

245 – 255 Sheppard Avenue West and 250 – 258 Bogert Avenue – Official Plan Amendment and Zoning By-law Amendment Applications – Refusal Report

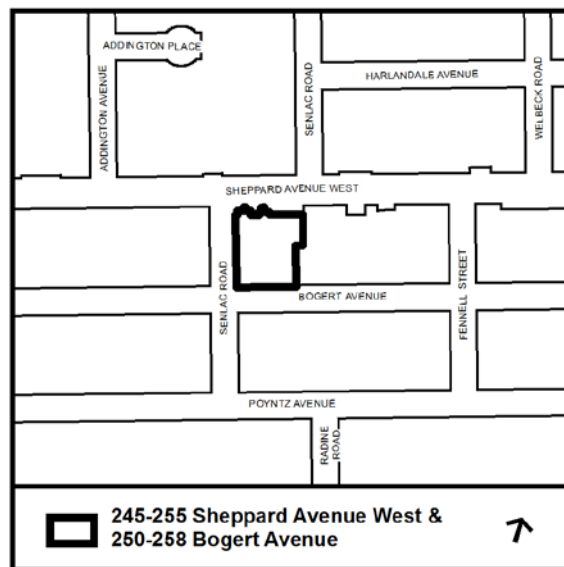
Date:	January 4, 2017
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 23 – Willowdale
Reference Number:	16 208200 NNY 23 OZ

SUMMARY

This application at 245-255 Sheppard Avenue West and 250-258 Bogert Avenue proposes a mixed-use building with an eleven-storey mixed-use portion with ninety-eight units fronting onto Sheppard Avenue West and an attached three-storey townhouse form fronting onto Bogert Avenue. The proposal would have an overall Floor Space Index of 3.78.

This report reviews and recommends refusal of the application to amend the Official Plan and Zoning By-law for a number of reasons, including that the proposal seeks to introduce an inappropriate building form into the neighbourhood, is not in keeping with the existing and planned context and does not provide appropriate transition to the adjacent *Neighbourhood*. The proposal does not constitute good planning.

In the event that the applicant appeals a refusal by Council to the Ontario Municipal Board, this report also recommends that the City Solicitor and appropriate City staff be authorized to attend any Ontario Municipal Board hearing in opposition to the proposal.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council refuse the applications for an Official Plan Amendment and a Zoning By-law Amendment at 245-255 Sheppard Avenue West and 250-258 Bogert Avenue 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, the City Solicitor and appropriate City staff be authorized to appear before the Ontario Municipal Board in support of Council's refusal of the Official Plan Amendment and Zoning By-law Amendment.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

This application to amend the Official Plan and Zoning By-law was received on August 17, 2016 and on November 15, 2016 North York Community Council adopted a Preliminary Report on the application through Item NY18.31. Community Council directed that City Planning staff schedule a community consultation meeting with the Ward Councillor with an expanded notification area and that notice for the public meeting be given according to the regulations under the *Planning Act*. The Preliminary Report is available at

<http://www.toronto.ca/legdocs/mmis/2016/ny/bgrd/backgroundfile-97796.pdf>.

In June, 2011 North York Community Council requested the Director, Community Planning, North York District, to "bring forward modifications to the existing Sheppard West Plan that would facilitate similar developments, which incorporate 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...". North York Community Council's direction can be found at

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2011.NY8.49>.

Further to Community Council's 2011 direction, City staff reported to the November 15, 2016 meeting of North York Community Council with a draft Official Plan Amendment to be considered at a statutory public meeting January 17, 2017. Staff's report can be found at <http://www.toronto.ca/legdocs/mmis/2016/ny/bgrd/backgroundfile-98180.pdf>.

ISSUE BACKGROUND

Proposal

The proposed Official Plan and Zoning By-law amendments are to allow for the lands to be redeveloped with a mixed-use building with an eleven-storey portion fronting onto

Sheppard Avenue West and seven, three-storey townhouses fronting onto Bogert Avenue attached at the rear. Vehicular access to the site would be from Senlac Road.

The eleven-storey mixed-use portion of the building would have an overall floor area of 9642 square metres, of which 424 square metres would be for retail/commercial on the ground floor fronting Sheppard Avenue West. The building would be eleven-storeys (36 metres excluding mechanical) in height and would have 98 residential units. Stepbacks along the Sheppard Avenue West building face are proposed at the fifth, tenth and eleventh floors. Similar stepbacks are also proposed along Senlac Road. Amenity space for residents would be provided on the second and third floors with a total of 278 square metres of indoor space and 233 square metres of outdoor space on terraces. This portion of the building would have a setback of zero metres from Sheppard Avenue West, 4.5 metres from Senlac Road and 4.5 metres from the east property line.

Vehicular access to the site is proposed by two curb cuts on Senlac Road. The southerly curb cut would access the internal loading area as well as the ramp to the below grade parking garage. It would also access a pick-up/drop-off area which exits via the northerly curb cut. This driveway would be one-way, only exiting onto Senlac Road. The applicant is proposing to widen the Sheppard Avenue West right-of-way by providing a widening along the entire Sheppard Avenue West frontage.

Two levels of below grade parking are proposed with a total of 118 parking spaces. Of those spaces, 101 would be for residents, 12 for visitors and 5 for non-residential use. Storage for 79 bicycles is proposed for residents below grade with visitor and non-residential bicycle spaces outdoors at grade. Two loading spaces are proposed within the building at-grade: one Type G space and one Type B space.

The proposed seven townhouse units are connected to the eleven-storey building. They would be three storeys and have a total gross floor area of 2130 square metres. Each unit would have three bedrooms. The units would have front doors onto Bogert Avenue and parking would be provided in the below grade parking garage. The units would have rear patios on the second floor and front balconies on the third floor facing Bogert Avenue. Roof top terraces are not proposed. The townhouse portion would have a setback of six metres from Bogert Avenue, 4.5 metres from Senlac Avenue and 4.5 metres from the east property line.

The townhouse units and the mid-rise building would be connected by a one- and two-storey podium. The podium contains enclosed service areas, the loading spaces and the ramp to the below-grade parking garage. On the roof of the podium is private amenity space for the townhouse units and common amenity space for the mid-rise building which is connected to the indoor amenity space.

The overall Floor Space Index of the development would be 3.78 times the area of the lot and have a Gross Floor Area of 11,772 square metres.

Site and Surrounding Area

The site is approximately 0.3 hectares and is located on the south side of Sheppard Avenue West. It is located west of Yonge Street at the south-east corner of Sheppard Avenue West and Senlac Road. The development site is made up of four lots which front Sheppard Avenue West and three lots which front Bogert Avenue. The development site abuts Sheppard Avenue West, Senlac Road and Bogert Avenue. The existing uses on the site include a three-storey medical building, residential dwellings, and a private school.

Abutting uses along Sheppard Avenue West include:

North: Two- and three-storey mixed-use buildings and Senlac Road

East: One-storey detached dwellings, some of which contain non-residential uses

West: Three-storey commercial building and then detached dwellings which contain non-residential uses

Abutting uses along Bogert Avenue include:

East: Detached dwellings

South: Detached dwellings

West: Detached dwellings

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 Official Plan designates the development site, on Map 16, as both *Mixed Use Areas* and *Neighbourhoods*. The lands along Sheppard Avenue West are designated *Mixed Use Areas* while the lands fronting onto Bogert Avenue are *Neighbourhoods*.

Development in *Mixed Use Areas* will provide a balance of high quality commercial, residential and institutional uses. These uses should reduce automobile dependency and meet the needs of the local community. It is expected that *Mixed Use Areas* will absorb a large amount of the expected growth within the city however not all areas will experience the same scale of development.

Policy 2 of the *Mixed Use Areas* section of Chapter 4 identifies a number of criteria with regards to transition between developments within *Mixed Use Areas* and adjacent *Neighbourhoods*. The policies require that new development will locate and mass new buildings to provide a transition between areas of different development intensity and scale through means such as providing appropriate setbacks and a stepping down of heights. Policy 4.5.2(d) also requires that shadowing from new development be limited on adjacent *Neighbourhoods* especially during the spring and fall equinoxes.

Neighbourhoods are considered physically stable areas and are made up of low scale residential uses along with parks, schools and local institutions. Policy 4.1.5 states that development in *Neighbourhoods* is expected to “respect and reinforce” the existing physical character of the neighbourhood including in particular:

- size and configuration of lots;
- heights, massing, scale and dwelling type of nearby residential properties;
- prevailing building type(s);
- setbacks of buildings from the street or streets; and
- prevailing patterns of rear and side yard setbacks and landscaped open space.

