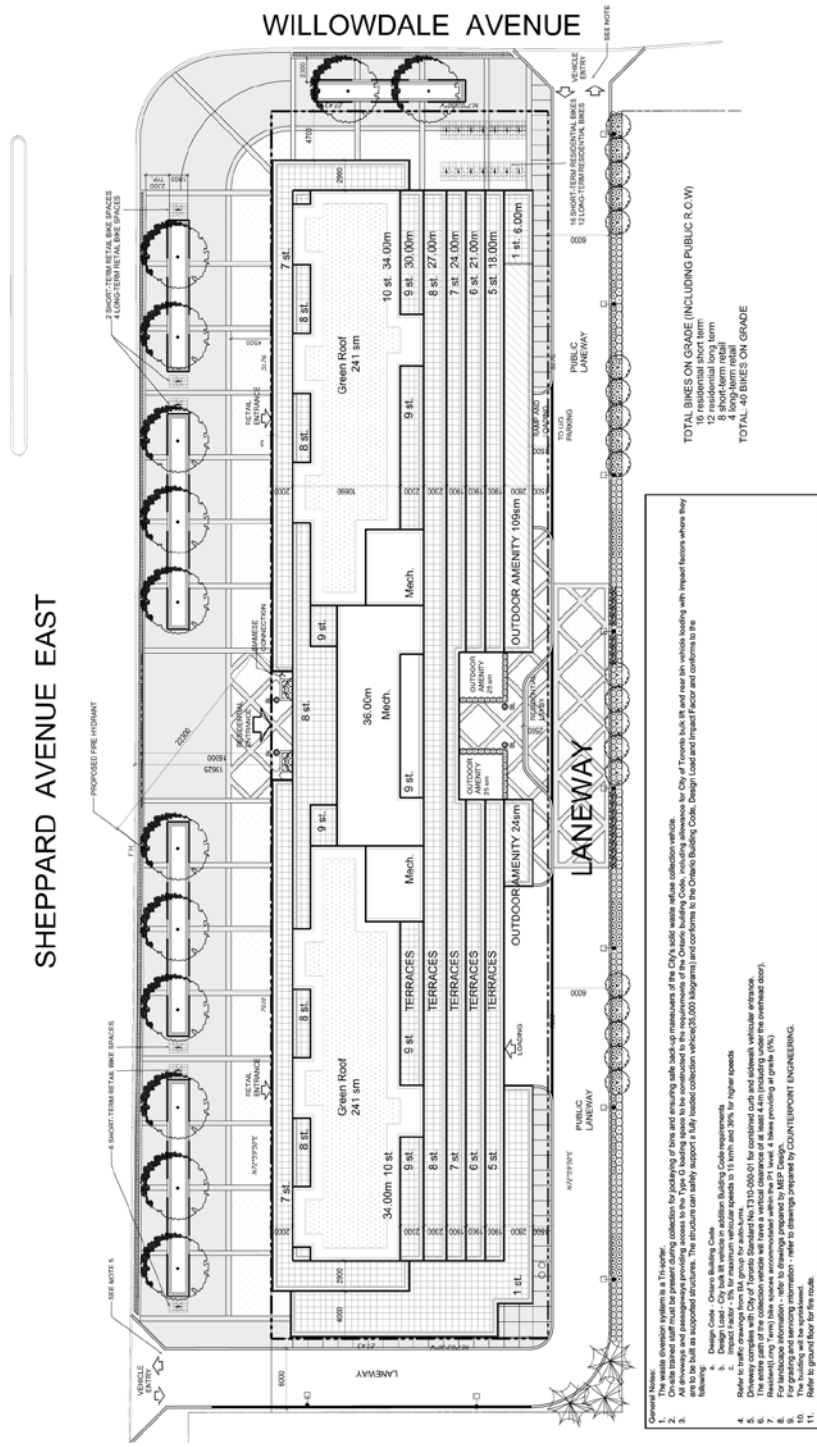
Joe Nanos, Director  
Community Planning, North York District

