

## **824 Sheppard Avenue West, 177, 179 and 181 Cocksfield Avenue – Official Plan Amendment, Zoning Amendment and Rental Housing Demolition & Conversion Application – Final Report**

Date: December 2, 2021

To: North York Community Council

From: Director, Community Planning, North York District

Wards: 6 - York Centre

**Planning Application Number:** 20 205918 NNY 06 OZ and 20 205924 NNY 06 RH

### **SUMMARY**

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This application proposes to amend the Official Plan and Zoning By-law for the property at 824 Sheppard Avenue West, 177, 179 and 181 Cocksfield Avenue to permit a 12-storey (44.95 metre) mixed use building with 19,932 square metres of gross floor area ("GFA"), including 459 square metres of retail space and a 373 square metre daycare, resulting in a Floor Space Index ("FSI") of 4.0. There would be 263 residential rental units and 197 parking spaces.

The Rental Housing Demolition Application proposes to demolish the existing buildings containing a total of 15 rental dwelling units and provide replacement of all 15 rental dwelling units within the proposed building. The redevelopment proposal is in keeping with the objectives of the Sheppard West/Dublin Secondary Plan to encourage a diversity of office, commercial, institutional and residential uses along Sheppard Avenue West while protecting the adjacent lower-density residential area. 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-laws, and the Rental Housing Demolition Application. The draft zoning by-law recommends the lands be zoned with a holding provision ("H") until such time as a Functional Servicing and Stormwater Management Report is deemed acceptable by the Chief Engineer and Executive Director, Engineering and Construction Services.

## RECOMMENDATIONS

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The City Planning Division recommends that:

1. City Council amend the Official Plan, for the lands at 824 Sheppard Avenue West, 177, 179 and 181 Cocksfield Avenue substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 5 to this report.
2. City Council amend City of Toronto Zoning By-law 569-2013 by adding the lands at 824 Sheppard Avenue West, 177, 179 and 181 Cocksfield Avenue substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 6 to this report.
3. City Council authorizes the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and draft Zoning By-law Amendment(s) as may be required.
4. 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:

The following community benefits are recommended to be secured in a Section 37 agreement:

- a. The community benefits recommended to be secured in the Section 37 Agreement are as follows: \$1,400,000 to go towards parkland and other community services and facility improvements within the Ward, as well as streetscape improvements which comply with the Streetscape Manual, to the satisfaction of the Chief Planner and Executive Director, City Planning, the General Manager of Parks, Forestry and Recreation, and the General Manager of Transportation Services;
- 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 4.a. above has not been used for the intended purpose within three (3) years of the amending zoning by-law coming force and effect, 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.

5. City Council also direct that the following be secured in the Section 37 Agreement as a legal convenience to secure matters required to support the development:

- a. The Owner shall construct the development in accordance with the approved Transportation Demand Management Plan, to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
- b. Prior to Site Plan Approval for the development, the owner shall provide a Construction Mitigation Plan & Tenant Communication Plan, to the satisfaction of the Chief Planner and Executive Director, City Planning Division or his designate and thereafter the owner shall implement such strategy;
- c. The Owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting of October 26 and 27, 2009;
- d. The owner shall provide and maintain all new residential dwelling units on the subject site as rental tenure for a period of at least 20 years beginning from the date that each new residential dwelling unit is first occupied, as generally illustrated in the plans submitted to the City Planning Division dated July 16, 2021. Any revision to these plans shall be to the satisfaction of the Chief Planner and Executive Director, City Planning Division; and
- e. The Owner shall provide and maintain fifteen (15) replacement rental dwelling units, comprised of fifteen (15) two-bedroom units, on the subject site for a period of at least twenty (20) years, beginning from the date that each replacement rental dwelling unit is first occupied, as outlined in Recommendation 6;

6. City Council approve the application for a Rental Housing Demolition permit in accordance with Chapter 667 of the Toronto Municipal Code to allow for the demolition of fifteen (15) existing rental dwelling units located at 824 Sheppard Avenue West and 177, 179 and 181 Cocksfield Avenue, subject to the following conditions:

- a. The owner shall provide and maintain fifteen (15) replacement rental dwelling units, comprised of fifteen (15) two-bedroom units, on the subject site for a period of at least twenty (20) years, beginning from the date that each replacement rental dwelling unit is first occupied, and as shown on the architectural plans titled 824 Sheppard Avenue West, Rental Floor Plans, dated June 28, 2021. Any revision to these plans shall be to the satisfaction of the Chief Planner and Executive Director, City Planning;
- b. The owner shall, as part of the fifteen (15) replacement rental dwelling units required above, provide all fifteen (15) two-bedroom replacement rental dwelling units at affordable rents, as defined in the City's Official Plan, all for a period of at least ten (10) years, beginning from the date that each replacement rental dwelling units is first occupied;
- c. The owner shall provide tenants of the replacement rental dwelling units with access to all indoor and outdoor amenities in the proposed building at no extra

charge. Access and use of these amenities shall be on the same terms and conditions as any other building resident without the need to pre-book or pay a fee, unless specifically required as customary practices for private bookings;

d. The owner shall provide all fifteen (15) replacement rental dwelling units with a balcony or terrace;

e. The owner shall provide tenants of the replacement rental dwelling units with access to all bicycle parking, visitor parking, and storage lockers on the same terms and conditions as any other resident of the building;

f. The owner shall provide all replacement rental dwelling units with ensuite laundry facilities at no additional cost to the tenants;

g. The owner shall provide central air conditioning in each replacement rental dwelling unit;

h. The owner shall provide tenant relocation and assistance to all eligible tenants occupying the existing rental dwelling units proposed to be demolished, including the right to return to a replacement rental dwelling unit, all to the satisfaction of the Chief Planner and Executive Director, City Planning; and

i. The owner shall enter into and register on title one or more agreement(s) pursuant to of the *City of Toronto Act, 2006* to secure the conditions outlined in (a) through (h) above to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning.