The Plan also contains policies in Chapter 2 with regards to Healthy Neighbourhoods and how development which is adjacent or close to *Neighbourhoods* should be undertaken. Intensification of land which is adjacent to neighbourhoods should be carefully controlled so that neighbourhoods are protected from negative impact. Development in *Mixed Use Areas* which is adjacent or close to *Neighbourhoods* will:

- be compatible with the *Neighbourhood* it is adjacent or close to;
- provide a gradual transition of scale and density, as necessary to achieve the objectives of the Plan through the stepping down of buildings towards and setbacks from those *Neighbourhoods*;
- maintain adequate light and privacy for residents in those *Neighbourhoods*; and
- attenuate resulting traffic and parking impacts on adjacent neighbourhood streets so as not to significantly diminish the residential amenity of those *Neighbourhoods*.

Map 2 of the Official Plan identifies this segment of Sheppard Avenue West as an *Avenue*. *Avenues* are important corridors along major streets where reurbanization is anticipated and encouraged to create new housing and job opportunities which improve the pedestrian environment, streetscape, shopping opportunities and transit service for community residents. The *Avenue* designation applies only to the lands which abut Sheppard Avenue West and does not apply to the lands on Bogert Avenue.

Chapter 2 of the Official Plan includes policies to develop the City's transportation network. Sheppard Avenue West is identified as a major street on Map 3 of the Official Plan with a planned right-of-way width of thirty-six metres. The applicant is required to provide a widening of the boulevard across the Sheppard Avenue West frontage to assist in achieving this right-of-way width.

The Built Form policies in Section 3.1.2 of the Official Plan relate to ensuring that new development in the city can fit harmoniously within the existing and planned context. This includes providing appropriate transition to the existing surrounding area to ensure that the new development will fit within the existing and/or planned context. Development should be massed with good proportions to fit within the existing and planned context and to ensure sunlight and skyview from adjacent streets. Transition in scale may be achieved with many "geometric relationships and design methods in different combinations" including angular planes, stepping of heights, location and orientation of the building and the use of setback and stepbacks of building mass. These policies also speak to the exterior façade of buildings to fit harmoniously into the existing and planned context, by incorporating design elements, their form, scale, proportion, pattern and materials that fit with the existing or emerging character of the area.

Section 5.1.1 allows the City to approve height and/or density increases greater than permitted by the zoning by-law pursuant to Section 37 of the *Planning Act* for developments which exceed 10,000 square metres and increase the permitted density by at least 1500 square metres and/or significantly increase the permitted height. The proposal is in excess of 10,000 square metres and proposes a significant increase in the permitted height.

The Toronto Official Plan is available on the City's website at:
http://www.toronto.ca/planning/official_plan/introduction.htm.

Official Plan Amendment 320

As part of the City's ongoing Official Plan Five Year Review, City Council adopted Official Plan Amendment (OPA) No. 320 on December 10, 2015. OPA 320 strengthens and refines the Healthy Neighbourhoods, *Neighbourhoods* and *Apartment Neighbourhoods* policies to support Council's goals to protect and enhance existing neighbourhoods and to allow limited infill on underutilized apartment sites in *Apartment Neighbourhoods*. OPA 320, as approved by Council, is available on the City's website at <http://www.toronto.ca/legdocs/bylaws/2015/law1297.pdf>

The Minister of Municipal Affairs approved and modified OPA 320 on July 4, 2016. The Ministry received 57 appeals to OPA 320 and it has been appealed in its entirety. As a result, OPA 320 as approved and modified by the Minister is relevant but not determinative in terms of the Official Plan policy framework.

The Minister's approval and modification can be found at http://www1.toronto.ca/City%20of%20Toronto/City%20Planning/SIPA/Files/pdf/N/MM/A%20Notice%20of%20Decision.OPA%20320.July%204_2016.pdf

Sheppard Avenue Commercial Area Secondary Plan

The lands on the Sheppard Avenue West frontage are within the Sheppard Avenue Commercial Area Secondary Plan. The Secondary Plan has the objective of permitting and encouraging commercial uses of primarily office and health care uses. The subject lands are designated *Mixed Use Areas 'A'* which permits detached dwellings, office and institutional uses and financial institutions. The maximum density is one times the area of the lands and the maximum height is eight metres.

Policies in the Secondary Plan indicate that new buildings are to maintain a houseform character, and the adjacent *Neighbourhoods* are to be protected from the impacts of development on Sheppard Avenue through opaque fencing and landscaping. Developments are also required to stepback from *Neighbourhoods* by providing an angular plane from the rear lot line.

The Sheppard Avenue Commercial Area Secondary Plan is available online at <http://www1.toronto.ca/planning/29-sheppard-commercial-area.pdf>.

The Secondary Plan is currently under review by City staff and a report was written to the November 15, 2016 meeting of North York Community Council which contained a draft amendment to the west side of the Secondary Plan. The draft Secondary Plan policies would permit a low- to mid-rise built form with a maximum FSI of 2.0 and a height of five storeys on the *Mixed Use Areas* portion of the site. The applicant submitted correspondence (dated November 11, 2016) to the Clerk in which the applicant requested that the site "be exempt and excluded from the 'study area' for the Secondary Plan Review".

The report can be found on the City's website at <http://www.toronto.ca/legdocs/mmis/2016/ny/bgrd/backgroundfile-98180.pdf>

Zoning

The site is subject to former City of North York Zoning By-law 7625. The lots known as 245-255 Sheppard Avenue West are zoned Special Commercial Area (C6) which allows for business and professional offices, professional medical offices, financial institutions and places of worship. Single family dwellings are permitted provided they were used as a residential dwelling on May 15, 1991. A maximum height of eight metres is permitted.

By-law 7625 also zones the lands known as 250-258 Bogert Avenue as One-family Detached Dwelling Fourth Density Zone (R4). This zone allows for one-family detached dwellings and recreational and institutional uses. A maximum height of eight metres is permitted for a flat roofed dwelling and 8.8 metres for any other type of roof. In either case, a maximum of two storeys is permitted.

The lots abutting Bogert Avenue are also subject to City of Toronto Zoning By-law 569-2013. These lots are zoned Residential Detached, RD(f15.0; a550)(x5). The only permitted building type for a residential unit is a detached house. A maximum height of ten metres and two storeys is permitted and a maximum lot coverage of thirty percent.

Exception 5 in the RD zone applies a minimum side yard setback of 1.8 metres and indicates that Schedule 'D' Airport Hazard Map of former City of North York By-law 7625 applies to the site. Schedule 'D' does not assign a maximum height to the site.

By-law 569-2013 does not apply to the lots abutting Sheppard Avenue West. By-law 569-2013 is available on the City's website at <http://www.toronto.ca/zoning>.

Mid-Rise Building Performance Standards Addendum

In June 2016, City Council approved the Mid-Rise Building Performance Standards Addendum. The Addendum is to be used by City Staff 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. The Performance Standards and Addendum may also be used to help inform the preparation or review of area studies and policies involving mid-rise buildings. The Addendum is approved as an interim supplement to the 2010 Performance Standards until such time as Council considers and adopts updated Mid-Rise Building Design Guidelines, which is targeted for the fourth quarter of 2017. Council's Decision can be found at <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PG12.7> and Attachment 1: Mid-Rise Building Performance Standards Addendum may be found at <http://www.toronto.ca/legdocs/mmis/2016/pg/bgrd/backgroundfile-92537.pdf>.

The guideline performance standards do not apply to lands within a Secondary Plan area. However, where an amendment to a Secondary Plan is proposed, the performance standards in the guideline are a useful tool for evaluating them.

Infill Townhouse Guidelines

In 2003, City Council approved the City's Infill Townhouse Guidelines which address the development impacts of infill townhouses with a focus on "protecting streetscapes and seamlessly integrating new development with existing housing patterns". Using these guidelines to evaluate a townhouse proposal is appropriate where the townhouse built form is deemed appropriate.

The guidelines can be found at

<http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=67e70621f3161410VgnVCM10000071d60f89RCRD>.

Townhouse and Low-rise Apartment Guidelines

City staff are currently preparing City-wide design guidelines for townhouses and low-rise developments. The guidelines build upon and, once approved by City Council, are intended to replace the Infill Townhouse Guidelines (2003). As with the Infill Townhouse Guidelines, using these guidelines in the review of an application is appropriate when the proposed built form meets the City's Official Plan policies.

More information on, and the status of these guidelines can be found here:

<http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=f3064af89de0c410VgnVCM10000071d60f89RCRD>.

Site Plan Control

An application for Site Plan Control under Section 41 of the *Planning Act* is required but has not been submitted.

Tree Preservation

As part of the application, the applicant has submitted a Tree Inventory and Preservation Plan Report. The report indicates that there are a total of thirty-one trees located on, or within six metres, of the site. Of these, twenty-five would require removal for the construction of the proposal. Of the twenty-five trees proposed to be removed, twenty trees would require a tree removal permit from the City.

Green Roof By-law

On May 26, 2009 City Council adopted the Green Roof By-law (By-law 583-2009). The by-law requires new residential buildings to provide a green roof if the development has a gross floor area of 2000 square metres or greater and a height of greater than six storeys.