## **ATTACHMENTS**

Attachment 1: Site Plan  
Attachment 2a: North Elevation  
Attachment 2b: South Elevation  
Attachment 2c: East Elevation  
Attachment 2d: West Elevation  
Attachment 3: Zoning By-law 7625  
Attachment 4: Zoning By-law 569-2013  
Attachment 5: Application Data Sheet



# Attachment 1: Site Plan



- General Notes:**
1. The waste diversion system is a T15-sprinkler.
  2. On-site trained staff must be present during collection for pouring of lime and ensuring safe back-up measures of the City's solid waste refuse collection vehicle.
  3. The waste diversion system is designed to meet the requirements of the Ontario Building Code (OBC) and conforms to the Ontario Building Code, Design Load and Impact Factor and conforms to the following:
    - a. Design Code - Ontario Building Code
    - b. Design Load - City built-in vehicle in addition Building Code requirements
    - c. Impact Factor - City built-in vehicle in addition Building Code requirements
  4. Refer to traffic drawings from 181 group for auto-lum.
  5. The owner complies with City of Toronto Bylaw No. 171-05-001 for guaranteed curb and sidewalk vertical clearance.
  6. The owner complies with City of Toronto Bylaw No. 171-05-001 for guaranteed curb and sidewalk vertical clearance.
  7. Residential (long term) bike spaces accommodate within one 21' level. 4 bikes providing at grade (5%).
  8. The owner complies with City of Toronto Bylaw No. 171-05-001 for guaranteed curb and sidewalk vertical clearance.
  9. For grading and parking information refer to drawings prepared by COWI/TEMPPOINT ENGINEERING.
  10. The building will be workshopped.
  11. Refer to ground floor for site table.

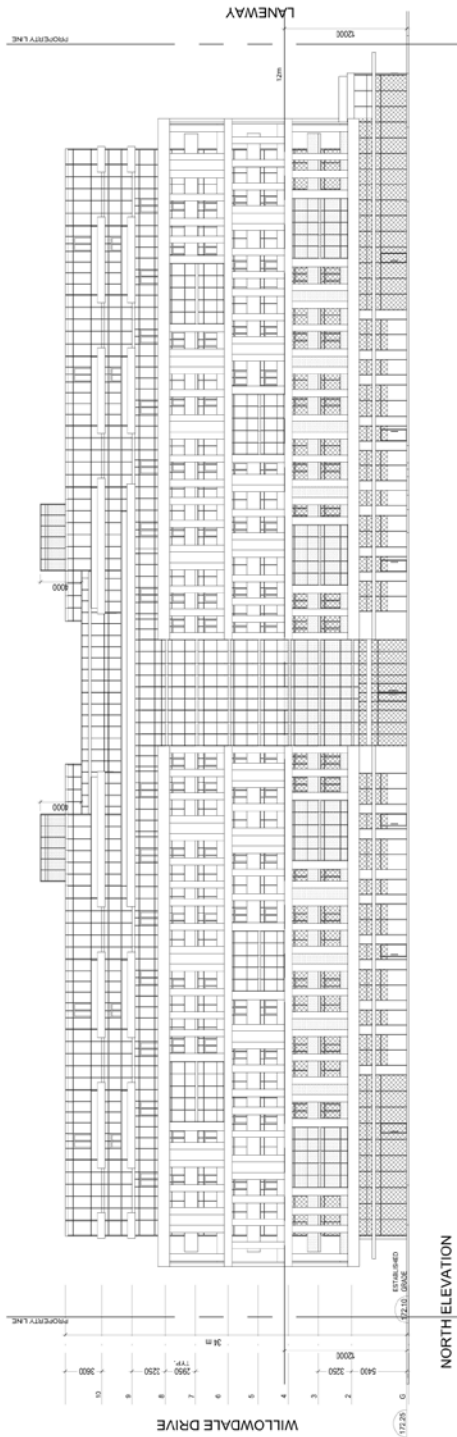
**TOTAL BIKES ON GRADE (INCLUDING PUBLIC R.O.W)**  
 12 residential long term  
 8 short-term total  
**TOTAL 40 BIKES ON GRADE**

