



STAFF REPORT ACTION REQUIRED

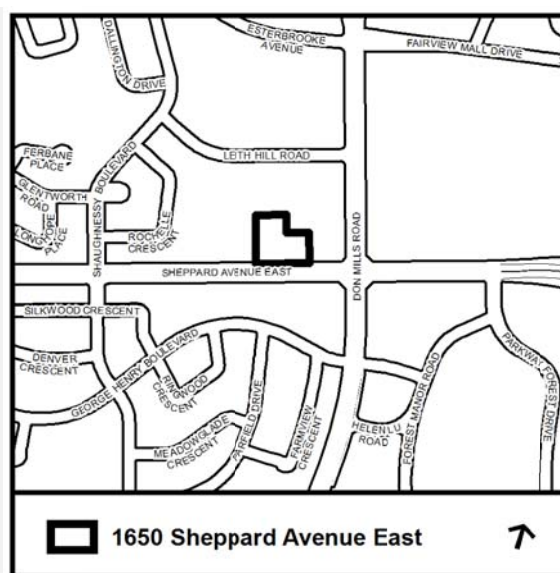
1650 Sheppard Avenue East - Official Plan and Zoning By-law Amendment Application - Request for Direction Report

Date:	March 15, 2018
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 33 – Don Valley East
Reference Number:	16 270525 NNY 33 OZ

SUMMARY

This application proposes a 35-storey (106.8 metre) residential building containing 343 units and a three-storey, above-grade parking structure containing 72 parking spaces, with two at-grade retail units, at 1650 Sheppard Avenue East. The existing 15-storey (42.72 metre) rental apartment building containing 149 units would be retained. The proposed buildings would have a gross floor area of 26,985 square metres, resulting in a total GFA for the site of 40,374 square metres and a density of 4.46 times the lot area (including the existing apartment building).

Both the Official Plan and Zoning By-law amendment applications have been appealed to the Ontario Municipal Board on the basis that the city failed to make a decision within the prescribed time period set out in the *Planning Act*. This report recommends that the City Solicitor, together with City Planning staff, and other appropriate city staff, attend the OMB hearing in opposition to the current proposal. The hearing is scheduled for two weeks beginning on January 7, 2019. It also recommends that staff continue to work with the applicant in an attempt to resolve the outstanding issues.



RECOMMENDATIONS

1. City Council direct the City Solicitor, together with City Planning staff and other appropriate staff, to attend the Ontario Municipal Board hearing to oppose the Official Plan and Zoning By-law Amendment (16 270525 NNY 33 OZ) applications in their current form.
2. In the event that the Ontario Municipal Board approves the applications in whole or in part, City Council authorize the City Solicitor to request that the OMB withhold its Order approving the applications until such time as:
 - a. The Board has been advised by the City Solicitor that the proposed Official Plan and Zoning By-law amendments are in a form satisfactory to the Chief Planner and City Solicitor, and that they, amongst other matters, provide for the securing of the rental tenure of the existing rental units, securing of needed improvements, a construction mitigation plan and tenant assistance, together with other appropriate matters;
 - b. The City Solicitor confirms the satisfactory execution and registration of a Section 37 Agreement satisfactory to the Chief Planner to secure the Section 37 matters; and
 - c. City staff have confirmed that the applicant has made satisfactory arrangements with Engineering and Construction Services for the construction of any improvements to the municipal infrastructure, should it be determined that upgrades are required to the infrastructure to support this development, and that the applicant has entered into a financially secured agreement to pay for and construct any necessary improvements to the municipal infrastructure.
3. Should the Ontario Municipal Board approve the applications, City Council direct the City Solicitor to advise the Board that the zoning by-law should not be approved without the provision of such services, facilities or matters pursuant to Section 37 of the Planning Act, as may be considered appropriate by the Chief Planner in consultation with the applicant and the ward councillor.
4. The City Solicitor and appropriate staff be authorized to continue discussions with the applicant to address the issues outlined in this report and to report back to City Council on any substantive revisions, including proposed Section 37 contributions relating to any revised proposal, as appropriate.

Financial Impact

There are no financial implications resulting from the adoption of this report.

DECISION HISTORY

The current application was received on December 23, 2016 and on April 4, 2017 North York Community Council adopted a Preliminary Report on the rezoning application. Included within the recommendations is the requirement for the applicant to develop a Context Plan for consideration by the City, in collaboration with area landowners and City staff. The Preliminary Report is available at:

<https://www.toronto.ca/legdocs/mmis/2017/ny/bgrd/backgroundfile-102131.pdf>

Ontario Municipal Board Appeals

The applicant appealed the Official Plan Amendment and Zoning By-law Amendment applications to the Ontario Municipal Board on May 30, 2017. A pre-hearing conference was held on January 26, 2018, with a second pre-hearing teleconference scheduled for June 1, 2018. The full hearing of the matter is scheduled for 10 hearing days beginning January 7, 2019.

ISSUE BACKGROUND

Proposal

The applications propose to amend the Sheppard East Subway Corridor Secondary Plan and Zoning By-laws 7625 and 569-2013 for lands at 1650 Sheppard Avenue East to permit a 35-storey residential condominium building comprising a nine-storey base and 26-storey tower, located to the rear of the existing 15-storey rental apartment building. This land is currently landscaped open space associated with the "tower in the park" apartment. The proposed ground floor appears as a two storey level and the base building is continued to nine storeys in height and would wrap around the western and southern facades of the building. The proposed base building would have the main pedestrian entrance located on the west side of the building and would be accessed via the site's western driveway. To the rear of the proposed residential building would be a POPS (Privately-owned, Publicly-accessible Open Space) with an area of 403 square metres.

The existing 15-storey rental apartment building would be retained as part of the proposal. No indoor amenity space is currently provided within the existing apartment building. Pedestrian access to the existing building is via a set of stairs up from the Sheppard Avenue East sidewalk. The proposal includes site alterations such as additional landscaping to the forecourt of the existing building. The existing swimming pool at the western edge of the site would be removed to provide the extended driveway access to the proposed residential building.

The proposed three-storey parking structure would be located adjacent to the eastern lot line in the location of the existing surface parking, fronting Sheppard Avenue East. The parking building would contain 72 parking spaces and 233 square metres of retail uses in two ground floor units, fronting Sheppard Avenue East. The parking would be utilised by the residents of the existing rental apartment building. The main entrance to the retail units would be off Sheppard Avenue East and the vehicular entrance to the parking

component would be located on the west side of the proposed structure. It would have a height of 14.1 metres from established grade and would contain a green roof.

Key Project Criteria

Project Criteria	Existing rental apartment building	Residential condominium tower	Parking structure (incl. 2 retail units)	Totals
Height from established grade (metres)	42.72 (15 storeys)	106.8 (35 storeys)	14.1	
Gross Floor Area (square metres)	13,389	26,694.43	290.4	40,374
Density (FSI)	1.48	2.95	0.03	4.46
Residential Units	Studio- 4 (3%) 1 Bdr- 45 (30%) 2 Bdr- 71 (48%) 3 Bdr- 29 (19%) Total-149	1 Bdr-200 (58%) 2 Bdr- 143 (42%) Total- 343		492
Setbacks (metres)	Front- 23.2 Rear- 20.2 Side (east)- 33 Side (west)- 19	Front – 59.2 Rear- 10.8 Side (east)- 3.0 Side (west)- 17.6	Front-1.9 Rear-3.0 Side (east)-0.1 Side (west)-8.0 to existing building	
Tower floorplate (square metres)		9 th -30 th floors- 759.49 31 st -34 th floors- 624.75		
Tower separation (metres)		Ground to 9 th floor (base building)- 20 9 th -30 th floors- 23 31 st -34 th floors- 25		
Parking Spaces	Existing- 174 spaces (below and at-grade) Proposed- 141 (incl. parking structure)	303 (below-grade)	72	444
Bicycle Parking	141	258		399

In addition to the provision of either a balcony or terrace for each new dwelling unit, a total of 2,115 square metres of indoor and outdoor amenity space is proposed. The proposed outdoor amenity space would comprise an outdoor terrace located between the existing and the proposed residential buildings. The indoor amenity would be located on the ground floor of the proposed and existing buildings.

The breakdown is as follows:

Type of Amenity Space	Existing Apartment Building	Proposed Apartment Building	Totals
Existing Indoor	No existing indoor amenity space		
Existing Outdoor	Outdoor swimming pool		
Proposed Indoor (square metres)	298.3m ² - Exercise and amenity area on the ground floor	691m ² - Fitness studio, yoga room, multi-purpose lounge, guest suites, arts/crafts studio	989.3m ²
Proposed Outdoor (square metres)	439.6m ² - Outdoor terrace	686m ² - Outdoor terrace	1126m ²

The site is currently accessed by two driveways off Sheppard Avenue East which provide right-in, right-out access only. These driveways would be maintained as part of the proposed development. The driveway to the west of the existing apartment building would be extended north and terminate in a cul-de-sac. This driveway would provide access to the underground parking garage and main entrance for the proposed residential building. The driveway on the east side of the existing building would provide access to the existing building entrance, proposed parking structure building, and the shared loading/garbage facilities for the existing and new buildings. On collection day, garbage is proposed to be hoisted from the P1 parking level for each building to the shared staging area, at the northeast of the site.

The proposal would result in the removal of the surface parking from the site, which would be replaced in the three-storey parking structure as well as the underground parking garage. The underground garage would be expanded from the existing 115 spaces to 372 spaces in four levels and would be shared between the residents of both apartment buildings. The proposed parking structure would be for use by residents of the existing apartment building only. Bicycle parking would be provided on the ground floor and on the P1 parking level, for both residential buildings. In total, 444 parking spaces and 399 bicycle spaces would be provided for residents and visitors of the two residential buildings and the retail space.

Refer to Attachments 1 to 6 for the Site Plan, Rendering and Elevations, and Attachment 11 (Application Data Sheet) for the complete list of project statistics.

There have been no amendments to the proposal since the original submission in December 2016.

Site and Surrounding Area

The subject site is located on the north side of Sheppard Avenue East, west of Don Mills Road, on the Sheppard Subway line, approximately 300 metres west of Don Mills Station. The lot is an 'L' shape with an area of 9,045 square metres, a frontage of 108.2 metres along Sheppard Avenue East and a depth of between 62.7 and 99.2 metres. The site features a gradual decline in grade from east to west, with an overall grade change of approximately seven metres across the site. There are significant slopes along the east and northeast site limits and along the Sheppard Avenue frontage, with the existing building located approximately 2.5 metres above the elevation of the street. There are mature trees along the Sheppard Avenue East frontage and on the north part of the site. A 6.1 metre wide storm sewer easement in favour of the City follows the western property line and then crosses in a northeast direction through the northern portion of the site, to the rear of the proposed residential building.

The site is currently developed with a 15-storey apartment building containing 149 rental units, located centrally within the site, fronting Sheppard Avenue East. Vehicular access is provided via two driveways off of Sheppard Avenue East. Access to the parking ramp and underground parking is located on the west side of the existing building. There is a surface parking lot on the east side of the site, and a swimming pool located adjacent to the western property line. The rear of the site features landscaped open space.

Surrounding land uses include a mix of residential, institutional and retail/commercial as follows:

North: Designated *Apartment Neighbourhoods*, the land immediately north of the site comprises 15-storey and 19-storey apartment buildings at 25 Leith Hill Road and 2600 Don Mills Road, respectively. Both sites contain underground parking and landscaped open space. The property at 25 Leith Hill Road is set back approximately 71 metres from the south property line abutting the subject site and this setback contains surface parking, an outdoor swimming pool and landscaped open space. 2600 Don Mills Road is located northeast of the subject site and features the 19-storey apartment building with surface parking at the rear, and driveway access from Leith Hill Road.

West: Immediately west of the subject site is St. Timothy Catholic Elementary School and St. Timothy's Catholic Church to the northwest. The easterly portion of the school property consists of a playing field and running track. These sites are designated *Neighbourhoods*.

South: On the south side of Sheppard Avenue East, the lands comprise a low-rise residential neighborhood in the form of single detached dwellings and townhouse blocks along Sheppard Avenue East, known as Henry Farm. These lands are designated *Neighbourhoods*.

East: Abutting the site to the east is an existing Esso Gas Station located at the northwest corner of Sheppard Avenue East and Don Mills Road. A car wash is located on the west side of the property, abutting the subject site. Fairview Mall is located on the east side of Don Mills Road with a multi-level parking structure and bus station occupying the immediate northeast corner of the Don Mills Road/Sheppard Avenue East intersection. These lands are designated *Mixed Use Areas*. The subject site is located approximately 300 metres from Don Mills Subway station which has entrances located at the northeast and southeast corners.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (2014) provides policy direction Province wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- the efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- protection of the natural and built environment;
- building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- residential development promoting a mix of housing types and affordable housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and
- encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

The PPS under Section 1.1.3.3 directs Planning authorities to identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated, taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

Section 1.5.1 of the PPS provides that healthy communities should be promoted by planning and providing for a full range of and equitable distribution of publicly accessible built and natural settings for recreation, including parkland, public space, open space areas, and trails and linkages.

