

## **699 Sheppard Avenue East – Official Plan Amendment and Zoning By-law Amendment Applications – Preliminary Report**

Date: October 18, 2019

To: North York Community Council

From: Director, Community Planning, North York District

Ward: 17 - Don Valley North

**Planning Application Number:** 19 192154 NNY 17 OZ

**Notice of Complete Application Issued:** August 20, 2019

**Current Use on Site:** One-storey Canada Post distribution building with surface parking at the front and at the rear.

### **SUMMARY**

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This report provides information and identifies a preliminary set of issues regarding the application located at 699 Sheppard Avenue East. Staff are currently reviewing the application. It has been circulated to all appropriate agencies and City divisions for comment. Staff will proceed to schedule a community consultation meeting for the application with the Ward Councillor.

### **RECOMMENDATIONS**

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The City Planning Division recommends that:

1. Staff schedule a community consultation meeting for the application located at 699 Sheppard Avenue East together with the Ward Councillor.
2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the application site, and to additional residents, institutions and owners to be determined in consultation with the Ward Councillor, with any additional mailing costs to be borne by the applicant.
3. Staff review the application concurrently with the Sheppard Avenue East (Bayview to Leslie) Focused Review.

### **FINANCIAL IMPACT**

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The recommendations in this report have no financial impact.

## ISSUE BACKGROUND

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### Sheppard Avenue East (Bayview to Leslie) Focused Review

On June 26 - 29, 2018, City Council passed a motion directing City Planning, in consultation with appropriate City Divisions to review the existing policies contained within the Sheppard East Subway Corridor Secondary Plan and analyse the existing and planned built form context to clarify, refine, and/or strengthen the appropriate density and height limitations and other planning and built form policies for the Mixed Use Areas and Institutional Areas located to the north and south of Sheppard Avenue East between the east side of Bayview Avenue and the east side of Leslie Street. The subject site falls within this study area.

This Council motion also directed staff to evaluate whether there is potential for appropriate, grade-related, low-rise intensification opportunities on existing older two-storey and three-storey townhouse and apartment building sites in the vicinity of Talara Drive and Highway 401 that are designated *Neighbourhoods* and *Apartment Neighbourhoods*.

### Application Description

This application proposes to amend Map 9-2 of the Sheppard East Subway Corridor Secondary Plan and to amend the former North York Zoning By-law No. 7625 for the property at 699 Sheppard Avenue East to permit a 12-storey (38.5 metre) residential building with retail at grade level. The gross floor area of the proposed building is 10,443 m<sup>2</sup>, including 111.35 m<sup>2</sup> of retail space at the ground level fronting onto Sheppard Avenue East. The proposed FSI is 4.04 times the area of the site. A total of 155 residential units are proposed, comprised of 55 one-bedroom units, 23 one-bedroom plus den units, 57 two-bedroom units, and 20 three-bedroom units. A total of 301.45 m<sup>2</sup> of indoor amenity space is proposed, located on the ground floor, and a total of 296.6m<sup>2</sup> of outdoor amenity space is provided for at grade.

A total of 101 parking spaces are proposed in a two level underground garage, accessed from a single driveway from Sheppard Avenue East. One external garbage and loading space is provided at grade in the west side yard of the building. A total of 157 bicycle parking spaces are proposed, comprised of 139 parking spaces for residents and 18 spaces for visitors and the retail use at grade. The long-term bicycle parking is located on both levels of the underground garage, and the short term parking is located at grade.

Detailed project information is found on the City's Application Information Centre at:

<https://www.toronto.ca/city-government/planning-development/application-information-centre/>

See Attachment 1 of this report, for a three dimensional representation of the project in context.

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

Land use planning in the Province of Ontario is a policy led system. Any decision of Council related to this application is required to be consistent with the Provincial Policy Statement (2014) (the "PPS"), and to conform with applicable Provincial Plans which, in the case of the City of Toronto, include: the Growth Plan for the Greater Golden Horseshoe (2019) and, where applicable, the Greenbelt Plan (2017). The PPS and all Provincial Plans may be found on the Ministry of Municipal Affairs and Housing website.

