

3459-3471 Sheppard Avenue East – Zoning Amendment Application – Preliminary Report

Date: October 15, 2020

To: Scarborough Community Council

From: Director, Community Planning, Scarborough District

Wards: 22 - Scarborough-Agincourt

Planning Application Number: 20 163200 ESC 22 OZ

Notice of Complete Application Issued: September 21, 2020

Current Use(s) on Site: 2-storey commercial plaza with surface parking.

SUMMARY

This report provides information and identifies a preliminary set of issues regarding the development application located at 3459-3471 Sheppard Avenue East to permit a 12 storey mixed-use development. The existing commercial plaza would be demolished. 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

The City Planning Division recommends that:

1. Staff schedule a community consultation meeting for the application located at 3459-3471 Sheppard Avenue East together with the Ward Councillor.
2. Staff provide notice for the community consultation meeting 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.

FINANCIAL IMPACT

The City Planning Division confirms that there are no financial implications resulting from the recommendations included in the report in the current budget year or in future years.

DECISION HISTORY

Pre-application Consultation

A pre-application consultation meeting was held with City staff September 23, 2019 to identify application requirements and provide feedback on the development proposal.

ISSUE BACKGROUND

Application Description

This application proposes to amend former City of Scarborough Tam O'Shanter Community Zoning By-law No. 12360 for the property at 3459-3471 Sheppard Avenue East to permit the construction of a 12-storey (38.8 metres), mixed-use development. The proposed mid-rise building would contain 212 residential units and 930 square metres of non-residential gross floor area (GFA) located on the ground level. Parking for 199 vehicles and 215 bicycles is proposed at grade and within a 2-level underground parking structure. The total proposed GFA is 17,897 square metres which results in a net floor space index (FSI) of 4.85.

The ground floor of the building is slightly recessed with the 2nd through 6th storey projecting over the first floor along the north and east elevations. The building mass steps back slightly at the 7th floor and again at the 12th floor. The rear of the building terraces down toward the south property line beginning at the 8th storey. Two wings project from the rear of the building beginning at the 6th storey and gradually step down to the 2nd storey. The main residential entrance for pedestrians is located on Aragon Avenue. Access to the garage, loading, and short-term parking is provided along a private driveway taken from Aragon Avenue at the south end of the property.

The site is located at the southwest corner of Sheppard Avenue East and Aragon Avenue. Surrounding planned and existing uses along Sheppard Avenue East include an approved 14-storey mixed-use development to the west, an auto dealership to the north, a 20-storey apartment building to the northeast, a single storey bank to the east, and a low-rise residential neighbourhood to the south.

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 Attachments 1 and 2 of this report for three dimensional representations 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 (2020) (the "PPS"), and to conform with applicable Provincial Plans which, in the case of the City of Toronto, include: A Place to Grow: Growth Plan for the Greater

Golden Horseshoe (2020) 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 (2020)

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. Amendments to the document were introduced in August 2020 and are now in effect. The amended Growth Plan (2020) 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 (2020) 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 (2020), 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 that better connect 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 (2020) 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 (2020) take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

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.

Planning for Major Transit Station Areas

The Growth Plan (2020) 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 municipal comprehensive review (MCR), the City update its Official Plan to delineate MTSA boundaries and demonstrate how the MTSAs achieve appropriate densities.

Sheppard Avenue East is identified as a *Priority Transit Corridor* on Schedule 5 of the Growth Plan and is located within the planned Bay Mills Major Transit Station Area.

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.

The subject site is located on lands designated as *Mixed Use Areas* on Land Use Map 19. An excerpt from this Official Plan Land Use Map can be found in Attachment 5. This portion of Sheppard Avenue East is identified as an *Avenue* (Map 2), a Major Street with a 36-metre right of way (Map 3), a Higher Order Transit Corridor (Map 4), and forms part of the Surface Transit Priority Network (Map 5).

The application is subject to Site and Area Specific Policy 373 (Sheppard/Warden Avenue Study). SASP 373 provides that mid-rise buildings will be the predominant form of new development while providing for appropriate transition to nearby lower-scale building elements.