The City of Toronto uses the PPS to guide its Official Plan and to inform decisions on other planning and development matters. The PPS is issued under Section 3 of the *Planning Act* and all decisions of Council affecting land use planning matters "shall be consistent with" the Provincial Policy Statement.

The Growth Plan for the Greater Golden Horseshoe (2017) provides a strategic framework for managing growth in the Greater Golden Horseshoe (GGH) region including:

- setting minimum density targets within settlement areas and related policies directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation and promote compact built form and better-designed communities with high quality built form and an attractive and vibrant public realm established through site design and urban design standards;
- directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- building complete communities with a diverse range of housing options, public service facilities, recreation and green space that better connect transit to where people live and work;
- retaining viable employment lands and encouraging municipalities to develop employment strategies to attract and retain jobs;
- minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

Like other provincial plans, the Growth Plan for the Greater Golden Horseshoe (2017) builds upon the policy foundation provided by the Provincial Policy Statement (2014) and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise. All decisions by City Council affecting land use planning matters are required by the *Planning Act*, to conform, or not conflict, as the case may be, with the Growth Plan. Staff have 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 designated *Apartment Neighbourhoods* on Land Use Map 20 of the Official Plan (see Attachment 7). *Apartment Neighbourhoods* are considered physically stable areas of the City, made up of apartment buildings and parks, local institutions, cultural and recreational facilities, and small-scale retail, service and office uses that serve the needs of area residents. All land uses within the *Neighbourhoods* designation are also permitted in *Apartment Neighbourhoods*, however this designation is distinguished from low-rise *Neighbourhoods* because a greater scale of building is permitted and different scale-related criteria are needed to guide development.

Significant growth is generally not intended within developed *Apartment Neighbourhoods*. However, compatible infill development may be permitted on a site

containing an existing apartment that has sufficient underutilized space to accommodate one or more new buildings while providing good quality of life for both new and existing residents. Infill development that may be permitted on a site containing an existing apartment building will:

- a) meet the development criteria set out in Section 4.2.2 for apartments;
- b) maintain an appropriate level of residential amenity on the site;
- c) provide existing residents with access to the community benefits where additional height and/or density is permitted and community benefits are provided pursuant to Section 5.1.1 of the Official Plan;
- d) maintain adequate sunlight, privacy and areas of landscaped open space for both new and existing residents;
- e) organize development on site to frame streets, parks and open spaces in good proportion, provide adequate sky views from the public realm, and create safe and comfortable open spaces;
- f) front onto and provide pedestrian entrances from an adjacent public street wherever possible;
- g) provide adequate on-site, below grade, shared vehicular parking for both new and existing development, with any surface parking appropriately screened;
- h) preserve and/or replace important landscape features and walkways and create such features where they did not previously exist;
- i) consolidate loading, servicing and delivery facilities; and
- j) preserve or provide adequate alternative on-site recreational space for residents.

Policy 4.2.2 of the Official Plan sets out a number of development criteria in *Apartment Neighbourhoods* and requires development to contribute to the quality of life by: locating and massing new buildings to provide a transition between areas of different development intensity and scale, through means such as providing setbacks from, and/or stepping down of heights towards lower scale *Neighbourhoods*; locating and massing new buildings so as to adequately limit shadow impacts on properties in adjacent lower-scale *Neighbourhoods*; locating and massing new buildings to front onto and provide pedestrian entrances on an adjacent public street, to frame the edge of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces; and providing ground floor uses that enhance the safety, amenity and animation of adjacent streets and open spaces. New development is also to include sufficient off-street vehicle and bicycle parking for both residents and visitors; locate and screen service areas, ramps and garbage storage to minimize impact on adjacent streets and residences; and provide indoor and outdoor recreation space for residents.

Section 2.2 (3) (h) of the Official Plan envisions the City's transportation network being maintained and developed to support the growth by ensuring new streets:

- a. are provided in consideration of surrounding land uses;

- b. contribute to the development of a connected network which provides direct and clearly understood travel routes for all transportation modes and users throughout the City; and
- c. act as fundamental organizing elements of the City's physical structure.

Section 2.3.1 of the Official Plan's Healthy Neighbourhoods policies states that *Apartment Neighbourhoods* are considered to be physically stable areas. Development within *Apartment Neighbourhoods* will be consistent with this objective and will respect and reinforce the existing physical character of buildings, streetscapes and open space patterns in these areas.

Developments in *Apartment Neighbourhoods* that are adjacent or close to *Neighbourhoods* will: be compatible with those *Neighbourhoods*; provide a gradual transition of scale and density 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*.

Policy 2.3.1.6 states that community and neighbourhood amenities will be enhanced where needed by: improving and expanding existing parks, recreational facilities, libraries, local institutions, local bus and streetcar services and other community services; and creating new community facilities and local institutions, and adapting existing services to changes in the social, health and recreational needs of the neighbourhood.

The public realm policies are contained within Section 3.1.1 of the Official Plan. As per Policy 3.1.1.17, new streets should be public streets. Policy 3.1.1.16 provides that new streets will be designed to:

- a) provide connections with adjacent neighbourhoods;
- b) promote a connected grid of streets that offers safe and convenient travel options;
- c) extend sight lines and view corridors;
- d) divide larger sites into smaller development blocks;
- e) provide access and addresses for new development;
- f) allow the public to freely enter without obstruction;
- g) implement the Complete Streets Approach to develop a street network that balances the needs and priorities of the various users and uses within a right of way;
- h) improve the visibility, access and prominence of unique natural and human made features; and
- i) provide access for emergency vehicles.

Policy 3.1.1.19 of the Official Plan states that new parks and opens spaces will be located and designed to:

- a) connect and extend, where possible, to existing parks, natural areas, and other open spaces such as school yards;
- b) provide a comfortable setting for community events as well as individual use; and
- c) provide appropriate space and layout for recreational needs, including forms of productive recreation such as community gardening.

Section 3.1.2 (Built Form) identifies the importance of urban design as a fundamental element of city building and contains built form policies intended to minimize the impacts of new development and guide the form of new buildings to fit within the context of the neighbourhood and the City. These policies guide new development to be located and organized to fit within its existing and/or planned context; and frame and support adjacent streets, parks and open spaces to improve the safety, pedestrian interest and casual view to these spaces. This includes locating main building entrances so that they are clearly visible and directly accessible from the public sidewalk, in accordance with Policy 3.1.2.1(b).

New development will limit its impact on neighbouring streets, parks, open spaces and properties by massing new buildings to frame the edges of streets, parks and open spaces at good proportion, creating appropriate transitions in scale to neighbouring existing and/or planned buildings.

Policy 3.1.2.4 states that taller buildings will be located to ensure adequate access to sky view for the proposed and future use of these areas. They will provide amenity for adjacent streets and open spaces to make these areas attractive, interesting, comfortable and functional for pedestrians. In addition, every significant new multi-residential development will provide indoor and outdoor amenity space for residents of the new development.

The Built Form policies in Section 3.1.3 of the Official Plan identify the importance of tall buildings. Tall building are only one form of intensification and are desirable in the right places but don't belong everywhere. Tall buildings will only be permitted in areas other than Downtown, Centres and areas where permitted by site-specific policy, on the basis of an appropriate planning justification consistent with policies of this Plan. Policy 3.1.3.1 contains principles to ensure that tall buildings fit within their existing and/or planned context and limit local impacts. This includes: demonstrating how the proposed building and site design contribute to and reinforce the overall City structure; demonstrating how the proposed building and site design relate to the existing and/or planned context; taking into account the relationship of the site topography and other tall buildings; and providing high quality, comfortable and usable publically accessible open space areas.

Official Plan Housing Policy 3.2.1.5 provides that significant new development on sites containing six or more rental units, where existing rental units will be kept in the new development: will secure as rental housing, the existing rental housing units which have affordable rents and mid-range rents; and may secure any needed improvements and renovations to the existing rental housing, in accordance with and subject to the height and density incentives of Section 5.1.1 of the Plan, without pass-through of such costs in rents to the tenants.

Official Plan Policy 3.2.3 prescribes the City's objectives regarding parks and open space, including adding new parks and amenities; designing high quality parks and their amenities to promote user comfort, safety and accessibility and year-round use; and protecting access to existing publicly accessible open spaces. It further states that parkland dedication is preferred to a dedication of cash-in-lieu in order to maximise opportunities to obtain parkland.

Section 5.1.1 of the Official Plan contains Section 37 policies that authorize the City to pass zoning by-laws involving increases in the height and/or density otherwise permitted by the Zoning By-law, in return for the provision of community benefits, such as additional parkland, community or childcare facilities and transit improvements.

The Official Plan is available on the City's website at:

<http://www1.toronto.ca/planning/chapters1-5.pdf>

Sheppard East Subway Corridor Secondary Plan

The site is subject to the Sheppard East Subway Corridor Secondary Plan as set out in Chapter 6, Section 9 of the Official Plan. The site is located within the Don Mills Node of the Secondary Plan as indicated on Map 9-2 (Attachment 10), which focuses new development on the *Mixed Use Areas* designations north of Sheppard Avenue East and other lands relating to Sheppard Avenue East and the Don Mills subway station. Comprehensive re-development is promoted in the 'key development areas' to prevent piece-meal development.

The Secondary Plan's urban design objectives include requiring compatible transitions in density, height and scale between development nodes and stable residential areas and generally locating the highest densities closest to the rapid transit stations and to a lesser extent along arterial road frontages. The Secondary Plan also seeks to shape the height and mass of development to a pedestrian scale by framing the street with buildings at a size roughly equivalent to the street width. Building height and massing should also minimize excessive shadowing, wind or snow drifting effects within blocks, along streets and within open space areas.

Section 6 of the Secondary Plan states that the City will maximize its opportunities to provide a combination of public and private open space and recreational facilities on-site in order to meet the needs of the present and future community residents. In addition to

satisfying the parkland demand on-site, it is the objective of the Secondary Plan to satisfy parkland needs generally within a walking distance of 0.8 kilometres.

The Sheppard East Subway Corridor Secondary Plan is available on the City's website at: <http://www1.toronto.ca/planning/9-sheppard-subway-east-corridor.pdf>

Context Plan

The implementation policy of the Secondary Plan requires a Context Plan for Key Development Areas in the Sheppard East Subway Corridor to ensure co-ordinated incremental development in conformity with the Secondary Plan. Context Plans are generally required for comprehensive development and given the submission of an Official Plan Amendment application to identify the site as a Key Development Area, the applicant is required to submit a Context Plan.

At the North York Community Council meeting on April 4, 2016, the applicant was directed to develop a Context Plan for the lands bounded by Leith Hill Road to the north, Don Mills Road to the east, Sheppard Avenue East to the south, and St. Timothy Catholic School to the west. The Context Plan is currently being developed by the applicant with input from the Ward Councillor, local residents, adjacent communities, and adjacent landowners, to establish a general planning framework as to how this area can be developed. The Plan should address public and private roads, urban design and built form, parkland and open space, and pedestrian linkages. This process is currently being undertaken in conjunction with this application.

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 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/MMA%20Notice%20of%20Decision.OPA%20320.July%204%202016.pdf>

City-Wide Tall Building Design Guidelines

In May 2013, Toronto City Council adopted the updated city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of

all new and current tall building development applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure they fit within their context and minimize their local impacts.

Relevant sections involved with the review of this proposal include Master Plan for Larger Sites, Fit and Transition in Scale, Sunlight and Skyview, Building Placement, Building Address and Entrances and Separation Distances.

The city-wide Guidelines are available at:

<http://www.toronto.ca/planning/tallbuildingdesign.htm>

Zoning

The existing lot is subject to two Zoning By-laws. Under the former City of North York Zoning By-law No. 7625, the property is zoned RM6 (Multiple-Family Dwellings Sixth Density Zone) (see Attachment 9). The RM6 zone permits a variety of residential building types, including apartment buildings with a maximum permitted density of 1.5 times the area of the lot and a maximum lot coverage of 35 percent. Although there is no specified maximum height, the RM6 zone requires buildings in excess of 11 metres in height to be set back from each lot line not less than the setbacks set out in Section 20-A.2.4 (Yard Setbacks) plus 0.3 metres for every 0.6 metres in additional height in excess of 11 metres.

Under City of Toronto Zoning By-law No. 569-2013, the subject property is zoned Residential Apartment Commercial Zone RAC (f20.0; a1375; d1.5) (see Attachment 10). The RAC zone permits dwelling units in an apartment building form as well as small scale commercial uses subject to specific conditions. The site is not subject to a maximum height on the Height Overlay Map, but is subject to a maximum 35% lot coverage on the Lot Coverage Overlay Map, as well as the same building setback provisions specified by By-law 7625. The maximum permitted density is 1.5 FSI.

