

## **699 Sheppard Avenue East – Official Plan Amendment and Zoning Amendment Applications – Final Report**

Date: May 27, 2021

To: North York Community Council

From: Acting Director, Community Planning, North York District

Ward: 17 - Don Valley North

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

**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 application proposes to amend the Official Plan and Zoning By-Law to permit an 12-storey mixed use building, containing 169 residential units at 699 Sheppard Avenue East. The proposed building has total gross floor area of 10,829 m<sup>2</sup>, which would include 50.5 m<sup>2</sup> of commercial floor space on the ground floor of the building along Sheppard Avenue East. Vehicular access to the site would be provided by a single driveway via Sheppard Avenue East. The proposed development would provide a total of 115 parking spaces located in a two-level underground garage and has a proposed total of 238 bicycle parking spaces. The existing one-storey building on the subject property would be demolished.

The proposed development is consistent with the Provincial Policy Statement (2020) and conforms with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020).

This report reviews and recommends approval of the application to amend the Official Plan and Zoning By-law. The proposal represents an appropriate intensification of the site in close proximity to a higher order transit station. The proposed massing provides transition to the lower scaled residential neighbourhood to the south and minimizes the amount of parking provided in recognition of the transit available.

### **RECOMMENDATIONS**

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The City Planning Division recommends that:

1. City Council amend the Official Plan, for the lands at 699 Sheppard Avenue East substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 6 to this report.

2. City Council amend Zoning By-law 7625 as amended, for the lands at 699 Sheppard Avenue East substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 7 to this report.

3. City Council amend City of Toronto Zoning By-law 569-2013, as amended, for the lands at 699 Sheppard Avenue East substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 8 to this report.

4. City Council authorizes the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and/or draft Zoning By-law Amendments as may be required.

5. Before introducing the necessary Bills to City Council for enactment, require the Owner to enter into an Agreement pursuant to Section 37 of the Planning Act as follows:

a. The community benefit recommended to be secured in the Section 37 Agreement is \$1,025,000 to go towards parkland and other community services and facility improvements within the area, as well as streetscape improvements and that the design of the streetscape improvements comply with the Streetscape Manual, to the satisfaction of the Chief Planner and Executive Director, City Planning;

b. the amount above will be indexed upwardly in accordance with Statistics Canada Non-Residential Building Construction Price Index for the Toronto Census Metropolitan Area, reported by Statistics Canada in the Building Construction Price Indexes Table: 18-10-0135-01, or its successor, calculated from the date of the execution of the Section 37 Agreement, or any other necessary agreement, to the date of payment which will be no later than issuance of first above grade building permit; and

c. in the event the cash contribution referred to in Recommendation 5.a. above has not been used for the intended purpose within three (3) years of the issuance of first above grade building permit, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor.

## **FINANCIAL IMPACT**

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

## **DECISION HISTORY**

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Two pre-application meetings were held for the subject property, one was held on April 17, 2018 and the other on February 1, 2019. A Preliminary Report on the application was adopted by North York Community Council on November 5, 2019 authorizing staff

to conduct a community consultation meeting with an expanded notification area. Community consultation is summarized in the Comments section of this Report.

A copy of the Preliminary Report and Community Council's direction is available online at <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.NY10.4>.

## **PROPOSAL**

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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 and City of Toronto By-law 569-2013, for the property at 699 Sheppard Avenue East to permit a 12-storey residential building with retail on the ground floor level. The total gross floor area of the proposed building is 10,729 m<sup>2</sup>, including 50.5 m<sup>2</sup> of retail space at the ground level fronting onto Sheppard Avenue East. The proposed ground floor height is 4.5 metres. The proposed FSI is 4.16 times the area of the site. A total of 169 residential units are proposed, comprised of 7 studio units, 82 one-bedroom units, 61 two-bedroom units, and 19 three-bedroom units. A total of 332 m<sup>2</sup> of indoor amenity space is proposed, located in combination on the ground floor and on the mechanical penthouse level, and a total of 532 m<sup>2</sup> of outdoor amenity space is provided for on the ground floor and an outdoor terrace provided on the mechanical penthouse level. (See Attachment 1 Project Data Sheet)

The proposed height of the building is 12-storeys and 39.7 metres, with wrapped mechanical penthouse level that includes indoor amenity space and mechanical equipment for the building. The front of the building would be set back 4.0 metres from the front property line, 5.5 metres from the east property line and 5.6 metres to the west, with the exception of a portion at the front of the building that cantilevers over the driveway and would have a 0 metre setback to the west property side line. The rear of the building would be set back 7.5 metres to the ground floor and is proposed to stepback further as the building height increases. The stepback would increase every floor from 12.5 metres at the top of the second floor, up to 39 metres at the top of the eleventh floor.

The front (north side) of the building is proposed to stepback at the top of the sixth floor to 8 metres, then again at the top of the tenth floor to 10 metres.

A total of 115 parking spaces are proposed in a three-level underground garage, accessed from a single driveway from Sheppard Avenue East. Two car share spaces are proposed. One Type G external garbage and loading space is proposed on the ground floor in the west side yard of the building, which would be screened from view above. A total of 238 bicycle parking spaces are proposed, comprised of 214 parking spaces for residents and 24 spaces for visitors and the retail use on the ground floor. The long-term bicycle parking would be located on both levels of the underground garage, and the short term parking would be located on the ground floor.

### **Site and Surrounding Area**

The subject property is located on the south side of Sheppard Avenue East between Bessarion Road and Greenbriar Road, and has a frontage of 30.55 metres and an area

of approximately 2585.5 square metres. Sheppard Avenue East has a right of way width of 36 metres. The existing building is a one-storey Canada Post facility.

Surrounding uses are as follows:

North: On the north side of Sheppard Avenue East there are a number of semi-detached dwellings that front onto Sheppard Avenue East.

South: To the immediate south of the site are the rear yards of semi-detached dwellings that front onto Caracas Road.

East: To the immediate east of the subject site is a three-storey medical office building fronting onto Sheppard Avenue East. Further east of the site is the Bessarion Parkette and the Bessarion Subway Station entrance.

West: Immediately to the west of the subject site is the North York Chinese Baptist Church, which is a 5-storey building fronting onto Sheppard Avenue East.

### **Reasons for Application**

An amendment to the Sheppard East Subway Corridor Secondary Plan is being sought to increase the maximum permitted density on the lands to 4.16 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. The subject property is also to be brought into the City of Toronto Zoning By-law 569-2013.

## **APPLICATION BACKGROUND**

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### **Application Submission Requirements**

The following reports/studies were submitted in support of the application:

- Planning Rationale
- Arborist/Tree Preservation Report
- Pedestrian Level Wind Study
- Sun/Shadow Study
- Vibration Study/Noise Impact Study
- Public Consultation Strategy Report
- Functional Servicing and Stormwater Management Report
- Geotechnical Study/Hydrogeological Review
- Transportation Impact/Traffic Operations/Parking and Loading Study.

The reports and studies submitted by the applicant are available on the City's Application Information Centre (AIC): <http://app.toronto.ca/AIC/index.do>

## **Agency Circulation Outcomes**

The application together with the applicable reports noted above, have been circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate an Official Plan amendment and Zoning By-law standards.

## **Statutory Public Meeting Comments**

In making their decision with regard to this application, Council members have been given an opportunity to view the oral submissions made at the statutory public meeting held by North York Community for this application, as these submissions are broadcast live over the internet and recorded for review.

## **POLICY CONSIDERATIONS**

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### **Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans**

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

### **The Provincial Policy Statement (2020)**

The Provincial Policy Statement (2020) (the "PPS") 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 use and management of land and infrastructure;
- ensuring the sufficient provision of housing to meet changing needs including affordable housing;
- ensuring the appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs; and
- protecting people, property and community resources by directing development away from natural or human-made hazards.

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the *Planning Act* and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.6 of the PPS states that, "The official

plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

## **Provincial Plans**

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with Provincial Plans.

## **A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)**

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) came into effect on August 28, 2020. This was an amendment to the Growth Plan for the Greater Golden Horseshoe, 2019. The 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.

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 (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 (2020). Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan (2020).

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 (2020) 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 plan for the prescribed densities.

## **Toronto Official Plan**

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

## **Chapter 2 - Shaping the City**

The Official Plan requires developments in *Mixed Use Areas* that are adjacent to lands designated *Neighbourhoods* to be compatible with those *Neighbourhoods* and provide a gradual transition of scale and density through the stepping down of buildings towards and setback from those *Neighbourhoods*. The Official plan also sets out principles for steering growth and change, while protecting our neighbourhoods and green spaces for development pressures. Infrastructure is needed to provide clean water to everyone, to manage sewage and stormwater and treat it before it goes into the lake. Water and wastewater services are important foundations for growth in the City, as well as for maintaining the quality of life in all areas of the City. Section 2.2.5 discusses how the City's water, wastewater and stormwater management infrastructure will be maintained in order to support new development.

## **Chapter 3 - Building a Successful City**

The Built Form policies of the Official Plan require new development to be located and organized to fit with its existing and/or planned context. Buildings should generally be located parallel to the street and locate main building entrances so that they are clearly visible and directly accessible from the public sidewalk. Vehicular parking, access and service areas should be located and screened to minimize their impact and provide parking underground when possible. In order to fit harmoniously into the existing and/or

planned context, buildings should create transitions in scale to neighbouring existing and/or planned buildings and to provide adequate light and privacy.

On September 11, 2020, Official Plan Amendments 479 (Public Realm) and 480 (Built Form) were approved with modifications by the Minister of Municipal Affairs and Housing. OPA 479 replaces Section 3.1.1 of the Official Plan with new and revised public realm policies, while OPA 480 replaces Sections 3.1.2 and 3.1.3 of the Official Plan with new and revised built form and built form types policies. The policies of OPA 479 and OPA 480 are applicable to this application.

## **Chapter 4- Land Use Designations**

The subject lands are designated Mixed Use Areas on Map 19 of the Official Plan. These areas are expected to absorb most of the anticipated increase in retail, office and service employment in the Toronto, as well as much of the new housing. Development in these areas should locate and mass new buildings to provide a transition between areas of different development intensity and scale, through means such as providing appropriate setbacks and/or a stepping down of heights, particularly towards lower scale Neighbourhoods. Development in these areas should provide an attractive, comfortable and safe pedestrian environment and take advantage of nearby transit services while providing good site access and circulation and an adequate supply of parking for both residents and visitors.

## **Chapter 5 - Implementation: Making Things Happen**

This chapter of the Official Plan outlines a variety of tools that the City can bring to bear to make things happen. Section 5.1.2 describes that the City can pass a "holding" zoning by-law that places an "H" symbol over the zoning and spells out the conditions that must be met before the "H" symbol is removed and the lands can be developed.

## **Sheppard East Subway Corridor Secondary Plan (SESCSP)**

The subject lands are also located within the Sheppard East Subway Corridor Secondary Plan. The Secondary Plan is intended to encourage development to occur within key development areas which are primarily designed Mixed Use Areas and to establish a planning context for long term growth. Some of the key policies include, development on the lands designated *Mixed Use Areas* may be permitted primarily for residential uses, however mixed use developments with non-residential uses such as retail or small office at grade are encouraged along the Sheppard Avenue East frontage and the highest densities will generally be located closest to the subway nodes, along the frontages of arterial roads and abutting Highway 401. The subject site is identified as a key development area in the Secondary Plan Map 9-2 (see Attachment 4), having a permitted density of 2.0 times the area of the lot.

The site is also located within the Bessarion Node (Area B) of the Secondary Plan. The Bessarion Node is located around the Bessarion Subway Station on the Toronto Transit Commission's (TTC) Line 4 and is expected to be a node providing opportunities for new residential uses with a mix and range of housing types.

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**

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

## **Avenues and Mid-rise Buildings Study and Performance Standards**

City Council adopted the Avenues and Mid-rise Buildings Study and an addendum containing performance standards for mid-rise buildings. They identify a list of best practices and establish a set of performance standards for new mid-rise buildings. Key issues addressed include maximum allowable building heights, setbacks and step backs, sunlight and skyview, pedestrian realm conditions, transition to Neighbourhoods and Parks and Open Space Areas and corner sites. The link to the guidelines is here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/mid-rise-buildings/>.

City Council also adopted a revised Mid-Rise Building Performance Standards Addendum, for staff to use together with the 2010 approved Mid-Rise Building Performance Standards in the preparation of area studies or during the evaluation of development applications, where mid-rise buildings are proposed and Performance Standards are applicable, until such time as City Council adopts updated Mid-Rise Building Design Guidelines. Council's decision is here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PG12.7> and <http://www.toronto.ca/legdocs/mmis/2016/pg/bgrd/backgroundfile-92537.pdf>.

## **Growing Up: Planning for Children in New Vertical Communities**

The Growing Up Guidelines are the result of a two year study and two year period of implementation and monitoring, focused on how new mid-rise and tall buildings can be developed as vertical communities to support social interaction and better accommodate the needs of all households, including those with children. They apply to all new multi-residential mid-rise and tall building development application with twenty or more units. The link to the guidelines and the background staff reports is available here:

## **Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings**

The City of Toronto has completed the Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings. The purpose of this document is to guide new developments in a direction that is more supportive of a growing pet population, considering opportunities to reduce the current burden on the public realm, and provide needed pet amenities for high density residential communities. These Guidelines are to be used by the development industry in the preparation of development applications, by architects to inform the size, location and layout of pet friendly facilities, and by city staff in the various stages of development application review to identify best practices and help inform decisions that will support pet friendly environments.

The Guidelines are to be used in conjunction with other policies and guidelines. They are not intended to be prescriptive, but rather are intended to provide an additional degree of information. All residents, both pet-owners and non-pet-owners, will benefit from the Guidelines as they encourage design that demonstrate considerations for pets and reduces the impact that they have on our parks, open spaces and the environment.

The Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings are available at: <https://www.toronto.ca/city-government/planning-development/planningstudies-initiatives/pet-friendly-design-guidelines-for-high-density-communities/>

## **Site Plan Control**

The application is subject to Site Plan Control. A Site Plan Control application has been submitted (File No. 21 117169 NNY 17 SA) and is under review.

## **COMMENTS**

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

The Provincial Policy Statement (2020) (the PPS), and the Growth Plan for the Greater Golden Horseshoe (2020) are high-level and broad reaching policy documents. The PPS and the Growth Plan (2020) 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, Policy 4.6 of 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. The City of Toronto Official Plan establishes areas for intensification and includes policies to encourage intensification, provided that this can occur in the context of other applicable policies.