7. City Council authorize the Chief Planner and Executive Director, City Planning to issue the Preliminary Approval for the application under Chapter 667 of the Toronto Municipal Code for the demolition of the fifteen (15) existing rental dwelling units at 824 Sheppard Avenue West and 177, 179 and 181 Cocksfield Avenue after all of the following have occurred:

a. The conditions in Recommendation 6 above have been fully satisfied;

b. The Zoning By-law Amendment has come into full force and effect;

c. The issuance of the Notice of Approval Conditions for site plan approval by the Chief Planner and Executive Director, City Planning or their designate, pursuant to Section 114 of the City of Toronto Act, 2006;

d. The issuance of excavation and shoring permits for the approved structure on the site;

e. the owner has confirmed, in writing, that all existing rental dwelling units proposed to be demolished are vacant; and

e. The execution and registration of a Section 37 Agreement pursuant to the Planning Act securing Recommendation 6 (a) through (i) and any other requirements of the Zoning By-law Amendment.

8. City Council authorize the Chief Building Official and Executive Director, Toronto Building to issue a Rental Housing Demolition permit under Municipal Code Chapter 667 after the Chief Planner and Executive Director, City Planning Division has given Preliminary Approval referred to in Recommendation 6 above.

9. City Council authorize the Chief Building Official and Executive Director, Toronto Building to issue a demolition permit under Section 33 of the Planning Act no earlier than the issuance of the first building permit for excavation and shoring of the development, and after the Chief Planner and Executive Director, City Planning has given Preliminary Approval referred to in Recommendation 6 above, which permit may be included in the demolition permit for Chapter 667 under 363-11.1, of the Municipal Code, on condition that:

a. The owner remove all debris and rubble from the site immediately after demolition;

b. The owner erect solid construction hoarding to the satisfaction of the Chief Building Official and Executive Director, Toronto Building;

c. The owner erects a residential building on site no later than four (4) years from the day demolition of the buildings is commenced; and

d. Should the owner fail to complete the new building within the time specified in condition (c) above, the City Clerk shall be entitled to enter on the collector's roll, to be collected in a like manner as municipal taxes, the sum of twenty thousand dollars (\$20,000.00) for each dwelling unit for which a demolition permit is issued, and that each sum shall, until payment, be a lien or charge upon the land for which the demolition permit is issued.

10. City Council authorize the appropriate City officials to take such actions as are necessary to implement the foregoing, including execution of the Section 111 Agreement and other related agreements.

## **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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A Preliminary Report on the applications was adopted by North York Community Council on November 9, 2020 authorizing staff to conduct a community consultation meeting with an expanded notification area. The Community Council decision can be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.NY20.8>

## PROPOSAL

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This application proposes to amend the Sheppard West/Dublin Secondary Plan, former City of North York Zoning By-law 7625 and City of Toronto Zoning By-law 569-2013 for the property at 824 Sheppard Avenue West, 177, 179 and 181 Cocksfield Avenue, to permit a 12-storey (44.95 metres including the mechanical penthouse) mixed use building with 19,932 square metres of GFA, including 459 square metres of commercial space at grade and 373 square metres of daycare space at grade, resulting in an FSI of 4.0. (See Attachment 1: Project Data Sheet)

Along Sheppard Avenue West, the 12-storey portion of the building would be set back a minimum of 3 metres from the front property line. Above the ground floor the second storey would cantilever back towards the front lot line 1.5 metres, to provide protection from the elements for the commercial spaces below. The cantilever does not extend over the City right-of-way, providing for a wide enough sidewalk clear to the sky. There would be a 5-storey base building expression, before stepping back 3.0 metres on floors 6 to 10. At the 11th floor, the building would provide a further 3 metre setback from Sheppard Avenue West. On Sheppard Avenue West, the 5-storey base building expression would be built to the east and west lot lines. Above the 5th floor, the building would have a side yard set back 5.5 metres from the east lot line and 7.5 metres from the west lot line.

The building would step down to 6 storeys (21.1 metres) on Cocksfield Avenue. The 6-storey portion would have a 3-storey expression to frame the street. The 6-storey building would be set back a minimum 3.0 metres from Cocksfield Avenue. Above the third storey, floors 4 to 6 would be stepped back an additional 3 metres. The 6-storey portion of the building would be connected to the 12-storey portion of the building by a 5-storey podium. A 13-metre separation distance would be provided between the north and south buildings on the 5th floor. See Attachment 7 - Site Plan for more details.

Three commercial units are proposed facing Sheppard Avenue West with a fourth commercial unit immediately to the north, facing the private driveway. The private daycare space is proposed at grade along Cocksfield Avenue. It would have an adjacent outdoor playground in the east side yard.