Site Plan Control

This proposal is subject to Site Plan Control. An application has not yet been submitted.

Reasons for the Application

An Official Plan Amendment is required in order to identify the site as a Key Development Area within the Sheppard East Subway Corridor Secondary Plan and to permit the proposed density of approximately 4.46 FSI on lands where a density has not been prescribed by the Plan.

The proposed development would also require an amendment to the former City of North York Zoning By-law 7625 and the City of Toronto Zoning By-law 569-2013 to permit the proposed density and height of the development, as well as to allow for the proposed retail uses under By-law 7625. Appropriate development standards regarding gross floor area, setbacks, indoor and outdoor amenity space, parking and other matters would be

established through a site-specific exception, should the application be considered for approval.

Community Consultation

A community consultation meeting was held on April 25, 2017. Approximately 54 members of the public attended the meeting. Comments provided generally related to the following concerns:

- Height, scale and massing of the proposed building is too excessive and would impact the existing buildings;
- Shadow impact/loss of sunlight for surrounding buildings;
- The site is too small for this size of development;
- Tower should be located on Sheppard Avenue;
- Public realm improvements on the street-edge should be prioritized;
- Increased traffic congestion;
- Any new streets should be signalized due to the amount of traffic;
- Proposed above-grade parking garage would be better incorporated below-grade;
- Will there be a reduction in parking requirements given the proximity to the subway?;
- Would like to see Leith Hill Road becoming one-way to circulate traffic through the neighbourhood;
- Loss of green space and existing trees;
- Would prefer to see a coordinated application by all owners within the block;
- Preference for the new housing to be provided as rental tenure;
- Need for additional community services;
- More two and three-bedroom units required; and
- Impact on tenants during construction

City Planning staff also received numerous written comments on the application. In addition to the above, key areas of concern included: the height of the buildings; traffic impacts; building setbacks; relationship to the open space; shadow and overlook; and the precedent the development would set for the area.

COMMENTS

Provincial Policy Statement and Growth Plan

The Provincial Policy Statement (PPS), 2014 and the Growth Plan for the Greater Golden Horseshoe are high-level and broad reaching documents. The PPS 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 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 PPS and the Growth Plan encourage intensification and redevelopment in urban areas and direct planning authorities to identify appropriate locations for growth. Intensification and redevelopment is to be provided in areas that take into account the existing building stock or area, and availability of infrastructure and public service facilities that meet projected needs. Within this framework, the PPS recognizes that the Official Plan is the most important vehicle for the implementation of the PPS and assists in implementing the Growth Plan by setting out appropriate land use designations and policies.

Section 1.1.3.3. of the Provincial Policy Statement stipulates that Planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs. Through its Official Plan, the City has identified *Downtown, Centres, Avenues* and *Employment Districts* as growth areas where significant intensity is appropriate. The subject site is located in an *Apartment Neighbourhoods* designation where some modest infill development is anticipated. Most of Toronto's existing apartment buildings are located within built up *Apartment Neighbourhoods* which are stable areas where only limited infill development is anticipated. The applicant's proposal for a 35-storey building on the northern portion of the site and for a 3-storey above-grade parking garage with two retail units on the east of the site, resulting in an FSI of 4.46 times the site, in an *Apartment Neighbourhoods* designation surrounded by buildings ranging in height from 15 to 19 storeys (and an approximate FSI of 1.48 to 1.56) is not appropriate.

The proposal does not conform to the Official Plan designation of *Apartment Neighbourhoods*, including Section 4.2, among others, and is not consistent with the way in which the Official Plan implements the Provincial Policy Statement. The proposal, therefore, is not consistent with the PPS and cannot be supported in its current form.

The Growth Plan for the Greater Golden Horseshoe (2017) 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 Growth Plan strives, among other goals, to direct growth to areas of urban intensification. It requires municipalities to set clear targets for population and employment growth.

The Growth Plan also directs growth to *urban growth centres, major transit station areas, brownfield sites* and *greyfields* to provide a key focus for transit and infrastructure investments to support future growth. This site is located within a *Major Transit Station Area* defined as an area within a 500 metre radius or 10 minute walk from higher order transit. While it is acknowledged that some intensification is anticipated in this location

on lands designated *Apartment Neighbourhoods*, due to the proposed density and organization of the site, the proposal does not represent an appropriate scale of intensification for this site. The proposal is not consistent with the way in which the Official Plan implements the Growth Plan for the Greater Golden Horseshoe. Based on this, the proposal does not conform to, and conflicts with, the Growth Plan for the Greater Golden Horseshoe.

Building Siting and Site Organization

Context Plan

The implementation policy of the Secondary Plan requires a Context Plan for Key Development Areas in the Sheppard East Subway Corridor to ensure co-ordinated incremental development in conformity with the Secondary Plan. Context Plans are required for comprehensive development and, given the submission of an Official Plan Amendment application to identify the site as a Key Development Area, the applicant is required to submit a Context Plan.

At the North York Community Council meeting on April 4, 2016, the applicant was directed to develop a Context Plan for the lands bounded by Leith Hill Road to the north, Don Mills Road to the east, Sheppard Avenue East to the south, and St. Timothy Catholic School to the west. The Context Plan is currently being developed by the applicant and adjacent landowners, with input from the Ward Councillor, local residents, and adjacent communities, to establish a general planning framework as to how this area can be developed. The Plan should address public and private roads, parkland and open space, pedestrian linkages and urban design and built form. The outcome of this process will have direct implications for the structure, organization, building typologies, building placement and built form on the subject site and the three adjacent sites that form the block. It is anticipated that this will result in revisions to this proposal.

The priorities identified by Planning staff with regards to the structure of the quadrant include:

- Introduction of public east/west and north/south streets to alleviate the existing restricted access to the properties within the block;
- Realign the storm sewer in an east/west direction and align this with future public streets;
- Increase the sanitary sewer infrastructure to ensure public, individual connections for all properties;
- Locate an unencumbered public park in a centralized location, maximizing views to the west;
- Provide appropriate community facilities.

Once the study has been completed with the input of all parties, the Context Plan should be submitted to the City for review and if found satisfactory, adopted by City Council as part of any application approvals, as an implementation tool to guide the review of current and future planning applications in the quadrant.

New Public Streets

In order to meet the Official Plan objectives, new streets proposed within the block should be public streets that would improve the block's connectivity, provide access and addresses for new development, and create adequate space for pedestrians, bicycles, and landscaping, as well as transit, vehicles, utilities and utility maintenance.

The applicant has submitted a proposed site plan and possible future site plan, indicating access to the proposed tower via a private driveway as an interim condition. The current site plan shows the proposed residential building accessed via a 15 metre wide private driveway that would extend the existing western driveway in a northerly direction. The future site plan shows this driveway as a public road with a width of 18.5 metres. However, a portion of the lands required for the road to meet the City's Development Infrastructure Policy and Standards (DIPS) is located on the Toronto District Catholic School Board lands, outside of the ownership of the applicant. In addition, the proposed residential building would not front a public street in the interim, contrary to Official Plan policies and is therefore not supportable in its current form and configuration.

As part of the Context Plan study, City staff have also requested an unencumbered north-south public road dedication connecting Sheppard Avenue East to Leith Hill Road with an 18.5 metre wide right-of-way. The merits of a further east/west public road connecting to Don Mills Road requires further assessment. In order to achieve this, the east-west storm sewer would need to be realigned to allow a public road to be located above and to create additional usable space on the site.

Site Organization

The subject property is a 0.9 hectare site in a block that is bounded by Don Mills Road to the east, Leith Hill Road to the north, Sheppard Avenue East to the south and Shaughnessy Boulevard to the west. As there are no north-south running public streets between Leith Hill Road and Sheppard Avenue East, this acts as an access barrier for vehicles and pedestrians.

The proposed residential building would be located to the rear of the existing building and would not front a public street or have an address, as currently proposed. New buildings should be organized to front a public street to provide an access and address for the building and to frame the edges of streets, parks and open spaces. As currently proposed, a private driveway is being proposed which is not supportable and is contrary to the Official Plan policy objectives. A public street on this site is required as part of the structural components of the block's Context Plan.

The proposed above-grade parking structure would be located adjacent to the eastern property boundary, fronting Sheppard Avenue East. This location should be occupied by a building more characteristic of a development located at a major intersection, on a transit corridor. The proposed use also does not support the nearby transit or the public realm despite the location on the subway corridor and accordingly, staff have recommended the removal of the parking structure and consolidation of the parking underground.

A triangular area of Privately-owned, Publicly-accessible Space (POPS) of 403 square metres, is proposed abutting the northern boundary of the site adjacent to 25 Leith Hill Road. There is a sewer easement in favour of the City that diagonally crosses a portion of this space. As per the Official Plan and Tall Building Design Guidelines, the POPS should read as a public space of a programmable size and shape, located in a prominent and accessible location. There should also be adequate separation between an open space and a tall building in order to reduce the visual and physical impacts created by a tower. The proposed POPS does not front a public street, is adjacent to the tall building with no setback from the building, would be in shadow for a significant portion of the day, and is not of a size or shape that can be well programmed.

The proposed site plan results in a site design with minimal landscaped open space compared to the existing context, poor site organization that lacks a public street to service the site, and the tallest building in this vicinity, not fronting Sheppard Avenue.

Public Park

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 provision across the City. The lands which are the subject of this application are in an area with 0.43 to 0.79 hectares of local parkland per 1,000 people. The site is in the second lowest quintile of current provisions 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, the residential component would generate a parkland requirement of 599.4m² and the non-residential component would generate a parkland requirement of 1.3m². In total, the parkland dedication requirement for this site is 601m².

Staff have requested that the applicant satisfy the parkland dedication requirement through an on-site dedication. Determining the location of the park is subject to the Context Plan study process and will be required to be in a highly visible and accessible location adjacent to a public street that receives sufficient sunlight throughout the day. The location should also enable future expansion of the park as the adjacent parcels develop. The parkland should be unencumbered from all easements and encroachments, above and below-grade. Further comments on the park design and configuration will be provided once its location has been determined.

Tower Building Separation

The Official Plan provides policies prescribing that new development be located parallel to the street or along the edge of a park or open space with consistent setbacks. Furthermore, the Tall Building Design Guidelines prescribes minimum tower building separation distances with setbacks of 12.5 metres or greater which are required from the side or rear property lines, in order to achieve a building separation of a minimum of 25 metres. The proposed eastern setback for the tower is only three metres and the northern setback is 10.8 metres, both of which contain easements. These setbacks are not adequate and do not ensure a compatible development.

Building typologies, tower setbacks and separation distances should be coordinated with other towers on the same block to maximise access to sunlight and sky view for surrounding streets, parks, open space and properties. As part of the Context Plan study, the coordination of all building typologies, proposed tower placements and separation distances is required.

Height, Massing and Density

The Sheppard East Subway Corridor Secondary Plan encourages an increase in housing within 500 metres of a subway station, which includes this site. Intensification has to be accommodated by community services, physical infrastructure, has to be able to fit on the sites, and it is also an opportunity to achieve some net benefits of reinvestment and improvement in the buildings to be retained. The Secondary Plan does not prescribe specific heights for development parcels along the Sheppard Avenue East corridor, however the policy does state that the highest densities and heights are directed to locations along Highway 401 and locations closest to the subway nodes, and to a lesser extent along the arterial roads.

The existing context immediate to the site consists of a 15-storey apartment building within the site, a 19-storey apartment building in the adjacent parcel to the northeast of the site, a 15-storey apartment building to the north of the site and a single-storey gas station to the east of the site. The surrounding apartment buildings in the wider area are generally between 15 and 19 storeys in height. At the southeast corner of the Don Mills Road and Sheppard Avenue intersection is the master planned Parkway Forest development where the highest building is 36-storeys. This building is directly adjacent to the subway station and therefore meets the Official Plan policy objectives. The proposed 35-storey tall building is twice the height of the neighbouring building, is located interior to the lot not fronting a public street, and is not surrounded by similar-sized buildings.

Map 9.2 of the Secondary Plan sets out maximum densities in the designated Key Development Areas between 1.5 and 3.99 FSI. The maximum densities are located immediately at the major intersections and nodes, including the Parkway Forest development where the density is 3.99 FSI. While the subject site is located within the Don Mills Node, it is not directly at the intersection. The proposed density of 4.46 FSI is not appropriate given the site context and does not fall within the approved density limits

along the Sheppard Avenue East Corridor. The 35-storey building does not fit within the height and density parameters of its immediate context. It is significantly taller and more dense than all of the buildings in its immediate context.

In addition, a minimum distance of 25 metres to a tower is recommended in the Tall Building Guidelines to achieve acceptable sunlight, whereas 23.3 metres between the 9th and 31st floors is proposed between the existing building on-site and the proposed tower, increasing to the required 25 metres at the 34th floor level. Given the siting of the building and its location interior to the lot and adjacent to other development sites, an improved building siting and relationship between the buildings is required, including a greater separation distance. Furthermore, the impact of building typologies and massing in respect of the relationship and compatibility with future streets, parks, open space and surrounding existing and future developments, has not been sufficiently addressed.