The City's Official Plan contains clear, reasonable and attainable policies that protect provincial interests and direct development to suitable areas while taking into account the existing building stock and protects the character of the area consistent with the direction of the PPS.

Section 3 Infrastructure to Support Growth of the Growth Plan, requires infrastructure planning, land use planning and infrastructure investment be co-ordinated. Section 1.6 Infrastructure and Public Services Facilities of the PPS requires infrastructure and public service facilities to be provided in an efficient manner that prepares for the impacts of a changing climate, while also accommodating projected needs. It also states that planning for infrastructure shall be coordinated and integrated with land use planning and growth management so that they are available to meet current and projected needs.

The current sewer infrastructure cannot meet the needs of the currently approved developments or projected population growth on the lands within the corridor. In order to ensure that intensification in the area can be achieved and implemented in an orderly fashion, the PPS (2020) and the Growth Plan (2020) support the imposition of a Holding (H) Symbol by-law on such lands until such a time as the necessary municipal infrastructure is in place to support the current and projected needs for the area. In accordance with the PPS (2020) and the Growth Plan (2020), the City has prioritized the planning and expansion of new municipal infrastructure. Once constructed, the municipal infrastructure will service the approved development.

The subject site is currently developed with a one-storey Canada Post facility and a 12-storey mixed use residential building represents an appropriate level of intensification along Sheppard Avenue East in proximity to Bessarion Subway Station.

The proposal has been reviewed and evaluated against the PPS (2020) and the Growth Plan (2020) and staff have determined that the proposal is consistent with the PPS and conforms with the Growth Plan (2020). Both of these policy documents provide for intensification on infill sites in proximity to higher order transit stations.

### **Height, Massing and Density**

This application has been reviewed against the official plan policies, secondary plan policies and planning studies and design guidelines described in the Policy Consideration Section of the Report. Official Plan Policies 3.1.2.1(b), 3.1.2.5, 3.1.2.6, and 3.1.2.7 relate to the planned context and transition in scale. Development will be located and organized to fit with its existing and planned context, define and frame the edges of the public realm with good street proportion, fit with the character, and ensure access to direct sunlight and daylight on the public realm. Section 3.1.3 specifically addresses mid-rise buildings and requires mid-rise buildings to meet the built form principles of the plan, as set out within Section 3.1.2. This is consistent with *Mixed Use Areas* Policy 4.5.2 (c) that requires a transition between areas of different development intensity and the stepping down of heights, particularly towards lower scale *Neighbourhoods*.

The Official Plan requires that development in Mixed Use Areas fit within the existing and planned context and that it provides appropriate transition to Neighbourhoods. The proposed building would have a six-storey streetwall along Sheppard Avenue East and

then rise to a total height of twelve storeys (39.7 metres) but then provides a stepping down in height for each storey down to the second floor at the rear. Both 45 degree angular planes on the north and south sides of the property have been met and no portions of the building protrude into the angular planes including the mechanical penthouse/amenity space. This provides an appropriate transition to the stable residential neighbourhood immediately to the south of the site and protects for overlook and privacy concerns. Additional transition and buffering is provided by the amenity area and landscape strip provided along the rear property line.

The east side yard setback of the building is proposed at 5.5 metres. This allows for a landscaped buffer between the neighbouring property and access to the Sheppard Avenue East sidewalk via a private walkway from the building. The west side yard setback for the front 13.6 metres of the building is proposed at 0 metre. This portion of the building would cantilever out over the proposed driveway. Beyond the 13.6 metres, the building setback would be 5.6 metres from the west property line. This setback would accommodate the 6.0 metre wide driveway that would provide access to the underground garage and loading space. Towards the rear of the building this setback would provide a landscape buffer and further access to the building, again helping with the transition to the residential neighbourhood immediately to the south.

The total building height is proposed at 39.7 metres, which includes the mechanical penthouse and an amenity space on the twelfth floor of the building. Sheppard Avenue East has a right of way width of 36 metres. The Official Plan states that mid-rise buildings should generally have heights no greater than the width of the right of way that it fronts onto. Although the proposed height of this building is slightly higher than the right of way, the portion of the building that is proposed to be higher is set back well away from both the north and south property lines and would not protrude into the angular planes. The portion of the building that would be higher also does not contain any residential units. The portion of the building that contains residential units, up to the eleventh floor, has a proposed height of 34.5 metres, which meets the intent of the Official Plan policy. The ground floor height is proposed at 4.5 metres, which would facilitate retail uses at grade.

The building would have a gross floor area of 10,729 m<sup>2</sup>, and a FSI of 4.16. This is an appropriate density given policies provided within the Sheppard East Subway Corridor Secondary Plan, with higher densities being located in close proximity to subway stations. This site is approximately 150 metres or a 2 minute walk to the nearest station entrance. Other similar densities have been approved within the Sheppard East subway corridor.

Staff are of the opinion that the proposed development is compatible with the surrounding existing and planned context and the proposed built form, including the height, massing and density is appropriate.

### **Access, Traffic Impact, and Loading**

The site proposes access via a north-south driveway from Sheppard Avenue East, located on the west side of the property. The driveway provides access to the three-storey underground parking garage, a type G loading space and a garbage/recycling staging area.

The applicant submitted a Transportation Impact Study as part of the application and it was reviewed by Transportation Services. The report estimates that the proposed development will generate approximately 37 and 42 two-way trips during the weekday a.m. and p.m. peak hours, respectively.

The report concludes that there will be minimal impact on the road network, that traffic generated by the proposed development can be accommodated without the need for intersection improvements and these conclusions and overall traffic impacts of the proposal are generally acceptable by Transportation Services.

The loading space supply requirements for the project are governed by the provisions contained in the former City of North York Zoning By-law No. 7625. Staff require that the project complies with the loading space requirements of Zoning By-law No. 569-2013 since they are based on more recent information. For this project, 1 Type G loading space is required and will be provided at the rear of the building and next to the western property line. Transportation Services accepts this configuration.

### **Parking and Transportation Demand Management**

The parking space requirements for the project are governed by the applicable parking provisions contained in the former North York Zoning By-law No. 7625. However, Zoning By-law No. 569- 2013 was developed by City staff in order to update the parking requirements for developments. The parking space provisions contained in the By-law for this application have been accepted by staff on recent development projects, where appropriate, as the associated parking standards are based on more recent information when compared to the former City of North York Zoning By-law.

Transportation Services support the use of the lower Policy Area 3 ("PA3") parking rates for the site which require a total of 150 parking spaces, including 16 visitor spaces, due to the proximity of the Bessarion Station on the TTC Line 3 Sheppard Subway. A minimum of 144 spaces are required when including the net reductions from the 2 car-share spaces. Also required are six accessible parking spaces by By-law 579-2017. A total of 115 parking spaces are proposed for this project, including 96 for residents, 2 car-share spaces and 17 visitor spaces. A total of six accessible parking spaces are proposed, which satisfies the minimum requirement. The on-site parking supply has a shortfall of 29 spaces. Transportation Services do not currently support the reduced parking supply proposed by the applicant.

An extensive Transportation Demand Management (TDM) Strategy has been proposed for the site. One of the main goals of the strategy is to reduce automobile reliance, while promoting and accommodating travel through sustainable modes. Some of the TDM measures that are to be provided include 2 car share spaces in publicly accessible areas, pre-loaded transit passes for each unit, a bicycle repair station, and constructing a new public sidewalk. A total of 238 bicycle parking spaces (214 resident, 20 residential visitor, 4 retail) are proposed, which exceeds zoning by-law minimum requirements, and meets Toronto Green Standard Tier 2. Transportation Planning staff find the TDM strategy acceptable to meet Toronto Green Standard requirements.

## **Infrastructure/Servicing Capacity**

The sanitary sewer system along Sheppard Avenue East between Bayview Avenue and Leslie Street is currently at capacity. Due to the outstanding servicing issues, staff are recommending the subject lands be zoned with a Holding Provision ("H") until such time as an acceptable sanitary system solution is implemented as determined by the Chief Engineer & Executive Director, Engineering and Construction Services.

The downstream municipal sanitary sewer upgrades are being completed by the City of Toronto under the Design & Construction, Major Infrastructure Unit, Don & Central Waterfront District in the Engineering & Construction Services Division under project # SAP2020-GL-EASTDON-001. The current estimated timeframe for the sewers to be constructed and operational is approximately 2023.

This date is subject to change and questions regarding this project should be directed to the Design & Construction, Major Infrastructure Unit within the City of Toronto accordingly.

## **Growing Up Guidelines**

The intent of the Growing up Guidelines is to ensure that a range of unit types and sizes are provided as part of a new development, including larger family sized units. The Guidelines recommend that a minimum of twenty-five percent of a building's units are large units: ten percent as three-bedroom units and fifteen percent as two bedroom units.

The proposed unit mix in the building would include 19 three-bedroom units and 61 two-bedroom units. This is a total of forty-seven percent of the total number of units, eleven percent of which are three-bedroom. This exceeds the Guidelines' directions for large units in the building.

Guideline 3.0 states that the ideal unit size for large units, based on the sum of the unit elements, is 90 square metres for two-bedroom units and 106 square metres for three-bedroom units, with ranges of 87-90 square metres and 100-106 square metres representing an acceptable diversity of sizes for such bedroom types while maintaining the integrity of common spaces to ensure their functionality.

The size range for the two and three bedroom units is as follows: 50.3 square metres to 95.2 square and 76.8 square metres to 112.8 square metres, respectively.

## **Pet Friendly Design**

A pet relief area of approximately 50 square metres is proposed on the ground floor. For a building with more than 20 units, it should be 10% of the required amenity space and include an outdoor pet relief area at least 5 square metres in size.

While the proposed size of the pet amenity areas are adequate, staff will continue to review the overall design of pet facilities in accordance with the Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings. This will help alleviate pressure on neighbourhood parks.

## **Open Space/Parkland**

Public parks and open spaces perform a variety of critical functions that improve and maintain community and environmental health. They offer recreational opportunities which support active lifestyles, host spaces for social events and organizations, and accommodate natural infrastructure which provide vital ecosystem services and help mitigate the effects of climate change. In the context of a rapidly growing city, it is imperative to enhance and expand the amount of public parkland provided to residents and visitors alike.

The Official Plan contains policies to ensure that Toronto's systems of parks and open spaces are maintained, enhanced and expanded. Map 8B of the City of Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0.43 to 0.79 hectare of local parkland per 1,000 people. The site is in the second lowest quintile of current provision of parkland. The site is in a parkland priority area, as per Chapter 415, Article III, of the Toronto Municipal Code.

In accordance with Chapter 415, Article III of the Toronto Municipal Code, Staff recommend that the applicant be required to satisfy the parkland dedication requirement through cash-in-lieu. The non-residential component of this proposal is subject to a 2% parkland dedication while the residential component is subject to a cap of 10% parkland dedication.

## **Tree Preservation**

This application is subject to provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees by-law) and III (Private Tree by-law). The application has provided an Arborist Report in support of the application. The Tree Inventory identifies trees within and immediately surrounding the site.

A total of 13 trees were inventoried. The report indicates that there are two trees located on the City Road Allowance that are a size to fall under the protection of the City's Street Trees By-law. Both of those trees are proposed to be preserved.

A total of 8 trees are proposed to be removed, with 6 of those trees falling under the protection of the Private Trees by-law. A Permit will be required to injure or destroy these trees. Based upon the City's standard requirements, a total of 18 new large growing shade trees are to be planted on private property to replace the 1 private tree proposed for removal at a replacement ratio of 3:1.

The applicant is required to prepare a satisfactory tree protection plan that shows all trees to be retained, removed, and all tree protection fencing. The submission of satisfactory landscape plans with tree replanting will be addressed through the Site Plan Control process.

## **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

Final Report - 699 Sheppard Ave East Page 15 of 53

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.

The applicant is required to meet Tier 1 of the TGS. Performance measures for the Tier 1 development features will be secured through the Zoning By-law and Site Plan Control approval process. Tier 1 measures to be secured through the Zoning By-law include cycling infrastructure and EV automobile infrastructure within the underground parking garage and waste storage and collection. Other applicable TGS performance measures will be secured through the Site Plan Control approval process.

### **Section 37**

The Official Plan contains policies pertaining to the provision of community benefits in exchange for increases in height and/or density pursuant to Section 37 of the Planning Act. While the proposed development exceeds the height and density limits of the existing Zoning By-law, the application is consistent with the objectives and policies of the Official Plan and Sheppard East Subway Corridor Secondary Plan, and thus constitutes good planning.

The community benefit recommended to be secured in the Section 37 Agreement is \$1,025,000 to go toward parkland and other community services and facility improvements within the area, as well as streetscape improvements and that the design of the streetscape improvements comply with the Streetscape Manual.

### **Community Consultation**

On January 27, 2020 staff held a community consultation meeting in conjunction with the local ward councillor. The public raised concerns with the potential traffic impacts, the feasibility of the commercial unit and the height of the proposed building. The applicant has reduced the size of the retail unit on the ground floor of the building, as well as reduced the building height in order to comply with the 45 degree angular plane from the rear property line.

## **Conclusion**

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), the Toronto Official Plan and Sheppard East Subway Corridor Secondary Plan. Staff are of the opinion that the proposal is consistent with the PPS (2020) and does not conflict with the Growth Plan (2020). Furthermore, the proposal is in keeping with the intent of the Toronto Official Plan, particularly as it relates to providing appropriate transition to Neighbourhoods and intensifying around an existing subway station. Staff worked with the applicant and the community to address and resolve the following key concerns for; a reduction of the building height, reduction in parking and reduction in the size of the commercial area in the building. The proposal represents an appropriate scale of development for the site that fits within the existing and planned context of the area. The proposal is compatible with the surrounding land uses and provides an appropriate transition of built form to adjacent properties. Staff recommend that Council support approval of the application.