The application proposes a total of 263 rental residential units, including the 15 replacement rental units that will be affordable. There are currently 15 existing rental apartments on site, which are all proposed to be demolished and then replaced in the new development.

The development proposes a total of 597 square metres of indoor amenity space (2.2 square metres per unit) and 867 square metres of outdoor amenity space (3.2 square metres per unit). Indoor and outdoor amenity space would be spread throughout the building on the ground, second, fourth and rooftop levels. On the ground level, two dog wash areas, a lounge and a shared office space are proposed. Approximately 282.5 square metres of indoor amenity space is proposed on the fourth floor which would be directly connected to 415 square metres of outdoor amenity terrace separating the north and south buildings. An additional 97.6 square metres of indoor amenity space is proposed on the roof level, which would be similarly connected to a 207.8 square metre outdoor amenity terrace. An additional 139.6 square metres of outdoor amenity space is proposed on the ground floor along the east property line.

A minimum 6 metre private driveway would access the site from Cocksfield Avenue. It would provide vehicular access to two drop off areas, the underground parking garage, 1 Type 'G' loading space and 1 Type 'C' loading space. A pedestrian “breezeway” style mid-block connection is proposed to allow pedestrians to pass through the site from Sheppard Avenue West to Cocksfield Avenue. The pedestrian walkway would provide access to two separate residential lobbies.

There would be two levels of underground parking containing a total of 210 parking spaces, including 180 parking spaces for residents (including 8 barrier-free parking spaces) and 22 parking spaces for commercial uses and visitors. There would be a total of 209 bicycle parking spaces, including 181 residential long-term spaces and 28 residential short-term spaces.

Along Sheppard Avenue West, a 2.7-metre wide road widening is provided for to accommodate the planned right-of-way width of 36 metres. The widening will be secured through the Site Plan application process.

### **Site and Surrounding Area**

The subject site is located on the north side of Sheppard Avenue West, east of Wilmington Avenue, and on the south side of Cocksfield Avenue. The site is comprised of three properties municipally known as 824 Sheppard Avenue West, 177 Cocksfield Avenue and 179-181 Cocksfield Avenue.

Sheppard Avenue West has an emerging character of midrise, mixed use buildings, while Cocksfield Avenue is a local street characterized by low density residential uses.

The site is generally rectangular in shape, extending in a north-south direction with frontage on Sheppard Avenue West of approximately 32 metres and on Cocksfield Avenue of approximately 46 metres, a lot depth of approximately 122 metres, and a total lot area of approximately 5178 square metres (0.51 hectares).

The properties municipally known as 824 Sheppard Avenue West and 179-181 Cocksfield Avenue, contain three buildings comprised of two 2-storey buildings oriented in a north-south direction with at-grade commercial/retail uses and 15 residential rental units above. The property of the site municipally known as 177 Cocksfield Avenue contains a 1-storey residential bungalow with driveway access from Cocksfield Avenue.

North: a series of residential detached dwellings, 1 and 2 storeys in height.

South: on the south side of Sheppard Avenue West, east of Faywood Boulevard, are three single storey residential dwellings and the Toronto Heschel School (819 Sheppard Avenue West).

East: fronting onto Sheppard Avenue West is a single-storey commercial building containing four individual retail stores with surface parking in the front and the rear connected by a laneway along its eastern property line (816-822 Sheppard Avenue West).

West: fronting onto Sheppard Avenue West is a 2-storey retail plaza building with a surface parking lot in front of 6 retail units, with apartments above (828-836 Sheppard Avenue West).

### **Reasons for Application**

The Official Plan Amendment is required to amend the Sheppard West/Dublin Secondary Plan to permit the proposed height and density.

An amendment to the City of Toronto Zoning By-law 569-2013 is required to permit the proposed height and density and set appropriate development standards to facilitate the proposal.

A Rental Housing Demolition and Conversion Permit pursuant to Chapter 667 of the City of Toronto Municipal Code is required for the demolition of the existing residential rental properties. The subject lands contain 6 or more residential dwelling units, of which at least one is rental.

The Rental Demolition and Conversion application proposes to demolish the existing residential buildings at 824 Sheppard Avenue West and 177, 179 and 181 Cocksfield Avenue containing 15 rental dwelling units and provide 15 replacement rental dwelling units within the new building of at least the same unit type and size as the existing rental dwelling units. All replacement rental dwelling units will be secured at affordable rents for 10 years.

## **APPLICATION BACKGROUND**

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### **Application Submission Requirements**

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

- Planning and Urban Design Rationale
- Housing Issues Report
- Community Services and Facilities Study
- Public Consultation Strategy Report



- Sun and Shadow Study
- Pedestrian Wind Assessment Study
- Toronto Green Development Standards Checklist and Statistics
- Functional Servicing and Stormwater Management Report
- Geotechnical & Hydrogeological Investigation
- Pedestrian Wind Assessment
- Waste Management Plan
- Transportation 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?folderRsn=XTnhig65idcaKUvztwDRsg%3D%3D>.

### **Agency Circulation Outcomes**

The applications, 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 Official Plan and Zoning By-law amendments.

### **Statutory Public Meeting Comments**

In making their decision with regard to this application, Council members have been given had an opportunity to view the oral submissions made at the statutory public meeting held by the North York Community Council 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 opportunities for job creation;

- 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 ("GGH") 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).