The proposed 35-storey residential building has not been designed to fit harmoniously within the existing context, and does not reflect the scale and proportion of the adjacent future streets. The proposed height and density is considered an overdevelopment of the site and would set a precedent for nearby lands. A residential development with a height and density closer in scale to other residential buildings in nearby *Apartment Neighbourhoods* would be more in keeping with the Official Plan goal of ensuring compatibility with the existing context.

Angular Planes and Transition

Official Plan Policy 4.2.2(a) states that development in *Apartment Neighbourhoods* should locate and mass new buildings to provide a transition between areas of different development intensity and scale in order to meet the objectives of the Plan. Furthermore, the Tall Building Design Guidelines state that a 45-degree angular plane measured from the property line should be applied to provide a transition in scale from tall buildings to lower scale areas. To support this, the Secondary Plan stipulates that heights should step down toward lands designated *Neighbourhoods* outside the development nodes, which in this case includes the adjacent school to the west. The introduction of a 35-storey building with a lack of sufficient stepbacks at the northern portion of the site, does not provide for appropriate transition to the *Neighbourhood* to the west and does not provide transition between areas of different development intensity and scale. The submitted plans do not demonstrate that the proposed building adheres to the 45-degree angular plane measured from the western property line and does not propose an appropriate transition. Furthermore the plans do not sufficiently demonstrate the provision of sufficient setbacks and stepbacks in terracing the building away from the neighbourhood.

The Tall Building Design Guidelines stipulate that when a tall building is proposed on a site surrounded by other tall buildings of consistent height, the height and scale of the proposed tower should relate to the existing context. The surrounding residential buildings range in height from 15 to 19-storeys. The proposed tower is 35-storeys in height; more than twice the height of the existing building on site. Given the proximity to the existing buildings, adjacent *Neighbourhoods* designated lands, and the location

interior to the lot not facing a public street, the proposed building exceeds what could be considered an achievable height on this site and therefore fails to provide an appropriate fit and transition.

Sun and Shadow

The applicant has submitted a shadow study as part of the application requirements, however sufficient information has not been provided. The building's shadow impacts on the spring and fall equinoxes differ. They have not been shown separately however, so a full analysis of the impact cannot be confirmed. The current proposal would cast shadows on the St. Timothy Catholic School lands and St. Timothy's Catholic Church (designated *Neighbourhoods* lands) to the west of the subject site on June 21st, for a one to two hour period starting at 9am, which is not considered acceptable.

The surrounding open space would also be negatively impacted by shadows from the proposed tower, with four hours of shadows on the open space at 25 Leith Hill Road and 2600 Don Mills Road during the March and September equinoxes. During the equinoxes there would also be two hours of shadows cast on the school and church grounds to the west.

On December 21st the study shows four hours of shadows cast in a northerly direction on both buildings at 25 Leith Hill Road and 2600 Don Mills Road. Significant shadowing would occur in an easterly direction between the building at 2600 Don Mills Road and the gas station on March 21st, June 21st and September 21st for a period of at least four hours.

Furthermore, a tall building located in the current proposed location would preclude the siting of a future public park centralized within the block, due to the direct impact of the northerly shadows that the building would cast throughout the year, for at least five hours each day in the morning. Although some intensification on the site is appropriate, the current height and massing of the 35-storey building does not adequately limit shadowing on neighbouring streets, properties and open spaces.

As part of the Context Plan study, a composite shadow study is required to assess the cumulative impact of the proposal and the surrounding proposed buildings.

Wind Impacts and Weather Protection

The applicant submitted a Pedestrian Level Wind Preliminary Assessment dated December 16, 2016, prepared by Theakston Environmental. The submission provides a preliminary wind assessment of the development in the context of the local wind climate and current building design. The assessment's initial conclusion is that, based on the current proposal, there would be a realignment of winds that will change wind flow patterns at the pedestrian level. In particular, there would be higher than average ground level winds at the southeast corner of the existing 1650 Sheppard Avenue East building and through the space between the existing and proposed buildings in the location of the proposed amenity space.

A more fulsome, expanded examination of wind conditions and potential mitigation measures will be required for detailed review once the Context Plan study has progressed to a point where building placement for all four properties has been determined, in order to assess their relationship and cumulative impact.

Amenity Space

The subject site currently features a large green space to the north of the existing building and an outdoor pool which would be removed as part of this application. The application proposes 686 square metres of outdoor amenity space for the proposed building and 439.6 square metres for the existing building by means of a connected outdoor terrace between the buildings.

While the total indoor and outdoor amenity space proposed would generally meet the requirements under Zoning By-law 569-2013 for the new buildings, City staff are of the opinion that the proposed outdoor amenity spaces are not sufficient to replace the outdoor pool and large areas of landscaped open space that currently exist around the site. The proposed outdoor amenity space also does not provide consolidated access for new and existing residents of the site. Further, the proposed indoor amenity space for the existing building should be expanded along the edge of the future public street to provide an active frontage and increase views to the public realm.

Programming for a range of ages should be considered. This includes the provision of facilities for families such as outdoor play areas which have not been included in the proposed development for either of the buildings.

Transportation

Through the Context Plan study and as part of the structure of the future block, staff have requested a network of internal public roads to alleviate the pressure on the Don Mills/Sheppard intersection and to provide an additional means of access for the four properties in anticipation of an increased population. Further work needs to be undertaken as part of this process to determine the viability of a signalized intersection at the western entrance to the site from Sheppard Avenue East. Revisions are required to refine the design of the future right-of-way, including improving the pedestrian environment and landscaping, while reducing the impact of parking and loading areas.

Loading

One Type G and one Type C loading spaces are proposed on site, which does not satisfy the by-law requirement. As the Type G loading space is not adjacent to the buildings in a convenient location for resident loading, an additional Type C loading space is required to ensure that each building has a loading space convenient to residents.

Bicycle Parking

399 bicycle spaces are proposed for the existing and proposed buildings, and would be located at-grade and on the P1 parking level of the underground parking for both

residential buildings. Transportation Planning staff have requested additional information regarding the number of spaces, and requested that the numbers, location, design and dimensions of the short-term and long-term spaces be provided in accordance or in excess of Zoning By-law 569-2013 and the Toronto Green Standard requirements.

All short-term bicycle spaces should be provided at locations that are in accordance with the Toronto Green Standards, including locating these spaces in highly visible and publicly accessible locations at grade.

Traffic Impact

The community consultation meeting generated a number of questions about existing traffic conditions in the vicinity, as well as the traffic impact of the proposed development. Particular concern was expressed about the traffic volumes in the vicinity of the site during rush hour, especially around the Don Mills Road/Sheppard Avenue East intersection.

A Traffic Impact Study prepared by BA Group, dated December 2016 has been reviewed by Transportation Services Staff. It was concluded that the proposed development would generate approximately 75 and 77 two-way trips during the a.m. and p.m. peak hours. The analysis of existing traffic is required to be revised as the study reports that there are movements operating above capacity under existing conditions at the Don Mills Road/Sheppard Avenue East intersection. However this is not possible under existing conditions since the turning movement counts that were used measured vehicles clearing the intersection. This needs to be revised so that they are properly calibrated to reflect actual intersection operations. Additional information regarding trip generation and signal timings is also required.

The report must be revised to address the issues above, before the traffic impacts of the proposal can properly be evaluated.

Servicing

Engineering and Construction Services staff have reviewed the proposal on the basis that the site access will be provided via a private driveway. As requested by staff, when the road is proposed as a public right-of-way along the west property line, the servicing comments may be subject to change.

Engineering has requested additional information and have concerns and revisions respecting a number of engineering issues. This includes the removal of a portion of the private driveway, private storm sewers and manholes from the existing municipal easements; revisions to the Functional Servicing Plan confirming how ground water will be discharged; and a Sanitary Sewer Capacity Analysis up to the Trunk Sewer.

In addition, further information has been requested to confirm the description of the existing easements crossing the site and ownership of these easements over the existing 250mm sanitary sewers, along the north and east portions of the subject site.

Should it be determined that upgrades are required to the infrastructure to support this development, the applicant will be required to enter into financially secured agreements to pay for and construct any necessary improvements to the municipal infrastructure.

Tree Preservation

The applicant has identified five City trees within the Sheppard Avenue East road allowance that are proposed to be removed.

The landscape concept plan shows eight new trees proposed for the right of way having a spacing of eight metres. Details of the proposed tree species and trunk diameter size are required in the site plan review process.

The applicant has identified 27 privately owned trees that meet the criteria for protection under the City of Toronto's Private Tree By-law that are proposed to be removed. In addition, the development proposal also requires the injury to 12 privately owned trees along the eastern property line that meet the criteria for protection under the Private Tree By-law. Tree removal and replacement will more appropriately be evaluated when the building locations and site organization elements are refined during the Context Plan process.

Where tree planting to replace trees to be removed on a site is not physically possible on site at a replacement ratio of 3:1, the General Manager of Parks, Forestry and Recreation will accept a cash in lieu payment in the amount equal to 120 percent of the cost of replanting and maintaining the trees on site. At this time, a total of 81 new trees are required to replace the 27 private trees proposed to be removed. The applicant is required to submit a revised landscape plan to show the species of large growing native shade trees with adequate tree spacing as the Context Plan evolves.

Toronto Green Standard

In 2013 City Council updated the two-tiered Toronto Green Standard (TGS) that was adopted by City Council on October 27, 2009. The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment. The applicant is required to meet Tier 1 of the TGS and has proposed performance measures including high-albedo surface materials, green roof, water efficient plant material for at least 50% of the landscaped areas, native planting species, and a tri-sorter recycling system.

TTC

The subject site falls partially within the development review zone of the Sheppard subway line, with the proposed parking garage located in close proximity to the TTC tunnel. TTC have provided comments on the proposal and have requested additional revisions to the plans to show the centerline of the TTC tunnel and the distance from the outermost wall of the development to the closest point of the tunnel. A three metre

setback between the proposed development (including shoring) and all TTC structures is required. The applicant has not yet provided this information.

Housing

There is opportunity for the proposal to address the need for affordable housing in line with the Growth Plan for the Greater Golden Horseshoe 2017. The Growth Plan states that within major transit station areas, development will be supported by providing a mix of uses including affordable housing and a range of housing to accommodate the needs of all household sizes and incomes.

As currently proposed, the development does not adequately support the City's housing objective to accommodate within new development a broad range of households (including families with children), as less than 10% of the proposed additional units have three or more bedrooms.

In accordance with Official Plan policies 3.2.1.5 and 4.2.3, when significant new development is proposed on sites containing six or more rental units where existing rental units will be kept in the new development, improvements will be sought to the existing rental housing. The only proposed improvements to the existing building include indoor amenity space and it has not been confirmed if there will be shared access to the indoor amenities. Housing staff will determine if further improvements can be made, and in accordance with Housing Policy 3.2.1.5, these improvements will be secured with no pass-through of costs to the tenants. It has also not been confirmed if the applicant agrees to enter into an agreement to secure all of the dwelling units within the existing apartment building as rental housing. This confirmation will be sought by City Planning as part of any ongoing discussions.

A tenant meeting is required as part of the application process and this has not yet been held. The meeting will be scheduled ahead of the hearing.

Schools

The Toronto Catholic District School Board has concerns with the proposal due to the close proximity of the development, abutting the eastern boundary of the St. Timothy Catholic School lands. The School Board's concerns include, but are not limited to, traffic/circulation, shadow, noise, wind and grading impacts. The School Board will continue to be an active participant in the Context Plan discussions and are also a participant in the OMB process.

Community Services and Facilities

The community consultation meeting, and subsequent written submissions generated a number of questions about the proposal's impact on existing community services and facilities. Concern was expressed that the proposed development would put a strain on already overburdened community services and facilities. A Community Services and Facilities Study dated December 2016, was submitted as part of the application review process. The study concludes that the proposed development is expected to yield

approximately 47 children which may require child care and given the availability of child care spaces in the nearby area, the anticipated children could be accommodated by the existing facilities.

City staff have concluded that given the number of development applications submitted or anticipated in the immediate vicinity of Don Mills Road and Sheppard Avenue East, an additional non-profit childcare facility providing infant spaces in particular, may be required. This is supported by Community Services and Facilities Studies prepared for other applications within the same study area.

A more detailed analysis is required with respect to capacity issues for parks and recreation facilities, libraries, child care, schools and human services. Further discussions will take place as part of the Context Plan study to ensure a comprehensive approach to identifying community services and facilities priorities for the area along with the impact of additional growth generated from the proposed developments in the quadrant and any nearby development(s). Community service and facilities priorities must be identified based on existing gaps and growth related facility requirements. These priorities would help inform the appropriate Section 37 contributions to be secured as part of any future development.