## **CONTACT**

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Sarah Ovens, Planner  
Tel. No. 416-395-7129  
E-mail: Sarah.Ovens@toronto.ca

## **SIGNATURE**

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John Andreevski, Acting Director  
Community Planning, North York District

## **ATTACHMENTS**

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### **City of Toronto Data/Drawings**

- Attachment 1: Application Data Sheet
- Attachment 2: Location Map
- Attachment 3: Official Plan Land Use Map
- Attachment 4: Secondary Plan Key Development Areas Map 9-2
- Attachment 5: Existing Zoning By-law 7625 Map
- Attachment 6: Draft Official Plan Amendment
- Attachment 7: Draft Zoning By-law Amendment By-law 7625
- Attachment 8: Draft Zoning By-law Amendment By-law 569-2013

### **Applicant Submitted Drawings**

- Attachment 9: Site Plan
- Attachment 10a: North Elevation
- Attachment 10b: East Elevation
- Attachment 10c: South Elevation
- Attachment 10d: West Elevation

## Attachment 1: Application Data Sheet

Municipal Address: 699 SHEPPARD AVE E Date Received: July 19, 2019

Application Number: 19 192154 NNY 17 OZ

Application Type: OPA / Rezoning, OPA & Rezoning

Project Description: Official Plan and Zoning by Law Amendment application to permit a 12 storey mixed use building with 169 residential units and a total gross floor area of 10,830 m<sup>2</sup>. Vehicular access to the site will be provided by a single driveway via Sheppard Avenue East. The proposed development will provide a total of 115 parking spaces located in a two-level underground garage. A total of 238 bicycle parking spaces are proposed, including 214 long term bicycle parking spaces and 24 short term bicycle parking spaces.

Applicant	Agent	Architect	Owner
Originate Developments Inc. 257 Borden Street Toronto, ON	Goldberg Group 2098 Avenue Road Toronto, ON	SRM Architects 279 King Street West, Suite 200 Kitchener, ON	699 Sheppard East Inc. 257 Borden Street Toronto, ON

### EXISTING PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	N
Zoning:	R4 & RM4	Heritage Designation:	N
Height Limit (m):	11.5	Site Plan Control Area:	Y

### PROJECT INFORMATION

Site Area (sq m):	2,585	Frontage (m):	31	Depth (m):	85
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Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	657		1,404	1,404
Residential GFA (sq m):			10,779	10,779
Non-Residential GFA (sq m):	657		50	50
Total GFA (sq m):	657		10,829	10,829
Height - Storeys:	1		11	11
Height - Metres:			39.7	39.7

Lot Coverage Ratio (%)	54.31	Floor Space Index:	4.16
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Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
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Residential GFA:	10,613	166
Retail GFA:	50	
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			169	169
Other:				
Total Units:			169	169

#### Total Residential Units by Size

	Rooms	Studio	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:	7	82	61	19	
Total Units:	7	82	61	19	

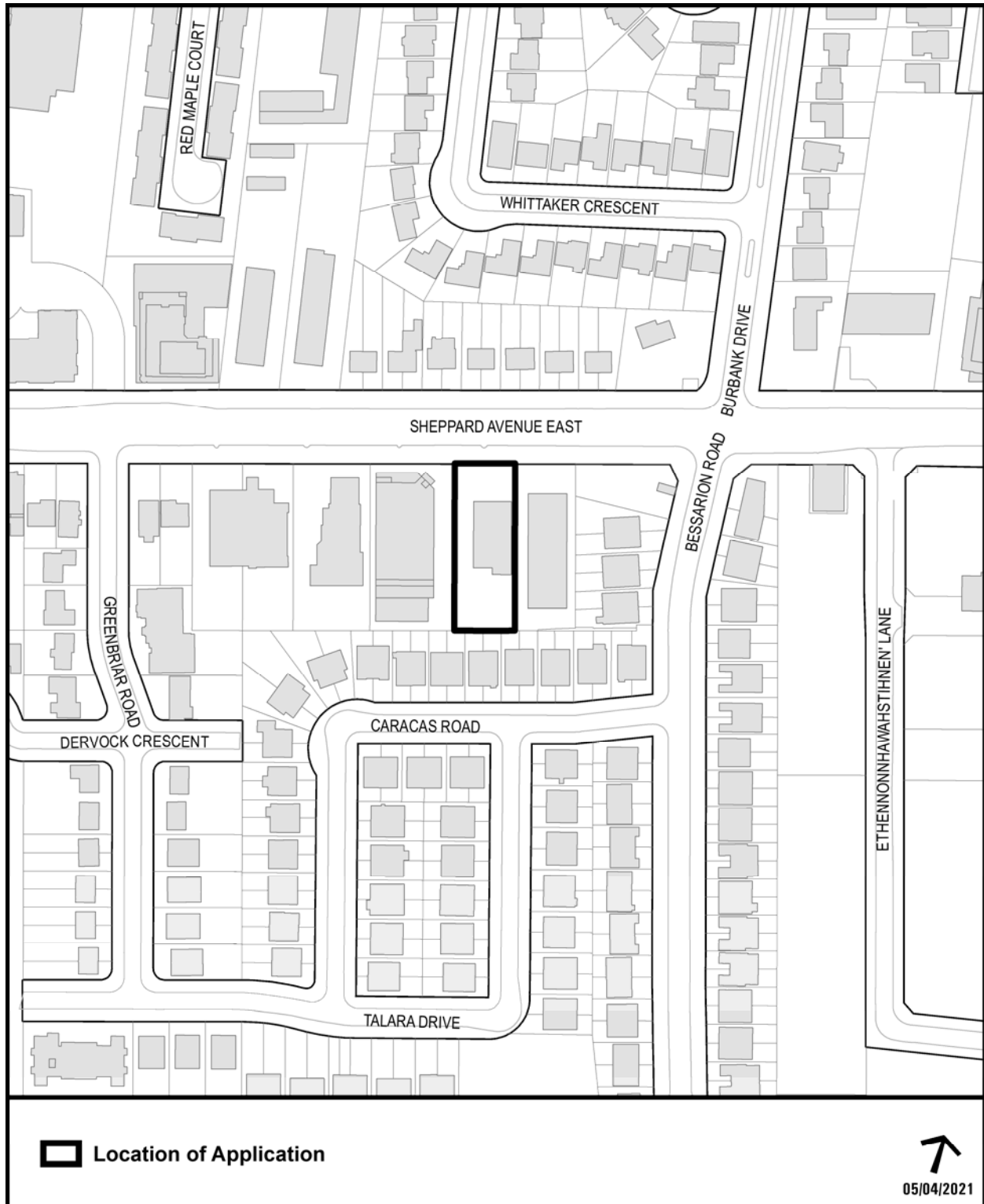
#### Parking and Loading

Parking Spaces:	115	Bicycle Parking Spaces:	238	Loading Docks:	1
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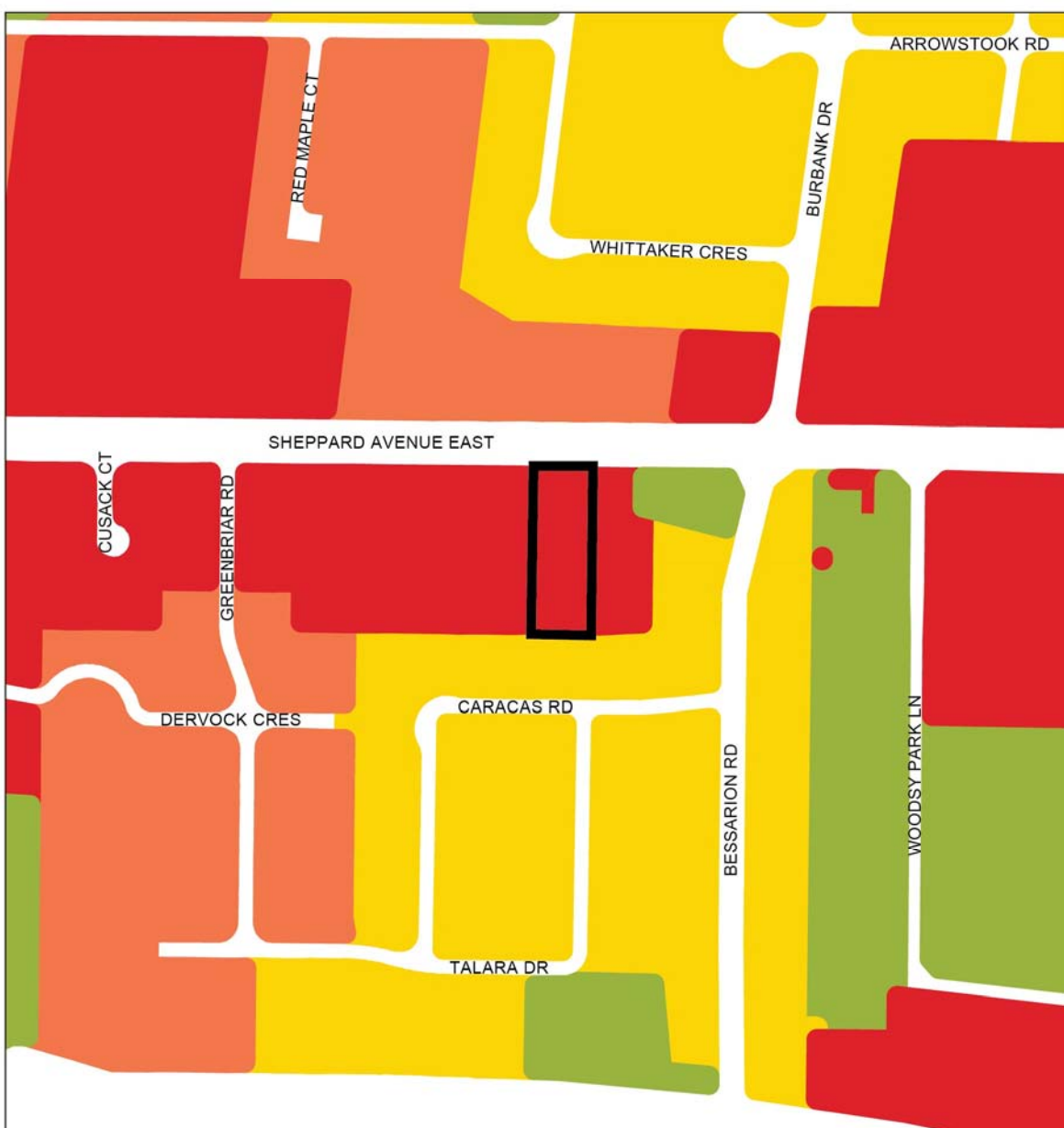
#### CONTACT:

Sarah Ovens, Planner  
416-395-7129  
Sarah.Ovens@toronto.ca

## Attachment 2: Location Map



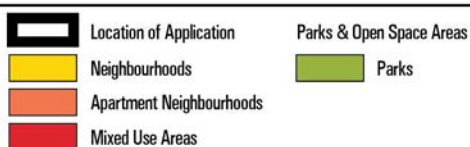
# Attachment 3: Official Plan Land Use Map



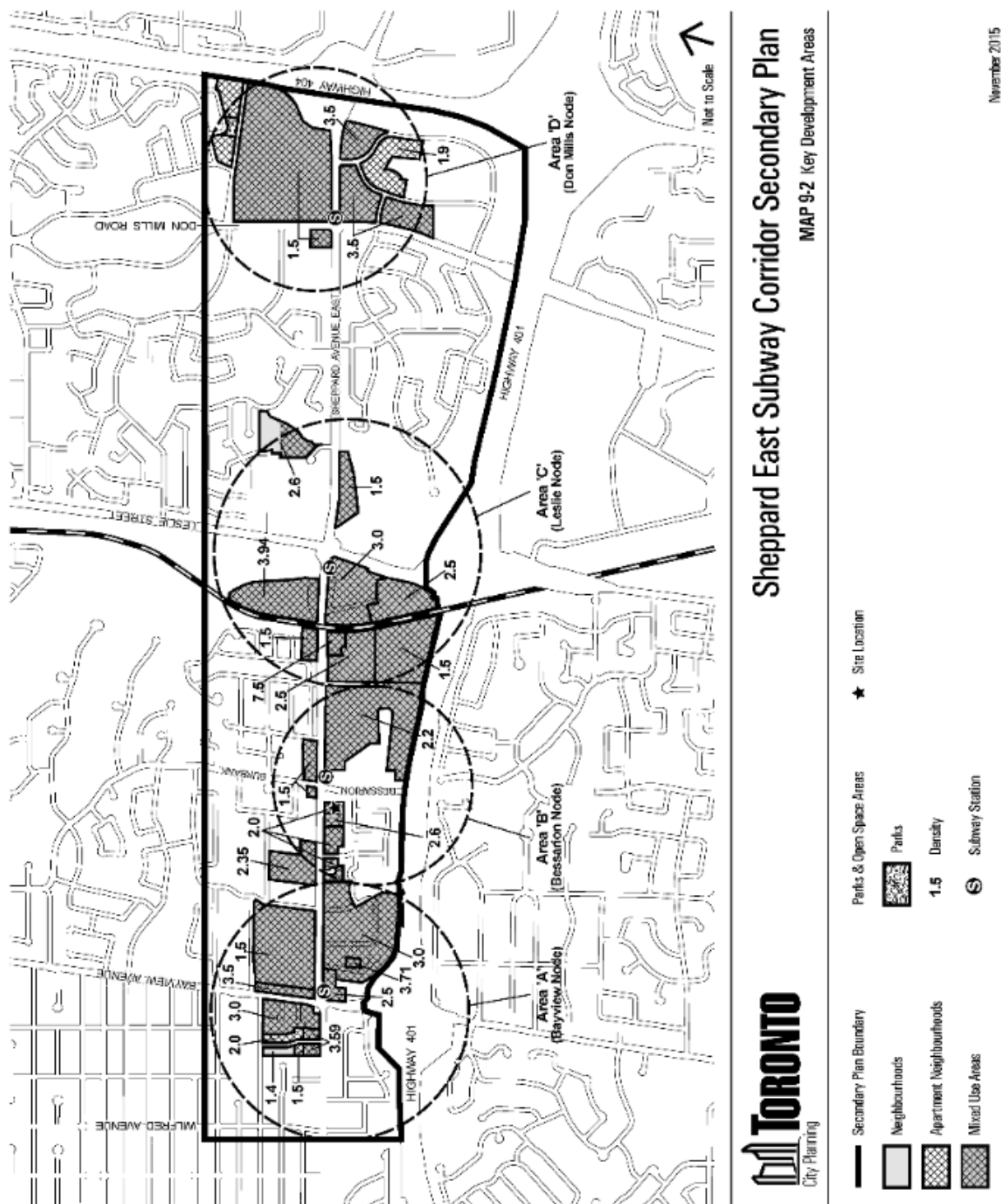
## Official Plan Land Use Map #19

699 Sheppard Avenue East

File # 19 192154 NNY 17 0Z



  
 Not to Scale  
 08/13/2019



# Attachment 5: Existing Zoning By-law 7625 Map



Zoning By-law 7625

699 Sheppard Avenue East

File # 19 192154 NNY 17 02



Location of Application

**R4** One-Family Detached Dwelling Fourth Density Zone  
**RM1** Multiple-Family Dwellings First Density Zone  
**RM2** Multiple-Family Dwellings Second Density Zone  
**RM3** Multiple-Family Dwellings Third Density Zone

**RM4** Multiple-Family Dwellings Fourth Density Zone  
**RM6** Multiple-Family Dwellings Sixth Density Zone  
**C1** General Commercial Zone  
**O1** Open Space Zone



Not to Scale  
 Extracted: 05/05/2021

Attachment 6: Draft Official Plan Amendment

Authority: North York Community Council Item ~ as adopted by City of Toronto Council on ~, 2021

Enacted by Council: ~, 2021

CITY OF TORONTO

Bill ###

BY-LAW ###-2021

To adopt an amendment to the Official Plan for the City of Toronto respecting the lands known municipally in the year 2021 as 699 Sheppard Avenue East.