The Sheppard/Warden Avenue Study final report may be found here: <https://www.toronto.ca/legdocs/mmis/2012/sc/bgrd/backgroundfile-43418.pdf>

Toronto Official Plan policies may be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

Zoning By-laws

The site is zoned Commercial Residential with a Holding Provision (CR-H) by the former City of Scarborough Tam O'Shanter Community Zoning By-law No. 12360. The purpose of this Holding Provision was to secure a new public laneway at the rear of the property,

as originally envisioned in SASP 373. The public lane requirement was removed in order to facilitate development of the neighbouring property to the west (Official Plan Amendment 310). A City-initiated housekeeping amendment to the Zoning By-law to remove the Holding Provision is also planned; however, this amendment has not yet happened.

Upon removal of the Holding Provision, the Commercial Residential zone type permits a broad range of commercial, recreational and residential uses, including offices, hotels, financial institutions, medical centres, restaurants, retail stores, personal services shops, municipal parking lots, places of entertainment, recreational uses, educational and training facilities, day nurseries, dwelling units, nursing homes, and retirement homes. Prior to the removal of the Holding Provision, only Neighbourhood Commercial and Highway Commercial uses are permitted with the exception of automobile service stations.

Performance standards permit a maximum GFA of 2.5 and a building height between 10.5 and 36 metres. The building envelope is required to fit within a 45-degree angular plane projected from the lot line abutting the Single-Family Residential Zone to the south and 80 percent of the right of way along lot lines abutting a street (Sheppard Avenue East and Aragon Avenue). Required setbacks include 3 metres (minimum) to 5 metres (maximum) along Sheppard Avenue East and a minimum 3 metre setback from all other streets (Aragon Avenue). Portions of buildings above 20 metres in height are to be stepped back an additional 5.5 metres from the west lot line and 1.5 metres from all street lines. A minimum ground floor height of 4.5 metres is required for the portion of the building within 20 metres of Sheppard Avenue East, and a minimum 1.5 metre strip of soft landscaping is required along the south portion of the property bordering the Single Family Residential zone. Other relevant performance standards include additional mechanical penthouse setbacks, amenity space requirements (quantity and location), and parking rates for residential units in keeping City-wide Zoning By-law 569-2013 Policy Area 4 rates.

The lands are not part of city-wide Zoning By-law 569-2013. Should this application be approved, the lands would be brought into 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: Mid-Rise Building Performance Standards and Addendum, Growing Up: Planning for Children in Vertical Communities, Accessibility Design Guidelines, Bird Friendly Guidelines, Best Practices for Effective Lighting, and Pet Friendly Design Guidelines for High Density Communities.

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

Reasons for the Application

A zoning amendment is required in order to remove the existing Holding Provision and to permit the proposed building envelope, including density, height, reduced setbacks and stepbacks, angular plane encroachments, reduced vehicle parking rate, location of outdoor amenity spaces.

Issue 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:

Provincial Policies and Plans Consistency/Conformity

Staff are evaluating this application for consistency with the PPS (2020) and the conformity with the Growth Plan (2020).

The application will be evaluated to determine whether the application is consistent with relevant PPS policies, including but not limited to: land use patterns and locations for intensification and redevelopment in settlement areas (1.1.3.2 and 1.1.3.3), promoting economic development and competitiveness (1.3.1), planning for stormwater management (1.6.6.7), transportation systems (1.6.7), supporting long-term economic prosperity (1.7), energy conservation, air quality and climate change (1.8), and implementation and interpretation (4.6).

Key Growth Plan (2020) policies that will be used to evaluate this application include, but are not limited to: managing growth to support the achievement of complete communities (policy 2.2.1.4), intensification in delineated built-up areas (policy 2.2.2.3), transit corridors and station areas (2.2.4), employment (2.2.5), and housing policies enabling municipalities to require multi-unit residential developments to incorporate a mix of unit sizes (2.2.6.3).

Given the explicit link between provincial policy and the Official Plan, consistency with the PPS and conformity with the Growth Plan will be largely determined by conformity with the Official Plan.

Official Plan Conformity

Staff will continue to evaluate this rezoning application to determine its conformity with the Official Plan. Key Official Plan policies that will be used to evaluate this application review include, but are not limited to: structuring growth (2.2); *Avenues* policies for

reurbanizing arterial roads (2.2.3); healthy neighbourhoods (2.3.1); transportation change (2.4); *Mixed Use Areas* (4.5); built form (3.1.2); and public realm (3.1.1).