## **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. This application has been reviewed against the policies of the City of Toronto Official Plan as follows:

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

The Official Plan 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: Structuring Growth in the City: Integrating Land Use and Transportation***

The Official Plan indicates that the City's transportation network will be maintained and developed to support the growth management objectives of this Plan by protecting and developing the network of rights-of-way shown on Map 3 - Right of Way Widths Associated with Existing Major Streets by acquiring over time the additional property needed to achieve the designated width. Map 3 identifies the Sheppard Avenue West right-of-way as being planned for 36 metres in this location. The conveyance of land for widening may be required for nominal consideration from abutting property owners as a condition of subdivision, severance, minor variance, condominium or site plan approvals.

In addition, the Official Plan states that the City's servicing for water, wastewater and stormwater management infrastructure will be maintained and developed to support the city building objectives by providing adequate facilities to support new development and maintaining the infrastructure in a state of good repair.

### *Section 2.2.3: Avenues: Reurbanizing Arterial Corridors*

The Official Plan identifies the subject site as being on an *Avenue* on Map 2 - Urban Structure. The *Avenues* are important corridors along major streets where reurbanization is anticipated and encouraged to create new housing and job opportunities while improving the pedestrian environment, the appearance of the street, shopping opportunities and transit service for community residents.

### *Section 2.3.1: Healthy Neighbourhoods*

Policy 2.3.1.3 states that developments in *Mixed Use Areas*, *Regeneration Areas* and *Apartment Neighbourhoods* that are adjacent or close to *Neighbourhoods* will: "be compatible with those *Neighbourhoods*, provide a gradual transition of scale and density, as necessary to achieve the objectives of this Plan through the stepping down of buildings towards and setbacks from those *Neighbourhoods*, maintain adequate light and privacy for residents in those *Neighbourhoods*, and attenuate resulting traffic and parking impacts on adjacent neighbourhood streets so as not to significantly diminish the residential amenity of those *Neighbourhoods*." The lands to the immediate north are designated *Neighbourhoods* in the Official Plan.

## **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.

Section 3.1.3.4 states that mid-rise buildings will be designed to have heights generally no greater than the width of the right-of-way, building massing will step back generally

at a height equal to 80% of the adjacent right-of-way width and allow for daylight and privacy on occupied ground floor units through building massing.

Policy 3.1.3.6 states that mid-rise buildings on deep sites should be designed to provide and frame accessible and well-proportioned open spaces that have access to sunlight and daylight.

### *Section 3.2.1 Housing*

Section 3.2.1 of the Official Plan includes policies that encourage the provision of a full range of housing, in terms of form, tenure and affordability, and the protection of rental housing units.

Policy 3.2.1.6 states that new development that would result in the loss of six or more rental housing units will not be approved unless all of rental housing units have rents that exceed mid-range rents at the time of application, or in cases where planning approvals other than site plan are sought, the following will be secured:

- at least the same number, size and type of rental housing units are replaced and maintained with similar rents to those in effect at the time the redevelopment application was made;
- for a period of at least 10 years, rents for replacement units will be the rent at first occupancy, increased annually by not more than the Provincial Rent Increase Guideline or a similar guideline as Council may approve from time to time; and
- an acceptable tenant relocation and assistance plan addressing the right to return to occupy one of the replacement rental units at similar rent, the provision of alternative accommodation at similar rents and other assistance to lessen the hardship of relocation.

This application identifies 15 rental units that would be demolished and replaced within the proposed development.

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

The subject lands are designated *Mixed Use Areas* on Map 16 of the Official Plan (see Attachment 3). 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*. Service areas, ramps and garbage storage are to be located and screened to minimize impacts on adjacent streets and residences. 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.

Policy 4.5.2(c) states that development in *Mixed Use Areas* should locate and mass new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of the plan, through means such as providing appropriate setbacks and/or a stepping down of heights, particularly towards lower scale *Neighbourhoods*.

Policy 4.5.2(d) states that development shall locate and mass new buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes. Furthermore, Policy 4.5.2(e) states that development in *Mixed Use Areas* should be located and massed to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces.

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

This chapter outlines a variety of tools that the City can bring to bear to implement the vision within the Official Plan.

### *Section 5.1.1: Height and/or Density Incentives*

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. Under Toronto's Official Plan, developments that exceed a threshold of 10,000 square metres of gross floor area, and where the application increases the permitted density by at least 1,500 square metres, and/or significantly increases the permitted height, a Section 37 agreement may be used. As the proposed increase in height and density meets these thresholds for the use of Section 37, Section 37 benefits will be required and will be secured in a Section 37 Agreement.

### *Policy 5.1.2: Holding By-laws*

Under the *Planning Act*, City Council may pass a Holding by-law and Policy 5.1.2.1 explains that a Holding provision may be placed on the lands where the ultimate desired use is appropriate but that development cannot occur until conditions set out in the Plan or by-law are satisfied. These conditions may include transportation or servicing improvements.

### *Section 5.6: Interpretation*

Section 5.6.6 of the City's Official Plan states that the policies of the Official Plan apply to areas subject to Secondary Plans, except in the case of a conflict, the Secondary Plan policy will prevail.