Whereas authority is given to Council under the Planning Act, R.S.O. 1990, c.P. 13, as amended, to pass this By-law;

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act;

The Council of the City of Toronto enacts:

1. The attached Amendment No. 534 to the Official Plan is hereby adopted pursuant to the Planning Act, as amended.

Enacted and Passed this ~ day of ~, A.D. 2021.

Frances Nunziata, ULLI S. WATKISS,  
Speaker City Clerk

(Seal of the City)

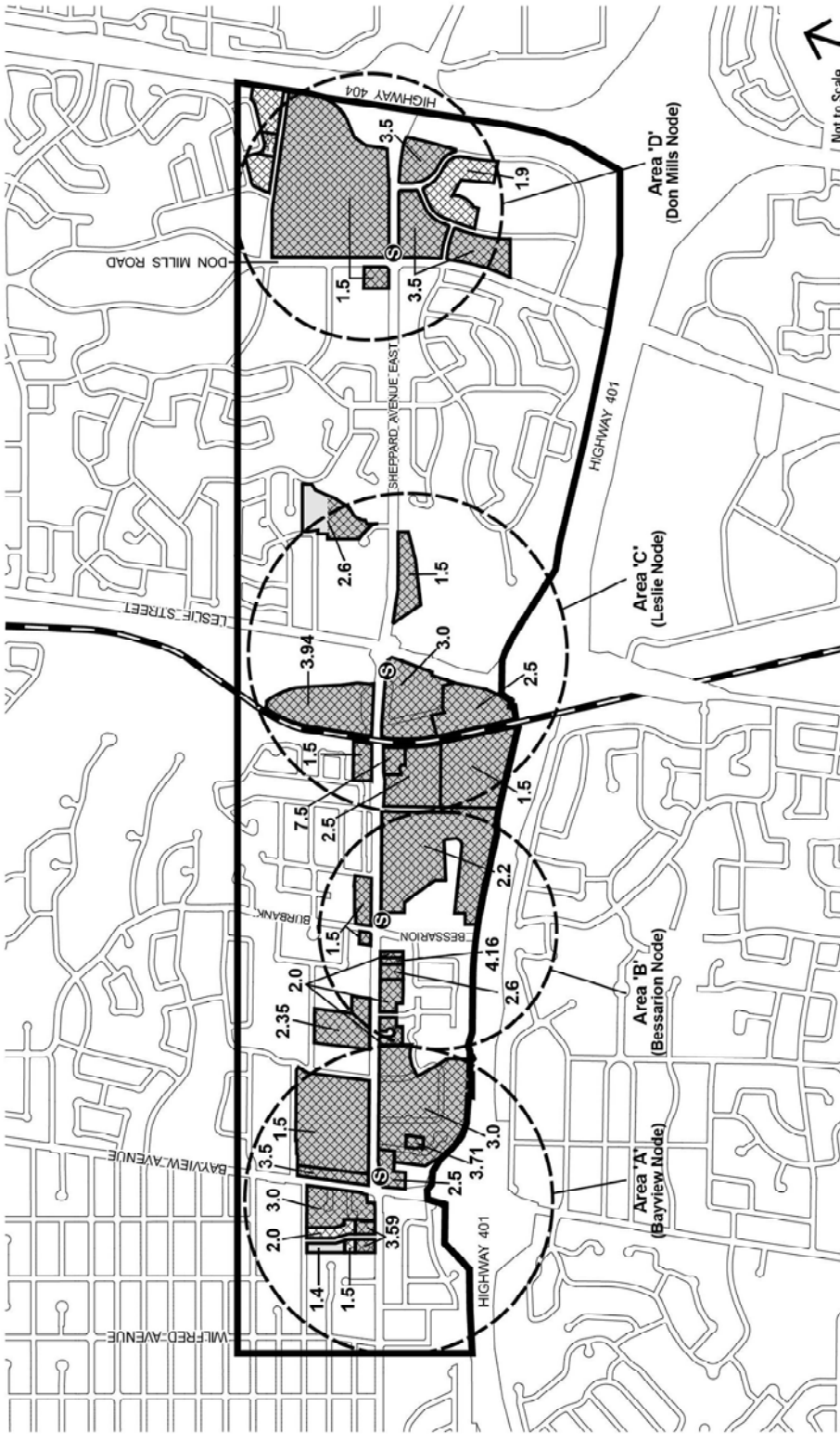
AMENDMENT NO. ~ TO THE OFFICIAL PLAN

LANDS MUNICIPALLY KNOWN IN THE YEAR 2021 AS  
699 SHEPPARD AVENUE EAST

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The following text and map constitute Amendment 534 to the City of Toronto Official Plan.

1. The Official Plan of the City of Toronto is amended as follows:
  - a. Map 9-2, Key Development Areas, of Chapter 6, Section 9 (Sheppard East Subway Corridor Secondary Plan) is amended to permit a height of 12 storeys and a density of 4.16 times the lot area for the lands municipally known as 699 Sheppard Avenue East as shown on Schedule "1".



## Official Plan Amendment #534

## 699 Sheppard Avenue East

File # 19 192154 NNY 17 02

Map 9.2, Key Development Areas, of Chapter 6, Section 9, Sheppard East Subway Corridor Secondary Plan is amended by permitting a maximum density of 4.16 times the lot area for the lands municipally known as 699 Sheppard Avenue East.

1.5 Density

Secondary Plan Boundary

Subway Station

Neighbourhoods

Apartment Neighbourhoods

Mixed Use Areas

05/12/2021

## Attachment 7: Draft Zoning By-law Amendment By-law 7625

Authority: North York Community Council Item ~ as adopted by City of Toronto Council on ~, 2021  
Enacted by Council: ~, 2021

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2021

To amend the North York Zoning By-law No.7625, as amended, with respect to the lands municipally known in the year 2021 as 699 Sheppard Avenue East

WHEREAS authority is given to Council by Section 34 of the Planning Act, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act; and

WHEREAS the Official Plan for the City of Toronto contains such provisions relating to the authorization of increases in height and density of development; and

WHEREAS pursuant to Section 37 of the Planning Act, a by-law under Section 34 of the Planning Act, authorize increases in the height or density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law; and

WHEREAS subsection 37(3) of the Planning Act provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the height or density of development, a municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters; and

WHEREAS the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 7625, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law which are secured by one or more agreements between the owner of the land and the City of Toronto;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Schedules "B" and "C" of By-law No. 7625 are hereby amended in accordance with Schedule 1 of this By-law.
2. Section 64.20-A of By-law No. 7625 is amended by adding the following subsection:

**"64.20-A (269) RM6 (269) DEFINITIONS**

(a) For the purpose of this exception, "apartment house dwelling" shall mean a building containing more than four (4) dwelling units, each unit having access either from an internal corridor system or direct access at grade, or any combination thereof.

(b) For the purposes of this exception, "established grade" shall mean 170.40 metres Canadian Geodetic Datum;

(c) For the purpose of this exception, the "gross floor area" of a mixed use building is reduced by the area in the building used for:

- i. parking, loading and bicycle parking below-ground;
- ii. loading spaces at the ground level and bicycle parking spaces at or above-ground;
- iii. storage rooms (including parcel storage), mail room not accessible to the public, washrooms, electrical, utility, mechanical, and ventilation rooms in the basement;
- iv. shower and change facilities required by this By-law for required bicycle parking spaces;
- v. recreational amenity areas;
- vi. elevator shafts;
- vii. garbage shafts;
- viii. mechanical penthouse; and
- ix. exit stairwells in the building;

(d) For the purposes of this exception, "underground" is defined as below established grade;

## **PERMITTED USES**

(e) On the lands identified on Schedule "1", the only permitted uses shall be:

- i. apartment house dwellings including recreational amenity areas, and all commercial and institutional uses permitted in a "C-1" General Commercial Zone;

## **USE QUALIFICATIONS**

(f) Outdoor recreational amenity areas may be located on rooftop terraces;

(g) Permitted non-residential uses shall be located on the ground floor only;

## **EXCEPTION REGULATIONS**

### **LOT COVERAGE**

(h) The provisions of Section 20-A.2.2 (Lot Coverage) shall not apply.

### **YARD SETBACKS**

(i) The provisions of Section 20-A.2.4 (Yard Setbacks) shall not apply;

(j) The minimum yard setbacks for all buildings and structures above established grade shall be as shown on Schedule "2";

(k) The minimum yard setbacks for structures below established grade shall be 0 metres, except that a minimum 2.47 metre setback is required from the front lot line, which shall be the lot line that abuts Sheppard Avenue East;

(l) The minimum distance between the building, including all below and above grade structure, to all TTC infrastructure is 3 metres.

## **GROSS FLOOR AREA**

(m) The provisions of Section 20-A.2.5 (Gross Floor Area) shall not apply;

(n) The maximum permitted gross floor area shall be 10,830 square metres;

(o) The maximum permitted non-residential gross floor area shall be 55 square metres;

## **BUILDING HEIGHT**

(p) The provisions of Section 20-A.2.6 (Building Height) shall not apply;

(q) The maximum number of storeys above established grade and the maximum building height in metres shall be shown on Schedule "2";

## **LANDSCAPING**

(r) The provisions of Section 15.8 (Landscaping) shall not apply;

## **RECREATIONAL AMENITY AREA**

(s) Amenity areas shall be provided at the following rates:

- i. at least 1.95 square metres for each dwelling unit is indoor amenity space; and
- ii. at least 3.0 square metres for each dwelling unit is outdoor amenity space;

## **PARKING**

(t) The provisions of Section 6A(2) (Parking Requirements) shall not apply. The minimum number of parking spaces shall be calculated in accordance with the following:

- i. resident parking for an apartment dwelling unit 0.57 spaces per unit;
- ii. visitor parking at a rate of 0.10 parking spaces per unit and may include electric vehicle spaces; and,
- iii. non-residential parking is not required;

## **LOADING SPACES**

(u) The provisions of Section 6A(12) (Loading) shall not apply. Loading shall be provided as follows:

- i. A minimum of one Type G loading space shall be required with minimum dimensions of 4.0 metres by 13.0 metres with 6.1 metres of vertical clearance;

## **BICYCLE PARKING**

(v) Bicycle parking shall be provided as follows:

- i. Long Term – 214 bicycle parking spaces;
- ii. Short Term – 24 bicycle parking spaces inclusive of residential visitor and non-residential;

## **PROJECTIONS**

(w) The provisions of Section 6(9)(c) for permitted projections into one minimum side yard setback only shall not apply;

- (x) Art and landscape features, antennas, air conditioners, satellite dishes, vents, pipes, balconies, cladding, cornices, light fixtures, ornamental elements, parapets, patios, decks, pillars, pergolas, trellises, balconies, terraces, eaves, window sills, planters, ventilation shafts, guardrails, balustrades, railings, stairs, stair enclosures, doors, wheelchair ramps, fences, screens, site servicing features, awnings and canopies, window washing equipment, and underground garage ramps and associated structures may project no more than 3.0 metres beyond the heavy lines shown on Schedule "2";

## **HOLDING PROVISIONS**

(y) The lands shown on Schedule "1", shall not be used for any purpose other than those uses and buildings that currently exist on the site, and any new uses or buildings where the use or construction of which will increase sanitary or private water or groundwater flows to municipal sewers, unless the municipal services are provided to the lot line and either of the following provisions are complied with:

- i. the Sanitary Sewer Upgrades (being the upgrade of the last three 300mmØ sanitary sewer legs upstream of the sanitary trunk sewer to 675mmØ, located at the north-west corner of Sheppard Avenue East and Leslie Street intersection), which works are being undertaken by the City of Toronto, Design & Construction, Major Infrastructure Unit, Don & Central Waterfront District in the Engineering & Construction Services Division (Project # SAP2020-GL-EASTDON-001), have been fully constructed and are fully operational to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Toronto Water; or
- ii. on individual parcels of land, the owner has provided an acceptable solution and such acceptable has been implemented as determined by the Chief Engineer and

Executive Director, Engineering and Construction Services and the General Manager, Toronto Water regarding the Sanitary Sewer Upgrades (being the upgrade of the last three 300mmø sanitary sewer legs upstream of the sanitary trunk sewer to 675mmø, located at the north west corner of Sheppard Avenue East and Leslie Street intersection), which works are being undertaken by the City of Toronto, Design & Construction, Major Infrastructure Unit, Don & Central Waterfront District in the Engineering & Construction Services Division (Project # SAP2020-GL-EASTDON-001).

## **DIVISION OF LANDS**

(z) Notwithstanding any severance or division of the lands subject to this exception, the regulations of this exception shall continue to apply to the whole of the lands as if it remained one lot.

## **SECTION 37 AGREEMENT**

(aa) In order to permit an increase in the maximum gross floor area cited in clauses 2(n) and 2(o) of this exception, the owner of the Lands shall enter into and register against title to the Lands an agreement or agreements pursuant to Section 37 of the Planning Act securing the provision of the following facilities, services or matters, to the satisfaction of the City Solicitor:

i. Prior to the issuance of the first above-grade building permit, the owner of the Lands shall provide a cash contribution to the City in the amount of \$1,025,000 towards any one or more of the following:

(a) parkland and other community services and facility improvements within the area, as well as streetscape improvements and that the design of the streetscape improvements comply with the Streetscape Manual, to the satisfaction of the Chief Planner and Executive Director, City Planning,

ii. such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for the Toronto Census Metropolitan area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table: 18-10-0135-01, or its successor, calculated from the date of the Section 37 Agreement to the date the payment is made.

3. Section 64.20-A of By-law 7625 of the former City of North York is amended by adding Schedule "2" attached to this By-law.