Reasons for Application

The application to amend the Official Plan is required for both the proposed eleven-storey and proposed townhouse portions of the building. The application does not propose to change the existing boundaries of the Secondary Plan, however the applicant is proposing to amend the Secondary Plan to allow for the proposed uses, building type, height and density.

A Site and Area Specific Policy for the lands abutting Bogert Avenue is proposed to allow for the townhouse portion on the site along with the below grade parking within the

Neighbourhoods designation. The Official Plan requires development in *Neighbourhoods* to "respect and reinforce" the existing physical character, including dwelling type of nearby residential properties however the applicant is proposing a townhouse and garage built form not found in the neighbourhood.

The application to amend the zoning by-laws is required to permit the residential use along Sheppard Avenue West and to allow for the townhouses along Bogert Avenue. The by-law amendments also address parking rates, height, density and building setbacks.

Community Consultation

Staff held a community consultation meeting on December 6, 2016 to present the proposal to the public. Approximately one hundred members of the public attended. Generally the public were opposed to the proposal and raised a number of concerns with the proposal.

Residents raised concerns with regards to the proposed built form. Residents stated that townhouses do not form part of the fabric of the neighbourhood and that the proposed built form would change the character of the neighbourhood, especially Bogert Avenue. A concern was raised that permitting the townhouses along Bogert Avenue would set a precedent for the remainder of the neighbourhood and would lead to the character of the area changing.

Some residents felt that some change and intensification is appropriate along Sheppard Avenue West but not to the extent of the proposal. Residents felt that what is being proposed as part of the review of the Secondary Plan, discussed earlier in this report, is more appropriate and desirable for the site. It was felt that doing development site-by-site is not appropriate and that following a comprehensive plan, such as that proposed by City Planning, is more appropriate and should be followed.

In addition to concerns over the built form and massing on the site, residents also raised concerns with the existing infrastructure in the neighbourhood. This area has basement flooding issues and residents are concerned that the introduction of this development would worsen the existing problem. It was felt that while the area intensifies, the city has not upgraded the existing infrastructure and it is already at capacity.

Traffic impacts were also raised as a concern by residents. There is concern that the existing road network is already at capacity and that introducing this development would make the situation even worse. Residents asked about widening Sheppard Avenue West. However, while the City is requiring a widening of the existing right-of-way there currently are no plans to widen the road surface and increase the number of travel lanes. It was suggested to the applicant to purchase 241 Sheppard Avenue West so that the underground garage could be accessed from the intersection on Sheppard Avenue West and Senlac Road (on the north side of Sheppard Avenue West) that is controlled by traffic signals. It was also suggested that Senlac could be closed adjacent to the development site to stop traffic from entering the residential neighbourhood.

Other residents raised issues surrounding the availability of child care in the area and the loss of the current tenants in the non-residential buildings on Sheppard Avenue West. Questions were also raised with regards to the capacity of local schools and whether they would be able to accommodate the additional growth proposed by the project.

Some people who own land on Sheppard Avenue West, or represent those landowners, also attended at the community meeting. These owners held a different point of view and did not oppose the application. Rather, they felt that it is consistent with their vision for Sheppard Avenue West. It was felt that the proposal has an appropriate built form and level of intensification given the site's characteristics. Further, they support the widening of the Sheppard Avenue West right-of-way to thirty-six metres and providing an integrated parking garage below grade.

Staff have also received written correspondence from both residents and landowners (or their representatives) along Sheppard Avenue West. The positions outlined in the letters are similar to those positions and comments made at the community consultation meeting.

COMMENTS

The issues identified in the October 27, 2016 Preliminary Report from the Director of Community Planning, North York District to North York Community Council have not been resolved. Staff continue to have concerns, as discussed below, with regards to both the proposed eleven-storey mixed-use building and the proposed three-storey townhouse units.

Provincial Policy Statement and Provincial Plans

The PPS provides policy direction on matters of provincial interest related to land use planning and development. Key objectives include: building strong healthy communities; wide use and management of resources; and protecting public health and safety. The PPS states that planning authorities shall identify appropriate locations for intensification and that an appropriate range and mix of housing types and densities are provided.

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. The policies contained in the Growth Plan are to be read in conjunction with all applicable provisions of the PPS.

The province identifies the Official Plan as the most important method of guiding growth. The City has identified certain *Mixed Use Areas* along Sheppard Avenue West as appropriate for growth; however the Plan also identifies the need to maintain the characteristics of the existing neighbourhood.

The Growth Plan was amended in 2013 with updated population forecasts in Schedule 3. The base year and interim forecasts to 2021 were removed, enabling a municipality to determine its own base year and its progress toward the Growth Plan forecast. Using 2011 as a base year and Statistics Canada's population estimates for 2011 at 2,704,622 and for 2015 at 2,826,498, the City's population growth is averaging 30,470 persons per year. The average annual population growth rate between the 2011 population estimate and the Growth Plan's updated population forecast to 2031 of 3,190,000 is 24,270 persons per annum. Thus the City's population growth is higher than forecasted by Schedule 3 of the Growth Plan as amended, and is therefore on track to achieve the updated Growth Plan population forecast by 2031.

The PPS and Growth Plan as a whole set high level planning policies with a broad scope. The City of Toronto as a whole is a development area and infill is encouraged under these policies. The PPS states in Section 4.7 that the most important method of implementing the policies is a municipality's Official Plan, which guides the method of intensification and where it should be focused. The Official Plan designates the lands along Sheppard Avenue West as *Mixed Use Areas* which are areas expected to accommodate some intensification. The portion of the site along Bogert Avenue is designated *Neighbourhoods* which are considered physically stable areas and are not expected to accommodate significant growth. The proposal is relying on the *Neighbourhoods* portion of the site to intensify the *Mixed Use Areas* portion and to provide transition to the neighbourhood beyond what the Official Plan contemplates. This level of intensification will undermine the stability of the *Neighbourhoods* designated lands along Bogert Avenue and is not consistent or in conformity with the PPS and the Growth Plan.

Official Plan

Neighbourhoods

The Official Plan identifies a land use structure for areas where intensification is appropriate and directs growth to certain areas of the City. The areas which can best accommodate growth are shown on Map 2, Urban Structure of the Official Plan. The growth areas are identified as the *Downtown, Centres, Avenues* and *Employment Districts*. Modest intensification of the lots abutting Sheppard Avenue West is appropriate as they are within an *Avenue*, however, the lands along Bogert Avenue are designated *Neighbourhoods* and are not located in an area designated for growth.

The rear half of the site is located in a *Neighbourhoods* designation where growth is not anticipated. These areas are considered to be "physically stable" and development within these areas will be consistent with this objective and will respect and reinforce the existing physical character of buildings, streetscapes and open space pattern in these areas. While these areas will change over time, they are not intended to accommodate the city's growth and any change needs to reflect the existing character.

The stability of Toronto's *Neighbourhoods* physical character is one of the keys to the City's success. Physical changes to established *Neighbourhoods* must be sensitive,

gradual and generally fit the existing physical character. In order to maintain stability in *Neighbourhoods*, there are a number of development policies in Section 4.1 of the Official Plan that require development in established *Neighbourhoods* to respect and reinforce the existing physical character of the neighbourhood. The existing physical character is respected and reinforced through development criteria as identified below.

Prevailing Building Form Type

The south portion of the site is designated *Neighbourhoods* in the Official Plan. These areas are considered to be "physically stable" and development within these areas will be consistent with this objective and will respect and reinforce the existing physical character of buildings, streetscapes and open space pattern in these areas. The character of a neighbourhood varies across the city and is determined by things such as dwelling type of nearby residential properties, prevailing building types and prevailing patterns of rear and side yard setbacks. While these areas will change over time, they are not intended to accommodate the city's growth and any change needs to reflect the existing character.

The *Neighbourhoods* policies in the Official Plan also state that development in these areas should "respect and reinforce the existing physical character of the neighbourhood". The policies state that no changes will be made through amendments to the zoning by-law that are out of keeping with this character.

The applicant is proposing townhouse units fronting onto Bogert Avenue, connected to the mixed-use building by a podium containing the service areas and entrance to the below grade parking. Bogert Avenue is characterized by one- and two-storey detached dwellings fronting onto the street. There are no existing townhouses in the immediate area or three-storey dwellings and the proposed townhouses would be out of keeping with the existing and planned context. The expansion of the elements required for the mixed-use portion of the development (service areas, parking ramps etc.) into the *Neighbourhood* designation is also inappropriate and not in keeping with the character of the residential neighbourhood. Assembling properties in the *Neighbourhoods* designation along Bogert Avenue could be replicated along the entire stretch of Bogert Avenue, thereby destabilizing the neighbourhood.