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 in some form.

To date, staff have not had any discussions with the applicant or City Councillor regarding a Section 37 contribution due to the outstanding issues discussed above. In the event that the OMB considers granting additional density and/or height beyond that which is permitted by the zoning by-laws, the City will request that the OMB withhold any order to allow the owner and the City an opportunity to discuss and settle on an appropriate Section 37 contribution, appropriate Section 37 provisions for any zoning by-law amendment and to allow a Section 37 agreement to be entered into and registered. City staff recommend that the Board not approve any official plan and zoning by-law amendments without the provision of Section 37 community benefits as are appropriate to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the applicant and the local councillor.

Conclusion

This application does not represent an appropriate redevelopment of the site and does not represent good planning. The proposed development is in a location for intensification but not of this scale and magnitude. The proposal, in its current form, represents an overdevelopment of the site and is not consistent with the Official Plan policies. The proposed site layout is not appropriate for the orderly development of the lands. A new public street is desirable on site to provide addresses for new developments, and

connections with adjacent sites and neighbourhoods. The proposal fails to provide adequate public parkland dedication on-site as well as sufficient landscaped open space. The proposal's height, density, scale, setbacks and site organization are not appropriate. The proposed built form does not adequately address the existing and planned context and does not provide an appropriate relationship with or transition to the abutting *Neighbourhoods* to the west of the proposal.

While a residential development is a permissible use for these lands, the desire to achieve residential intensification through redevelopment on the site must be balanced with a respect for the built form and character of the community in the surrounding *Neighbourhoods* and *Apartment Neighbourhoods*.

Through the ongoing Context Plan process, the proposal is likely to change and comments will be provided to the applicant, and to the adjacent applicants (if applicable), throughout this process. If an appropriate structure for the block can be determined, which staff can support, then discussions can continue with regard to the built form issues.

It is recommended that City Council authorize the City Solicitor and appropriate staff to attend any Ontario Municipal Board hearing in opposition to the current proposal. It is also recommended that City Council direct staff to continue discussions with the applicant to address the issues raised in this report, including an appropriate Section 37 contribution for a revised proposal.

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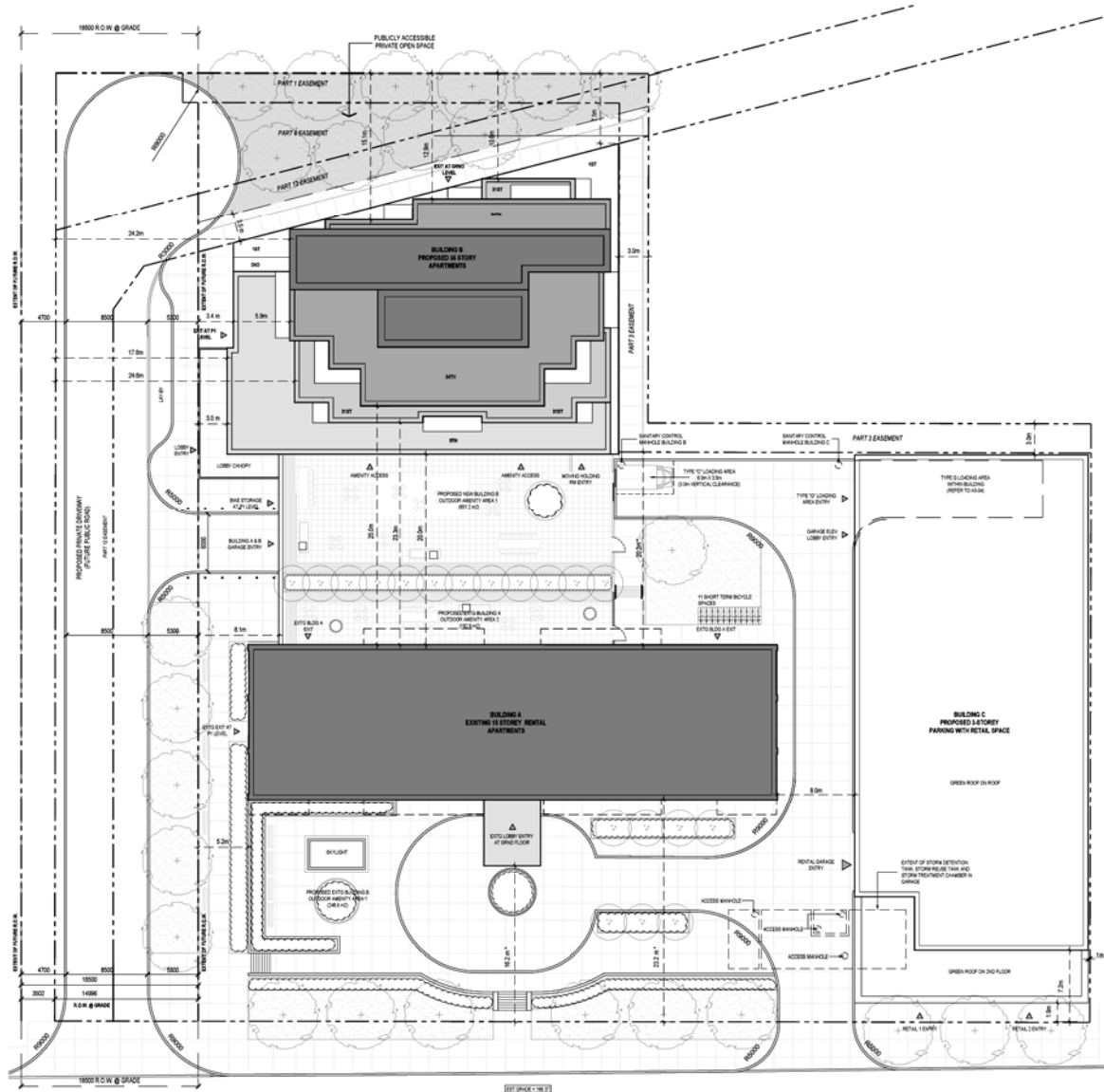
SIGNATURE

Joe Nanos, Director
Community Planning, North York District

ATTACHMENTS

- Attachment 1: Site Plan
- Attachment 2: Rendering – Southeast corner looking northwest
- Attachment 3: North (rear) Elevation
- Attachment 4: South (front) Elevation
- Attachment 5: East (side) Elevation
- Attachment 6: West (side) Elevation
- Attachment 7: Official Plan
- Attachment 8: Sheppard East Subway Corridor Secondary Plan- Map 9-2
- Attachment 9: Zoning By-law 7625
- Attachment 10: Zoning By-law 569-2013
- Attachment 11: Application Data Sheet