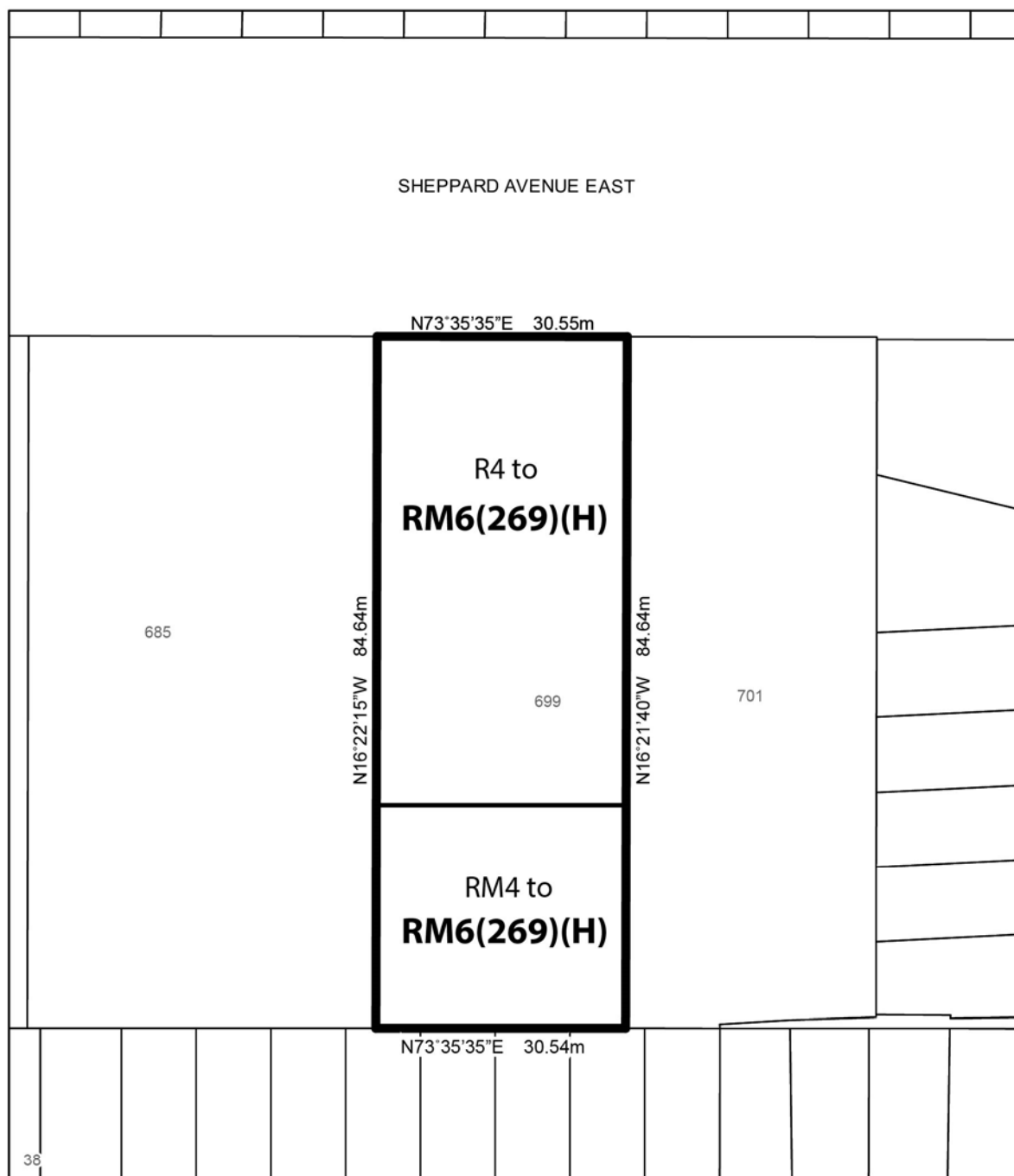
4. Within the lands shown on Schedule "1" attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:

(a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and

(b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

ENACTED AND PASSED this ~ day of ~, A.D. 2021.

JOHN TORY,           ULLI S. WATKISS,  
          Mayor City Clerk  
(Corporate Seal)

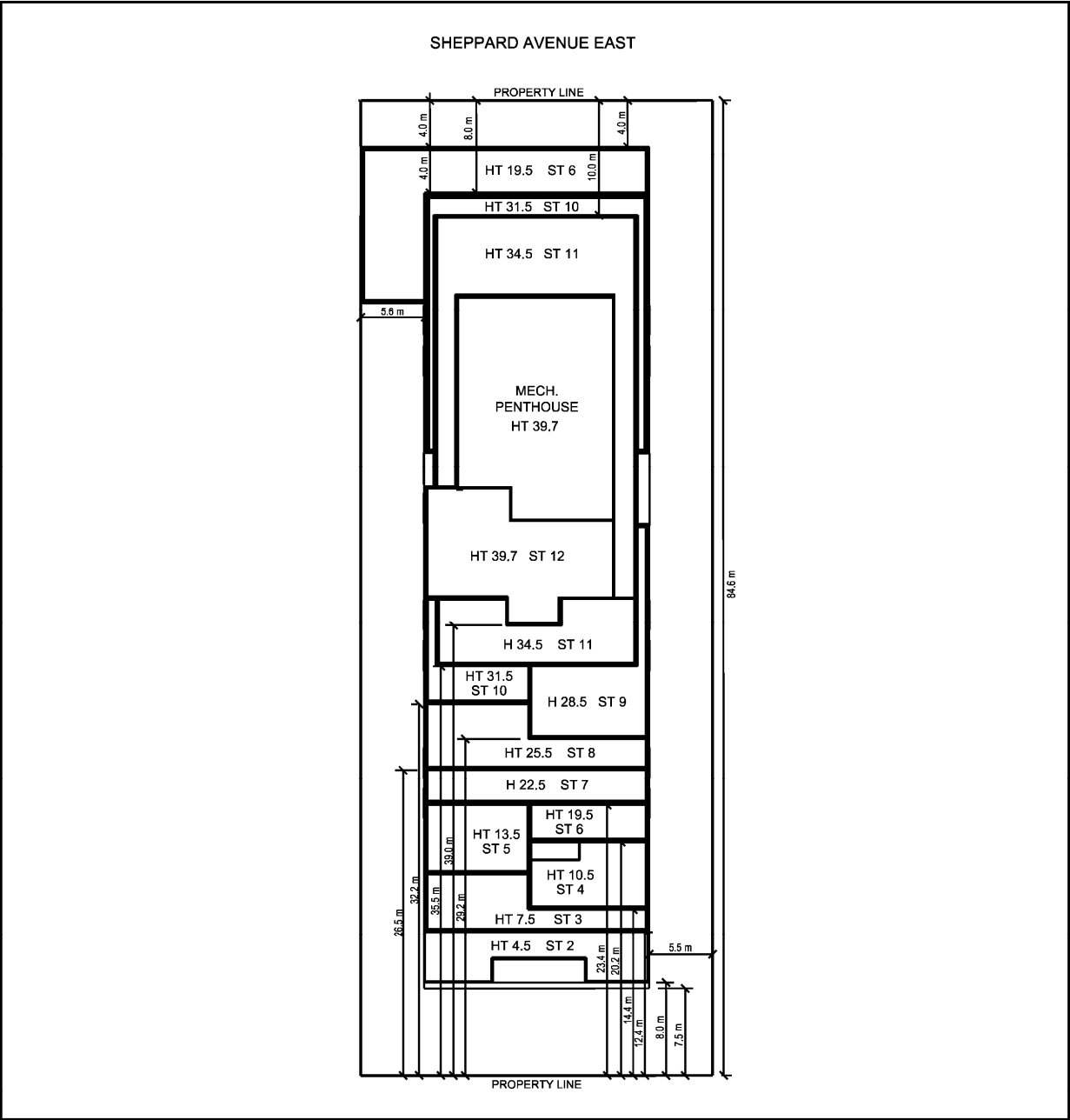


**Toronto**  
Schedule 1

**699 Sheppard Avenue East**

File # 19 192154 NNY 17 02

↑  
Former City of North York By-law 7625  
Not to Scale  
05/25/2021



699 Sheppard Avenue East

Schedule 2

File # 19 192154 NNY 17 OZ



Former City of North York By-Law 7625  
Not to Scale  
06/01/2021

## Attachment 8: Draft Zoning By-law Amendment By-law 569-2013

Authority: North York Community Council Item ##, as adopted by City of Toronto Council on ~, 2021

### CITY OF TORONTO

Bill No. ~  
BY-LAW No. XXXX-2021

To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 699 Sheppard Avenue East.

Whereas Council of the City of Toronto has the authority to pursuant to Section 34 of the Planning Act, R.S.O. 1990, c. P. 13, as amended, to pass this By-law; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act; and

Whereas authority is given to Council by Section 34 and Section 36 of the Planning Act, R.S.O. 1990, c. P. 13, as amended, to impose the holding symbol (H) and to remove the holding symbol (H) when Council is satisfied that the conditions relating to the holding symbol have been satisfied; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the use of Holding (H) symbol with conditions in the zoning by-law; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and density of development; and

Whereas pursuant to Section 37 of the Planning Act, a by-law under Section 34 of the Planning Act, may authorize increases in the height and density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law; and

Whereas subsection 37(3) of the Planning Act provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters;

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 569-2013 as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law No. 569-2013, Chapter 800 Definitions.
3. Zoning By-law No. 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Zoning By-law Map in Section 990.10, and applying the following zone label to these lands: (H) CR 4.16 (c0.03; r4.13) SS2 (x370) as shown on Diagram 2 attached to this By-law; and
4. Zoning By-law No. 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Policy Areas Overlay Map in Section 995.10.1, and applying the following Policy Area label to these lands: PA 3, as shown on Diagram 3 attached to this Bylaw; and
5. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Height Overlay Map in Section 995.20.1, as shown on Diagram 4 attached to this By-law.
6. Zoning By-law 569-2013, as amended, is further amended by the adding the lands subject to this By-law to the Lot Coverage Overlay Map in Section 995.30.1, as shown on Diagram 5 attached to this By-law.
7. Zoning By-law 569 -2013, as amended, is further amended by adding the lands subject to this By-law to the Rooming House Overlay Map in Section 995.40.1, as shown on Diagram 6 attached to this By-law.
8. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 370 so that it reads:

### **(370) Exception CR 370**

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

#### Site Specific Provisions:

(A) On 699 Sheppard Avenue East, if the requirements of Section 11 and Schedule A of by-law [##] are complied with, a **building, structure**, addition or enlargement may be erected or used in compliance with (B) to (N) below;

(B) Despite regulations 40.5.40.10 (1) and (2), for the purpose of this exception, the height of a building or structure is the vertical distance between the Canadian Geodetic Datum elevation 170.4 metres and the elevation of the highest point of the building or structure;

(C) Despite regulations 40.10.40.10(2) and (7), the permitted maximum height and permitted maximum number of **storeys** of a **building** or **structure** are the numerical value as shown on Diagram 7 of By-law \_\_\_\_-2021;

(D) Despite regulations 40.5.40.10(3), (4), (5), (6), (7), and (C) above, the following elements of a **building** may project above the permitted maximum height in Diagram 7 of By-law \_\_\_\_-2021;

(i) Equipment used for the function and operation of the **building**, antennas, air conditioners, satellite dishes, vents, pipes, wind screens, parapets, guard rails, roofing material, railings and dividers, dormers, pergolas, trellises, eaves, screens, stairs, stair enclosures, elevator overruns, roof drainage, window washing equipment, lightning rods, architectural features, and elements of a **green roof** up to a maximum of 5.0 metres above the applicable height limit;

(E) Despite clause 40.5.40.70, regulations 40.10.40.70(2), and 40.10.40.80(2), the required minimum **building setbacks** for all **buildings** and **structures** are shown on Diagram 7 of By-law \_\_\_\_-2021;

(F) Despite regulation 5.10.40.70(2), the minimum distance between the **building**, including all below and above grade **structures**, to all TTC infrastructure is 3 metres.

(G) Despite clauses 40.5.40.60, 40.10.40.60, and regulation (E) above, the following may encroach into the required minimum building setbacks on Diagram 7 of By-law \_\_\_\_-2021;

(i) art and landscape features, antennas, air conditioners, satellite dishes, vents, pipes, balconies, cladding, cornices, light fixtures, ornamental elements, parapets, patios, decks, pillars, pergolas, trellises, balconies, terraces, eaves, window sills, planters, ventilation shafts, guardrails, balustrades, railings, stairs, wheelchair ramps, fences, screens, site servicing features, awnings and canopies, and underground garage ramps and associated **structures**, up to a maximum of 3.0 metres into the required **building setbacks**;

(H) Despite regulation 40.10.40.40 (1), the permitted maximum **gross floor area** of all **buildings** and **structures** on the lot is 10,830 square metres, of which the permitted maximum **gross floor area** for non-residential uses is 55 square metres;

(I) Despite regulation 40.5.40.40(3), the **gross floor area** of a mixed use **building** is reduced by the area in the **building** used for:

(i) parking, loading and bicycle parking below-ground;

(ii) **loading spaces** at the ground level and **bicycle parking spaces** at or above-ground;

(iii) storage rooms (including parcel storage), mail room not accessible to the public, washrooms, electrical, utility, mechanical, and ventilation rooms in the **basement**;

(iv) shower and change facilities required by this By-law for required **bicycle parking spaces**;

(v) **amenity space**;

(vi) elevator shafts;

- (vii) garbage shafts;
  - (viii) mechanical penthouse; and
  - (ix) exit stairwells in the **building**;
- (J) Despite regulation 40.10.40.1(1), all residential use portions of the **building** must be located above non-residential use portions of the **building**, other than:
- (i) residential lobby access; and
  - (ii) **dwelling units** may be located in the first **storey** of the **building** if the **dwelling units** are located to the rear of the non-residential use on the first **storey**;
- (K) Despite regulation 40.10.40.50, **amenity space** must be provided at a minimum rate for each **dwelling unit**, of which:
- (i) at least 1.95 square metres for each **dwelling unit** is indoor **amenity space**;
  - (ii) at least 3.0 square metres for each **dwelling unit** is outdoor **amenity space**; and
  - (iii) at least 85.0 square metres is outdoor **amenity space** in a location adjoining or directly accessible to indoor **amenity space**;
- (L) Despite regulation 200.5.10.1 and Table 200.5.10.1, **parking spaces** must be provided and maintained on the **lot**, as follows:
- (i) a minimum of 0.57 **parking spaces** per **dwelling unit**, inclusive of **car share parking spaces** must be provided for residents; and
  - (ii) a minimum of 0.10 **parking spaces** per **dwelling unit** must be provided for visitors and can include electric vehicle **parking spaces** provided for visitors;
  - (iii) The minimum required parking for residential uses can be reduced by up to 4 **parking spaces** for each dedicated **car share parking space**;
  - (iv) The maximum allowable reduction in the minimum residential parking requirement is calculated by 4 times the total number of units, divided by 60, rounded down to the nearest whole number;
  - (v) **For the purposes of this exception, "car-share"** means the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car-sharing organization and to use a car-share **vehicle**, a person must meet the membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable. Cars are reserved in advance and fees used for use are normally based on time and/or kilometres driven and do include the use of cars on an hourly basis; and

(vi) For the purposes of this exception, "car-share parking space" means a **parking space** exclusively reserved and signed for a car used only for car-share purposes and such car-share is for the use of at least the occupants of the **building**;

(M) Despite section 200.15.1, as amended, only the following provisions apply to accessible **parking spaces**:

(i) an accessible **parking space** must have the following minimum dimensions:

(a) length of 5.6 metres;

(b) width of 3.4 metres;

(c) vertical clearance of 2.1 metres; and

(d) the entire length of an accessible **parking space** must be adjacent to a 1.5 metre wide barrier free aisle or path;

(N) The lands identified with the symbol "(H)" in the zone label on Diagram 2 of By-law [Clerks to insert number] are restricted in use as specified by Section 10 of By-law [Clerks to insert number].