Sheppard Avenue Commercial Area Secondary Plan

The current Sheppard Avenue Commercial Area Secondary Plan is the in-force Secondary Plan for the lots which abut Sheppard Avenue West as mentioned above. The Secondary Plan does not apply to the lands abutting Bogert Avenue. The objective of the Secondary Plan is to permit and encourage development and redevelopment which results in a commercial district accommodating primarily office and health care uses. New buildings should have a houseform which is similar to the existing houseform. The Secondary Plan permits detached dwellings, financial institutions, public utilities, accessory uses and office uses on the site. A maximum FSI of 1.0 is permitted subject to

a number of criteria such as parking, building form and building height. A maximum building height of eight metres is permitted.

As discussed earlier in this report, the Secondary Plan is currently under review and staff recently reported on a draft Official Plan Amendment for the west side of the Secondary Plan as a result of the review. The review is intended to provide an updated planning framework for the Secondary Plan area and provide opportunities for modest intensification along this portion of Sheppard Avenue West. The proposed amendment would allow for residential uses on the Sheppard Avenue West lots in a townhouse or apartment building form. The proposed amendment would increase the permitted FSI to 2.0 and increase the permitted height to five storeys on subject lands abutting Sheppard Avenue West, which are within the Secondary Plan area. To ensure appropriate transition in scale to lands designated *Neighbourhoods*, the proposed amendment requires buildings within the Secondary Plan to provide a 7.5 metre rear yard setback and a forty-five degree rear angular plane, measured from a height of 10.5 metres at the minimum required rear yard setback.

The proposed amendments to the Sheppard Avenue Commercial Area Secondary Plan illustrate the future vision for Sheppard Avenue West. It provides guidance on what the planned context may be and how the City envisions the corridor redeveloping over time. The proposed eleven-storey mixed use building on the site does not meet either the existing Secondary Plan policies relating to building type, height or density nor does it meet the proposed amendments to the in-force Secondary Plan.

Transition

In terms of the proposed scale of development in relation to the established neighbourhood, the proposed eleven-storey mixed use building does not achieve an appropriate built form transition. A central theme of the City's Official Plan is for development in *Mixed Use Areas* to provide a transition towards lower scale *Neighbourhoods*. The in-force Secondary Plan has a height limit of 8.0 metres and also includes a provision that limits building heights to not exceed the horizontal distance from the rear property line, equivalent to a 45 degree angular plane measured from the rear property line of lots within the Secondary Plan area. This is to ensure "structures in the Sheppard Avenue Commercial Area are compatible with houses in adjacent designated residential areas and do not overshadow these houses and their rear yards".

The draft Official Plan amendments to the Secondary Plan includes a height limit of five storeys on the Sheppard Avenue West lots, a rear yard setback of 7.5 metres and a modified angular plane requirement to recognize the shallow lot characteristics: the 45 degree angular plane would be measured at a height of 10.5 metres at the required rear yard setback. The required rear yard setback is measured from the rear lot line of the properties abutting Sheppard Avenue West as they are the only lots subject to the Secondary Plan. This rear lot line represents the boundary between the *Mixed Use Areas* and *Neighbourhoods* designations.

The applicant is attempting to use the lands designated *Neighbourhoods* to provide the transition rather than providing transition on the lands designated *Mixed Use Areas*. On the submitted drawings the applicant has shown a forty-five degree angular plane from approximately the south lot line on Bogert Avenue. Modifying the location from which the transition should be provided is inappropriate in this instance, would allow for a taller building and includes lands designated *Neighbourhoods* which would be a precedent for all other properties along Bogert Avenue. This site-specific approach to modifying the transition policies of the Secondary Plan is not considered good planning. The proposed mixed-use building is too tall and does not provide appropriate transition to the stable residential neighbourhood, including the lands designated *Neighbourhoods* and part of the application.

Neighbourhood Stability

Introducing a townhouse development on the site would create a negative precedent for Bogert Avenue. *Neighbourhoods* are intended to be physically stable and changes must be sensitive, gradual and generally fit with the existing character. The Official Plan requires development in *Neighbourhoods* to respect and reinforce the existing physical character of the neighbourhood. The prevailing building type is an important element of the physical character of the neighbourhood.

As discussed earlier in this report, no townhouses exist on Bogert Avenue or in the immediate neighbourhood. The proposal does not respect the character of Bogert Avenue and approval of townhouses on the site would lead to other development applications for townhouses along this stretch of Bogert Avenue destabilizing the street, the adjacent neighbourhood and altering the character of this area. The assembly of single detached dwelling lots along Bogert Avenue into a development parcel combined with lands designated *Mixed Use Areas* along Sheppard Avenue West can be replicated, thereby undermining the stable character of the neighbourhood.

Section 37

The Official Plan contains policies pertaining to the provision of community benefits in exchange for an increase in height and/or density 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 1.7 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 a number of community centres nearby which are well used by the existing community and could better serve them with improvements. The need for affordable residential units has also been identified and could be secured through

Section 37. These are three possibilities for the utilization of an appropriate Section 37 contribution.

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

The application is not in keeping with the existing and planned context, does not provide appropriate transition and seeks to introduce an inappropriate building form into the neighbourhood. The proposed height and scale of the mixed-use portion and the townhouse use is also not appropriate. The proposal does not constitute good planning and would set a precedent along Bogert Avenue, thereby destabilizing this neighbourhood.

Based on staff's analysis of the proposal, it is recommended that City Council refuse the applications to amend the Official Plan and Zoning By-law and to authorize the City Solicitor and appropriate staff to attend any OMB hearing in support of the refusal should the applicant appeal Council's decision to the OMB.

CONTACT

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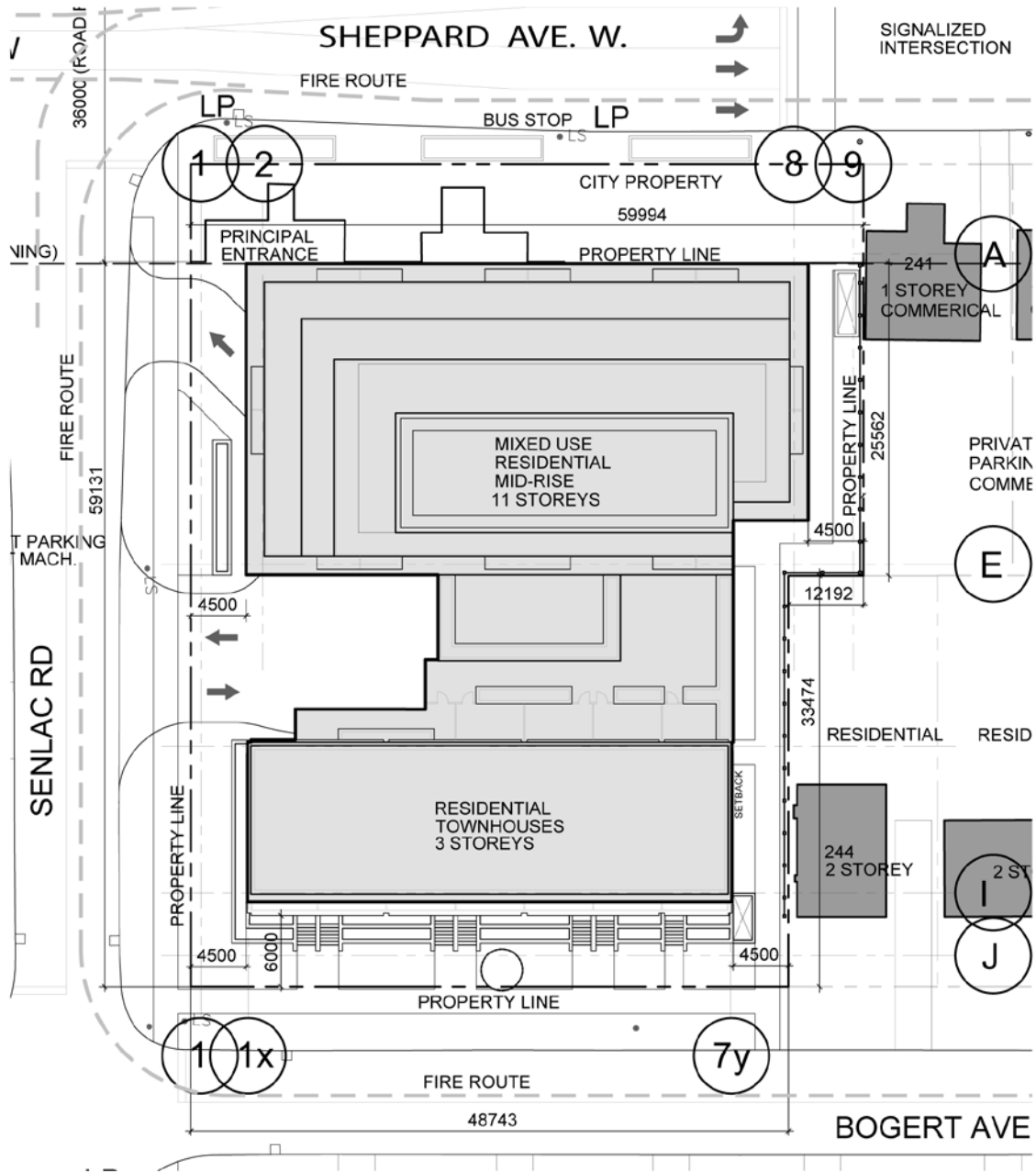
SIGNATURE

