

Preliminary Report - 4415 to 4419 and 4421 Sheppard Avenue East – Zoning By-law Amendment

Date: March 29, 2021

To: Scarborough Community Council

From: Director, Community Planning, Scarborough District

Wards: 23 - Scarborough North

Planning Application Number: 20 216675 ESC 23 OZ

Notice of Complete Application Issued: December 9, 2020

Anticipated City Council Meeting Date: April 23, 2021

Current Use(s) on Site: Single storey commercial building and a two-storey detached dwelling converted for commercial use and associated surface parking.

SUMMARY

This report provides information and identifies a preliminary set of issues regarding the application located at 4415 to 4419 and 4421 Sheppard Avenue East to permit the construction of an 11-storey mixed-use development. The existing single storey commercial building and two-storey detached dwelling converted for commercial use would be demolished. Staff are currently reviewing the application. It has been circulated to all appropriate agencies and City divisions for comment. Staff will proceed to schedule a community consultation meeting for the application with the Ward Councillor.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff schedule a community consultation meeting for the application located at 4415 to 4419 and 4421 Sheppard Avenue East together with the Ward Councillor.
2. Staff provide notice for the community consultation meeting to landowners and residents within 120 metres of the application site, and to additional residents, institutions and owners to be determined in consultation with the Ward Councillor, with any additional mailing costs to be borne by the applicant.

FINANCIAL IMPACT

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

DECISION HISTORY

Pre-applicant Consultation

A pre-application consultation with the applicant was held on January 18, 2019 to determine complete submission requirements and provide staff feedback on the development concept.

ISSUE BACKGROUND

Application Description

This application proposes to amend the zoning by-laws for the property at 4415-4419 and 4421 Sheppard Avenue East to permit the construction of an 11 storey (35.6 metres) mixed-use building. The proposed building would contain 243 residential units and commercial retail space at grade. The proposed total gross floor area is 19,641 square metres comprised of 18,931 square metres of residential uses and 709 square metres of non-residential uses. The proposed floor space index (FSI) is 5.7. See Attachments 1 and 2 for 3D models of the Proposal in Context.

The proposed building comprises the nearly the entire block bounded by Sheppard Avenue East, Fulham Avenue and Brimley Road (Please see Attachment 3, Location of Application). The 'L' shaped site consists of two parcels but does not consolidate lands containing a two storey commercial office building to the south at 2020 Brimley Road. To the north, west and east of the subject site surrounding uses include commercial plazas and a three storey office building. To the immediate south of the site are detached houses in a residential area.

The ground floor of the proposal at the northeast corner of the intersection of Sheppard Avenue East and Brimley Road contains a commercial retail unit. Towards the northwest corner of the proposal towards Fulham Street the application proposes indoor amenity space, a residential lobby and lounge. Towards the rear of the subject site along Fulham Street two-storey grade-related units are proposed. The proposed 11 storey height of the building terraces down to the south deploying step backs at the 5th, 7th, 8th and 10th storey. To the east, the building steps back at levels 3, 6 and 10.

A total of 163 parking vehicle parking spaces distributed across two levels of underground parking and two levels of above-grade parking are proposed. The above grade parking is located internal to the building on the ground floor and on Level 2 and

is wrapped by residential units and active uses so that it is not perceived from the street. The residential visitor parking spaces and retail parking spaces are proposed to be shared. The development proposes to provide 183 bicycle parking spaces, with visitor bicycle parking at grade and residential bicycle parking will be provided in secure bike storage on the ground floor and on Level 2.

Detailed project information is found on the City's Application Information Centre at: <https://www.toronto.ca/city-government/planning-development/application-information-centre/>

Provincial Policy Statement and Provincial Plans

Any decision of Council related to this application is required to be consistent with the Provincial Policy Statement (2020) (the "PPS"), and to conform with applicable Provincial Plans which, in the case of the City of Toronto, include: A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020). The PPS and all Provincial Plans may be found on the Ministry of Municipal Affairs and Housing website.

Growth Plan for the Greater Golden Horseshoe (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (the "Growth Plan (2020)") came into effect on August 28, 2020. This new plan replaces the previous 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).

Planning for Major Transit Station Areas

The Growth Plan (2020) as amended 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. 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 are planned for the prescribed densities.