Attachment 1: Site Plan



Sheppard Avenue East

Site Plan

Applicant's Submitted Drawing

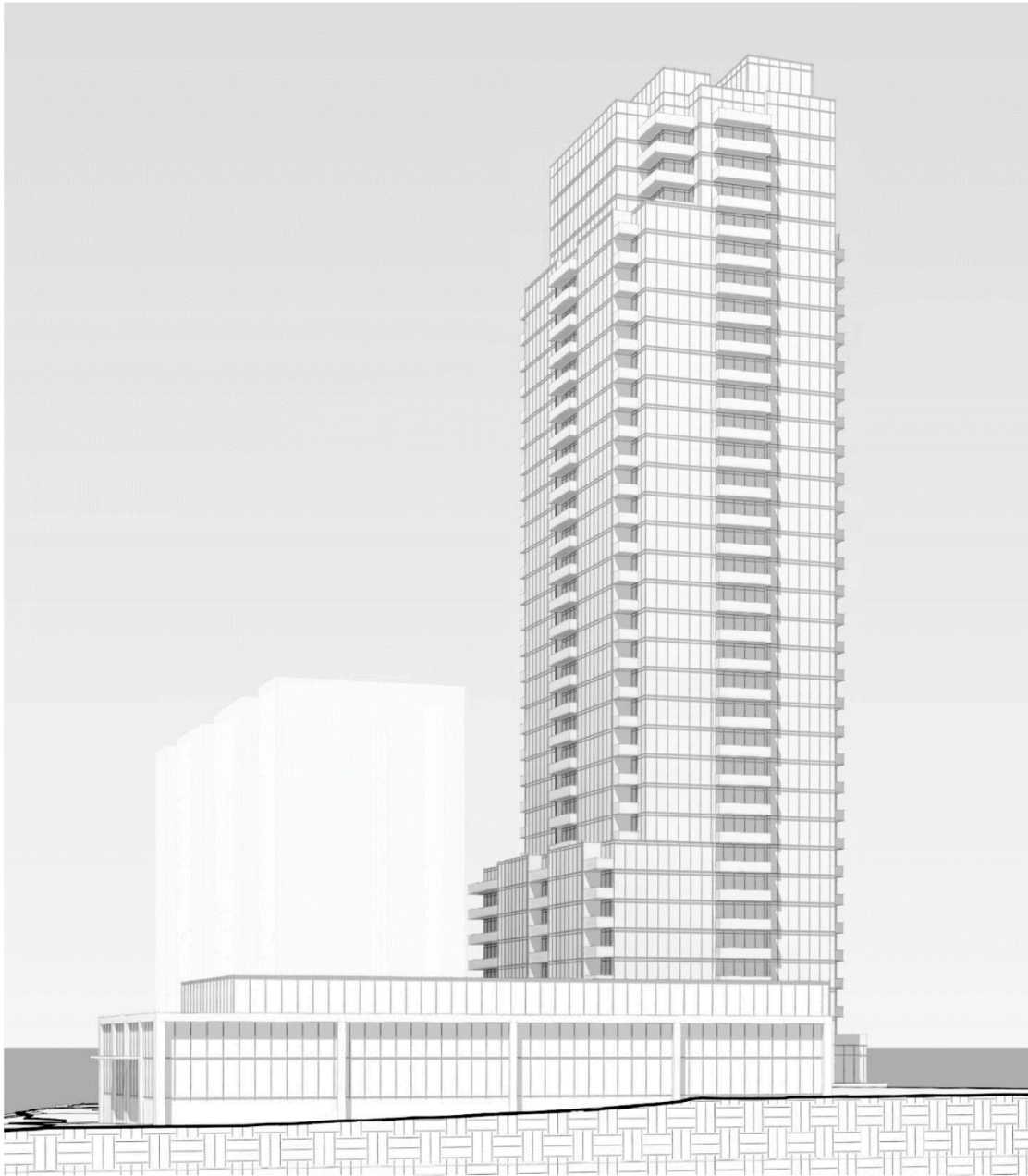
Not to Scale
01/19/2017



1650 Sheppard Avenue East

File # 16 270525 NNY 33 02

Attachment 2: Rendering- Southeast corner looking northwest



Rendering - view at southeast corner

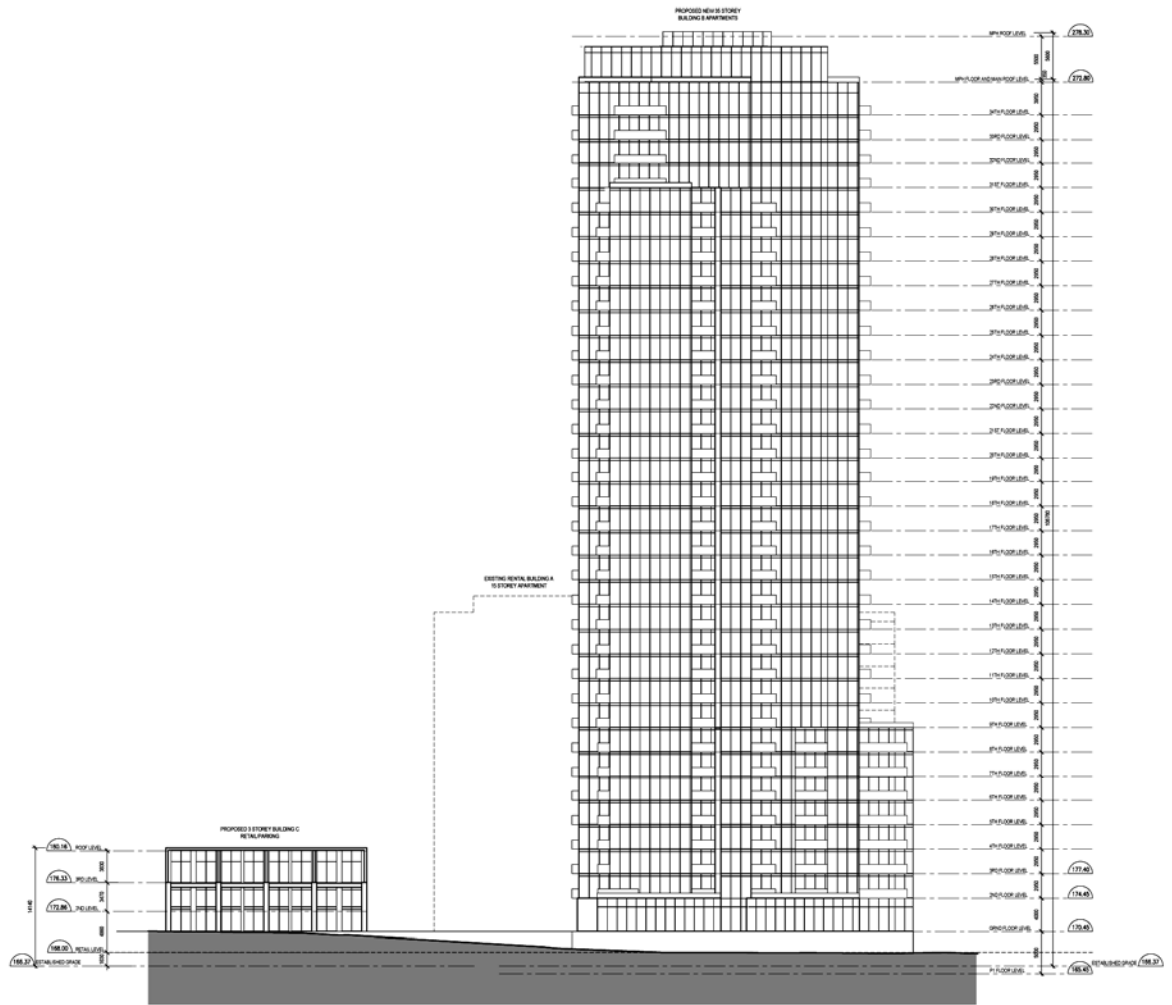
1650 Sheppard Avenue East

Applicant's Submitted Drawing

Not to Scale
03/06/2017

File # 16 270525 NNY 33 02

Attachment 3: North (rear) Elevation

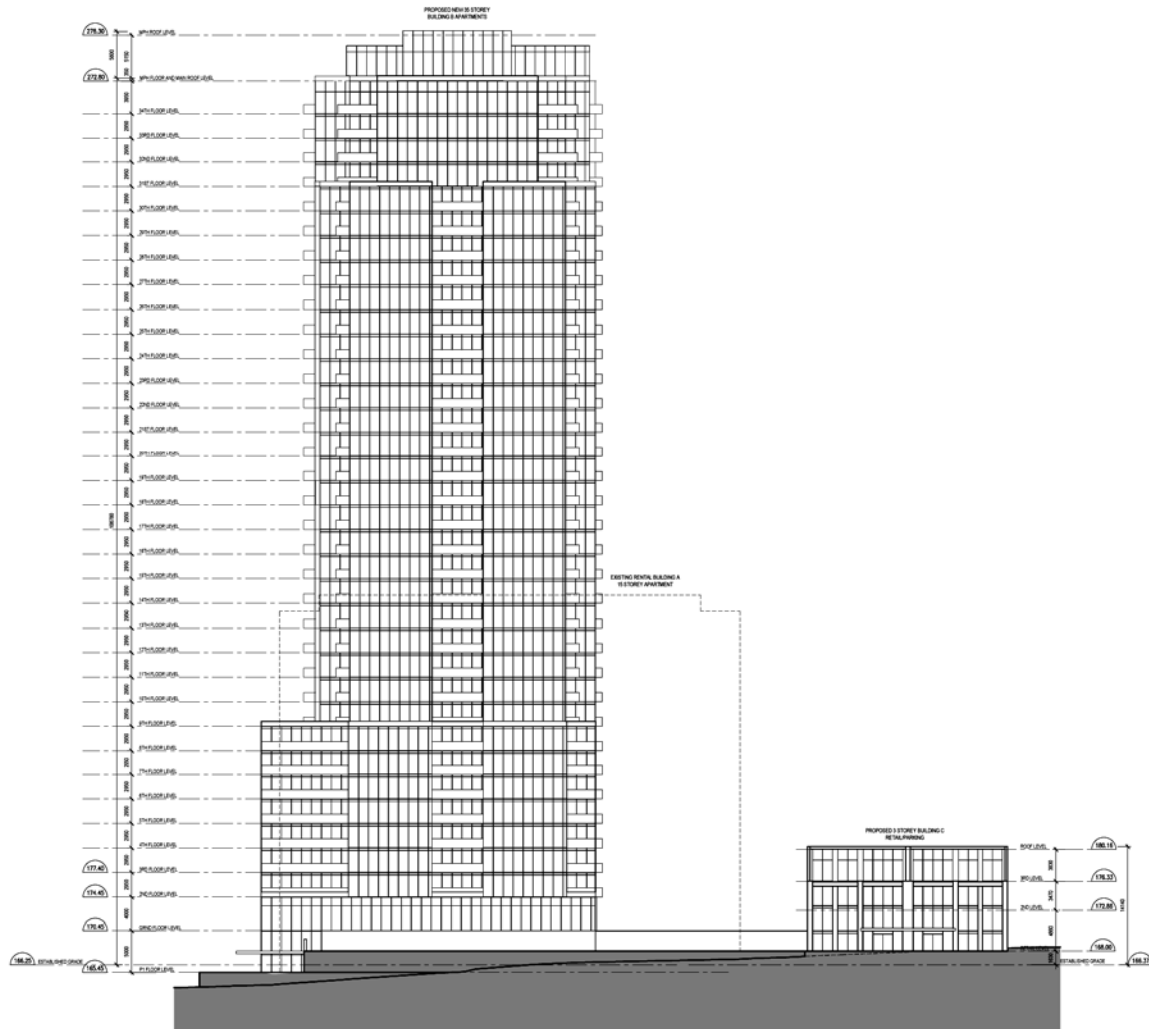


North Elevation
 Applicant's Submitted Drawing
 Not to Scale
 01/19/2017

1650 Sheppard Avenue East

File # 16 270525 NNY 33 02

Attachment 4: South (front) Elevation



South Elevation

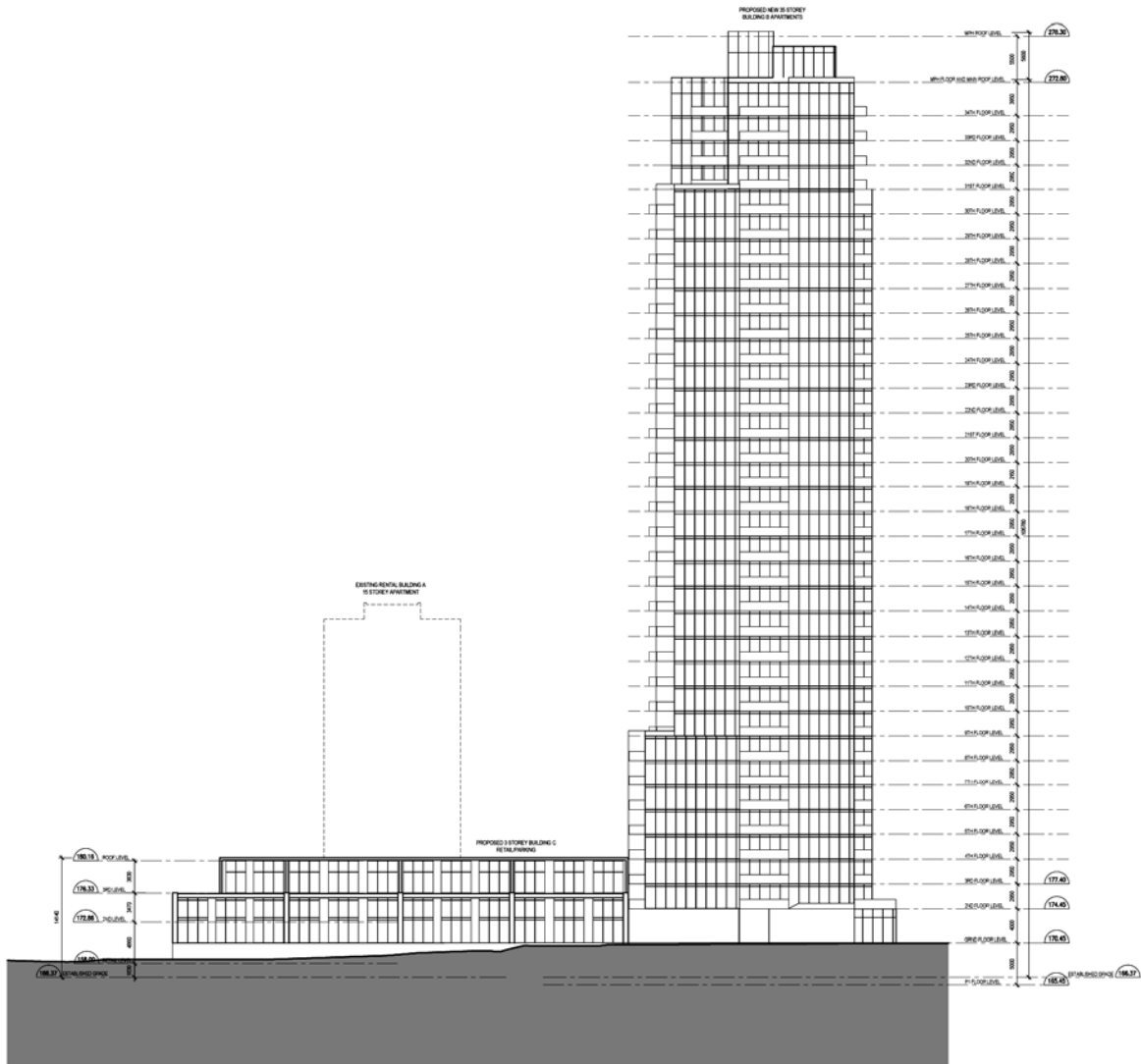
Applicant's Submitted Drawing

Not to Scale
01/19/2017

1650 Sheppard Avenue East

File # 16 270525 NNY 33 02

Attachment 5: East (side) Elevation



East Elevation

Applicant's Submitted Drawing

Not to Scale
01/19/2017

1650 Sheppard Avenue East

File # 16 270525 NNY 33 0Z

PROPOSED NEW 16 STORY BUILDING B APARTMENTS

278.30' NEW ROOF LEVEL

272.80' NEW FLOOR AND NEW ROOF LEVEL

272.00' FLOOR LEVEL

271.20' FLOOR LEVEL

270.40' FLOOR LEVEL

269.60' FLOOR LEVEL

268.80' FLOOR LEVEL

268.00' FLOOR LEVEL

267.20' FLOOR LEVEL

266.40' FLOOR LEVEL

265.60' FLOOR LEVEL

264.80' FLOOR LEVEL

264.00' FLOOR LEVEL

263.20' FLOOR LEVEL

262.40' FLOOR LEVEL

261.60' FLOOR LEVEL

260.80' FLOOR LEVEL

260.00' FLOOR LEVEL

259.20' FLOOR LEVEL

258.40' FLOOR LEVEL

257.60' FLOOR LEVEL

256.80' FLOOR LEVEL

256.00' FLOOR LEVEL

255.20' FLOOR LEVEL

254.40' FLOOR LEVEL

253.60' FLOOR LEVEL

252.80' FLOOR LEVEL

252.00' FLOOR LEVEL

251.20' FLOOR LEVEL

250.40' FLOOR LEVEL

249.60' FLOOR LEVEL

248.80' FLOOR LEVEL

248.00' FLOOR LEVEL

247.20' FLOOR LEVEL

246.40' FLOOR LEVEL

245.60' FLOOR LEVEL

244.80' FLOOR LEVEL

244.00' FLOOR LEVEL

243.20' FLOOR LEVEL

242.40' FLOOR LEVEL

241.60' FLOOR LEVEL

240.80' FLOOR LEVEL

240.00' FLOOR LEVEL

239.20' FLOOR LEVEL

238.40' FLOOR LEVEL

237.60' FLOOR LEVEL

236.80' FLOOR LEVEL

236.00' FLOOR LEVEL

235.20' FLOOR LEVEL

234.40' FLOOR LEVEL

233.60' FLOOR LEVEL

232.80' FLOOR LEVEL

232.00' FLOOR LEVEL

231.20' FLOOR LEVEL

230.40' FLOOR LEVEL

229.60' FLOOR LEVEL

228.80' FLOOR LEVEL

228.00' FLOOR LEVEL

227.20' FLOOR LEVEL

226.40' FLOOR LEVEL

225.60' FLOOR LEVEL

224.80' FLOOR LEVEL

224.00' FLOOR LEVEL

223.20' FLOOR LEVEL

222.40' FLOOR LEVEL

221.60' FLOOR LEVEL

220.80' FLOOR LEVEL

220.00' FLOOR LEVEL

219.20' FLOOR LEVEL

218.40' FLOOR LEVEL

217.60' FLOOR LEVEL

216.80' FLOOR LEVEL

216.00' FLOOR LEVEL

215.20' FLOOR LEVEL

214.40' FLOOR LEVEL

213.60' FLOOR LEVEL

212.80' FLOOR LEVEL

212.00' FLOOR LEVEL

211.20' FLOOR LEVEL

210.40' FLOOR LEVEL

209.60' FLOOR LEVEL

208.80' FLOOR LEVEL

208.00' FLOOR LEVEL

207.20' FLOOR LEVEL

206.40' FLOOR LEVEL

205.60' FLOOR LEVEL

204.80' FLOOR LEVEL

204.00' FLOOR LEVEL

203.20' FLOOR LEVEL

202.40' FLOOR LEVEL

201.60' FLOOR LEVEL

200.80' FLOOR LEVEL

200.00' FLOOR LEVEL

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198.40' FLOOR LEVEL

197.60' FLOOR LEVEL

196.80' FLOOR LEVEL

196.00' FLOOR LEVEL

195.20' FLOOR LEVEL

194.40' FLOOR LEVEL

193.60' FLOOR LEVEL

192.80' FLOOR LEVEL

192.00' FLOOR LEVEL

191.20' FLOOR LEVEL

190.40' FLOOR LEVEL

189.60' FLOOR LEVEL