Joe Nanos, Director
Community Planning, North York District

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Elevations
Attachment 3: Zoning
Attachment 4: Official Plan
Attachment 5: Sheppard Avenue Commercial Area Secondary Plan
Attachment 6: Application Data Sheet

Attachment 1: Site Plan



Site Plan

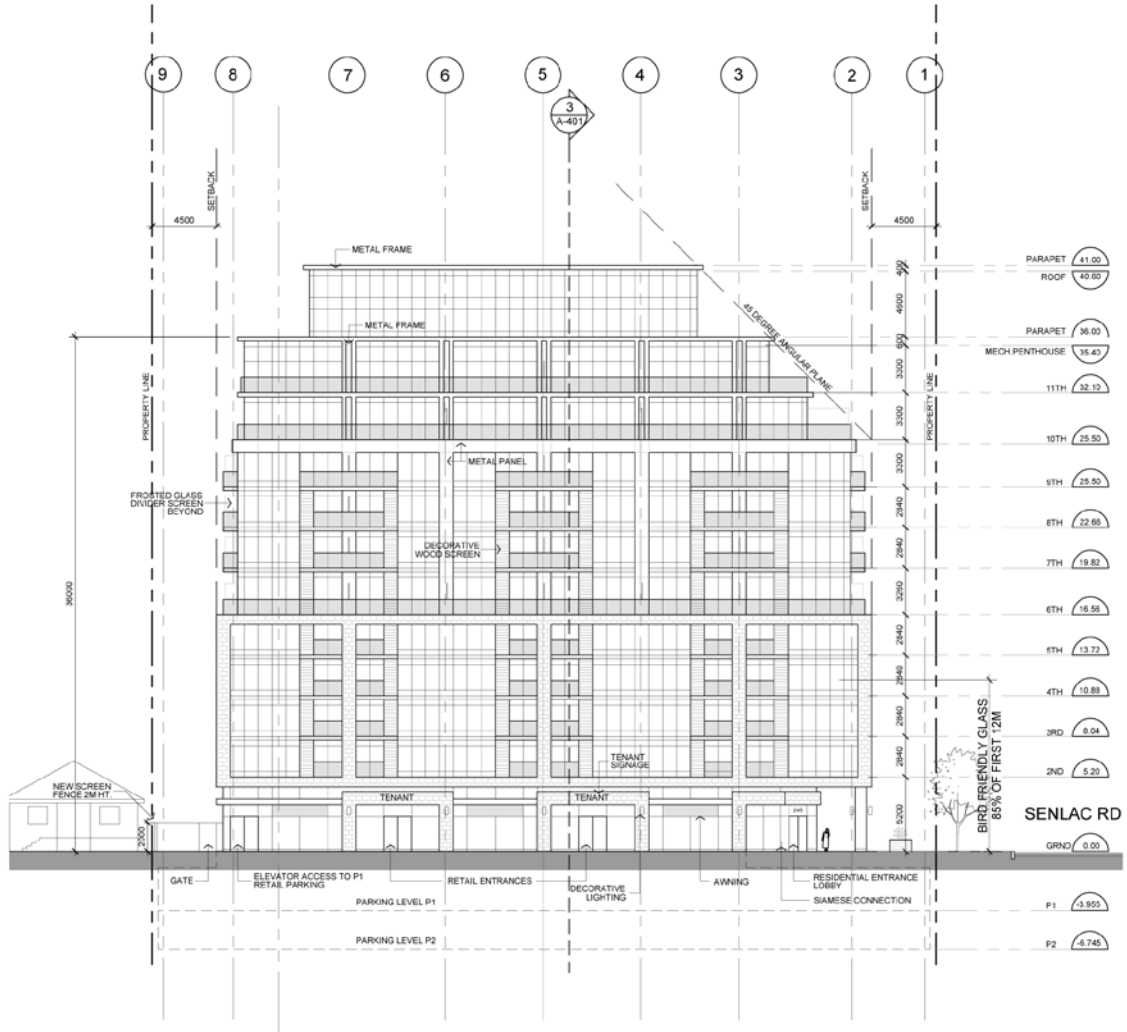
245-255 Sheppard Avenue West & 250-258 Bogert Avenue

Applicant's Submitted Drawing

Not to Scale 
09/29/2016

File # 16 208200 NNY 23 0Z

Attachment 2: Elevations



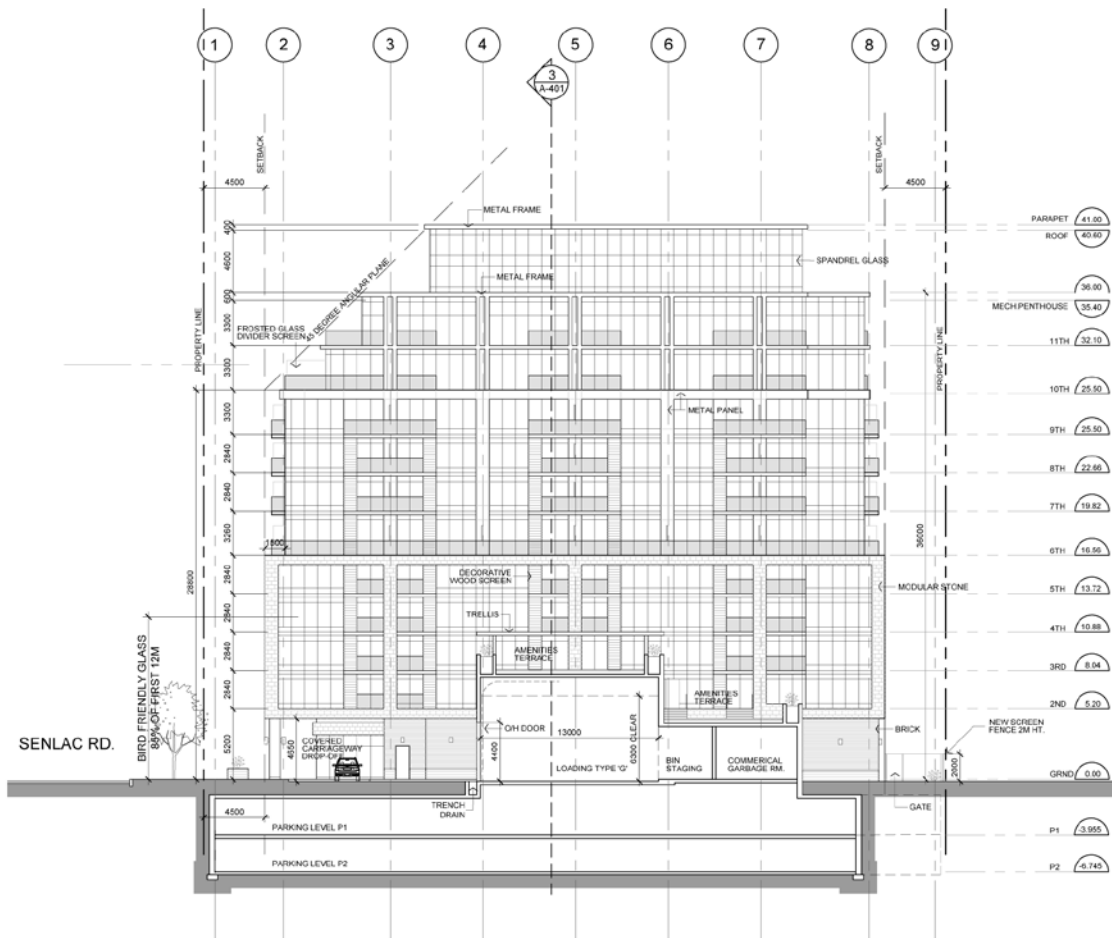
North Elevation (Sheppard)