Higher order rapid transit is planned for the Sheppard Avenue East corridor at the intersections of Sheppard Avenue East and Brimley Road and Sheppard Avenue East and McCowan Avenue. As part of its Official Plan Review, the City of Toronto is currently undertaking study work to delineate the boundaries of the *major transit station areas*, to satisfy the Growth Plan (2020) requirements.

The subject site is deemed as part of Phase 3 of the Proposed MTSA Prioritization schedule. For further information, please visit:

<https://www.toronto.ca/wp-content/uploads/2020/07/9816-CityPlanning-Attachment-2-Phased-MTSA-Prioritization-Approach.pdf>

Toronto Official Plan Policies and Planning Studies

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

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

The current application is located on lands designated as *Avenues* on Map 2 of the Official Plan and *Mixed Use Areas* on Official Plan Land Use Map 19 as illustrated in an excerpt found in Attachment 5.

Avenue Study

Although located on an identified Avenue, an Avenue Study as provided for by the Official Plan has yet to be completed. The City of Toronto's Official Plan states that development in *Mixed Use Areas* on an Avenue may proceed prior to the completion of an Avenue Study if an Avenue segment review is submitted which addresses the larger context and examine the implications for the segment of the Avenue in which the proposed development is located. The development may only proceed if the segment review demonstrates to Council's satisfaction that the subsequent development of the entire Avenue segment will have no adverse impacts on the corridor as defined within the context and parameters of the review.

Zoning By-laws

The subject site is regulated by both the former Agincourt Community By-law 10076, as amended, and the new City-wide zoning by-law 569-2013.

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

The site is zoned Commercial Residential (CR) under the City of Toronto's by-law 569-2013 permitting a broad array of commercial and residential uses subject to the permitted density contained within Development Standard Set 3 and Exception No. 1156. For the subject site, the zoning permits a maximum floor space index of 0.4, exclusively for commercial uses and a maximum coverage of 33%. The maximum height permitted is 11 metres. The site specific provisions in Exception No. 1156 carries forward the zoning permissions contained within the former Agincourt Community By-law 10076.

Under the former Agincourt Community By-law 10076 the site is zoned Community Commercial, CC-25-71-87 (x37). The Community Commercial Zone permits banks, professional offices, personal service shops, restaurants, retail stores and taverns among other commercial uses. The applicable exception number prohibits automobile sales and services and places of entertainment. Along Sheppard Avenue East, the minimum building setback, as per Performance Standard No. 25, requires a minimum building setback of 21.0 metres from the centre line of the street or 3.0 metres from a lot line. A maximum lot coverage of 40% is permitted (Performance Standard No. 71) and a setback of 7.5 metres from the abutting sites to the south is required (Performance Standard No. 87).

Both the City of Toronto's city-wide zoning by-law and the former Agincourt Community zoning by-law prohibit residential uses on site.

Design Guidelines

The following design guideline(s) will be used in the evaluation of this application:

- Mid-Rise Building Performance Standards and Addendum;
- Retail Design Manual;

- Growing Up: Planning for Children in New Vertical Communities;
- Accessibility Design Guidelines;
- Bird Friendly Guidelines;
- Best Practices for Effective Lighting; and
- Pet Friendly Design Guidelines for High Density Communities.

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

Site Plan Control

The application is subject to Site Plan Control. A Site Plan Control application has not been submitted and will be submitted at a later date.

COMMENTS

Reasons for the Application

The rezoning application is required in order to permit the development proposal since the current zoning does not permit residential uses on site. In addition, site specific performance standards are required to establish appropriate building setbacks, massing, height and density, and parking rates for the proposed development.

Issues to be Resolved

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

Provincial Policies and Plans Consistency/Conformity

Staff are evaluating this application against the PPS and the applicable Provincial Plans to establish the application's consistency with the PPS and conformity with the Growth Plan (2020). The application will be evaluated to determine whether the application is consistent with relevant PPS policies, including but not limited to: land use patterns and locations for intensification and redevelopment in settlement areas (1.1.3.2 and 1.1.3.3), promoting economic development and competitiveness (1.3.1), planning for stormwater management (1.6.6.7), transportation systems (1.6.7), supporting long term economic prosperity (1.7), energy conservation, air quality and climate change (1.8), and implementation and interpretation (4.6).