**179-181 Sheppard Avenue East**

**Site Plan**  
 Applicant's Submitted Drawing  
 Not to Scale  
 11/21/2016

File # 16 225685 NNY 23 OZ

# Attachment 2a: North Elevation



**OVERALL BIRD-FRIENDLY TREATMENT WITHIN FIRST 12M**

FACE	UNTREATED			TREATED			TOTAL AREA	% TREATED
	CLEAR	SHADED	FRITTED	SPANDREL	SPANDREL	TREATED AREA		
NORTH	86.92sm	437.62sm	322.31sm	0sm	759.95sm	846.85sm	846.85sm	89.7%
SOUTH	77.05sm	59.50sm	600.15sm	106.07sm	764.38sm	844.77sm	844.77sm	90.8%
EAST	16.67sm	85.37sm	94.98sm	0sm	180.35sm	187.02sm	187.02sm	91.5%
WEST	19.54sm	51.68sm	102.18sm	5.18sm	159.04sm	178.58sm	178.58sm	89.1%
<b>TOTAL</b>	<b>200.18sm</b>	<b>634.17sm</b>	<b>1119.62sm</b>	<b>113.25sm</b>	<b>1867.04sm</b>	<b>2067.22sm</b>	<b>2067.22sm</b>	<b>90.3%</b>

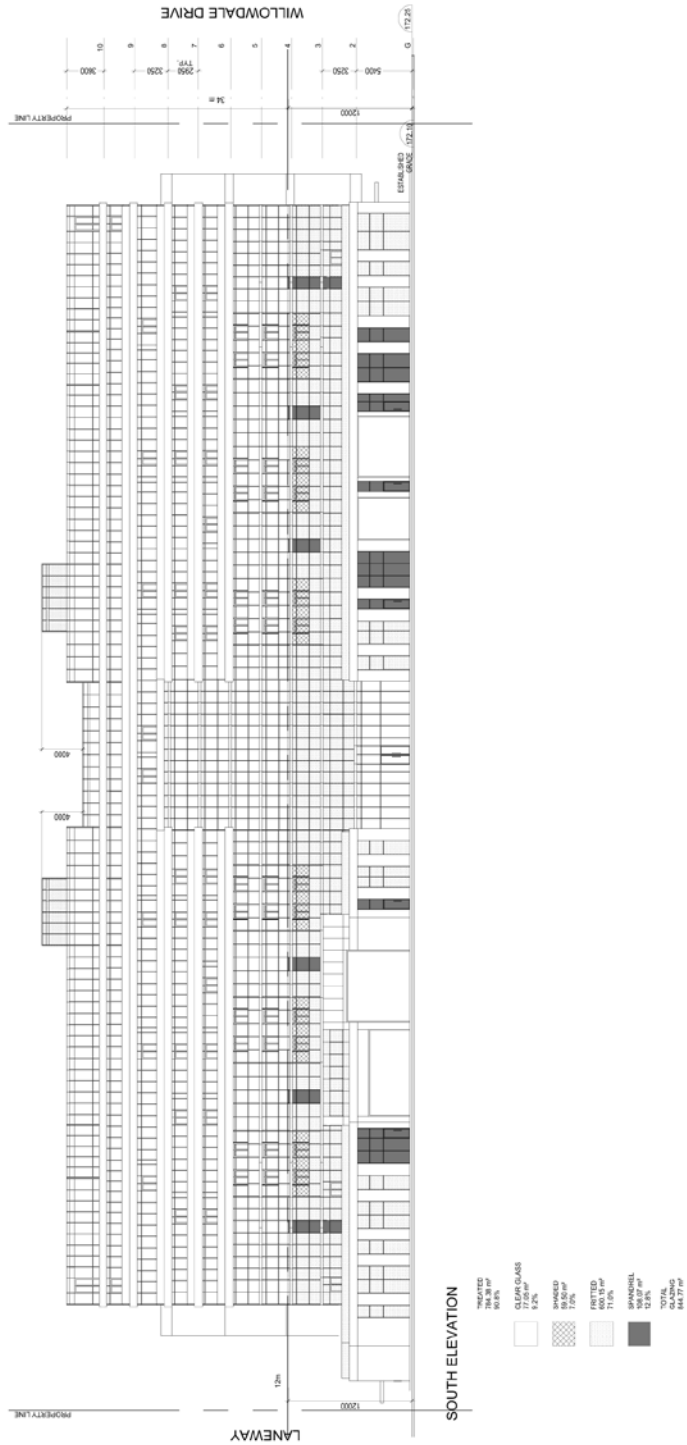
NOTE: 4M ABOVE URBAN ROOF 100% TREATED  
 9.7% 30.7% 54.2% 5.4%