Built Form, Planned and Built Context

City staff will assess the suitability of the proposed site organization, height, massing, separation distances, setbacks and stepbacks, angular plane projections, transition in scale to the low-rise neighbourhood to the south, and other built form issues based on Section 2 of the *Planning Act*, the Growth Plan (2019), the City's Official Plan policies, the Sheppard/Warden Avenue Study, and other applicable Design Guidelines, particularly the Mid-Rise Building Performance Standards and Addendum.

One of the key design principles of the Mid-Rise Building Performance Standards is that mid-rise building heights should allow for a minimum of 5-hours of sunlight onto the *Avenue* sidewalks from March 21st - September 21st. To achieve this, building envelopes should fit within a 45-degree angular plane taken from a height equivalent to 80% of the right-of-way width. 45-degree angular planes are also applied from property lines of mid-rise buildings adjacent to low-rise residential neighbourhoods to provide appropriate transition and privacy. The Sheppard/Warden Avenue Study supports and implements these urban design objectives through the Zoning By-law and Urban Design Plan and Recommendations. The proposed development projects into the required 45-degree angular planes beginning generally from the 12th storey along Sheppard Avenue East, 10th storey along Aragon Avenue, and 10th storey at the rear lot line.

A shadow study and pedestrian wind study have been submitted and will be reviewed to help assess the impacts of the proposed height and massing on the pedestrian environment and surrounding lands and identify any appropriate mitigation measures.

Other matters to be evaluated include the proposed mix of dwelling unit sizes and the location and size of proposed amenity spaces.

Economic Development

The subject lands are currently occupied by a two-story office-commercial building with a GFA of 1,898 square metres. Economic Development & Culture staff recognize this location as desirable for continued employment uses. The proposal includes 930 square metres of retail space located on the ground floor along Sheppard Avenue East and Aragon Avenue frontages. Staff are recommending an increase to the amount of proposed non-residential GFA in order for the site to continue to provide a similar level of economic and employment opportunities for the existing and future residents of this area.

Tree Preservation

The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees By-law) and III (Private Tree By-law).

An Arborist Report and Tree Preservation and Removal plan were submitted and are currently under review by City staff. The application proposes to remove 6 City street

trees located on Aragon Avenue and 6 privately owned trees located on the subject property that meet the criteria for protection under the Municipal Code. Three City trees, located along Sheppard Avenue East, are proposed to be preserved and would be protected by barriers during construction.

Community Services and Facilities

Community Services and Facilities (CS&F) are an essential part of vibrant, strong and complete communities. CS&F are the lands, buildings and structures used for the provision of programs and services provided or subsidized by the City or other public agencies, boards and commissions. They include recreation, libraries, childcare, schools, public health, human services, cultural services and employment services, etc. The timely provision of community services and facilities is as important to the livability of the City's neighbourhoods as "hard" services like sewer, water, roads and transit. The City's Official Plan establishes and recognizes that the provision of and investment in community services and facilities supports healthy, safe, liveable, and accessible communities. Providing for a full range of community services and facilities in areas experiencing major or incremental growth, is a responsibility shared by the City, public agencies and the development community.

The applicant submitted a Community Services and Facilities report. City staff are reviewing this report to assess the impact of the proposed development on community facilities.

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. Despite the recent introduction of a new community benefits charge, Section 37.1 of the *Planning Act* provides that Section 37, as previously enacted, continues to apply until the earlier of September 18, 2022 or the day the municipality passes a community benefits charge by-law.

The proposal in its current form seeks a significant increase in height and density. Should the application be recommended for approval, a Section 37 contribution would be warranted. Discussions with the Ward Councillor, City staff, residents, and the applicant would be required to determine the extent and nature of the required Section 37 community benefits.

Infrastructure/Service Capacity

Staff are reviewing the application to determine if there is sufficient infrastructure capacity (roads, transit, water, sewage, hydro, community services and facilities, etc.) to accommodate the proposed development.

Staff are reviewing a Functional Servicing Report provided by the applicant to evaluate the effects of the proposed development on the City's municipal servicing infrastructure and watercourses. The review will also identify and provide the rationale for any new

infrastructure and upgrades to existing infrastructure that may be necessary to provide adequate servicing to the proposed change in land use or development.