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

Within the Growth Plan (2020) there is provincial directive that states municipalities to complete detailed planning for *major transit station areas* on transit corridors like Sheppard Avenue East to support planned service levels. *Major transit station areas* (MTSAs) are defined in the Growth Plan (2020) as areas within an approximate 500-800 metre radius of a transit station and representing a 10-minute walk. Applicable MTSA policies include the identifying priority transit corridors in Official Plans (policy 2.2.4.1), the delineation of major transit station areas (policy 2.2.4.1), planning for minimum density targets (policy 2.2.4.3) and achieving a diverse mix of uses (policy 2.2.4.9).

Given the explicit link between provincial policy and the Official Plan, consistency with the PPS and conformity with the Growth Plan will be largely determined by conformity with the Official Plan. The Growth Plan (2020) sets out the requirement for municipalities to develop an intensification strategy to achieve minimum intensification targets that are both set out in the Growth Plan or that will be determined through the Municipal Comprehensive Review (MCR). Council established August 4, 2020 as the commencement of the City's Municipal Comprehensive Review. While this conformity exercise is still in process, the review of the proposal will have regard to the densities set out in the Growth Plan and implemented through the MCR.

Official Plan Conformity

Staff are assessing the suitability of the proposed development against all relevant Official Plan policies including all applicable requirements in Section 2.2.3 (*Avenues*) and development criteria in policies 4.5.2 (*Mixed Use Areas*) of the Official Plan.

Built Form, Planned and Built Context

City staff are assessing the suitability of the proposed site organization, height, massing, stepbacks, angular plane projections, location of proposed amenity spaces and other built form issues within the existing and planned context for this segment of Sheppard Avenue East. In particular, the review will evaluate whether the proposed building provides adequate transition in scale to the low-rise *Neighbourhood* to the immediate south of the site, as well, as the precedent that the development will set for the reurbanization of this segment of Sheppard Avenue East. The evaluation will be informed by Section 2 of the *Planning Act*, the Growth Plan (2020), the City's Official Plan policies including OPA 479 and 480 and applicable Design Guidelines.

OPA 479 and 480, recently adopted by Council and brought into force, provide detailed direction on midrise building development, defining the roles and relationships of the public realm and new development to ensure that buildings and their surrounding public spaces work together to achieve a high standard of design and help create a high quality of life for people of all ages and abilities. Staff are evaluating the submitted Avenue Segment study and proposed development concept for its compliance with the policy directions contained in Official Plan Amendment 479 and 480 including key urban design principles like building height with respect to the right of way, angular plane compliance and public realm impacts.

Map 2 of the City of Toronto's Official Plan identifies this segment of Sheppard Avenue East as an *Avenue*. As such, policies contained in Section 2.2.3. outlines the need for

an Avenue Study prior to development as each Avenue is different in terms of lot sizes and configuration, street width, existing uses, neighbouring uses, transit service and streetscape potential. Development of this site would be one of the first projects along this corridor with the potential to be a catalyst for reurbanization and transformation of this segment of this part of Sheppard Avenue East. As per Policy 2.2.3.6 (c), development in *Mixed Use Areas* on an *Avenue* that precedes the completion of an Avenue Study will contribute to an attractive, safe and comfortable pedestrian environment that encourages walking and strengthens local retailing. Staff are evaluating whether the proposed indoor amenity space located on Sheppard Avenue East meets this policy intent and sets the stage for a vibrant retail street and the replacement of existing retail uses. Other matters to be evaluated include the soft site analysis contained within the Avenue Study and the associated built form, heights, massing and density.

Where development in *Mixed Use Areas* is to occur adjacent to lands designated *Neighbourhoods* the Official Plan indicates that new buildings are to be located and massed to provide for an appropriate transition between areas of different intensity and scale through measures such as appropriate setbacks and stepping down of heights. Staff will review the proposed built form to ensure an appropriate transition is provided from the proposed development to lands designated *Neighbourhood* south of the site. Staff are evaluating the proposed transition elements like the setbacks and stepbacks at the rear of the building to ensure appropriate interface and transition with the *Neighbourhood* lands.

Tree Preservation

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

An Arborist Report and Tree Preservation and Removal Plan were submitted and are currently under review by City staff. As proposed, this project would require the removal of three City-owned trees and would be subject to the private tree by-law.