188.80' FLOOR LEVEL

188.00' FLOOR LEVEL

187.20' FLOOR LEVEL

186.40' FLOOR LEVEL

185.60' FLOOR LEVEL

184.80' FLOOR LEVEL

184.00' FLOOR LEVEL

183.20' FLOOR LEVEL

182.40' FLOOR LEVEL

181.60' FLOOR LEVEL

180.80' FLOOR LEVEL

180.00' FLOOR LEVEL

179.20' FLOOR LEVEL

178.40' FLOOR LEVEL

177.60' FLOOR LEVEL

176.80' FLOOR LEVEL

176.00' FLOOR LEVEL

175.20' FLOOR LEVEL

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173.60' FLOOR LEVEL

172.80' FLOOR LEVEL

172.00' FLOOR LEVEL

171.20' FLOOR LEVEL

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168.80' FLOOR LEVEL

168.00' FLOOR LEVEL

167.20' FLOOR LEVEL

166.40' FLOOR LEVEL

165.60' FLOOR LEVEL

164.80' FLOOR LEVEL

164.00' FLOOR LEVEL

163.20' FLOOR LEVEL

162.40' FLOOR LEVEL

161.60' FLOOR LEVEL

160.80' FLOOR LEVEL

160.00' FLOOR LEVEL

159.20' FLOOR LEVEL

158.40' FLOOR LEVEL

157.60' FLOOR LEVEL

156.80' FLOOR LEVEL

156.00' FLOOR LEVEL

155.20' FLOOR LEVEL

154.40' FLOOR LEVEL

153.60' FLOOR LEVEL

152.80' FLOOR LEVEL

152.00' FLOOR LEVEL

151.20' FLOOR LEVEL

150.40' FLOOR LEVEL

149.60' FLOOR LEVEL

148.80' FLOOR LEVEL

148.00' FLOOR LEVEL

147.20' FLOOR LEVEL

146.40' FLOOR LEVEL

145.60' FLOOR LEVEL

144.80' FLOOR LEVEL

144.00' FLOOR LEVEL

143.20' FLOOR LEVEL

142.40' FLOOR LEVEL

141.60' FLOOR LEVEL

140.80' FLOOR LEVEL

140.00' FLOOR LEVEL

139.20' FLOOR LEVEL

138.40' FLOOR LEVEL

137.60' FLOOR LEVEL

136.80' FLOOR LEVEL

136.00' FLOOR LEVEL

135.20' FLOOR LEVEL

134.40' FLOOR LEVEL

133.60' FLOOR LEVEL

132.80' FLOOR LEVEL

132.00' FLOOR LEVEL

131.20' FLOOR LEVEL

130.40' FLOOR LEVEL

129.60' FLOOR LEVEL

128.80' FLOOR LEVEL

128.00' FLOOR LEVEL

127.20' FLOOR LEVEL

126.40' FLOOR LEVEL

125.60' FLOOR LEVEL

124.80' FLOOR LEVEL

124.00' FLOOR LEVEL

123.20' FLOOR LEVEL

122.40' FLOOR LEVEL

121.60' FLOOR LEVEL

120.80' FLOOR LEVEL

120.00' FLOOR LEVEL

119.20' FLOOR LEVEL

118.40' FLOOR LEVEL

117.60' FLOOR LEVEL

116.80' FLOOR LEVEL

116.00' FLOOR LEVEL

115.20' FLOOR LEVEL

114.40' FLOOR LEVEL

113.60' FLOOR LEVEL

112.80' FLOOR LEVEL

112.00' FLOOR LEVEL

111.20' FLOOR LEVEL

110.40' FLOOR LEVEL

109.60' FLOOR LEVEL

108.80' FLOOR LEVEL

108.00' FLOOR LEVEL

107.20' FLOOR LEVEL

106.40' FLOOR LEVEL

105.60' FLOOR LEVEL

104.80' FLOOR LEVEL

104.00' FLOOR LEVEL

103.20' FLOOR LEVEL

102.40' FLOOR LEVEL

101.60' FLOOR LEVEL

100.80' FLOOR LEVEL

100.00' FLOOR LEVEL

99.20' FLOOR LEVEL

98.40' FLOOR LEVEL

97.60' FLOOR LEVEL

96.80' FLOOR LEVEL

96.00' FLOOR LEVEL

95.20' FLOOR LEVEL

94.40' FLOOR LEVEL

93.60' FLOOR LEVEL

92.80' FLOOR LEVEL

92.00' FLOOR LEVEL

91.20' FLOOR LEVEL

90.40' FLOOR LEVEL

89.60' FLOOR LEVEL

88.80' FLOOR LEVEL

88.00' FLOOR LEVEL

87.20' FLOOR LEVEL

86.40' FLOOR LEVEL

85.60' FLOOR LEVEL

84.80' FLOOR LEVEL

84.00' FLOOR LEVEL

83.20' FLOOR LEVEL

82.40' FLOOR LEVEL

81.60' FLOOR LEVEL

80.80' FLOOR LEVEL

80.00' FLOOR LEVEL

79.20' FLOOR LEVEL

78.40' FLOOR LEVEL

77.60' FLOOR LEVEL

76.80' FLOOR LEVEL

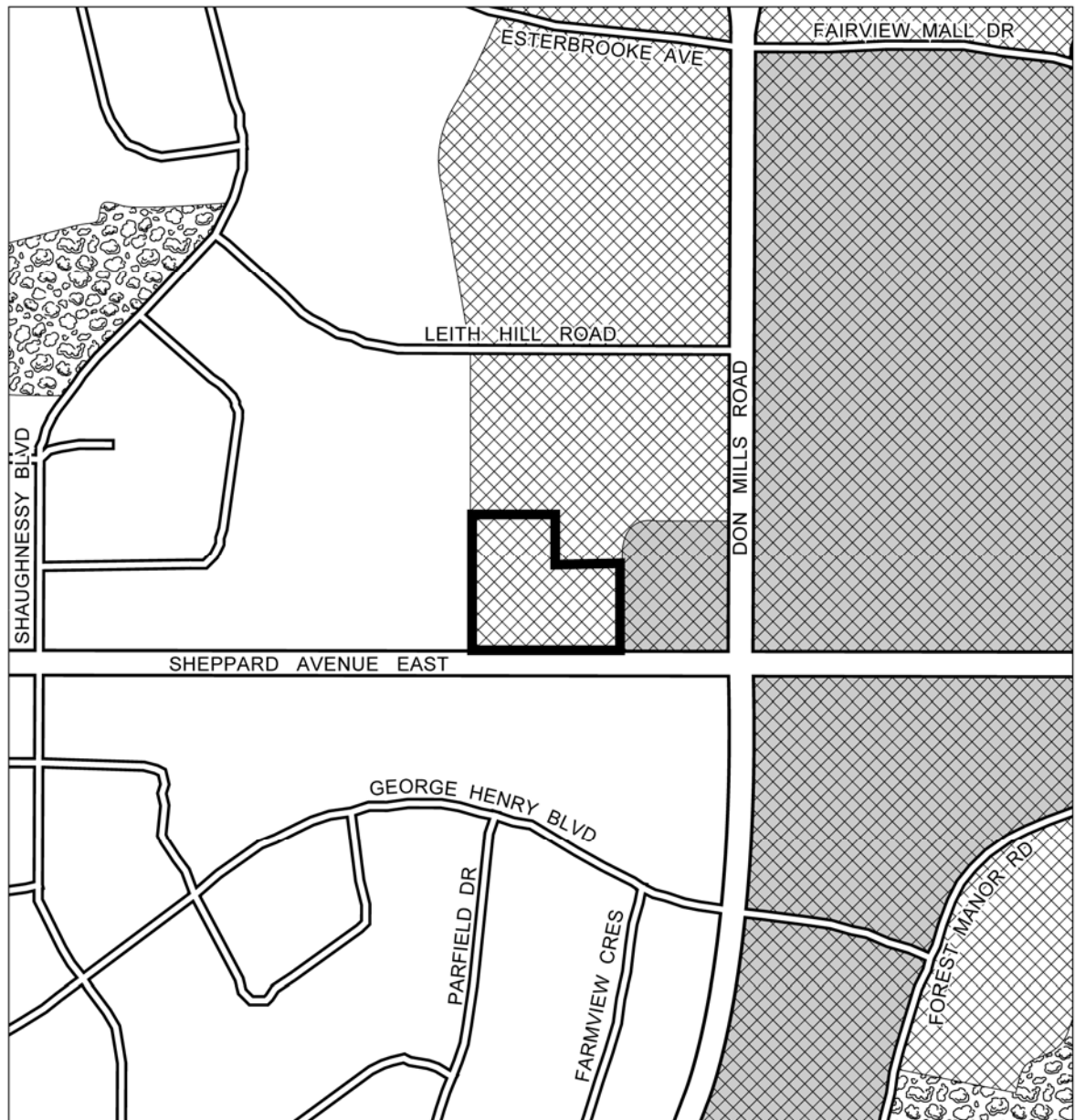
76.00' FLOOR LEVEL

75.20' FLOOR LEVEL

74.40' FLOOR

File # 16 270525 NNY 33 0Z







Attachment 7: Official Plan



Extract from Official Plan

1650 Sheppard Avenue East

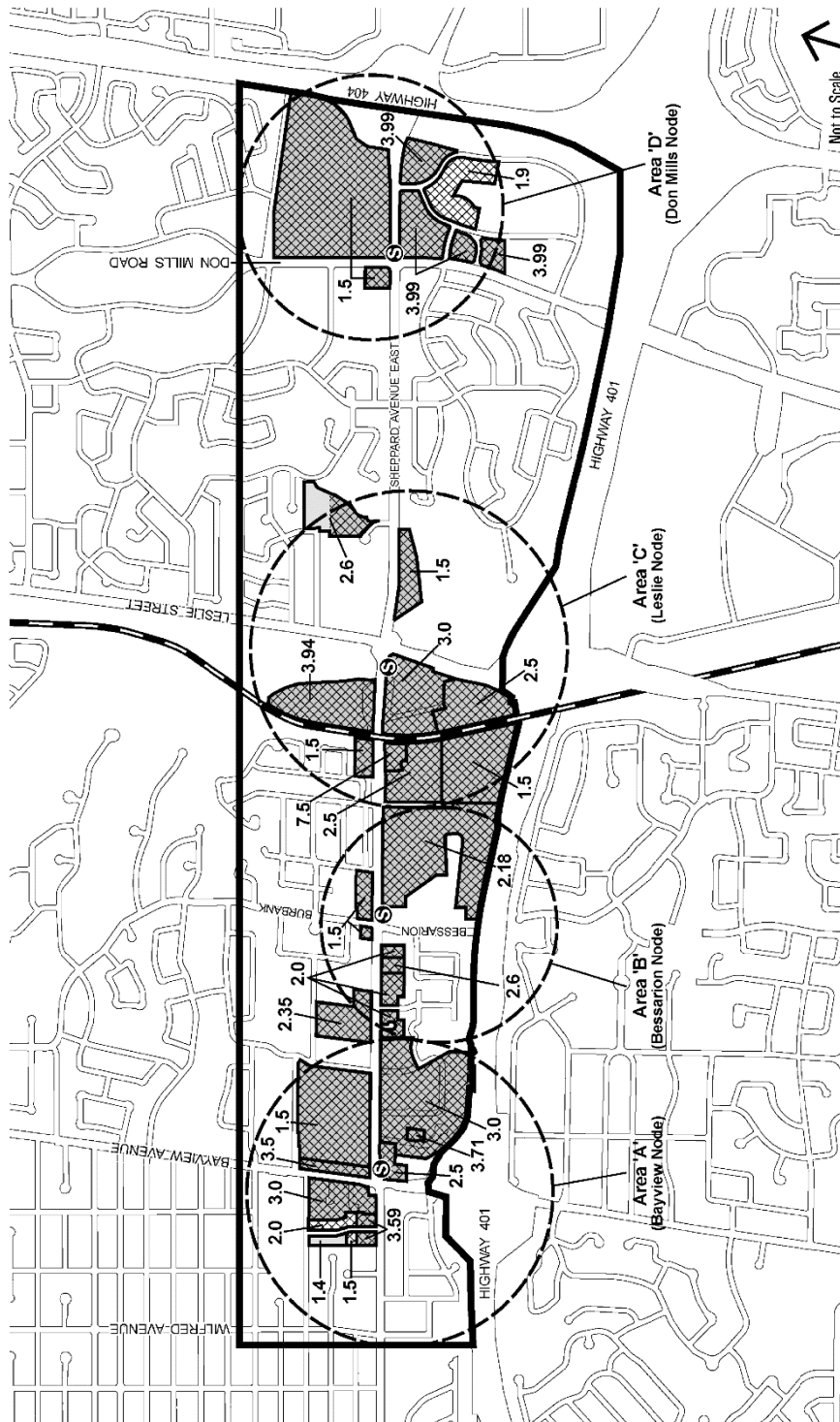
File # 16 270525 NNY 33 0Z

	Site Location		Parks & Open Space Areas
	Neighbourhoods		Parks
	Apartment Neighbourhoods		
	Mixed Use Areas		