Transportation and Parking

Staff are reviewing the Transportation Impact Study submitted by the applicant to evaluate the effects of the development on the transportation system and determine if any transportation improvements are necessary to accommodate the transportation impacts generated by the development.

The proposed development includes 199 vehicle parking spaces, including 165 residential spaces, 34 visitor spaces and no dedicated spaces for the commercial uses. Staff are evaluating the appropriateness of the proposed reduced vehicle parking rate with regard to the site's location and proposed transportation demand management measures.

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 on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

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

Other Matters

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

CONTACT

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SIGNATURE

Paul Zuliani, MBA, RPP, Director
Community Planning, Scarborough District

ATTACHMENTS

City of Toronto Drawings

Attachment 1: 3D Model of Proposal Looking Southwest

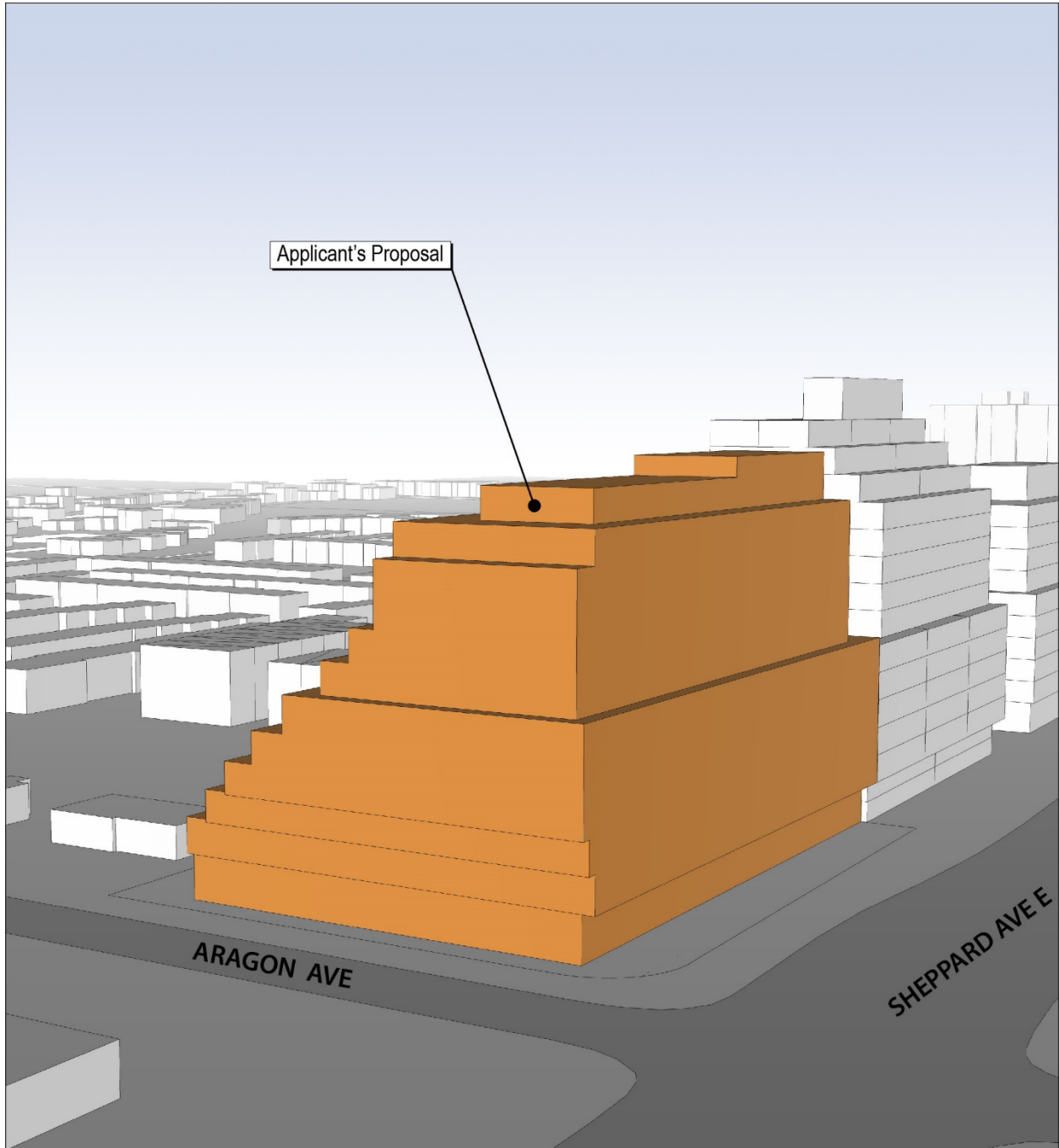
Attachment 2: 3D Model of Proposal Looking Northwest