Housing

The City's Official Plan policies in Section 3.2.1 require a full range of housing in terms of form, tenure, and affordability to be provided and maintained across the City and within neighbourhoods to meet the current and future needs of residents. In addition, the Council-adopted Growing Up: Planning for Children in New Vertical Communities urban design guidelines provide guidance on the proportion and size of larger units recommended in new multi-residential developments, supporting Official Plan housing policies, and the Growth Plan's growth management and housing policies.

Guideline 2.1 of the Growing Up guidelines states that a building should provide a minimum of 25% large units (10% of the units should be three-bedroom units and 15% of the units should be two-bedroom units). The current breakdown of the 243 residential units is as follows: 156 one bedroom and one bedroom plus den units (64%), 85 two bedroom junior, two bedroom and two bedroom plus den units (35%) and two three bedroom units (1%).

The proposed development does not currently propose any affordable housing units.

Staff are reviewing the appropriateness of the proposed units mix and will explore what opportunities are available to include affordable housing.

Transportation and Parking

The proposed development will be served by two levels of underground parking and two levels of above grade parking. A total of 163 parking spaces are proposed comprised of 132 parking spaces for residents, 24 parking spaces for visitors, and 7 parking spaces allocated for the proposed commercial uses. The applicant proposes to share the residential visitor parking spaces and retail parking spaces totalling 31 parking spaces available for visitors and commercial patrons.

Staff are currently evaluating the adequacy and appropriateness of the proposed parking rate of 0.54 parking spaces per dwelling unit with 0.13 spaces per dwelling unit for shared visitor and retail parking. Part of this review process will include evaluating the appropriateness of the proposed surface parking and above grade parking.

Sheppard Avenue East is identified as having planned right-of-way widths of 36 metres on Map 3 of the Official Plan. To accommodate the planned right-of-way width, a road widening of approximately 2.76 metres wide is provided for in the development concept along the frontage of Sheppard Avenue.

Community Services and Facilities

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

A Community Services and Facilities Study (November 2020) was submitted as part the application for the area bounded by Finch Avenue East to the north, Ellesmere Road to the south, Markham Road to the east, and Kennedy Road to the west. The Study concludes that the community services and facilities in the area can likely accommodate the increased population from the proposed development and that the proposal presents an opportunity to achieve community benefit contributions in consultation with the Local Councillor and City Staff.

The application was circulated to publicly funded school boards for review. Toronto District School Board has indicated that local elementary and secondary schools may

not have sufficient capacity to accommodate the estimated influx of students from the proposed development. The Toronto Catholic District School Board has indicated that sufficient space exists within local Catholic elementary schools to accommodate students from the proposed development.

City staff are reviewing the Community Services and Facilities Study submitted as part of this application to assess the impact of the proposed development on community facilities.

Section 37 Community Benefits

The Official Plan provides for the use of Section 37 of the *Planning Act* to pass by-laws for increases in height and/or density not otherwise permitted by the Zoning By-law in return for the provision by the applicant of community benefits in the form of capital facilities. Despite the recent introduction of a new community benefits charge, Section 37, as previously enacted, continues to apply until the earlier of September 18, 2022 or the day the municipality passes a community benefits charge by-law.

Should the application be recommended for approval, a Section 37 contribution would be secured through the approvals process. Discussions with the Ward Councillor, City staff, residents, and the applicant would be required to determine the extent and nature of the required Section 37 community benefits.

Infrastructure/Servicing Capacity

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

Staff are reviewing a Functional Servicing Report provided by the applicant to evaluate the effects of the proposed development on the City's municipal servicing infrastructure and watercourses. The review will also identify and provide the rationale for any new infrastructure and upgrades to existing infrastructure that may be necessary to provide adequate servicing to the proposed change in land use or development.

Toronto Green Standard

Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives intended to advance the City's objectives for resilience and to achieve net-zero emissions by 2050 or sooner. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision. Staff are reviewing the TGS Checklist submitted by the applicant for compliance with the Tier 1 performance measures and will encourage the applicant to pursue higher tiers of the TGS.