245-255 Sheppard Avenue West & 250-258 Bogert Avenue

Applicant's Submitted Drawing

Not to Scale
09/29/2016

File # 16 208200 NNY 23 OZ

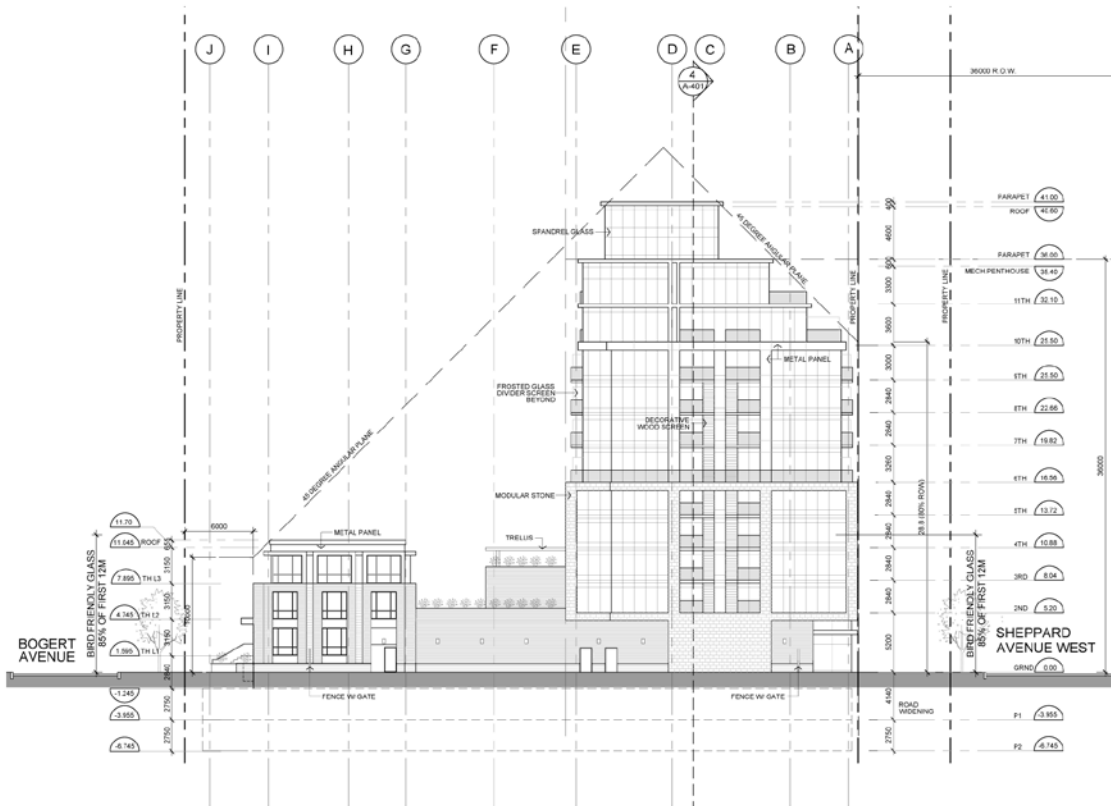


South Elevation (at loading) 245-255 Sheppard Avenue West & 250-258 Bogert Avenue

Applicant's Submitted Drawing

Not to Scale
09/29/2016

File # 16 208200 NNY 23 0Z



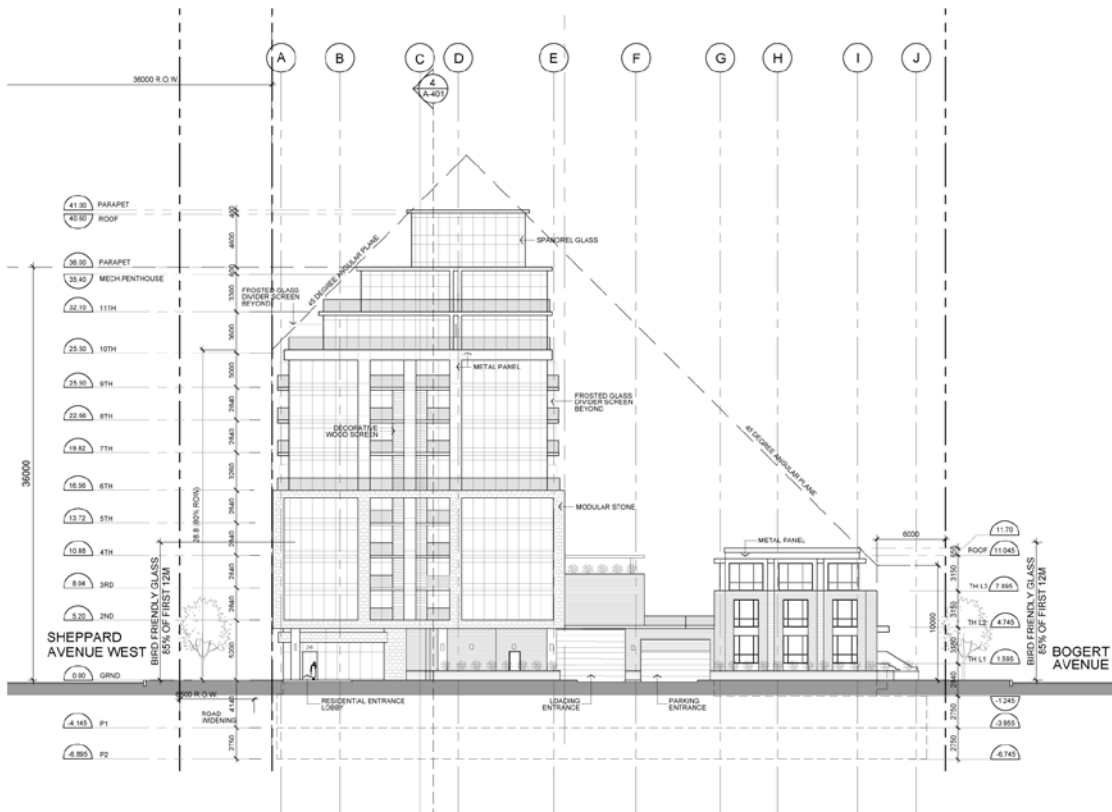
East Elevation

245-255 Sheppard Avenue West & 250-258 Bogert Avenue

Applicant's Submitted Drawing

Not to Scale
09/29/2016

File # 16 208200 NNY 23 0Z



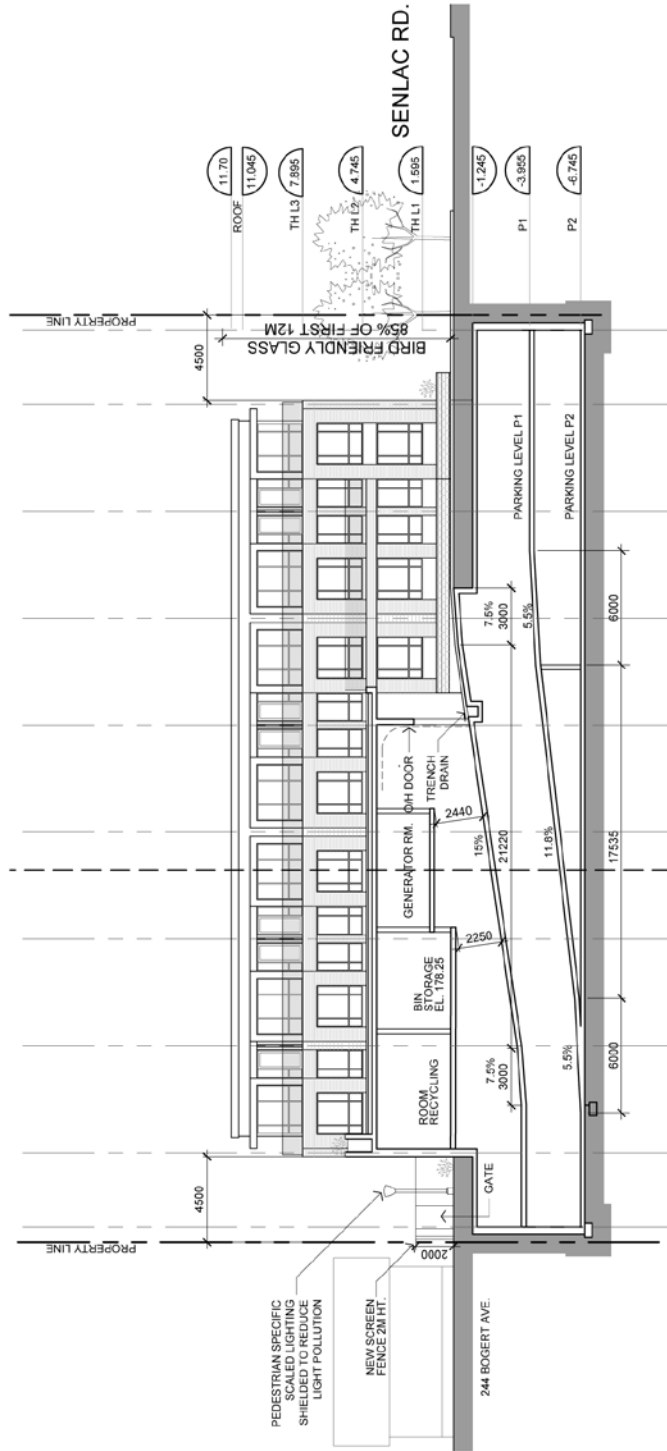
West Elevation (Senlac)

245-255 Sheppard Avenue West & 250-258 Bogert Avenue

Applicant's Submitted Drawing

Not to Scale
09/29/2016

File # 16 208200 NNY 23 OZ



North Elevation (townhomes)