Attachment 3: Location Map

Attachment 4: Site Plan

Attachment 5: Official Plan Map

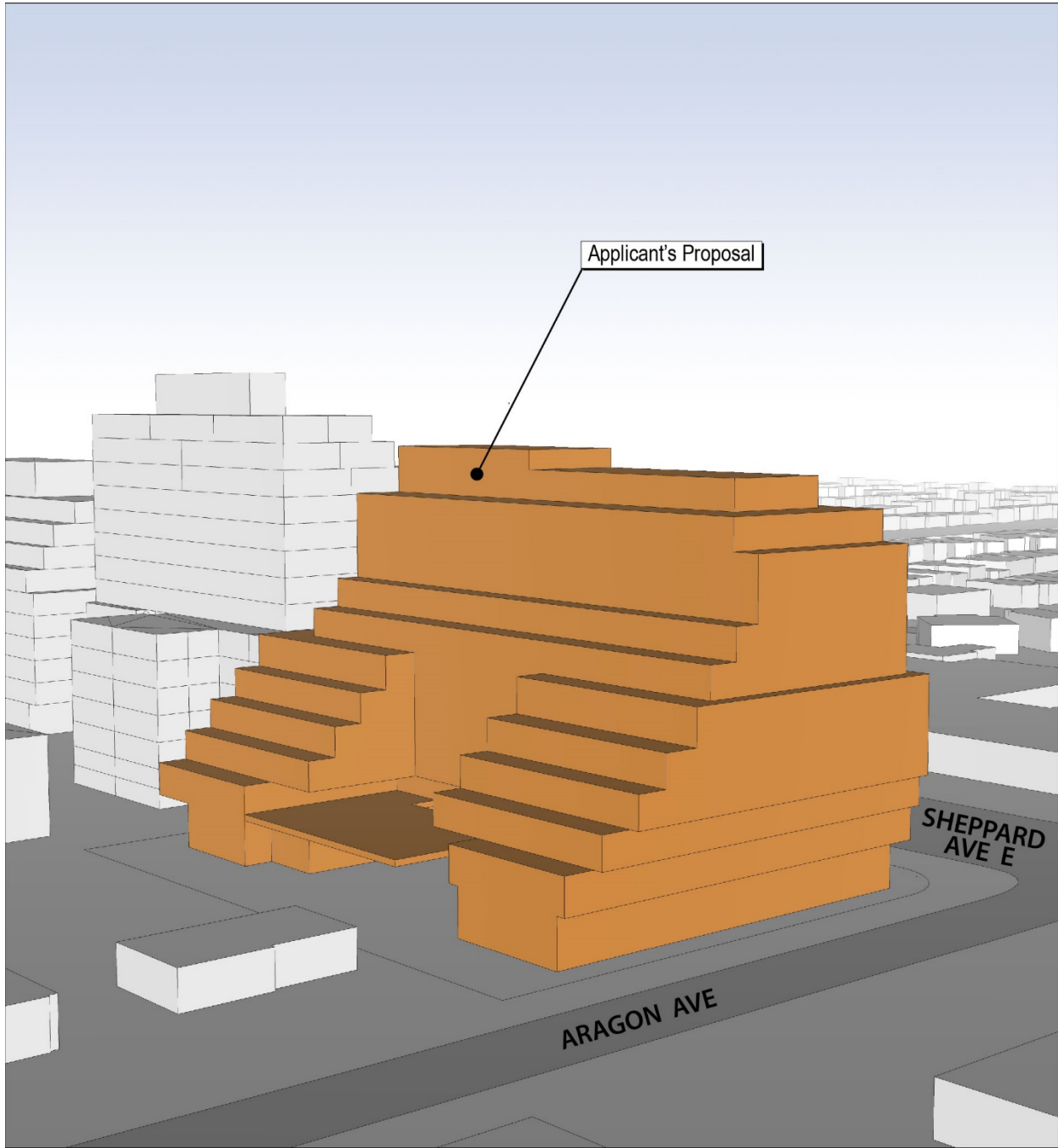
Attachment 1: 3D Model of Proposal Looking Southwest