## **A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)**

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) (the "Growth Plan (2019)") came into effect on May 16, 2019. This new plan replaces the previous Growth Plan for the Greater Golden Horseshoe, 2017. The Growth Plan (2019) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part. The Growth Plan, 2019 establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the Planning Act that comprehensively applies the policies and schedules of the Growth Plan (2019), including the establishment of minimum density targets for and the delineation of strategic growth areas, the conversion of provincially significant employment zones, and others.

Policies not expressly linked to a MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and a vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space, and better connected transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- 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.

The Growth Plan (2019) builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan (2019) take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

The Growth Plan (2019) contains policies pertaining to population and employment densities that should be planned for in major transit station areas (MTSAs) along priority transit corridors or subway lines. MTSAs are generally defined as the area within an approximately 500 to 800 metre radius of a transit station, representing about a 10-minute walk. The Growth Plan requires that, at the time of the next municipal comprehensive review (MCR), the City update its Official Plan to delineate MTSA boundaries and demonstrate how the MTSAs achieve appropriate densities.

In accordance with Section 3 of the *Planning Act* all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan.

### **Toronto Official Plan Policies and Planning Studies**

The City of Toronto Official Plan is a comprehensive policy document that guides development in the City, providing direction for managing the size, location, and built form compatibility of different land uses and the provision of municipal services and facilities. Authority for the Official Plan derives from the *Planning Act* of Ontario. The PPS recognizes the Official Plan as the most important document for its implementation. Toronto Official Plan policies related to building complete communities, including heritage preservation and environmental stewardship may be applicable to any application. Toronto Official Plan policies may be found here:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

The current application is located on lands shown as *Avenues* on Urban Structure Map 2 of the Official Plan and is designated *Mixed Use Areas* on Land Use Map 19. *Mixed Use Areas* are made up of a broad range of commercial, residential, and institutional uses, in single use or mixed use buildings, as well as parks and open spaces and utilities. Sheppard Avenue East is identified as a *major street* on Map 3 with a planned right-of-way width of 36 metres.

The application is also located within the Sheppard East Subway Corridor Secondary Plan. The site is designated as *Mixed Use Areas* subject to a maximum density of 2.0 times the area of the land as shown on Map 9-2, and is located within the Bessarion Node (Area B) as shown on Map 9-3. The subject site is identified as a key development area. The Bessarion Node is located around the Bessarion Subway Station on the Toronto Transit Commission's (TTC) Line 4.

Policy 4.4.2 (d) of the Secondary Plan states that the height of any building or any portion thereof will not exceed the horizontal distance separating such building or portion thereof from the nearest property line of a lot within a designated stable residential area. Furthermore, policy 4.4.2 (f) states that along those parts of the Sheppard Avenue frontage not in proximity to subway stations, the maximum height will generally be six storeys, and one and two storey podiums are encouraged. Exceptions to this standard may be considered where it can be demonstrated that the treatment of bulk and mass of buildings through creative architectural features including terracing and

detailed elevation articulation results in a built form that enhances the Sheppard Avenue East street edge. Policy 4.4.2 (g) states that zoning by-laws may be enacted that provide for exceptions to the maximum height standard without amendment to the Secondary Plan where it can be demonstrated that the intent of the plan has been respected.

As identified in the Sheppard East Subway Corridor Secondary Plan Area B, new development within the Bessarion Node will be focused: a) primarily south of Sheppard: on the lands designated Mixed Use Areas, east of Bessarion Road; and on the lands along the south side of Sheppard Avenue, west of Bessarion Road, which are designated as Mixed Use Areas; and b) on the Mixed Use Areas designations on the north side of Sheppard Avenue. As the site abuts properties designated *Neighbourhoods* to the south of the site, new development is to be designed to be compatible with the low density character of the stable low density residential properties they impact.

The Sheppard East Corridor Secondary Plan can be found here:

<https://www.toronto.ca/wp-content/uploads/2017/11/9805-cp-official-plan-SP-9-SheppardEast.pdf>

## **Zoning By-laws**

The portion of the site fronting onto Sheppard Avenue East is zoned One-Family Detached Dwelling Fourth Density Zone (R4), whereas the rear portion of the site is zoned Multiple-Family Dwelling Fourth Density Zone (RM4) in the former City of North York Zoning By-law No. 7625. The site is also subject to site specific By-law 24563, enacted in 1972, which permits the existing buildings on the lands to be used for the purpose of a professional office building.