**North Elevation**  
 Applicant's Submitted Drawing  
 Not to Scale  
 11/21/2016

**179-181 Sheppard Avenue East**

File # 16 225685 NNY 23 0Z

# Attachment 2b: South Elevation



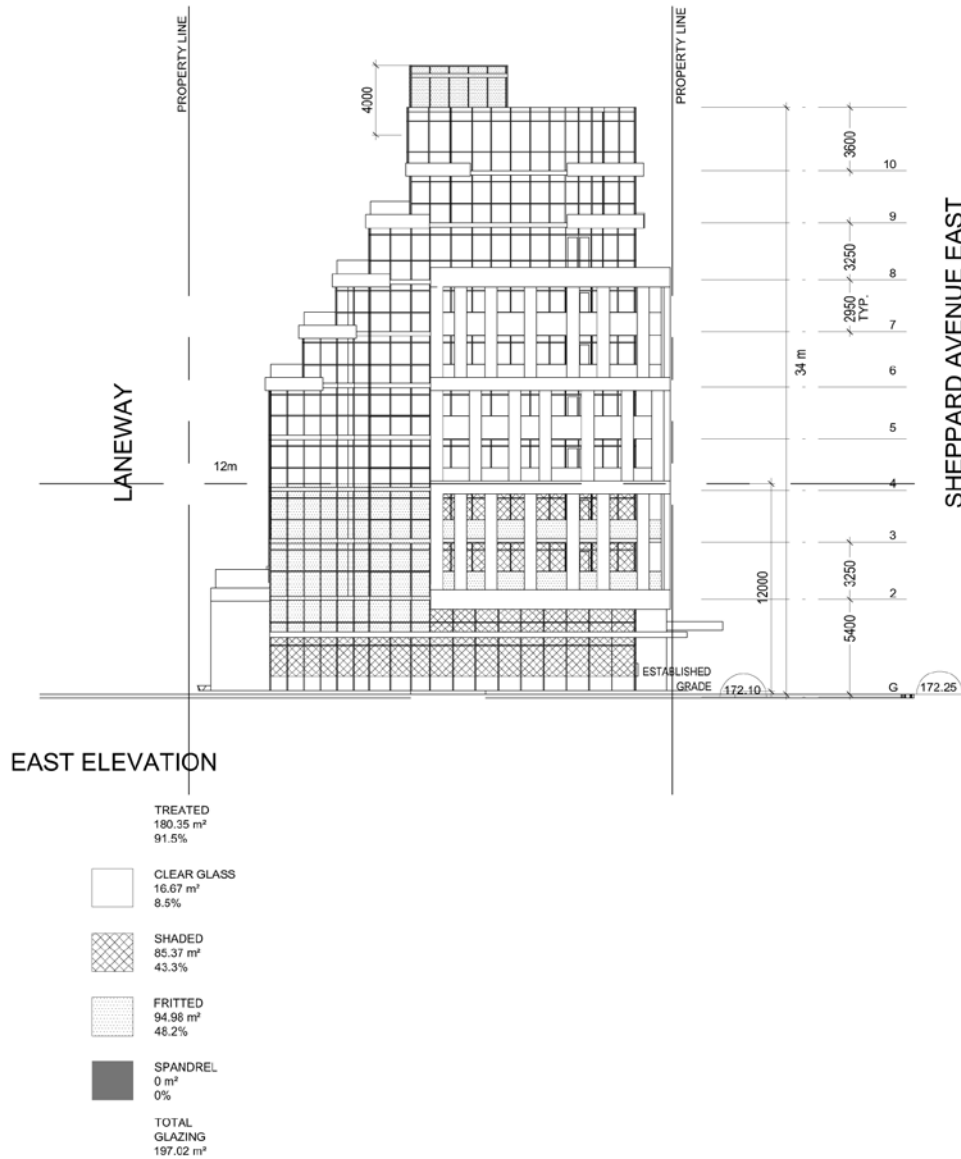
179-181 Sheppard Avenue East

**South Elevation**  
 Applicant's Submitted Drawing

Not to Scale  
 11/21/2016

File # 16 225685 NNY 23 0Z

## Attachment 2c: East Elevation



### East Elevation

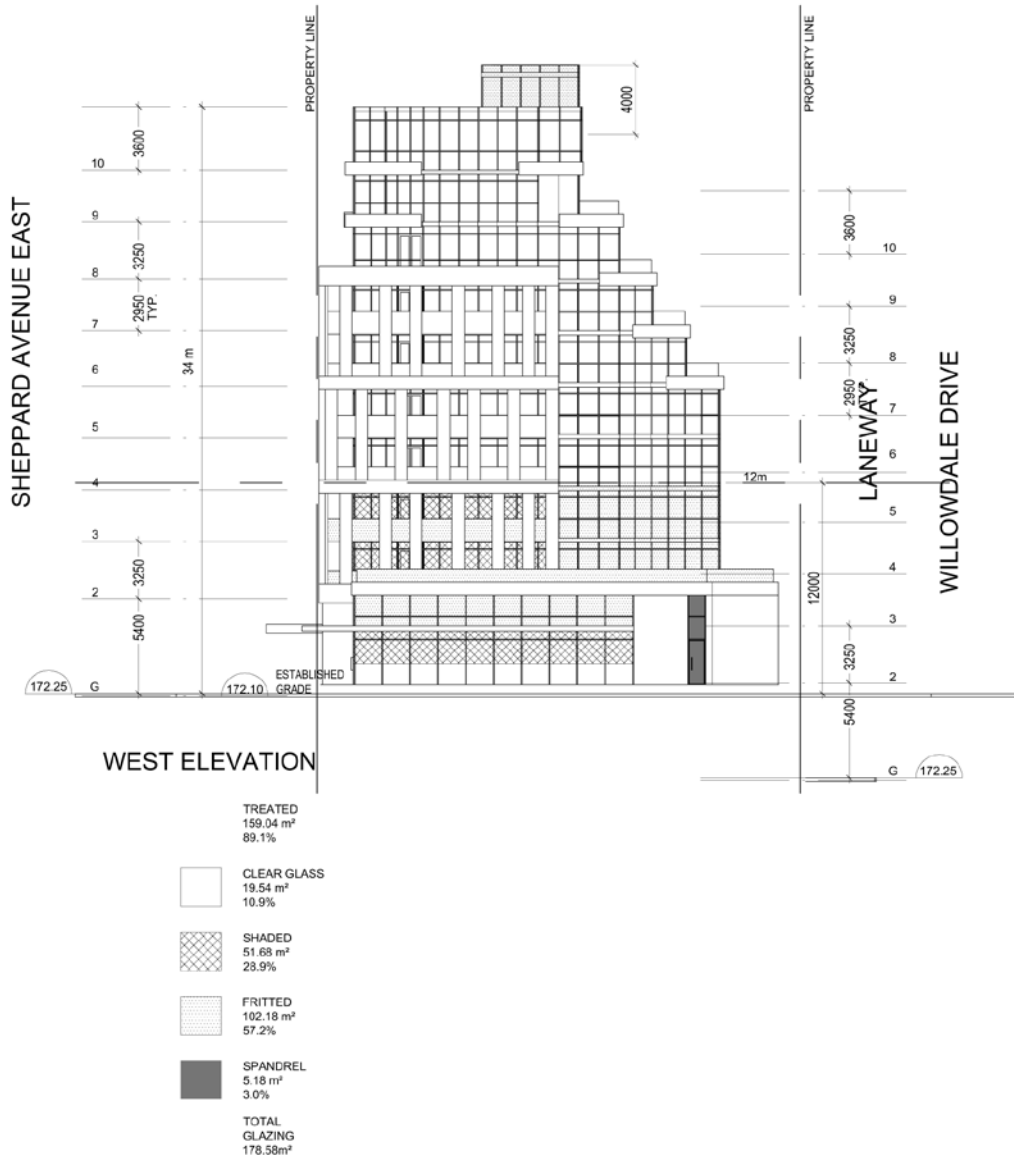
179-181 Sheppard Avenue East

Applicant's Submitted Drawing

Not to Scale  
11/21/2016

File # 16 225685 NNY 23 0Z

## Attachment 2d: West Elevation



### West Elevation

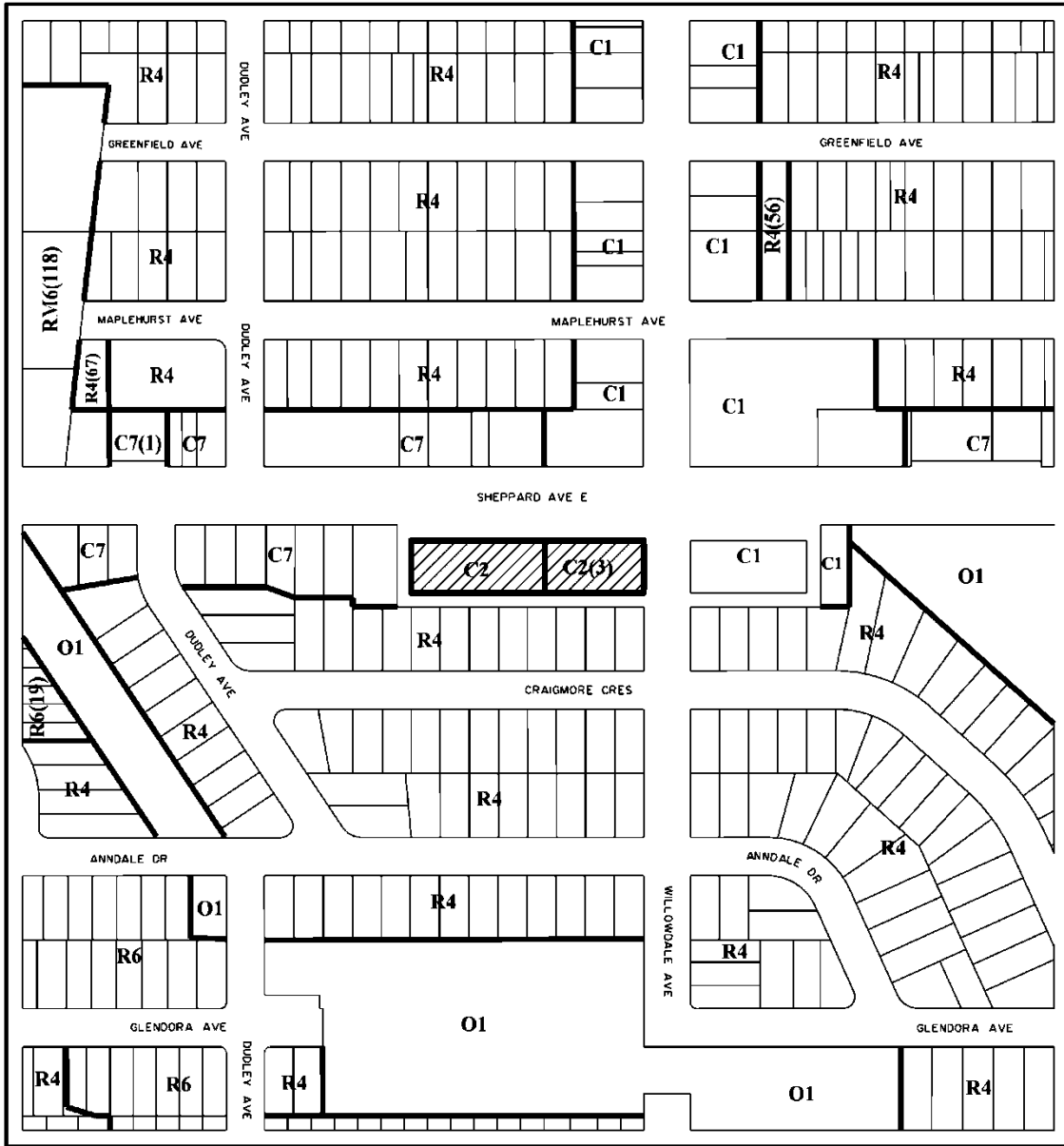
179-181 Sheppard Avenue East