Prevailing By-laws and Prevailing Sections:

(A) Schedule 'D' Airport Hazard Map from City of North York zoning by-law 7625.

9. Despite any existing or future severances, partition, or division of the lot, the provisions of this exception will apply to the whole of the lot as if no severance, partition, or division had occurred;

10. Holding Provisions:

The lands zoned with the "(H)" symbol delineated by heavy lines on Diagram 2 attached to and forming part of this By-law shall not be used for any purpose other than those uses and buildings as existing on the site as of [insert current date] until the "(H)" symbol has been removed. An amending by-law to remove the "(H)" symbol shall be enacted by City Council, on all or part of the lands, when the following condition(s) has been fulfilled to the satisfaction of Council.

The lands shown on Diagram 2, shall not be used for any purpose other than those uses and buildings that currently exist on the site, and any new uses or buildings where the use or construction of which will increase sanitary or private water or groundwater flows to municipal sewers, unless the municipal services are provided to the lot line and either of the following provisions are complied with:

a. the Sanitary Sewer Upgrades (being the upgrade of the last three 300mmØ sanitary sewer legs upstream of the sanitary trunk sewer to 675mmØ, located at the north-west corner of Sheppard Avenue East and Leslie Street intersection), which

works are being undertaken by the City of Toronto under the Design & Construction, Major Infrastructure Unit, Don & Central Waterfront District in the Engineering & Construction Services Division under project # SAP2020-GL-EASTDON-001, have been completely constructed and are operational to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Toronto Water; or

b. in respect of individual parcels of land, the owner has provided an acceptable alternative solution to address the outstanding municipal sanitary sewer capacity issues to the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Toronto Water and such acceptable solution has been implemented by the owner(s) at their sole cost to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Toronto Water.

## **11. Section 37 Provisions**

(A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 4 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A hereof and which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor.

(B) Where Schedule A of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.

(C) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant Exception CR (370), as amended, unless all provisions of Schedule A are satisfied.

Enacted and passed on month ##, 2021

Name, Ulli S. Watkiss,  
Speaker City Clerk

(Seal of City)

## SCHEDULE A

### Section 37 Provisions

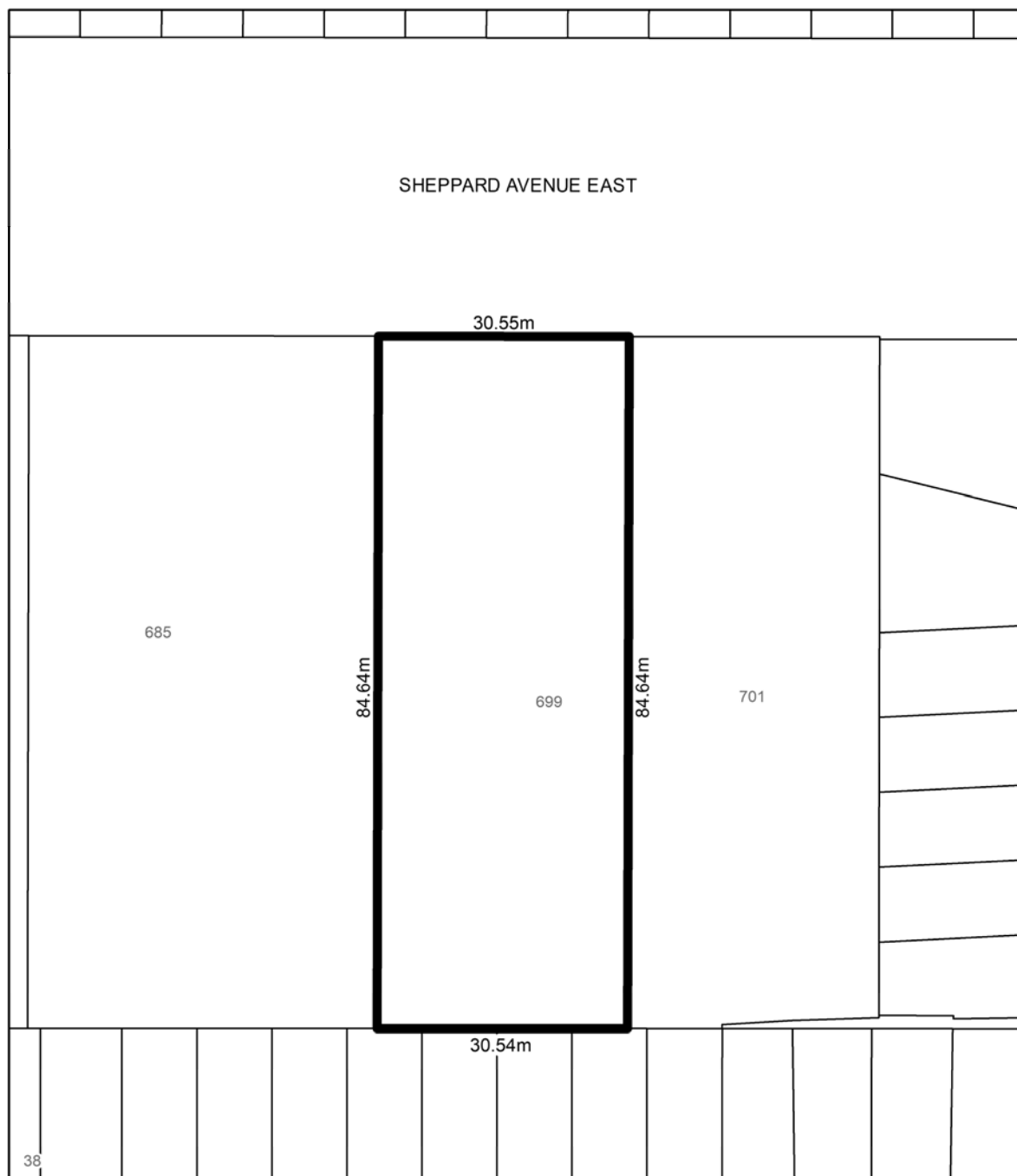
The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the lands as shown in Diagram 1 in this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

(1) Prior to issuance of a the above-grade building permit, the owner of the Lands shall provide a cash contribution to the City in the amount of \$1,025,000 toward any one or more of the following:

a. parkland and other community services and facility improvements within the area, as well as streetscape improvements and that the design of the streetscape improvements comply with the Streetscape Manual, to the satisfaction of the Chief Planner and Executive Director, City Planning,

b. such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for the Toronto Census Metropolitan area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table: 18-10-0135-01, or its successor, calculated from the date of the Section 37 Agreement to the date the payment is made.

(2) In the event the cash contribution referred to in Section (1) *have* not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.