The R4 zone permits residential uses in detached dwellings as well as recreational and institutional uses. A maximum lot coverage of 30% is permitted. The RM4 zone permits apartment house dwellings, converted dwellings, and a number of other residential type uses such as duplexes and single-detached dwellings, as well as a number of institutional uses such as a hospital and a nursing home. For apartment house dwellings, a maximum lot coverage of 35% is permitted. The maximum gross floor area permitted is 85% of the lot area. The maximum permitted height is 11.5 metres.

The site is not subject to Zoning By-law 569-2013. However, it is anticipated that should this application be approved in some form then any potential zoning amendments would be incorporated into Zoning By-law 569-2013.

The City's Zoning By-law 569-2013 may be found here: <https://www.toronto.ca/city-government/planning-development/zoning-by-law-preliminary-zoning-reviews/zoning-by-law-569-2013-2/>

## **Design Guidelines**

The following design guidelines will be used in the evaluation of this application:

- Avenues and Mid-rise Buildings Performance Standards and Addendum

- Growing Up: Planning for Children in New Vertical Communities Design Guidelines;
- Best Practices for Bird-Friendly Glass; and
- Accessible Design.

The City's Design Guidelines may be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/>

### **Site Plan Control**

The application is subject to Site Plan Control. A Site Plan Control application has not been submitted.

## **COMMENTS**

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### **Reasons for the Application**

An amendment to the Sheppard East Subway Corridor Secondary Plan is being sought to increase the maximum permitted density on the lands to 4.04 times the area of the lands, whereas the Secondary Plan permits a maximum density of 2.0 times the area of the lands.

An amendment to the former City of North York Zoning By-law No. 7625 is required to permit the proposed residential building type and retail at-grade, the height and the density, and to develop appropriate development standards for the proposed development.

### **ISSUES TO BE RESOLVED**

The application has been circulated to City divisions and public agencies for comment. At this stage in the review, the following preliminary issues have been identified:

### **Official Plan Conformity**

The site is subject to the policies of the Sheppard East Subway Corridor Secondary Plan. The Sheppard East Subway Corridor Secondary Plan contains policies such as policy 4.4.2 (c) that directs the highest densities and building heights to be closest to the subway stations and to a lesser extent along arterial roads. The Secondary Plan stipulates that the greatest density, height, and mass of new buildings will be along Highway 401, at the major intersections, and at locations with the greatest accessibility to public transit. At a proposed density of 4.04 times the area of the site, the proposed application represents one of the highest densities for a site within the Secondary Plan area that is not located at a major intersection, at a subway station, or part of a large comprehensive development.

Staff are reviewing the appropriateness of the proposed Official Plan amendment.

## **Built Form, Density, Planned and Built Context**

Staff are assessing the suitability of the proposed site organization, building placement and setbacks, height and massing, based on Sections 2 (q) and (r) of the Planning Act; the City's Official Plan including the built form policies in Section 3.1.2, the public realm policies in Section 3.1.1, the built form policies in the Sheppard East Subway Secondary Plan and the City's Design Guidelines identified above.

The Secondary Plan policies regarding height state that there is a desire to relate the height and mass of development to a pedestrian scale while framing the street edge at a scale that balances the street width. Policy 4.4.2 (f) stipulates that along those parts of the Sheppard Avenue frontage not in proximity to subway stations, the maximum height will generally be six storeys, and one and two storey podiums are encouraged. The applicant is proposing a twelve storey building for a height of 38.5 metres (41.3 metres to the top of the mechanical penthouse). The proposed building does include a 4 metre stepback at the sixth storey. While the Secondary Plan recognizes that exceptions to the six storey height standard may be accommodated through treatment of bulk and mass of buildings, the proposal would represent the tallest existing or approved building in the immediate area fronting onto Sheppard Avenue East, which range in height from 6 - 10 storeys. Staff will be reviewing the proposed height and massing of the building for conformity to Policy 4.4.2 (f).