Applicant's Submitted Drawing

Not to Scale  
11/21/2016

File # 16 225685 NNY 23 0Z

### Attachment 3: Zoning By-law 7625



**Zoning By-Law No. 7625**

**179-181 Sheppard Avenue East**

File # 16 225685 NNY 23 0Z

Location of Application

C1 General Commercial Zone

O1 Open Space Zone

C2 Local Shopping Centre Zone

R4 One-Family Detached Dwelling Fourth Density Zone

R6 One-Family Detached Dwelling Sixth Density Zone

RM6 Multiple-Family Dwellings Sixth Density Zone

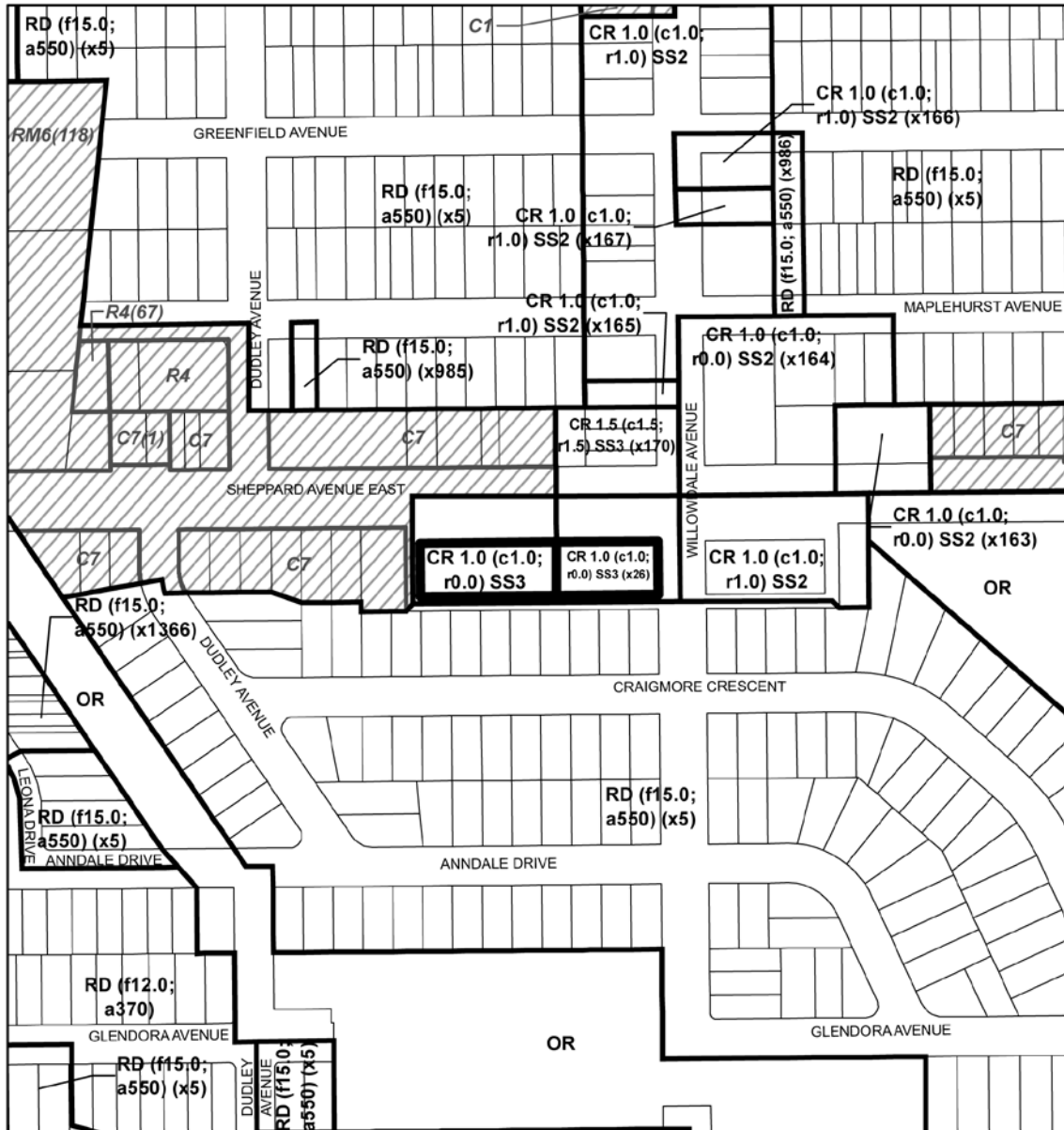
C7 Mixed Use Commercial Zone

NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category



Not to Scale  
Extracted 11/21/2016