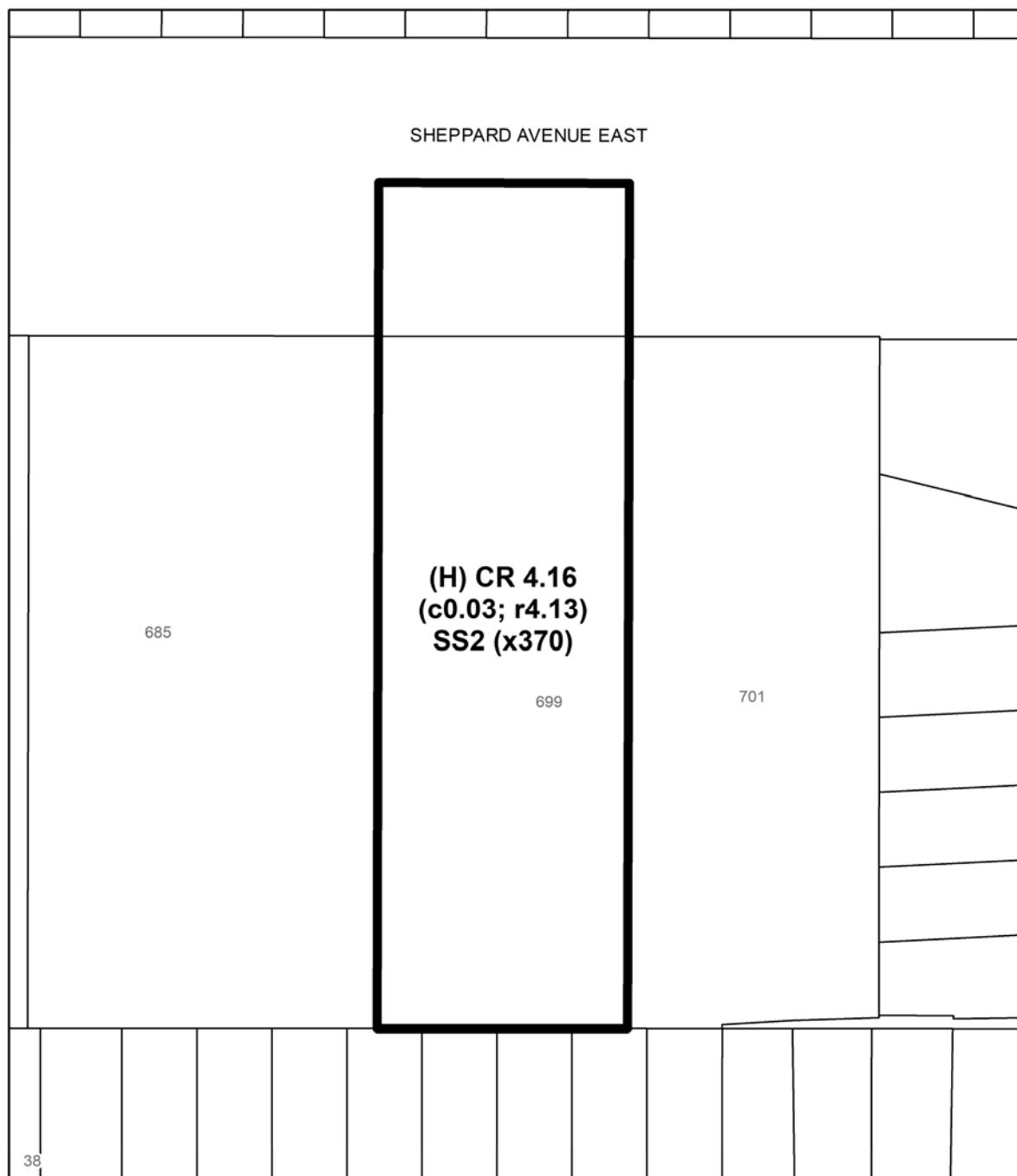


**Toronto**  
Diagram 1

**699 Sheppard Avenue East**

File # 19 192154 NNY 17 0Z

City of Toronto By-law 569-2013  
Not to Scale  
05/17/2021

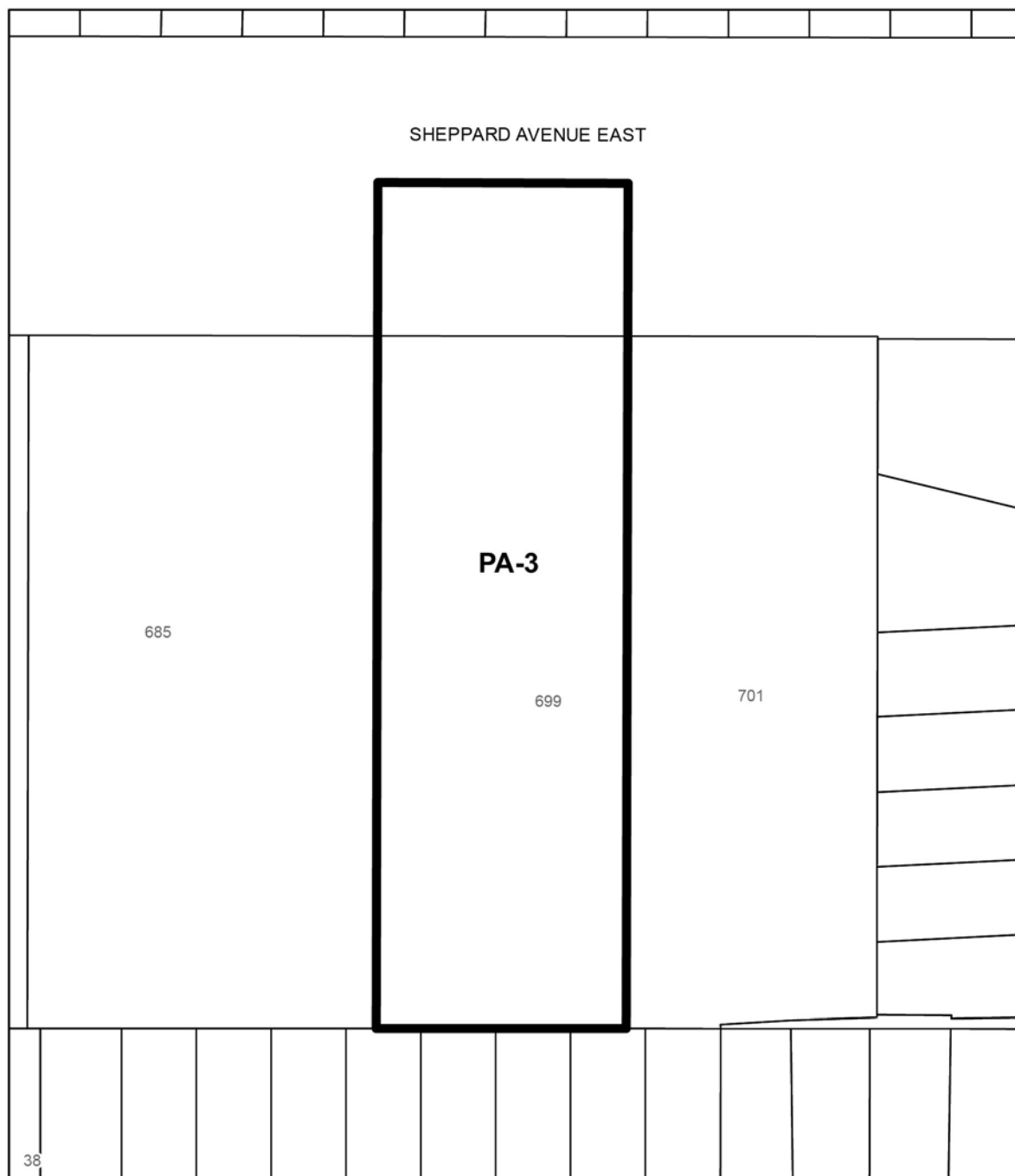


**Toronto**  
Diagram 2

**699 Sheppard Avenue East**

File # 19 192154 NNY 17 0Z

City of Toronto By-law 569-2013  
Not to Scale  
05/31/2021

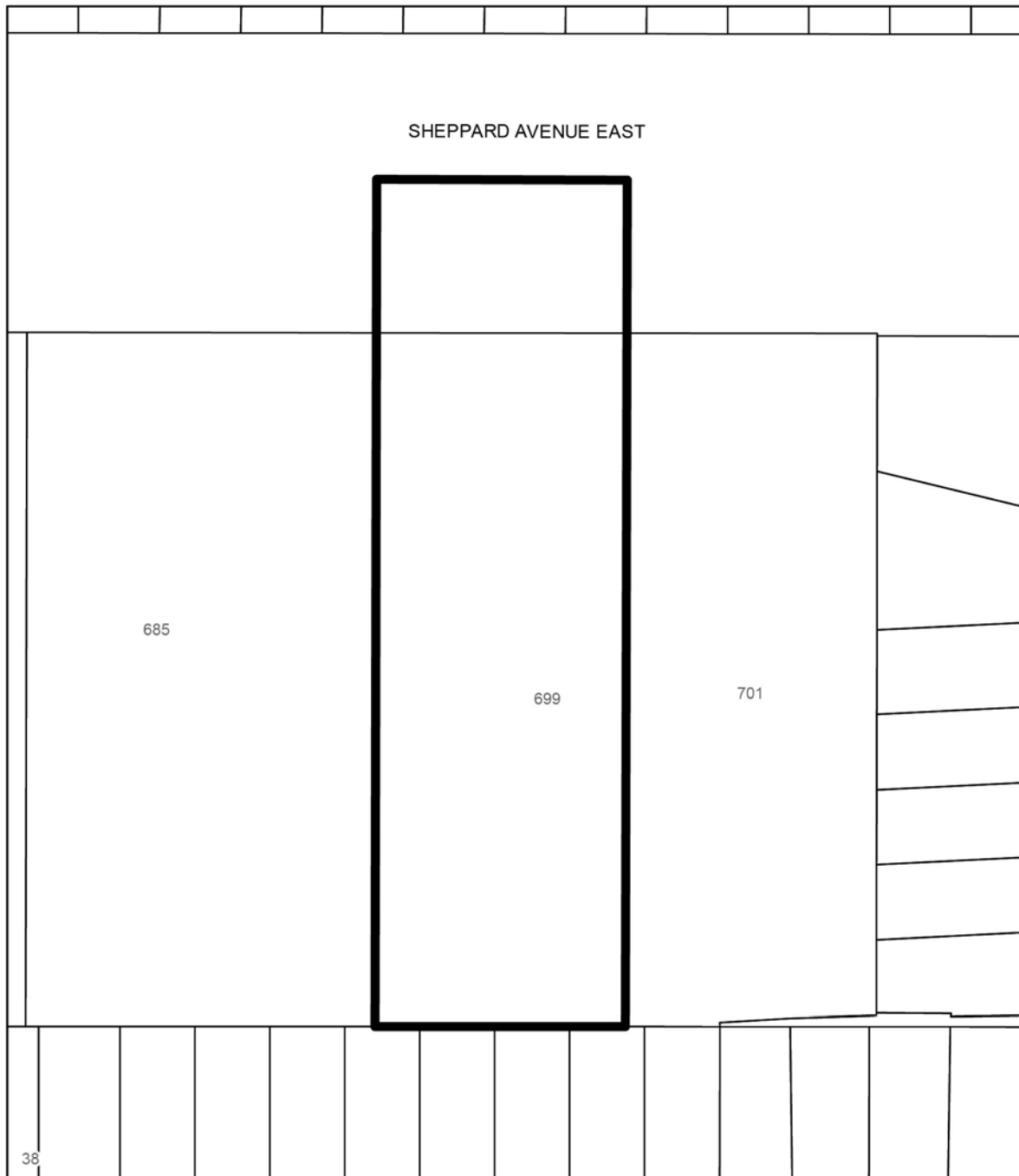


**Toronto**  
Diagram 3

**699 Sheppard Avenue East**

File # 19 192154 NNY 17 0Z


City of Toronto By-law 569-2013  
Not to Scale  
05/17/2021

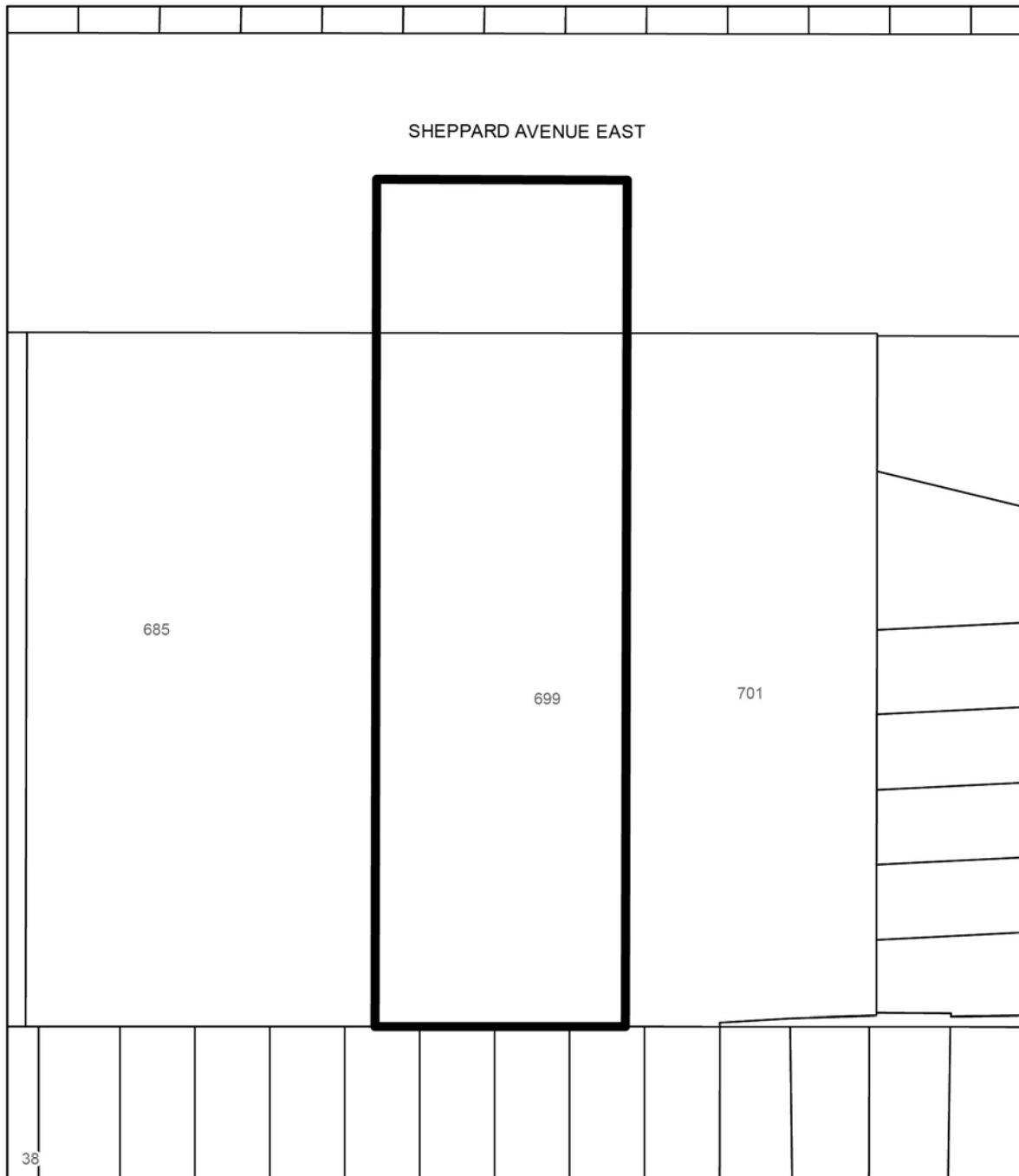


**Toronto**  
Diagram 4

**699 Sheppard Avenue East**

File # 19 192154 NNY 17 0Z

  
 City of Toronto By-law 569-2013  
 Not to Scale  
 05/17/2021

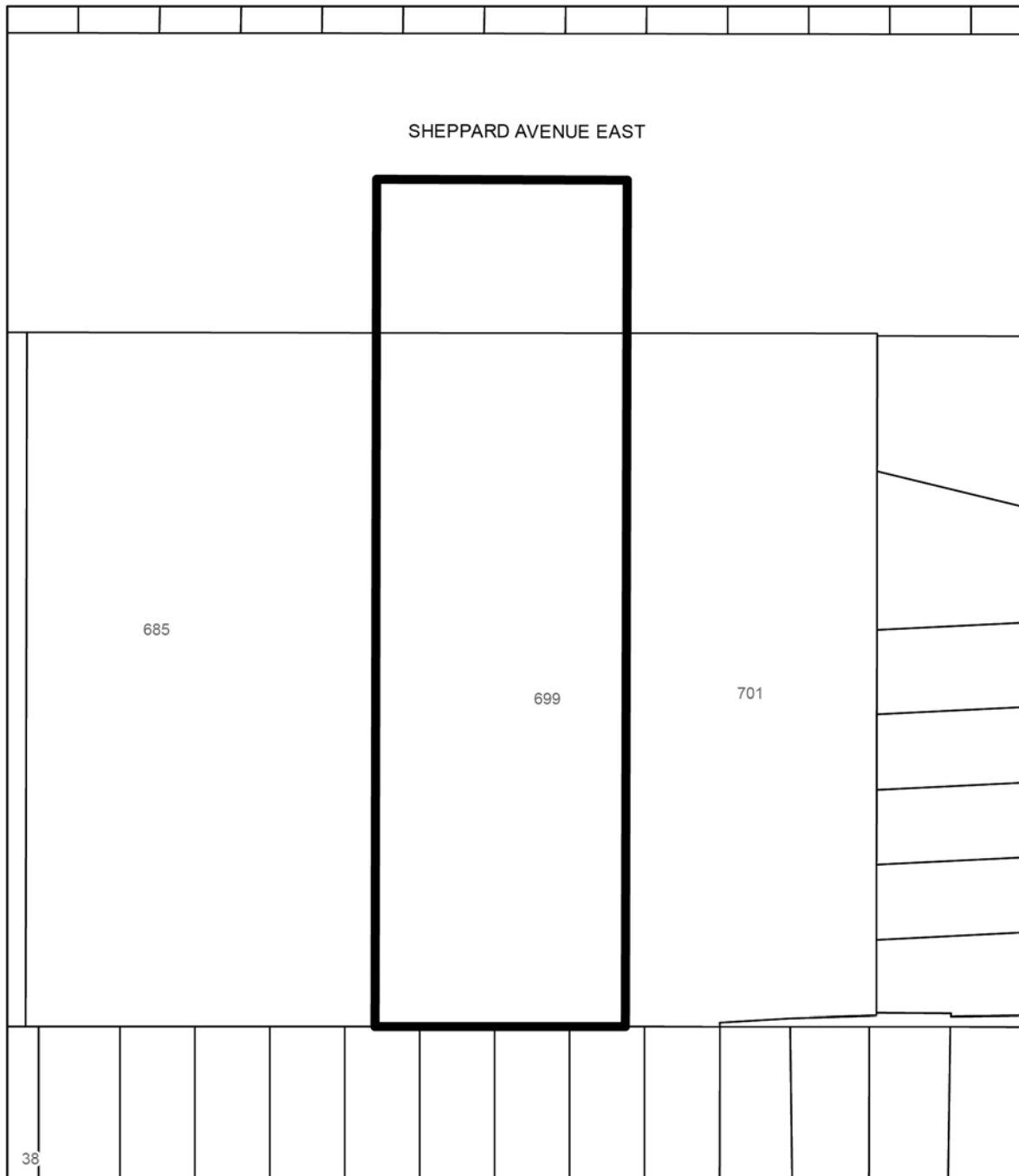