Other Matters

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

CONTACT

Samuel Baron, Planner, Community Planning, Scarborough District, Tel. No. 416.392.4582, E-mail: Samuel.Baron@toronto.ca

SIGNATURE

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

ATTACHMENTS

Attachment 1: 3D Model of Proposal in Context - Northeast View
Attachment 2: 3D Model of Proposal in Context - Southeast View
Attachment 3: Location Map
Attachment 4: Site Plan
Attachment 5: Official Plan Map
Attachment 6: Zoning Map

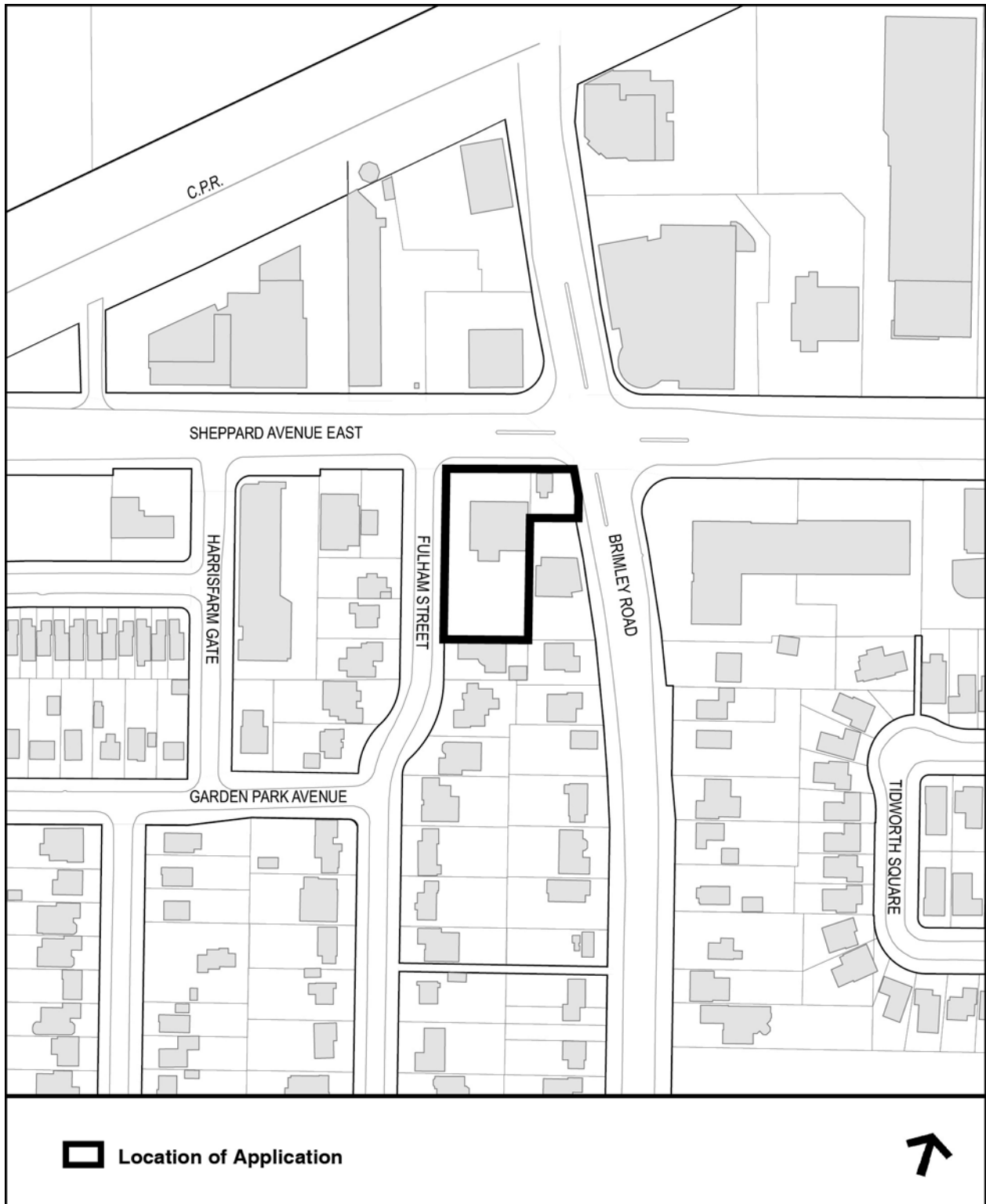
Attachment 1: 3D Model of Proposal in Context - Northeast View