View of Applicant's Proposal Looking Southwest

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09/24/2020

Attachment 2: 3D Model of Proposal Looking Northwest

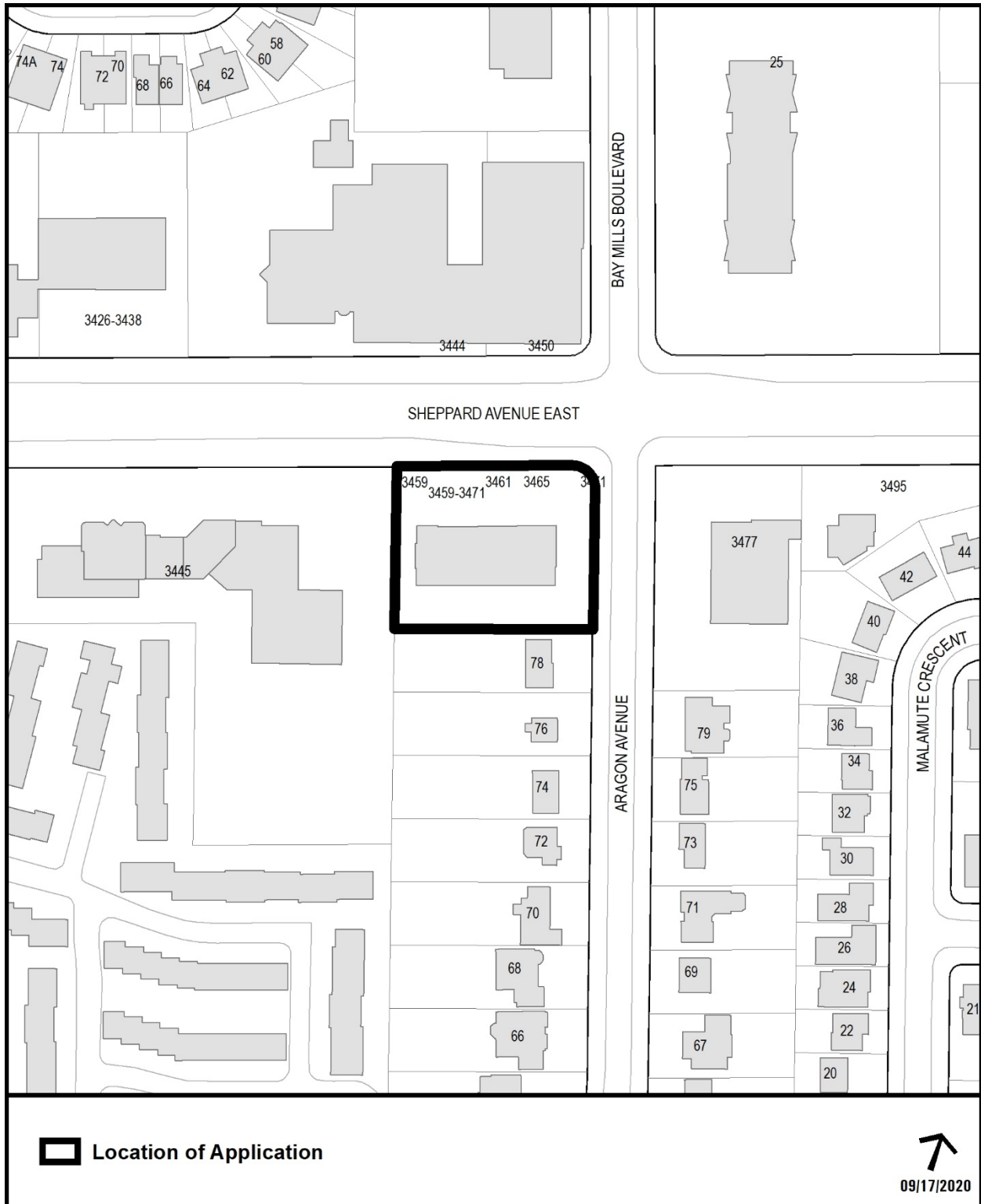


View of Applicant's Proposal Looking Northwest

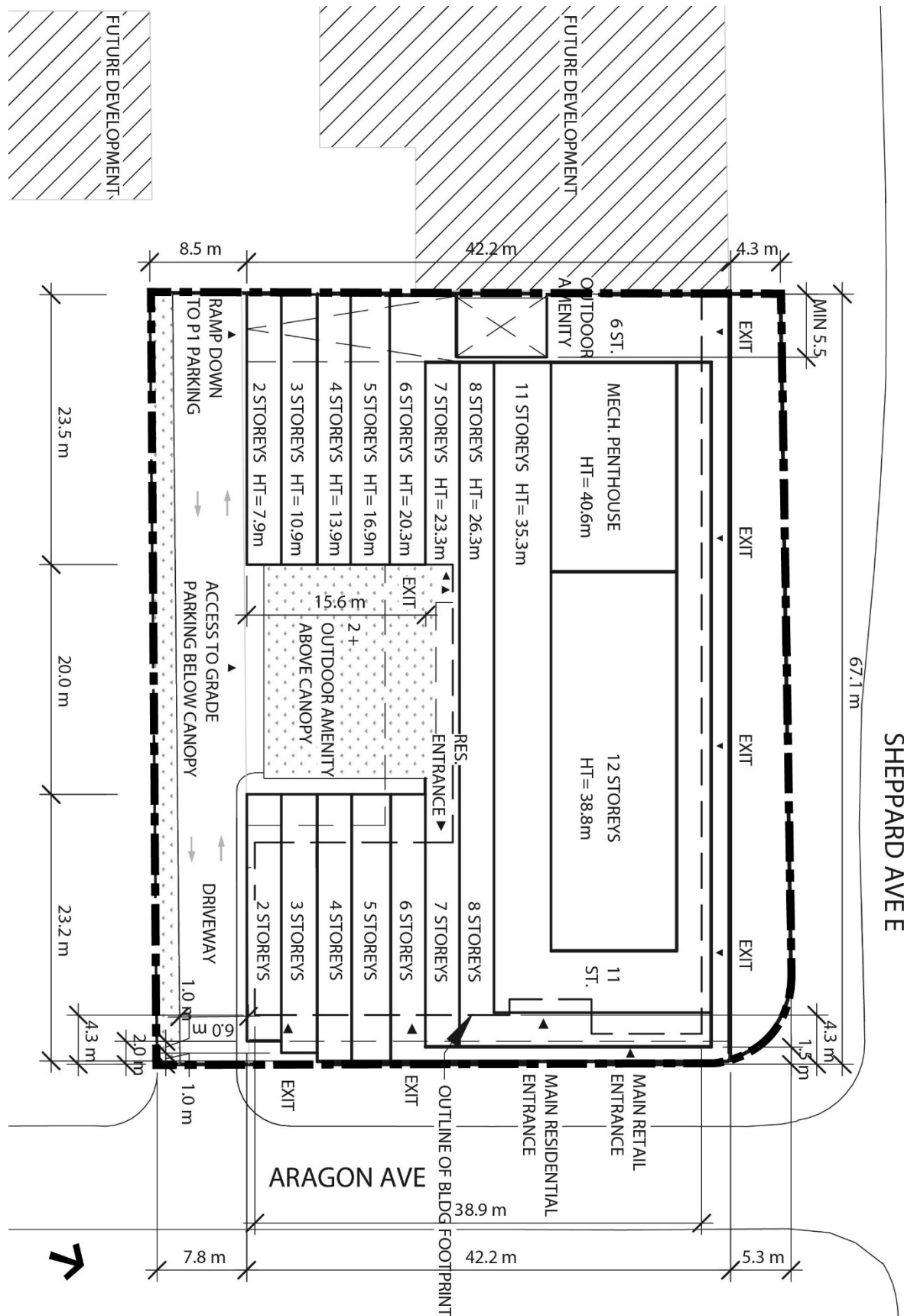


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Attachment 3: Location Map



Attachment 4: Site Plan



Attachment 5: Official Plan Map



3459-3471 Sheppard Ave E

Official Plan Land Use Map #19

File # 20 163200 ESC 22 0Z

-  Location of Application
-  Neighbourhoods
-  Apartment Neighbourhoods
-  Mixed Use Areas


Not to Scale
09/17/2020