Not to Scale
01/18/2017

Attachment 8: Sheppard East Subway Corridor Plan- Map 9-2



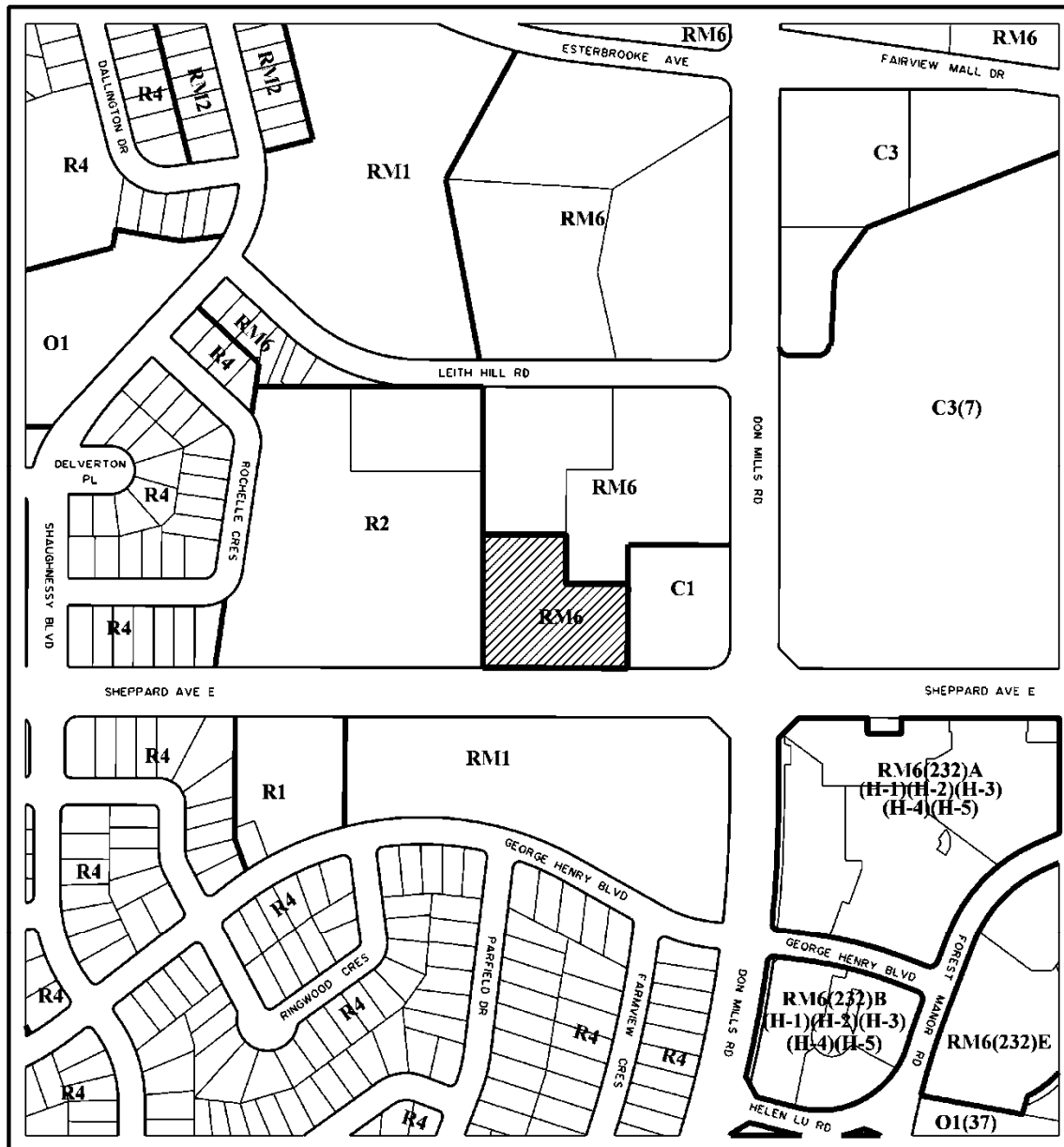
Sheppard East Subway Corridor Secondary Plan

MAP 9-2 Key Development Areas

- Secondary Plan Boundary
- Neighbourhoods
- Apartment Neighbourhoods
- Mixed Use Areas
- 1.5 Density
- Subway Station

November 2015

Attachment 9: Zoning By-law 7625



Zoning By-Law No. 7625

1650 Sheppard Avenue East

File # 16 270525 NNY 33 02



Location of Application

- R1 One-Family Detached Dwelling First Density Zone
- R2 One-Family Detached Dwelling Second Density Zone
- R4 One-Family Detached Dwelling Fourth Density Zone

- RM1 Multiple-Family Dwellings First Density Zone
- RM2 Multiple-Family Dwellings Second Density Zone
- RM6 Multiple-Family Dwellings Sixth Density Zone

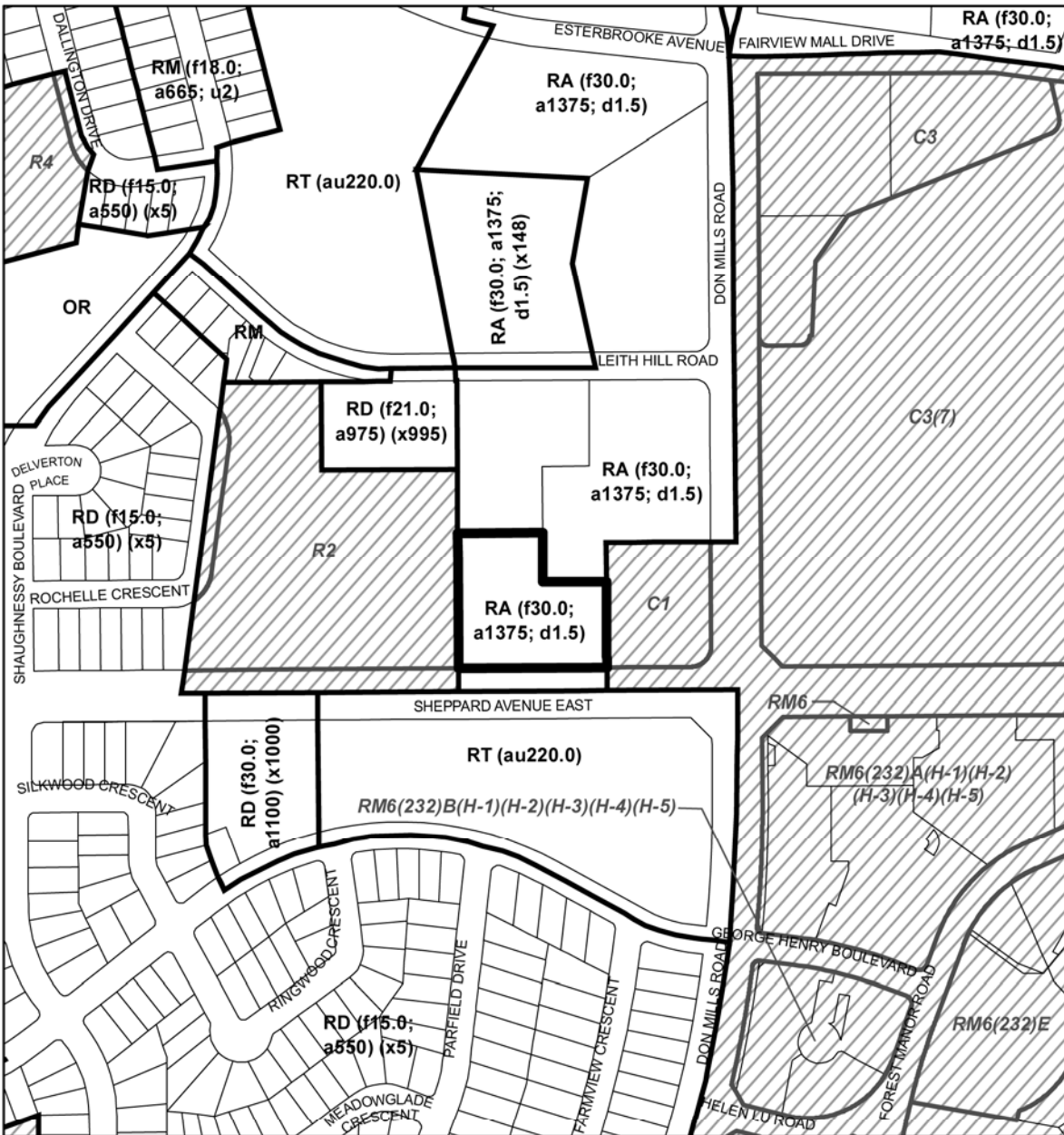
- C1 General Commercial Zone
- C3 District Shopping Centre Zone
- O1 Open Space Zone

NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category



Not to Scale
Extracted 03/02/2017

Attachment 10: Zoning By-law 569-2013



Zoning By-Law No. 569-2013

1650 Sheppard Avenue East

File # 16 270525 NNY 33 02



Location of Application

RD Residential Detached
RT Residential Townhouse
RM Residential Multiple
RA Residential Apartment
OR Open Space Recreation



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

R2 One-Family Detached Dwelling Second Density Zone
R4 One-Family Detached Dwelling Fourth Density Zone
RM6 Multiple-Family Dwellings Sixth Density Zone
C1 General Commercial Zone
C3 District Shopping Centre Zone
O1 Open Space Zone



Not to Scale
Extracted: 01/18/2017

Attachment 11: Application Data Sheet

Application Type	Official Plan Amendment & Rezoning	Application Number:	16 270525 NNY 33 OZ
Details	OPA & Rezoning, Standard	Application Date:	December 23, 2016

Municipal Address: 1650 SHEPPARD AVENUE EAST

Location Description: PLAN M992 BLK NN RP R2755 PART 8 TO PART 12 **GRID N3302

Project Description: The applicant proposes a 35-storey residential building on the northern portion of the 0.90 hectare subject site, with a total of 343 dwelling units proposed as well as a three storey parking structure for the existing residential units with at-grade retail space fronting Sheppard Avenue East. The existing 15-storey apartment building containing 149 rental units would be retained.

Applicant:	Agent:	Architect:	Owner:
BOUSFIELDS INC	BOUSFIELDS INC	RAFAEL + BIGAUSKAS ARCHITECTS	2076203 LIMITED ONTARIO

PLANNING CONTROLS

Official Plan Designation:	Apartment Neighbourhoods	Site Specific Provision: N
Zoning:	RM6/RA (f30.0; a1375; d1.5)	Historical Status: N
Height Limit (m):	N/A	Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq. m):	9045	Height:	Storeys:	3, 15, 35
Frontage (m):	108.2		Metres:	14.1, 42 107
Depth (m):	62.7-99.2			
Total Ground Floor Area (sq. m):	3242.39			Total
Total Residential GFA (sq. m):	40084		Parking Spaces:	444
Total Non-Residential GFA (sq. m):	234		Loading Docks	2
Total GFA (sq. m):	40318			
Lot Coverage Ratio (%):	35.8			
Floor Space Index:	4.46			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Rental & Condominium		Above Grade	Below Grade
		Residential GFA (sq. m):	40084	0
Bachelor:	4 (0.8%)	Retail GFA (sq. m):	234	0
1 Bedroom:	245 (49.8%)	Office GFA (sq. m):	0	0
2 Bedroom:	214 (43.5%)	Industrial GFA (sq. m):	0	0
3 + Bedroom:	29 (5.9%)	Institutional/Other GFA (sq. m):	0	0
Total Units:	492			

CONTACT:	PLANNER NAME:	Kathryn Moore, Planner
	TELEPHONE:	416-395-7176 or email: kathryn.moore@toronto.ca