**Toronto**  
Diagram 5

**699 Sheppard Avenue East**

File # 19 192154 NNY 17 0Z


City of Toronto By-law 569-2013  
Not to Scale  
05/17/2021

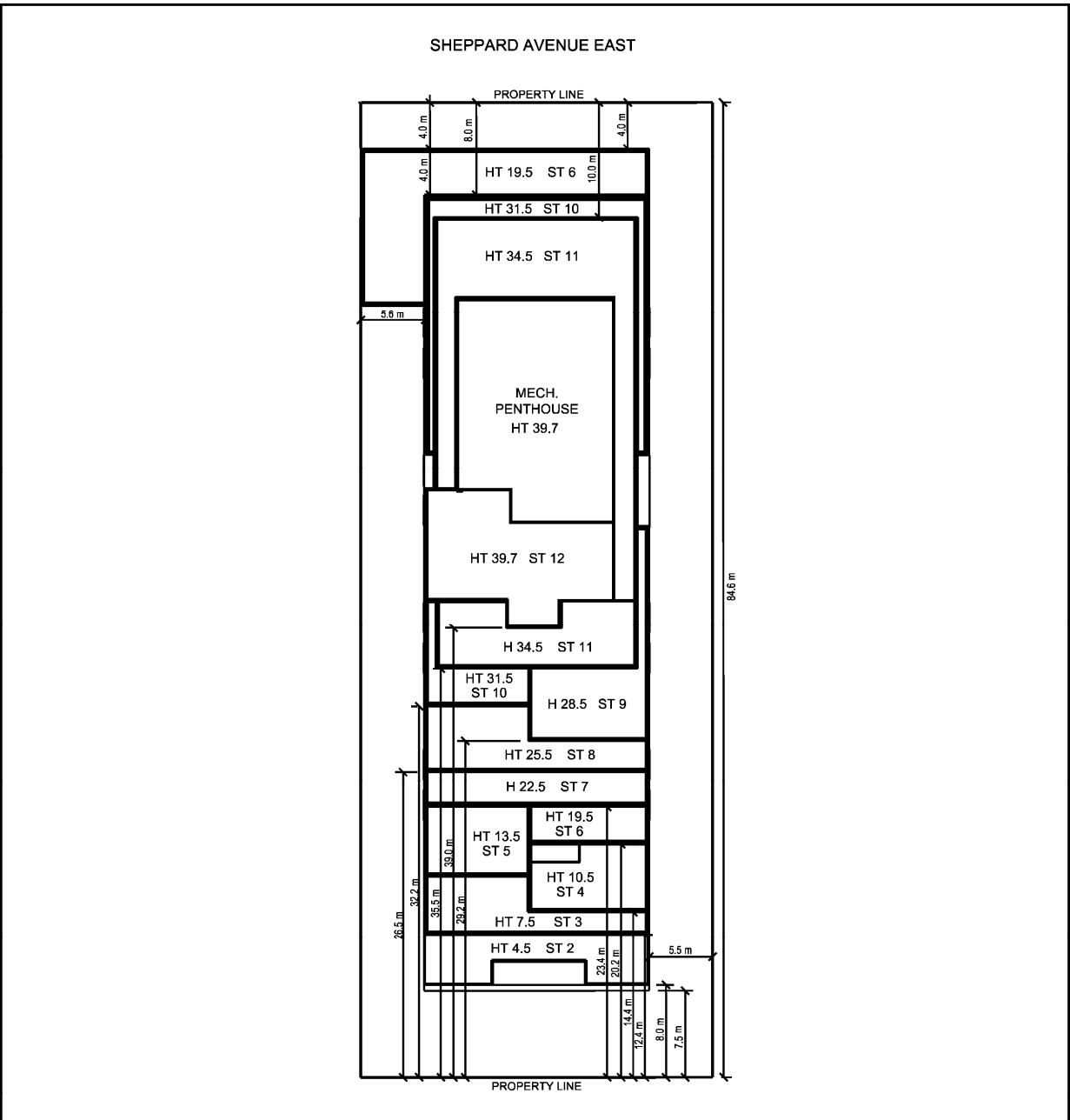


**Toronto**  
Diagram 6

**699 Sheppard Avenue East**

File # 19 192154 NNY 17 0Z

  
 City of Toronto By-law 569-2013  
 Not to Scale  
 05/17/2021



699 Sheppard Avenue East

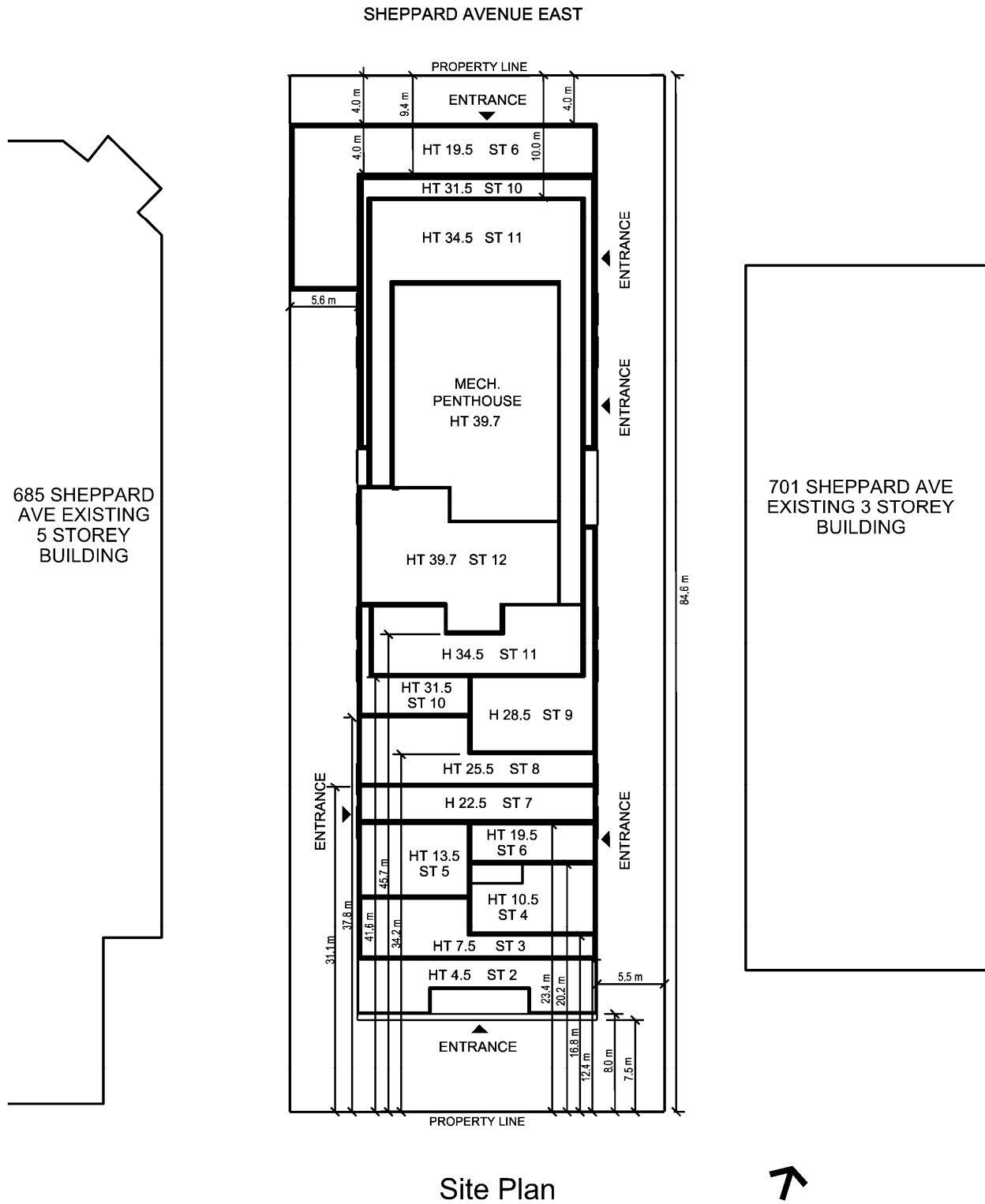
Diagram 7

File # 19 192154 NNY 17 OZ



City of Toronto By-Law 569-2013  
Not to Scale  
06/01/2021

# Attachment 9: Site Plan

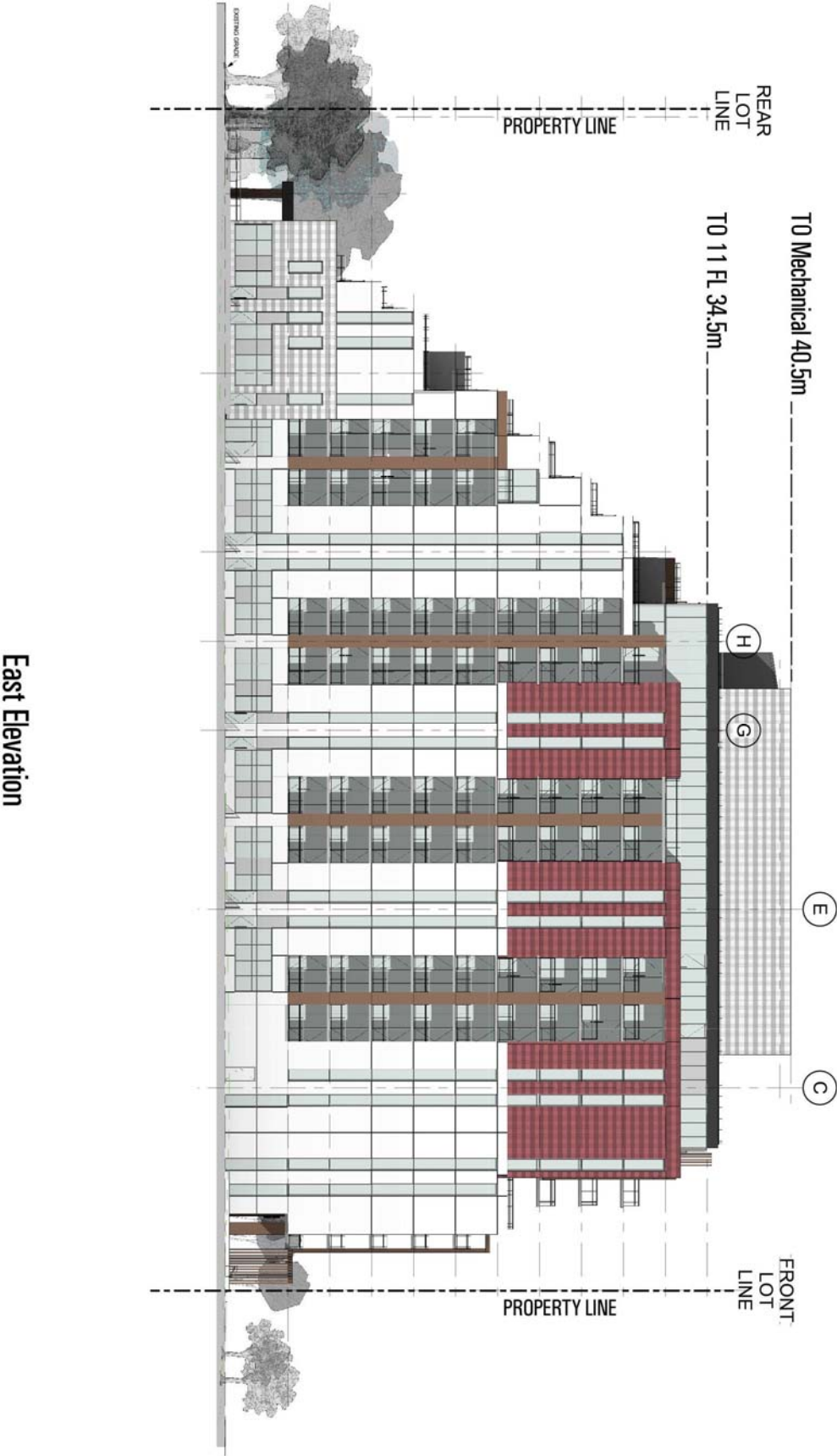


## Attachment 10a: North Elevation

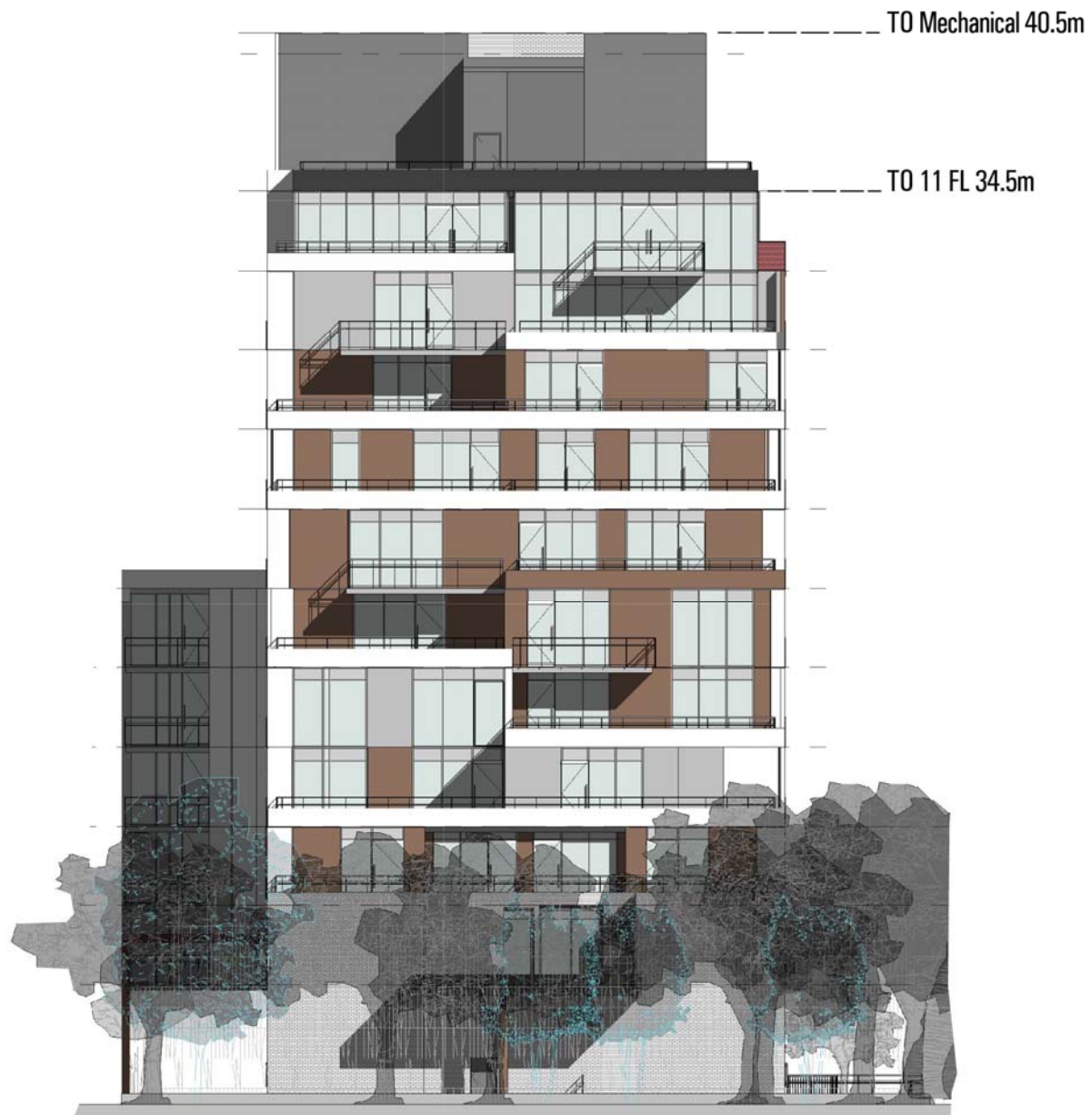


North Elevation

Attachment 10b: East Elevation



## Attachment 10c: South Elevation



**South Elevation**