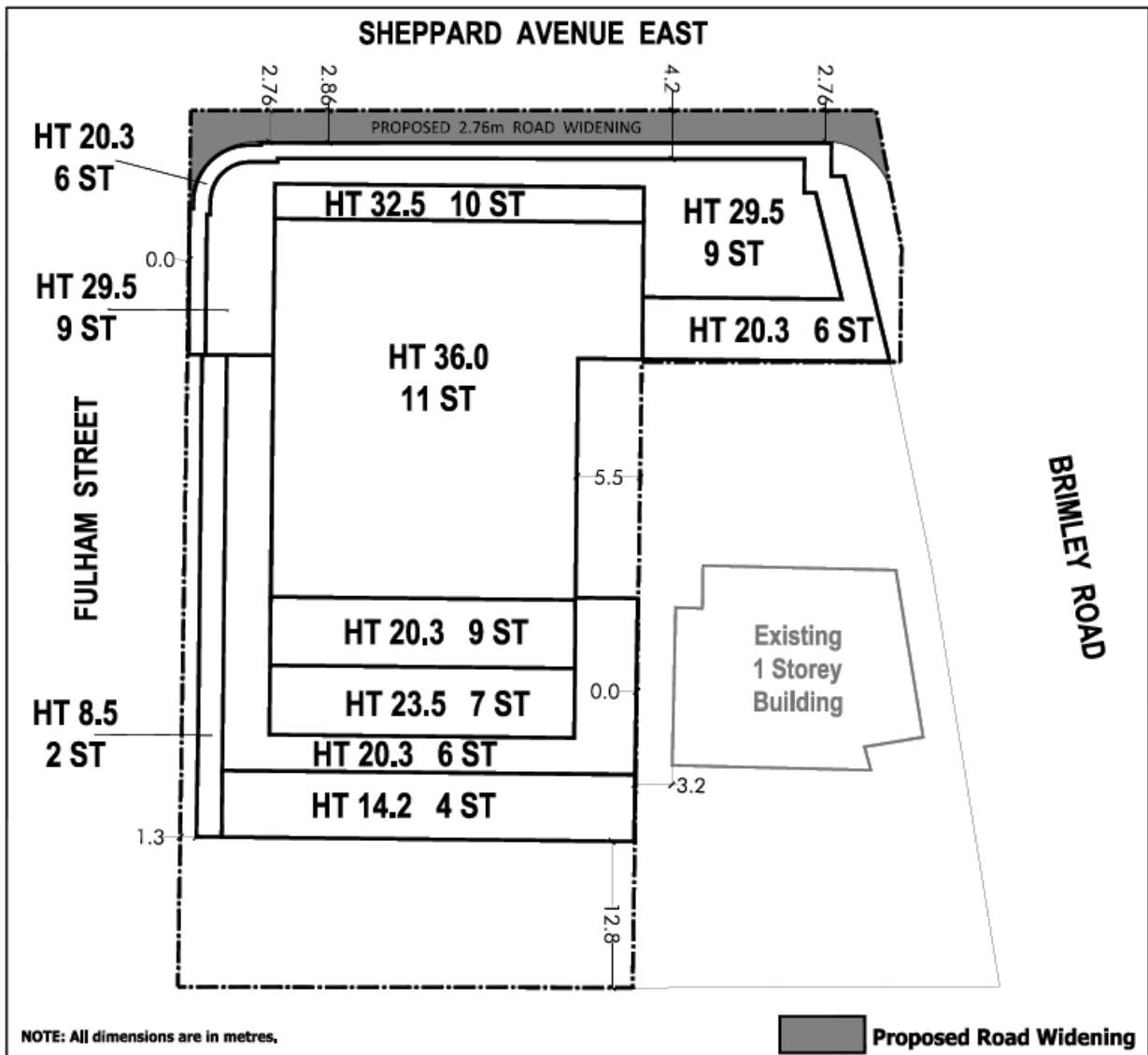
Attachment 2: 3D Model of Proposal in Context - Southeast View