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

## **Sheppard West/Dublin Secondary Plan**

The application is also designated *Mixed Use Area 'B'* in the Sheppard West/Dublin Secondary Plan on Map 23-1. The preferred form of mixed use development on lands designated *Mixed Use Area 'B'* will contain ground floor commercial uses with upper floor residential uses. The Secondary Plan permits densities and heights based on lot frontage and combination of proposed uses. The maximum height permitted is 5 storeys and the maximum density permitted is 2.0 times the area of the lot as the lot has a frontage over 30 metres and is proposing a mix of residential and commercial uses.

The objective of the Secondary Plan is to encourage and maintain a diversity of residential, institutional, service commercial, office and open space uses along the corridor stretching from Bathurst Street in the east, towards Allen Road and the Sheppard West Subway Station in the west.

The Sheppard West/Dublin Secondary Plan can be found here:

<https://www1.toronto.ca/planning/23-sheppard-west-dublin.pdf>

## **Zoning**

The subject site is zoned CR 1.0 (c1.0; r1.0) SS3 (x215) in City of Toronto Zoning By-law 569-2013. The CR (Commercial Residential) zone permits a range of commercial and residential uses including apartment buildings, offices, retail stores, personal service shops, financial institutions, and eating establishments, as well as a mixed-use building. An overall density of 1.0 times the lot area is permitted. A maximum height of 10.5 metres and 3-storeys is permitted.

The subject site is also zoned C1 – General Commercial Zone in former City of North York Zoning By-law 7625. Site-specific By-law 8523 applies only to the portion of the site municipally addressed as 824 Sheppard Avenue West and 179-181 Cocksfield Avenue. Site Specific By-law 8523 dates back to 1954 and amended the North York Zoning By-law 7625 to rezone the subject site C1. Within the C1 zone, permitted uses include a range of commercial uses, as well as all uses permitted in the R5 and RM5 zones including apartment dwellings, multiple attached dwellings. The maximum building height is 9.2 metres or 3 storeys, whichever is greater. However, as the provisions of 569-2013 are largely fully in force and effect on this site, an amendment to By-law 7625 is no longer required as By-law 569-2013 supersedes the former by-law under Regulation 1.5.6(2) and a single amendment can address the required permissions for the proposed development.

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/>

## **Rental Housing Demolition and Conversion By-law**

Section 111 of the *City of Toronto Act*, 2006 authorizes Council to regulate the demolition and conversion of residential rental properties in the City. Chapter 667 of the

City's Municipal Code, the Rental Housing Demolition and Conversion By-law, implements Section 111. The By-law prohibits the demolition or conversion of rental housing units in buildings containing six or more residential units, of which at least one unit is rental, without obtaining a permit from the City and requires a decision by either City Council or the Chief Planner.

Council may refuse an application, or approve the demolition with conditions that must be satisfied before a demolition permit is issued. These conditions implement the City's Official Plan policies protecting rental housing. Council approval of demolition under Section 33 of the *Planning Act* may also be required where six or more residential units are proposed for demolition before the Chief Building Official can issue a permit for demolition under the *Building Code Act*.

Where an application for rezoning triggers an application under Chapter 667 for rental demolition or conversion, City Council typically considers both applications at the same time. Unlike *Planning Act* applications, decisions made by City Council under By-law 885-2007 are not appealable to the Ontario Land Tribunal.

## **Design Guidelines**

The following design guidelines have been used in the evaluation of this application:

- Mid-Rise Building Performance Standards and Addendum
- Growing Up: Planning for Children in New Vertical Communities

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

## **Mid-rise Buildings Performance Standards and Addendum**

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/bqrd/backgroundfile-92537.pdf>.



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

In July 2020, Toronto City Council adopted the Growing Up: Planning for Children in New Vertical Communities Urban Design Guidelines, and directed City Planning staff to apply the "Growing Up Guidelines" in the evaluation of new and under review multi-unit residential development proposals of 20 or more residential units.

The objective of the Growing Up Guidelines is to consider the needs of children and youth in the design and planning of vertical neighbourhoods which in turn, will enhance the range and provision of housing for households across Toronto. Implementation of the Guidelines also presents the opportunity to address housing needs for other groups, including roommates forming non-family households, multi-generational households and seniors who wish to age-in-place. This will increase liveability for larger households, including families with children, at the neighbourhood, building and unit scale.

The Growing Up Guidelines include performance standards to accommodate the growing demand for family-oriented housing in vertical communities. The Guidelines recommend that a building provide a minimum of 25% large units: 10% of the units should be 3-bedroom units and 15% of the units should be 2-bedroom units. The Guidelines outline a range of unit sizes to represent a diversity of bedroom sizes while maintaining sufficient common space to ensure their functionality. Two-bedroom units should have a floor area of 87 to 90 square metres and 3-bedroom units should have a floor area of 100 to 106 square metres.

The Growing Up Guidelines (2020) are available at:

<https://www.toronto.ca/legdocs/mmis/2020/ph/bgrd/backgroundfile-148362.pdf>

### **Site Plan Control**

The application is subject to Site Plan Control. A Site Plan Control application has been submitted (File No. 21 187375 NNY 06 SA) and is under review.

## **COMMENTS**

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

The PPS and the Growth Plan for the Greater Golden Horseshoe (2020) are high-level and broad reaching policy documents. The PPS provides policy direction on matters of provincial interest related to land use planning and development. Key policy objectives include: building strong communities, wise use and management of resources, and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. City Council's planning decisions are required, by the Planning Act, to be consistent with the PPS.

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.

