
City Council

Notice of Motion

MM38.26	ACTION			Ward: 17
---------	--------	--	--	----------

Request to Allow an Application to Amend the ConsumersNext Secondary Plan (as amended by Official Plan Amendment 393) - by Councillor Shelley Carroll, seconded by Councillor Mike Colle

** Notice of this Motion has been given.*

** This Motion is subject to referral to the Planning and Housing Committee. A two-thirds vote is required to waive referral.*

Recommendations

Councillor Shelley Carroll, seconded by Councillor Mike Colle, recommends that:

1. City Council declare, pursuant to subsection 22(2.2) of the Planning Act, R.S.O. 1990, c. P.13 for the purposes of subsection 22(2.1.1) of the Planning Act, R.S.O. 1990, c. P.13, that Hiltin Hills Development Incorporated may be permitted to apply to amend the ConsumersNext Secondary Plan (as amended by Official Plan Amendment 393) including, in particular, Map 38-4: Potential Tall Building Locations and Maximum Densities, Policy 5.3 relating to minimum setback requirements and related policies, for the lands municipally known as 2135 Sheppard Ave East, 325 Yorkland Boulevard, 55 Smooth Rose Court and 15 Smooth Rose Court (Registered Plan 66M-2561, the "Lands") before the second anniversary of the first day on which any part of Official Plan Amendment 393 comes into effect for the purposes of seeking approval of a mid-rise mixed use building on Part of Block 1, Registered Plan 66M-2561 and more particularly described as Parts 4 and 10 on Reference Plan 66R-31677 (the "Site"), resulting in a density of 3.5 Floor Space Index (FSI) for the Site, and exceeding the overall maximum density currently permitted by Official Plan 393 for the Lands, that provides:

a. a minimum of 1,858 square metres (20,000 square feet) of contiguous retail space provided on the ground floor of Building C on the Site, with the design of the space which shall not preclude the ability to accommodate a grocery store;

b. a minimum of 1,197.5 square metres (12,889 square feet) of non-residential space provided on the second floor of Building C on the Site;

c. the proposed parkland dedication for the development of Building C on the Site shall be relocated on the southern end of the site and integrated with the existing parkland block dedicated as part of the larger development (Block 2, Registered Plan 66M-2561, registered February 13, 2020 as Instrument AT5363954); and

d. the height of the proposed Building C, on the Site shall be no greater than the right-of-way width of Sheppard Avenue East, and shall meet the guidelines found in the Mid-Rise Building Performance Standards.

2. City Council declare that Part 1 above shall not be construed to fetter City Council's discretion with respect to its decision regarding any development application related to 2135 Sheppard Avenue East, 325 Yorkland Boulevard, 55 Smooth Rose Court and 15 Smooth Rose Court.

Summary

The approved site specific Zoning By-law 1182-2016 for the lands municipally known as 2135 Sheppard Avenue East, 325 Yorkland Boulevard, 55 Smooth Rose Court and 15 Smooth Rose Court permits a mixed use development in three residential buildings on the development site (Registered Plan 66M-2561, the "Lands") with heights of 34 storeys (Building A), 43 storeys (Building B), and 26 storeys (Building D), as well as a 4-storey retail building (Building C) at the southwest corner of Sheppard Avenue East and Yorkland Boulevard (Part of Block 1, Registered Plan 66M-2561 and more particularly described as Parts 4 and 10 on Reference Plan 66R-31677, the "Site").

Currently, Building D is constructed and occupied, and Building B is under construction and Site Plan Notice of Approval Conditions have been issued along with a Site Plan Agreement registered as Instrument AT5895305. Building A has a Site Plan Application filed with the City and is currently under review.

On August 10, 2021, Hiltin Hills Developments Inc. (the "Owner") submitted an Application to amend Zoning By-law 1182-2016 (the "Application"). The Application seeks to amend the 4-storey retail building (Building C) to permit a 12-storey mixed use building with an additional approximately 19,373.1 square metres of gross floor area on the Site, totalling 23,993.4 square metres.

The Application remains incomplete as of November 5, 2021. The Application, in its current form, does not conform to the ConsumersNext Secondary Plan with respect to the overall permitted density, building typology, setback, step backs, angular plane, and ground-floor uses.

Further, pursuant to Section 22 (2.1.1) of the Planning Act, the Owner is not permitted to file for an amendment to the Secondary Plan before the second anniversary of the first day any part of the Secondary Plan comes into effect. The ConsumersNext Secondary Plan came into force over the lands on April 16, 2021. However, pursuant to the exception under Section 22 (2.2), Council may declare by resolution that a specific request to amend the Secondary Plan be permitted.

The Owner has agreed to amend the Application to lower the height of their proposal so that it meets the maximum height of the right-of-way of Sheppard Avenue East to be considered a mid-rise building as per the Mid-Rise Building Performance Standards, and to incorporate more retail space into their ground floor, as shown in the attached letter from the Owner. In particular, a minimum of 1,858 square metres (20,000 square feet) of contiguous retail space on the ground floor, the design of which shall not preclude the ability to accommodate a grocery store.

Further, the applicant has agreed to relocate the proposed parkland dedication to the southern end of the site to be integrated with the existing parkland block dedicated as part of the larger development site. Additionally, the applicant has agreed to work with staff to resolve issues related to setbacks, step backs and angular planes. With the revisions to the proposal, the Application requires an amendment to the Official Plan (ConsumersNext Secondary Plan) to allow for a maximum density of 3.5 Floor Space Index (FSI) on the Site, which will exceed 3.5 Floor Space Index (FSI) for the Lands as currently permitted by the Secondary Plan, and recognize the existing 6.5 metre road widening previously conveyed along Sheppard Avenue East. ("Requested OP Amendment").

In order to facilitate appropriate development on the Site while maintaining the intent of the original proposal to provide non-residential uses on the Lands, the owner requires City Council permit the request to amend the Secondary Plan for the City to accept and review the Requested Official Plan Amendment.

Background Information (City Council)

Member Motion MM38.26

<http://www.toronto.ca/legdocs/mmis/2021/mm/bgrd/backgroundfile-174236.pdf>

Attachment 1 - Letter from Tribute Communities

<http://www.toronto.ca/legdocs/mmis/2021/mm/bgrd/backgroundfile-174237.pdf>