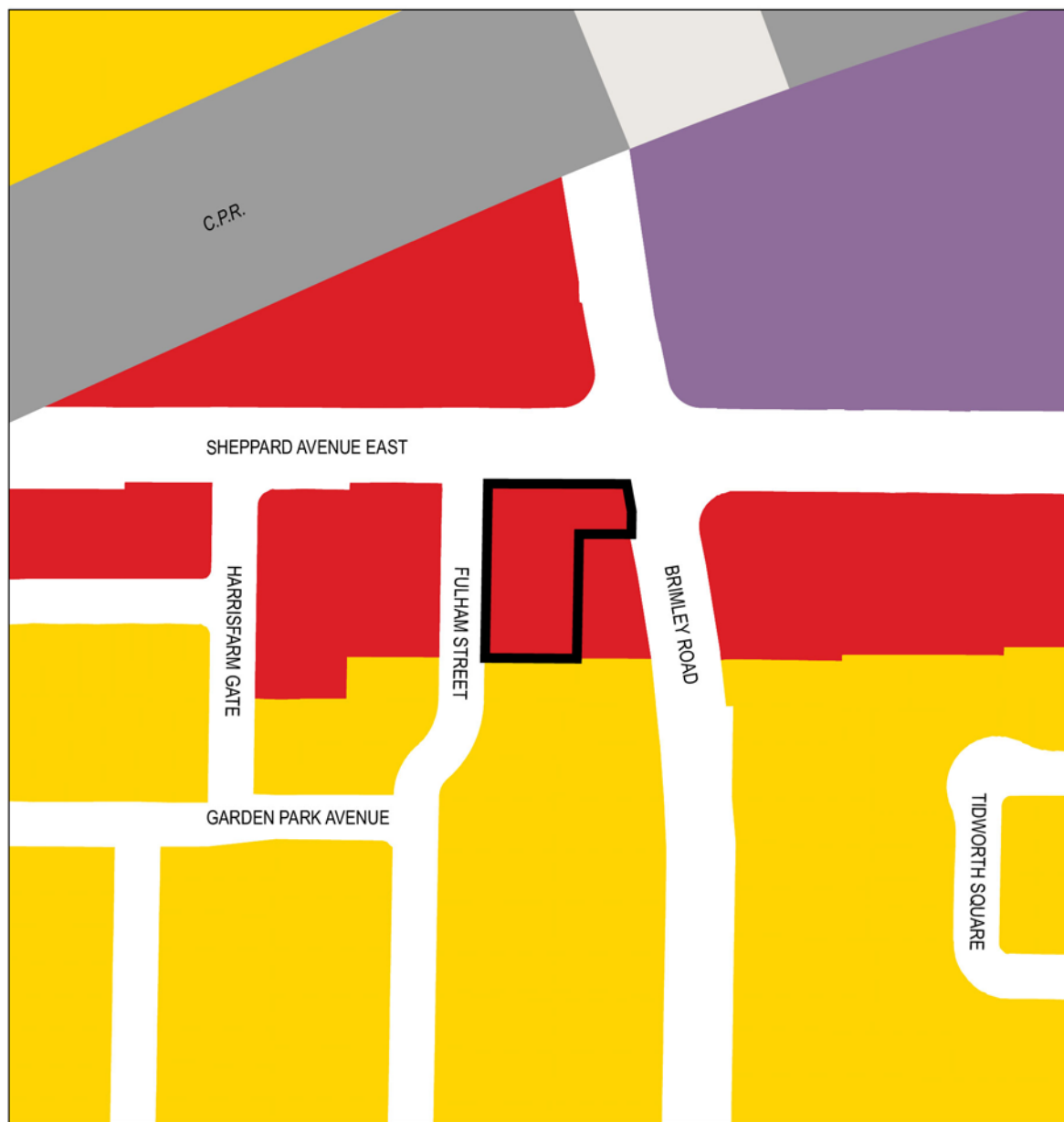
Attachment 3: Location Map



Attachment 4: Site Plan



Attachment 5: Official Plan Map



Official Plan Land Use Map #19

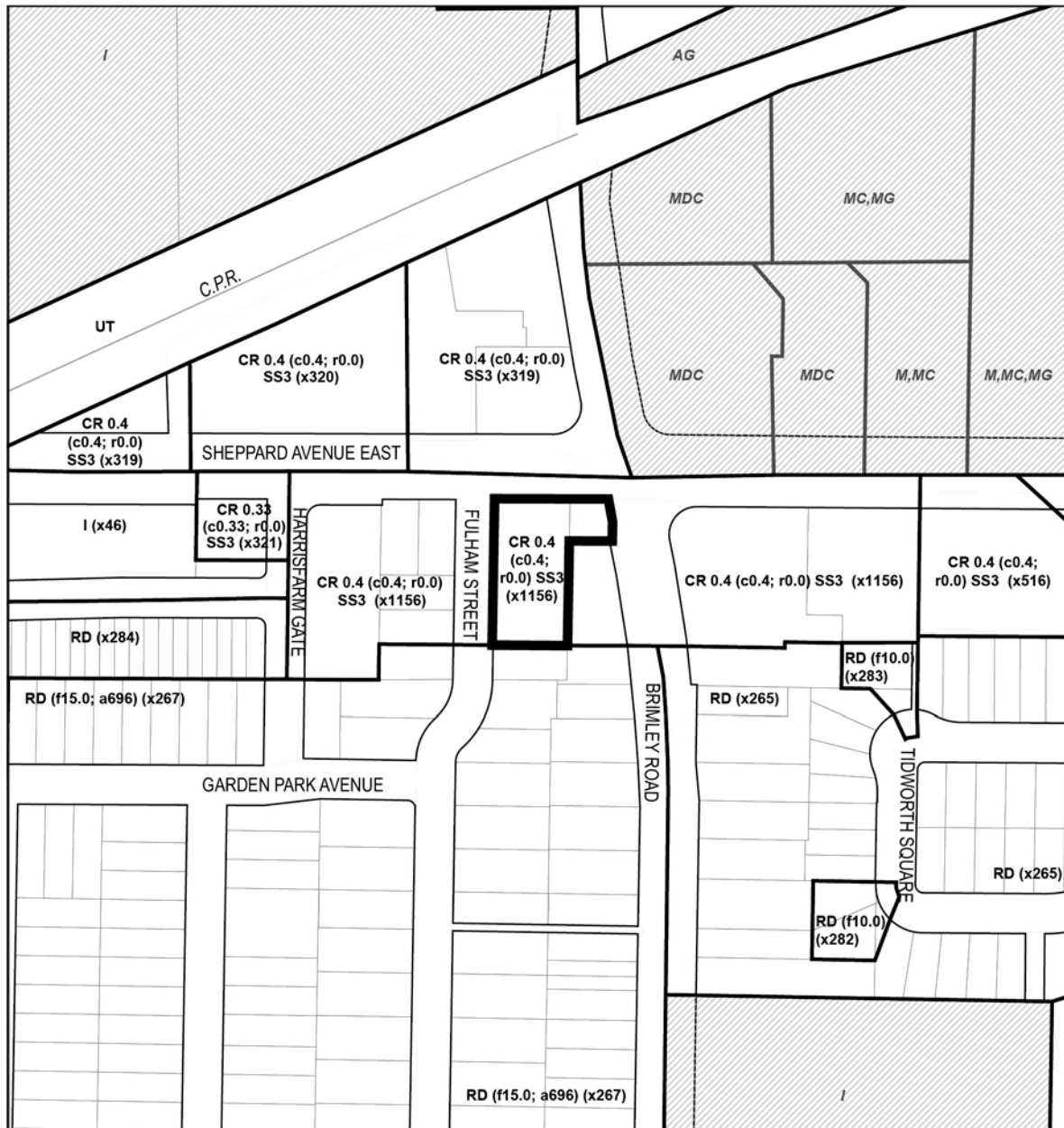
4415-4419 Sheppard Avenue East

File # 20 216675 ESC 23 02




 Not to Scale
 Extracted: 01/07/2021

Attachment 6: Zoning Map



Zoning By-law 569-2013

4415-4419 Sheppard Avenue East

File # 20 216675 ESC 23 02



Location of Application

RD
CR
E
I
UT

Residential Detached
Commercial Residential
Employment Industrial
Institutional
Utility and Transportation



See Former City of Scarborough Community By-laws

I
MDC
AG
M
MC
MG

Institutional Uses
Industrial District Commercial Zone
Agricultural Zone
Industrial Zone
Industrial Commercial Zone
General Industrial Zone



Not to Scale
Extracted: 01/07/2021