Through its Official Plan, the City has identified *Downtown, Centres, Avenues* and *Employment Areas* where intensity is appropriate. The subject site is located in a *Mixed Use Areas* designation along an *Avenue* where growth is expected to occur. The proposed amendments to permit an increased level of intensification is consistent with the PPS and meets the Secondary Plan's goals and objectives to coordinate and direct growth.

The Growth Plan (2020) provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow, the provision of infrastructure to support growth, and protecting natural systems and cultivating a culture of conservation. The Growth Plan strives, among other goals, to direct growth to areas of urban intensification. It requires municipalities to set clear targets for population and employment growth.

The City has done this through its Official Plan policies and supporting guidelines discussed in this report. The site is on an *Avenue* and is designated *Mixed Use Areas* which are intended to support infill development and intensification. Together, the policies and guidelines provide a planning framework that enables new development and intensification on the site in a manner that achieves a number of city building objectives and positively contributes to the surrounding context in conformity with the Growth Plan.

## **Land Use**

The objective of the Sheppard West/Dublin Secondary Plan is to encourage and maintain a diversity of residential, institutional, retail, service commercial, office and open space uses in the Secondary Plan Area. The proposal provides a range of land uses in conformity with the Secondary Plan.

The application is designated Mixed Use Area 'B' in the Sheppard West/Dublin Secondary Plan. The preferred form of mixed use development on lands designated Mixed Use Area 'B' will contain ground floor commercial uses with upper floor residential uses. The proposal achieves this with the retail and daycare uses at grade.

## **Density, Height and Massing**

The Official Plan requires that development will be located and organized to fit with its existing and/or planned context, define and frame the edges of the public realm with good street proportion, and ensure access to direct sunlight and daylight on the public realm. Section 3.1.3 specifically addresses mid-rise buildings by limiting their height to be generally no greater than the width of the right-of-way that it fronts onto and maintaining their street proportion by stepping back building's massing and requires

mid-rise buildings to meet the built form principles of the plan, as set out within Section 3.1.2. The objective of these principles is to create healthy, livable and vibrant main streets while protecting the stability and integrity of adjacent neighbourhoods and also ensuring that the *Avenues* develop in an appropriate and context-sensitive manner. 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 proposal meets the 45 degree angular planes contained the Mid-Rise Guidelines which are measured from a height of 28.8 metres from the property line to the south along Sheppard Ave West and 16 metres from the property line to the north along Cocksfield Ave, which is 80 percent of the adjacent right-of-ways respectively. No portions of the building protrude into the angular planes including the mechanical penthouse as set out by the City's Mid-Rise Guidelines. This provides an appropriate transition to the stable residential neighbourhood immediately to the north 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 Cocksfield Avenue rear property line.

The total building height is proposed at 44.95 metres, which includes the mechanical penthouse. Sheppard Avenue West has a planned 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 and is for mechanical space only.. The ground floor height is proposed at 5 metres, which would facilitate retail uses fronting along Sheppard Avenue West, the daycare and lobby at grade.

The building would have a gross floor area of 19,932 square metres and a FSI of 4.0. This is an appropriate density given the policies provided within the Sheppard West/Dublin Secondary Plan which provides for greater densities for development parcels that include a mix of commercial and residential uses and that have a frontage on Sheppard Avenue West. The built form is appropriate for the site as it is located along Sheppard Avenue West, has limited impact on the surrounding neighbourhoods, and achieves the objective of the Secondary Plan to encourage and maintain a diversity of residential, retail, and service commercial uses in the Secondary Plan Area. The proposal includes affordable and market rental units, retail space at grade and a private daycare, which will implement elements of a complete community. Other similar densities have been approved within the Sheppard West corridor and the site is also well served by busses.

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

## **Sun, Shadow, Wind**

The Official Plan sets out that new development will adequately limit any resulting shadowing of neighbouring streets and properties, having regard for the varied nature of such areas. In addition, the Official Plan states that development in *Mixed Use Areas* locate and mass new buildings to adequately limit shadow impacts on adjacent Neighbourhoods. The submitted shadow analysis demonstrates that the proposed maximum building height results in minimal shadowing on nearby residential properties in the *Mixed Use Areas* and *Neighbourhoods* designations during the spring and fall equinoxes.

A Pedestrian Wind Assessment was submitted by the applicant in support of the proposal. The proposed building is significantly taller than buildings in the immediate vicinity, and therefore will cause a moderate increase in wind speeds around it however, wind conditions on and around the proposed project are not expected to exceed the recommended criteria for pedestrian safety. In general, conditions on sidewalks and other public areas on and around the proposed buildings are expected to be comfortable for standing or strolling in the summer, and for strolling or walking in the winter. Suitable wind conditions are also expected at most of the entrances and amenity areas at ground level in the summer.

## **Traffic Impact, Access, Parking**

It is estimated that the proposed development will generate approximately 77 total new two-way vehicle trips (25 inbound and 52 outbound) during the weekday morning peak hour period and 93 total new vehicle two-way trips (52 inbound and 41 outbound) during the afternoon peak hour period. Impact of site traffic has a minor impact on typical traffic movement in non-peak hours. Given the above-noted site traffic estimates, Transportation Services generally agrees that traffic generated by the proposed development can be accommodated by the adjacent street system.