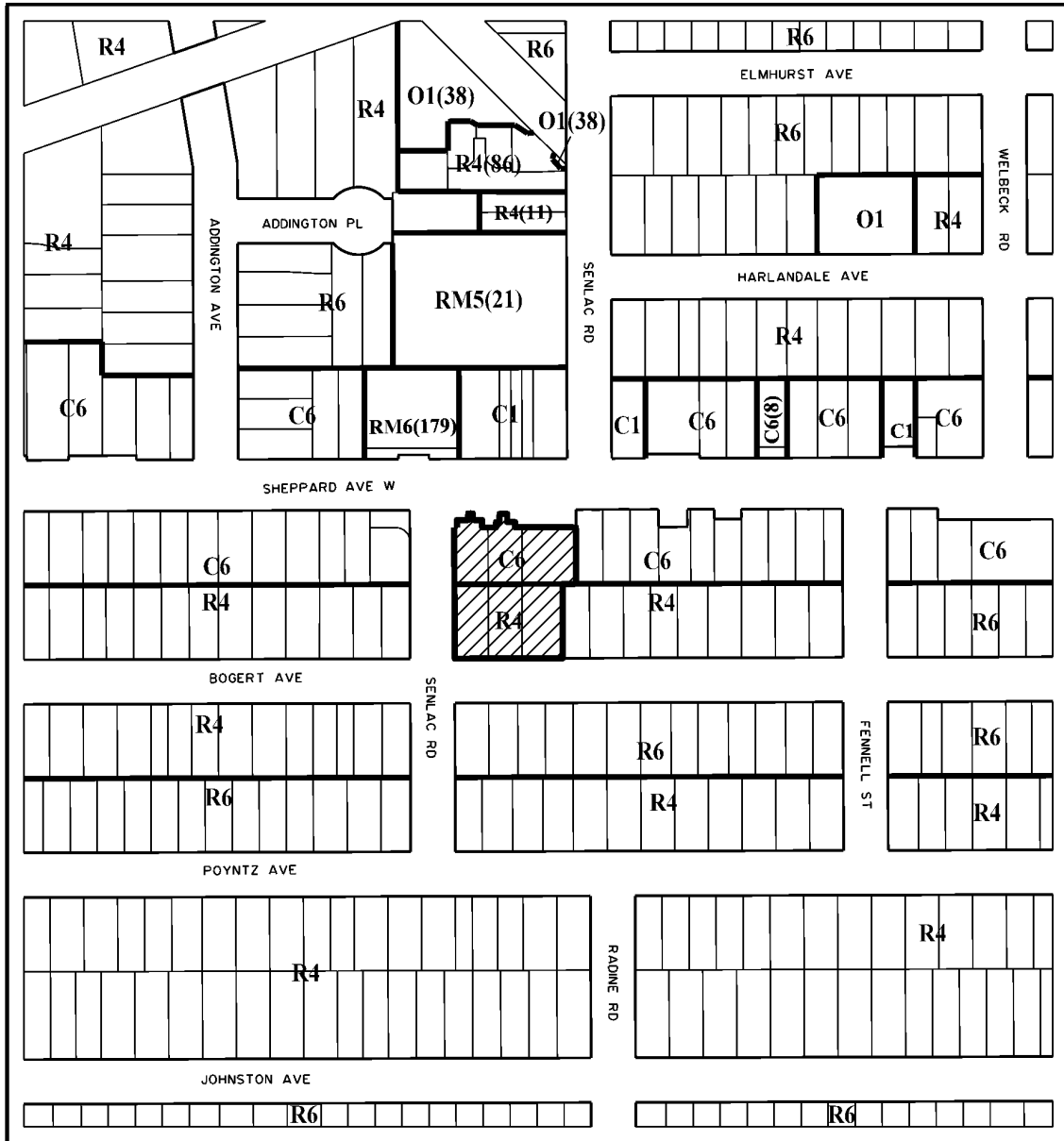
Applicant's Submitted Drawing

Not to Scale
10/03/2016

245-255 Sheppard Avenue West & 250-258 Bogert Avenue

File # 16 208200 NNY 23 0Z

Attachment 3: Zoning



Zoning By-Law No. 7625

245-255 Sheppard Avenue West & 250-258 Bogert Avenue

File # 16 208200 NNY 23 02



Location of Application

- R4 One-Family Detached Dwelling Fourth Density Zone
- R6 One-Family Detached Dwelling Sixth Density Zone
- RM5 Multiple-Family Dwellings Fifth Density Zone

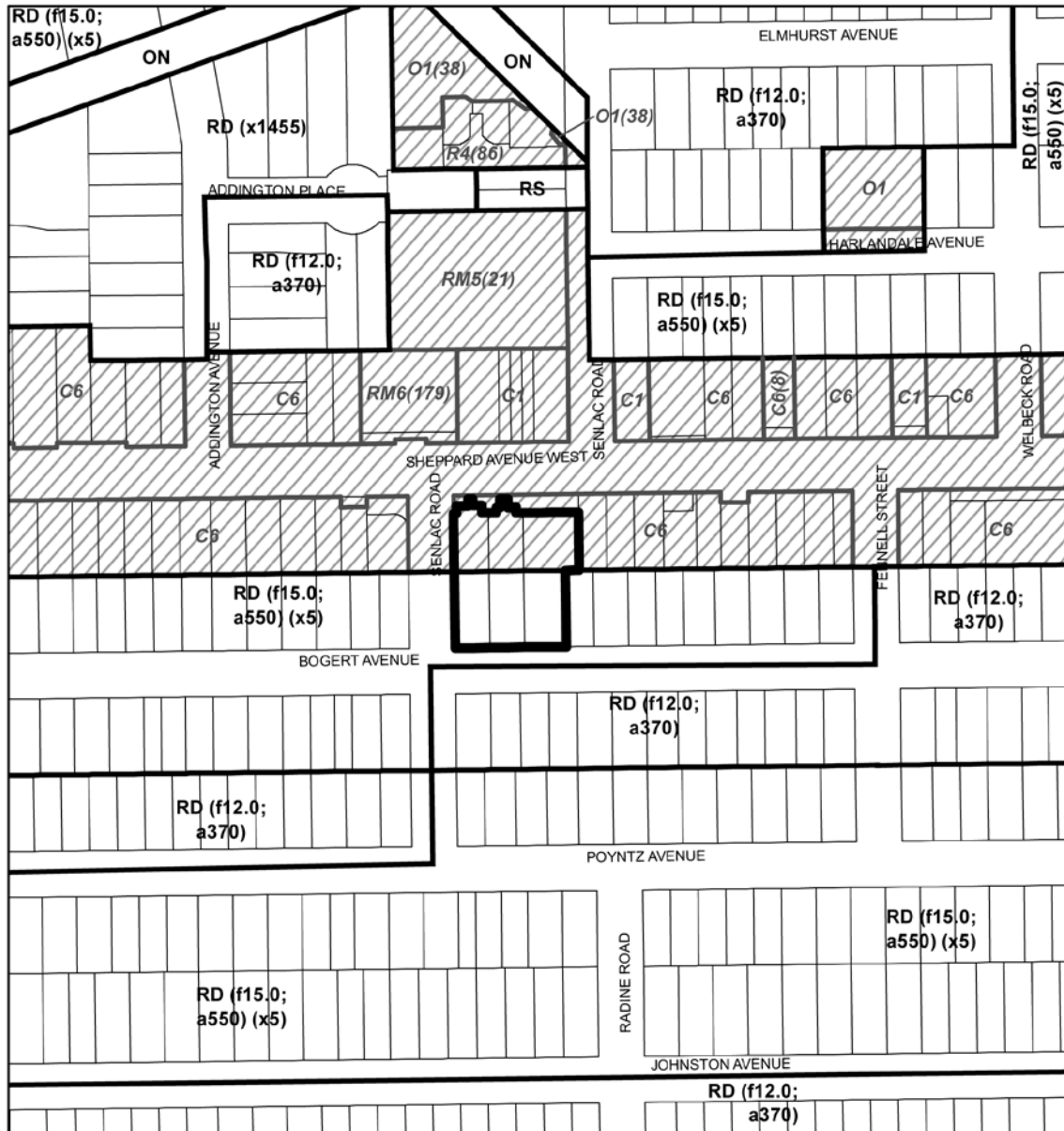
RM6 Multiple-Family Dwellings Sixth Density Zone

- O1 Open Space Zone
- C1 General Commercial Zone
- C6 Special Commercial Area Zone

NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category



Not to Scale
Extracted 09/29/2016



245-255 Sheppard Avenue West & 250-258 Bogert Avenue

Zoning By-Law No. 569-2013

File # 16 208200 NNY 23 02

Location of Application

RD Residential Detached

RS Residential Semi-Detached
ON Open Space Natural

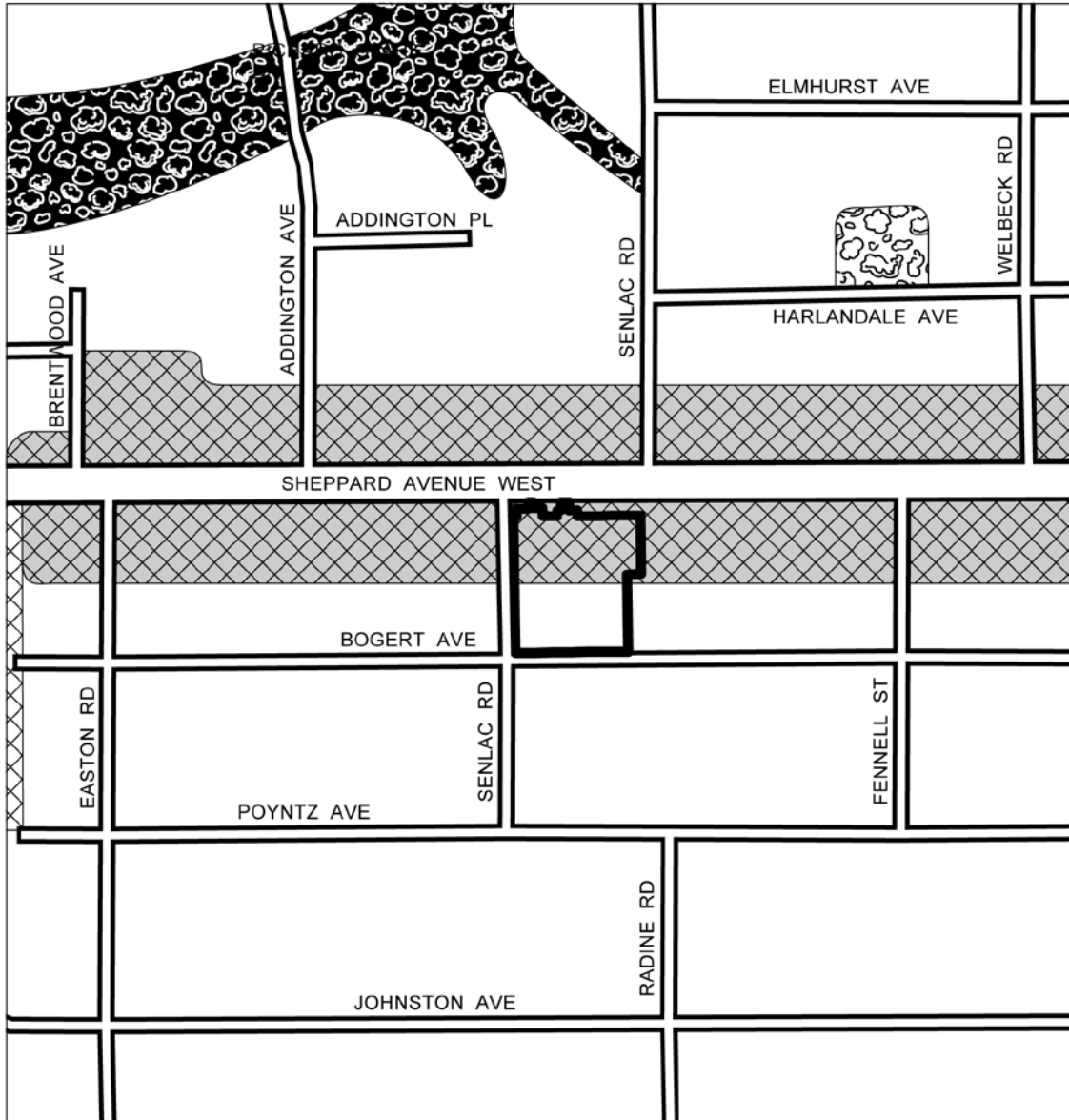
See Former City of North York By-Law No. 7625

- R4 One-Family Detached Dwelling Fourth Density Zone
- RM5 Multiple-Family Dwellings Fifth Density Zone
- RM6 Multiple-Family Dwellings Sixth Density Zone
- C1 General Commercial Zone
- C6 Special Commercial Area Zone
- O1 Open Space Zone



Not to Scale
Extracted: 09/28/2016








Attachment 4: Official Plan



TORONTO City Planning
Extract from Official Plan

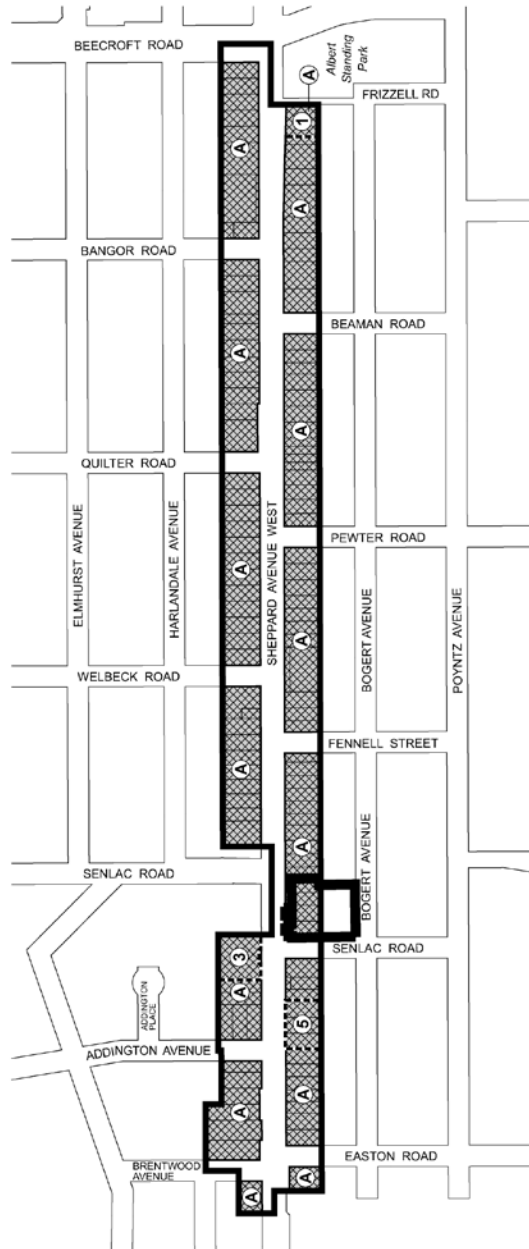
245-255 Sheppard Avenue West & 250-258 Bogert Avenue

File # 16 208200 NNY 23 02

- | | |
|--|--|
|  Site Location |  Parks & Open Space Areas |
|  Neighbourhoods |  Natural Areas |
|  Apartment Neighbourhoods |  Parks |
|  Mixed Use Areas | |

↑
 Not to Scale
 09/29/2016





Attachment 5: Sheppard Avenue Commercial Area Secondary Plan



Not to Scale

Toronto
City Planning

Sheppard Avenue Commercial Area Secondary Plan
MAP 29-1 Land Use Areas

-  Subject Site
-  Secondary Plan Boundary
-  Mixed Use Areas
-  Site and Area Specific Policy Areas

October 2016

Attachment 6: Application Data Sheet

Application Type	Official Plan Amendment & Rezoning	Application Number:	16 208200 NNY 23 OZ
Details	OPA & Rezoning, Standard	Application Date:	August 17, 2016

Municipal Address: 245-255 SHEPPARD AVENUE WEST & 250-258 BOGERT AVENUE
 Location Description: PLAN 1743 PT LOTS 1286 TO 1288 **GRID N2305
 Project Description: 11 storey mixed use building containing 98 residential units, 442 square metres of retail and service uses on the ground floor, two levels of underground parking with access from Senlac Road and 7 three-storey townhouses fronting onto Bogert Avenue

Applicant:	Agent:	Architect:	Owner:
JFJ DEVELOPMENT INC		WZMH ARCHITECTS	2025243 ONTARIO INC

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas & Neighbourhoods	Site Specific Provision:	
Zoning:	By-law 7625: C6/R4 By-law 569-2013: RD	Historical Status:	N
Height Limit (m):	8	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	3115.5	Height:	Storeys:	11
Frontage (m):	54.79		Metres:	36 (plus mechanical)
Depth (m):	59.13			
Total Ground Floor Area (sq. m):	1710			Total
Total Residential GFA (sq. m):	11348		Parking Spaces:	118
Total Non-Residential GFA (sq. m):	442		Loading Docks	2
Total GFA (sq. m):	11790			
Lot Coverage Ratio (%):	54.9			
Floor Space Index:	3.78			

DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	0
1 Bedroom:	60 (57%)
2 Bedroom:	31 (30%)
3 + Bedroom:	14 (13%)
Total Units:	105 (100%)

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Residential GFA (sq. m):	11348		0
Retail GFA (sq. m):	442		0
Office GFA (sq. m):	0		0
Industrial GFA (sq. m):	0		0
Institutional/Other GFA (sq. m):	0		0

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	TELEPHONE:	(416) 395-7102
	EMAIL:	guy.matthew@toronto.ca