The site abuts a stable, low-rise residential area to the south which is designated *Neighbourhoods*. The official plan policies require that development in *Mixed Use Areas* be compatible with adjacent and nearby *Neighbourhoods*, provide transition of scale and density towards *Neighbourhoods* through the stepping down of buildings and setbacks from adjacent/close by *Neighbourhoods*. Staff are reviewing the application to determine whether an appropriate transition is being provided.

Staff are also reviewing the appropriateness of the proposed building setbacks, both along Sheppard Avenue East as well as the side yard setbacks and the rear yard setback. Staff are also assessing the proposal against the Mid-Rise Building Performance Standards and Addendum, including guidelines related to height, streetwall, buildings setbacks and stepbacks, front angular planes and rear angular planes and providing transition towards the stable residential neighbourhood.

The applicant has submitted a Sun/Shadow Study and a Pedestrian Level Wind Study in support of the application that are currently being reviewed by City staff.

## **Green Space and Amenity**

Staff are reviewing the appropriateness of the amount of indoor and outdoor amenity areas, as well as reviewing the suitability and configuration of amenity spaces. The applicant has proposed a total of 301.45 square metres of indoor amenity space (approximately 1.94 square metres per unit) and a total of 296.6 square metres of outdoor amenity space (approximately 1.91 square metres per unit). The indoor amenity space is comprised of a fitness room and party room that is adjacent to the outdoor amenity area. Furthermore, staff are reviewing the appropriateness of the amount of open space and green space on site and the treatment of the public realm.

## **Sheppard Avenue East (Bayview to Leslie) Focused Review**

As noted above in the Decision History section of this report, City staff are undertaking a focused review of this segment of Sheppard Avenue East, between the east side of Bayview Avenue and the east side of Leslie Street, with a particular focus on built form, transportation, and servicing issues. Staff recommend that this application be reviewed concurrently with the focused review, so that the cumulative impacts of such a proposed increase in density and height on transportation and servicing infrastructure and other remaining soft sites in the area can be better understood. The proposed height is also much taller than the buildings in the immediate area, and staff need to review and assess what the implications of such a change in built form may have on other sites in this segment of Sheppard Avenue East.

Given the significant increase in height and density proposed as part of this application, staff will be requesting the applicant to provide a cumulative impact analysis which analyses what the cumulative impacts are on built form, transportation, and servicing infrastructure, should other potential sites in the study area also seek this same increase in density and height as this proposal. This cumulative impact analysis would not only inform the City's review of the application, but also inform the City's focused review.

### **Section 37 Community Benefits**

The Official Plan provides for the use of Section 37 of the Planning Act to pass by-laws for increases in height and/or density not otherwise permitted by the Zoning By-law in return for the provision by the applicant of community benefits in the form of capital facilities. It is standard to secure community benefits in a Section 37 Agreement which is then registered on title for projects that meet the Official Plan thresholds.

The proposal in its current form has a gross floor area of 10,443 square metres, and would be subject to the Section 37 community benefits policies in the Official Plan.

### **Infrastructure/Service Capacity**

Engineering and Construction Services staff are reviewing the Functional Servicing and Stormwater Management Report provided by the applicant with the submission, the purpose of which is intended to evaluate the effects of the proposed development on the City's municipal servicing infrastructure and watercourses and identify and provide the rationale for any new infrastructure and/or upgrades to existing infrastructure necessary to provide for adequate servicing to the proposed development.

The Transportation Impact Study submitted by the applicant, is currently being reviewed by Transportation Services and Transportation Planning staff, the purpose of which is to evaluate the effects of the development on the transportation system, and the recommended transportation and cycling improvements that are necessary to accommodate the travel demands and impacts generated by the development.



Staff are also evaluating the appropriateness of the suggested Transportation Demand Management (TDM) measures.

### **Site Layout and Organization**

Staff are reviewing the appropriateness of the location and organization of the outdoor garbage pick-up and loading space.

### **Toronto Green Standard**

Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives. Tier 1 performance measures are secured in Zoning By-laws, on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision. New applications received on or after May 1, 2018 must comply with TGS Version 3.0.

Staff are reviewing the TGS Checklist submitted by the applicant for compliance with the Tier 1 performance measures.

Additional issues may be identified through the review of the application, agency comments and the community consultation process.