The parking requirements for the project are governed by the applicable parking provisions contained in Zoning By-law 569-2013 (Rest of the City Rates) for the 177-181 Cocksfield Avenue properties and Zoning By-law 569-2013 (Policy Area 4) for the 824 Sheppard Avenue West property.

The proposal contains a total of 210 parking spaces with 28 visitor parking spaces to be shared amongst the residential visitors, retail and daycare. The proposed blended rate of 0.68 spaces per unit for residential and 0.11 spaces per unit for visitors is acceptable to Transportation Services. The total of 8 accessible parking spaces proposed for the subject site satisfies the Accessible Parking By-law 579-2017 requirement.

## **Road Widening**

In order to satisfy the Official Plan requirement of a 36 metre right-of-way for this segment of Sheppard Avenue West a 2.76 metre road widening dedication along the Sheppard Avenue West frontage of the subject site is required and will be secured through the Site Plan application process.

## **Servicing**

Due to outstanding sanitary servicing issues along Sheppard Avenue West, staff are recommending the subject lands be zoned with a Holding provision ("H") until such time that satisfactory arrangements are made with Engineering & Construction Services and/or appropriate agreement(s) are entered into with the City for the design and construction of any improvements to the municipal infrastructure.

## **Housing Issues**

### *Family Size Units*

The proposal meets the Growing Up Guidelines requirements for the minimum number of family-sized dwelling units: of the 263 proposed dwelling units, 68 are two-bedroom (26%) and 25 are three-bedroom units (10%). City Planning staff are satisfied with the unit mix within the development. The proposed unit mix will be secured through the Zoning By-law amendment.

### *Rental Housing Demolition*

The existing buildings at 824 Sheppard Avenue and 177, 179, and 181 Cocksfield Avenue contain a total of 15 two-bedroom rental units. All 15 rental units are located on the second floor of two mixed-use retail plazas. The applicant proposes to replace the 15 existing two-bedroom rental units that are proposed to be demolished with 15 replacement two-bedroom rental units in the new building. The replacement rental units will be located throughout the second, third, and fourth floors of the new building.

Upon completion, the total gross floor area for the 15 replacement rental units would be the same size as the total gross floor area for the 15 existing units. The unit sizes of all the replacement units would be the same size or slightly larger than that of the existing rental units.

All replacement rental units would be provided with ensuite laundry facilities, central air conditioning, and access to a private balcony, patio, or terrace.

Tenants of the replacement rental units would have access to bicycle parking, storage lockers, and all indoor and outdoor amenities on the same terms and conditions as the residents of the rest of the building.

Tenants of the replacement rental dwelling units would have access to at least 13 vehicle parking spaces with returning tenants who were using one of the existing resident parking spaces receiving first priority.

Legal agreements would secure all details regarding minimum unit sizes and future tenants' access to all facilities and amenities.

### *Tenure and Rents for the Replacement Rental Dwelling Units*

On October 13, 2020 the applicant made an application for a Section 111 permit pursuant to Chapter 667 of the City of Toronto Municipal Code. As per Chapter 667-14,

a tenant consultation meeting was held to review the impact of the proposal on tenants of the residential rental property and matters under Section 111.

The applicant has agreed to provide and maintain the 15 replacement rental dwelling units as rental tenure within the proposed building for at least 20 years, beginning from the date that each replacement rental dwelling unit is first occupied and until the owner obtains approvals for a Zoning By-law Amendment removing the requirement for the replacement rental dwelling units to be maintained as rental units.

At the time of application, the existing building contained 15 affordable two-bedroom units. The applicant has agreed to secure the rents for the 15 affordable replacement rental dwelling units for at least 10 years.

### *Tenant Consultation*

On October 12, 2021, City Planning hosted a virtual tenant consultation meeting as required under the City's Rental Housing Demolition and Conversion By-law to review the City's housing policies, discuss the applicant's replacement rental proposal, and outline the components of a typical Tenant Relocation and Assistance Plan. This meeting concluded with a question and answer period. The meeting was attended by six tenant households, City Planning staff, Councillor Pasternak, and the applicant.

Tenants raised questions related to the timing of compensation, how their new rent will be calculated, features and amenities proposed for the new building, and if the applicant will help them find interim housing during the construction period. There were some noted concerns about the sizes of the replacement rental units and tenants asked the applicant to provide clearer drawings of the floor plans.

### *Tenant Relocation and Assistance Plan*

The applicant has agreed to provide tenant relocation and assistance to all eligible tenants, all to the satisfaction of the Chief Planner and secured through legal agreements with the City. The Tenant Relocation and Assistance Plan would assist tenants in finding and securing alternative accommodations during the demolition and construction period. As part of this plan, all eligible tenants would receive:

- At least 6 months' notice of the date they must vacate their rental unit;
- Compensation equal to 3 month's rent pursuant to the Residential Tenancies Act;
- The right to return to one of the replacement rental dwelling units in the new building at similar rents;
- Additional financial compensation based on length of tenure at the existing buildings;
- Monthly rent-gap payments equivalent to the difference between the monthly rent paid by each eligible tenant and the Market Area Rent, which has been defined as Private Apartment Average Rents, by unit type, for Zone 16: North Central (North York) as reported by the Canada Mortgage and Housing Corporation. The rent-gap payment will

be equal to the total accrued monthly rent-gap over a thirty-six (36) month construction period, with additional payments if construction is delayed.