## Attachment 4: Zoning by-law 569-2013



**Zoning By-Law No. 569-2013**

**179-181 Sheppard Avenue East**

**File # 16 225685 NNY 23 02**



Location of Application



See Former City of North York By-Law No. 7625

RD Residential Detached  
CR Commercial Residential

O Open Space  
OR Open Space Recreation

R4 One-Family Detached Dwelling Fourth Density Zone  
RM6 Multiple-Family Dwellings Sixth Density Zone  
C1 General Commercial Zone  
C7 Mixed Use Commercial Zone



Not to Scale  
Extracted: 11/21/2016

## Attachment 6: Official Plan

## Attachment 4: Application Data Sheet

Application Type	Rezoning	Application Number:	16 225685 NNY 23 OZ
Details	Rezoning, Standard	Application Date:	September 20, 2016

Municipal Address: 179 - 181 SHEPPARD AVENUE EAST  
 Location Description: PLAN 3596 PT BLK A \*\*GRID N2306  
 Project Description: Proposal for a 10-storey building with 230 units and 1,750 square metres of ground floor retail uses. The proposal also includes a 4 level underground garage with 218 parking spaces.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
179 SHEPPARD AV LTD AND 181 SHEPPARD AVENUE EAST LTD (STAFFORD HOMES)	None	PAGE + STEELE IBI GROUP ARCHITECTS	179 SHEPPARD AVENUE LTD AND 181 SHEPPARD AVENUE EAST LIMITED

### PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:
Zoning:	CR 1.0 (c1.0; r0.0) SS3 (x26)	Historical Status:
Height Limit (m):	11	Site Plan Control Area: Y

### PROJECT INFORMATION

Site Area (sq. m):	3,343	Height:	Storeys:	10
Frontage (m):	121.86		Metres:	34
Depth (m):	27.43			
Total Ground Floor Area (sq. m):	2,750			<b>Total</b>
Total Residential GFA (sq. m):	15,650		Parking Spaces:	218
Total Non-Residential GFA (sq. m):	1,750		Loading Docks	3
Total GFA (sq. m):	17,400			
Lot Coverage Ratio (%):	82.3			
Floor Space Index:	5.2			

### DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	30
1 Bedroom:	137
2 Bedroom:	63
3 + Bedroom:	0
Total Units:	230

### FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	15,650	0
Retail GFA (sq. m):	1,750	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

**CONTACT: PLANNER NAME: Alex Teixeira, Senior Planner**  
**TELEPHONE/EMAL: 416-395-7110/ateixei@toronto.ca**