## **CONTACT**

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## **SIGNATURE**

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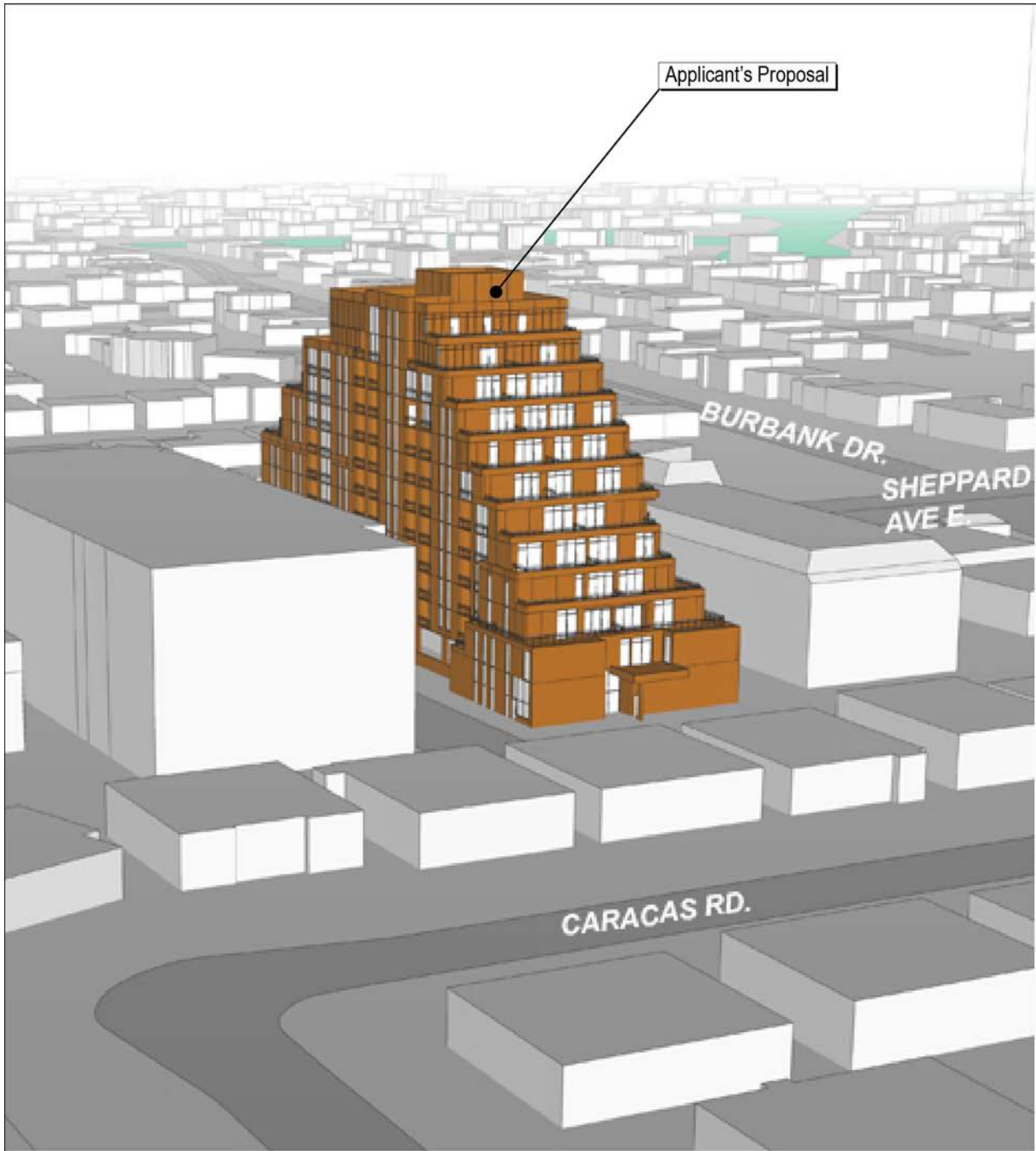
Joe Nanos, Director  
Community Planning, North York District

## **ATTACHMENTS**

City of Toronto Drawings  
Attachment 1: 3D Model of Proposal in Context  
Attachment 2: Location Map  
Attachment 3: Site Plan  
Attachment 4: Official Plan Map

**Attachment 1: 3D Model of Proposal in Context**



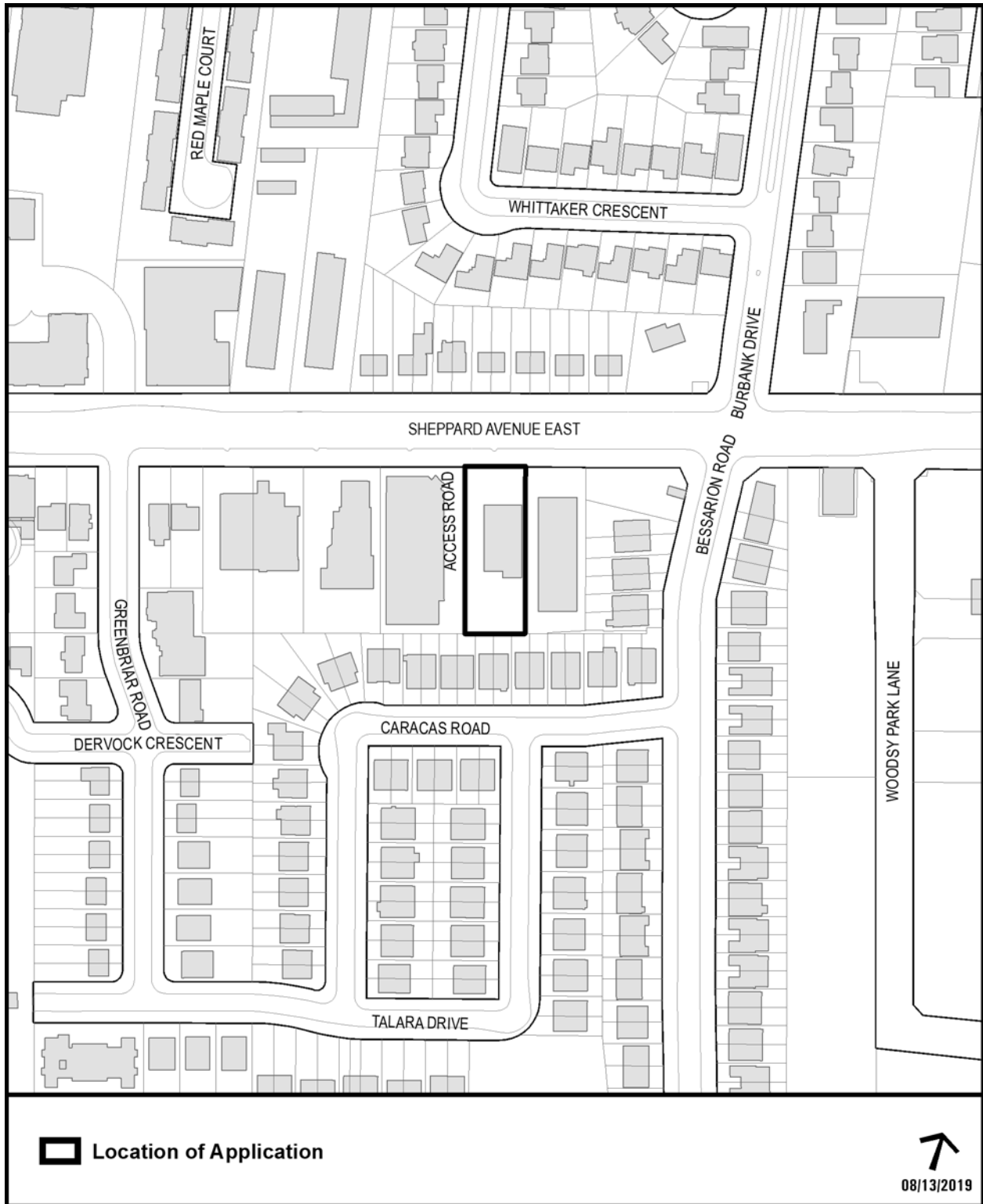


**View of Applicant's Proposal Looking Northeast**

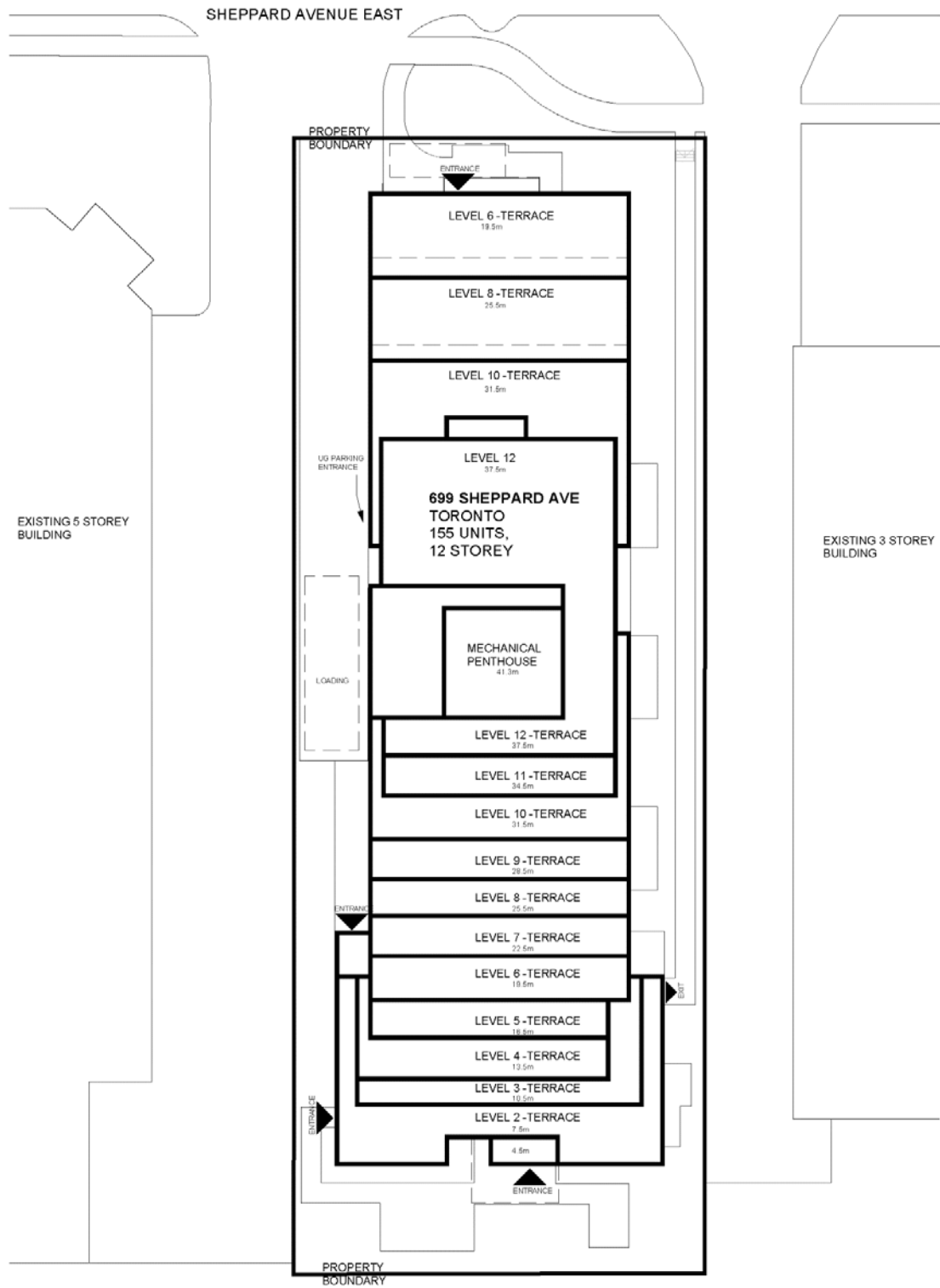


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## Attachment 2: Location Map



# Attachment 3: Site Plan



Site Plan



# Attachment 4: Official Plan Map



## Official Plan Land Use Map #19

699 Sheppard Avenue East

File # 19 192154 NNY 17 0Z

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|---|--------------------------|---|--------------------------|
|  | Location of Application  |  | Parks & Open Space Areas |
|  | Neighbourhoods           |  | Parks                    |
|  | Apartment Neighbourhoods |   |                          |
|  | Mixed Use Areas          |   |                          |

↑  
Not to Scale  
08/13/2019