- A rental leasing agent available upon request;
- A move-out moving allowance and a move-back moving allowance if they exercise their right to return to a replacement rental dwelling unit; and
- Any special needs compensation as determined by the Chief Planner.

City Planning are satisfied with the applicant's proposed tenant relocation and assistance plan as it is in line with the intent of the City's standard practices and will appropriately address and mitigate hardship experienced by tenants.

Staff is recommending that Council approve the Rental Housing Demolition Application, with conditions, to demolish 15 existing rental units, subject to the conditions of approval identified within this report.

### **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 to 0.4 hectares of local parkland per 1,000 people. The site is in the 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, the applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. The residential component of this proposal is subject to a cap of 10 percent parkland dedication while the non-residential component is subject to a 2 percent parkland dedication. The cash-in-lieu will be paid at issuance of building permit.

### ***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 applicant has provided an Arborist Report in support of the application. The Tree Inventory identifies trees within and immediately surrounding the site.

A total of 12 trees were inventoried. The report indicates that there are three trees located within the public right-of-way that are a size to fall under the protection of the City's Street Trees By-law. None of those trees are proposed to be preserved however, one small tree in the public right-of-way is proposed to be preserved. The applicant is to submit a tree planting deposit to ensure the planting and survival of 8 new City trees.

A total of 8 of those trees falling under the protection of the Private Trees by-law are proposed to be removed. A permit will be required to injure or destroy these trees. Based upon the City's standard requirements, a total of 24 new large growing shade trees are to be planted on private property to replace the 8 private tree proposed for removal at a replacement ratio of 3:1. Where tree planting to replace trees to be removed is not physically possible on site, a cash in lieu payment will be provided.

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 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 construct and maintain the development to meet Tier 1 of the TGS, which will be secured through the zoning bylaw amendment. The applicant is encouraged to achieve Tier 2 or higher to advance the City's objectives for resilience and to achieve net-zero emissions by 2050 or sooner. Tier 1 of the TGS includes performance measures for cycling infrastructure and 209 bicycle parking spaces will be secured through the zoning by-law amendment. Other detailed performance measures for the Tier 1 development features will be secured through the Site Plan 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*. Developments that exceed a threshold of 10,000 square metres of gross floor area, and where the application increases the permitted density by at least 1,500 square metres, and/or significantly increases the permitted height, a Section 37 Agreement may be used. As the proposed increase in height and density meets these thresholds for the use of Section 37, Section 37 benefits will be required and will be secured in a Section 37 Agreement. 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 West/Dublin Secondary Plan, and thus constitutes good planning.

The community benefit recommended to be secured in the Section 37 Agreement is \$1.4 million 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 City's Streetscape Manual.

### **Community Consultation**

On June 22, 2021, staff held a community consultation meeting in conjunction with the local ward councillor. Approximately 40 members of the public were in attendance. The public raised concerns with the potential traffic impacts, access into and out of the site and the height of the proposed building.

The applicant has reduced the building height in order to slightly exceed the planned 36 metre right-of-way of Sheppard Avenue West, which with the combination of the angular plan, is acceptable. The site was also reconfigured to address the community's traffic concerns by eliminating the Sheppard site driveway.

### **Conclusion**

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), the Toronto Official Plan and Sheppard West/Dublin 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 along *Avenues*. 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.

Although staff are satisfied with the proposal, the draft by-law includes a Holding provision ("H") which may be removed at such a time as a servicing solution is accepted to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services. Staff recommend that Council support approval of the application.

### **Contact**

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## **SIGNATURE**

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David Sit, MCIP, RPP  
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  
Attachment 5: Existing Zoning By-law Map  
Attachment 5: Draft Official Plan Amendment  
Attachment 6: Draft Zoning By-law Amendment

### **Applicant Submitted Drawings**

Attachment 7: Site Plan  
Attachment 8a: North and East Elevations  
Attachment 8b: South and West Elevations

## Attachment 1: Application Data Sheet

Municipal Address: 824 Sheppard Avenue West, 177, 179 and 181 Cocksfield Avenue Date Received: October 13, 2020

Application Number: 20 205918 NNY 06 OZ

Application Type: OPA / Rezoning, OPA & Rezoning

Project Description: This application proposes to amend the Sheppard West / Dublin Secondary Plan, former City of North York Zoning By-law 7625 and City of Toronto Zoning By-law 569-2013 to permit a 12-storey mixed use building

Applicant	Agent	Architect	Owner
BOUSFIELDS INC			ACLP-SHEPPARD AVENUE GP INC.

### EXISTING PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	N
Zoning:	CR 1.0 (c1.0; r1.0) SS3 (x215)	Heritage Designation:	N
Height Limit (m):	10.5	Site Plan Control Area:	Y

### PROJECT INFORMATION

Site Area (sq m):	4,823	Frontage (m):	32.32	Depth (m):	123
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Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	1,609		2,134	2,134
Residential GFA (sq m):	1,609		19,100	19,100
Non-Residential GFA (sq m):	1,482		832	832
Total GFA (sq m):	3,091		19,932	19,932
Height - Storeys:	2		12	12
Height - Metres:			40	40

Lot Coverage Ratio (%)	44.26	Floor Space Index:	4.0
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Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	19,100	
Retail GFA:	459	
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:	373	

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:	15		263	263
Freehold:	1			
Condominium:				
Other:				
Total Units:	15		263	263

#### Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:		35	135	68	25
Total Units:		35	135	68	25

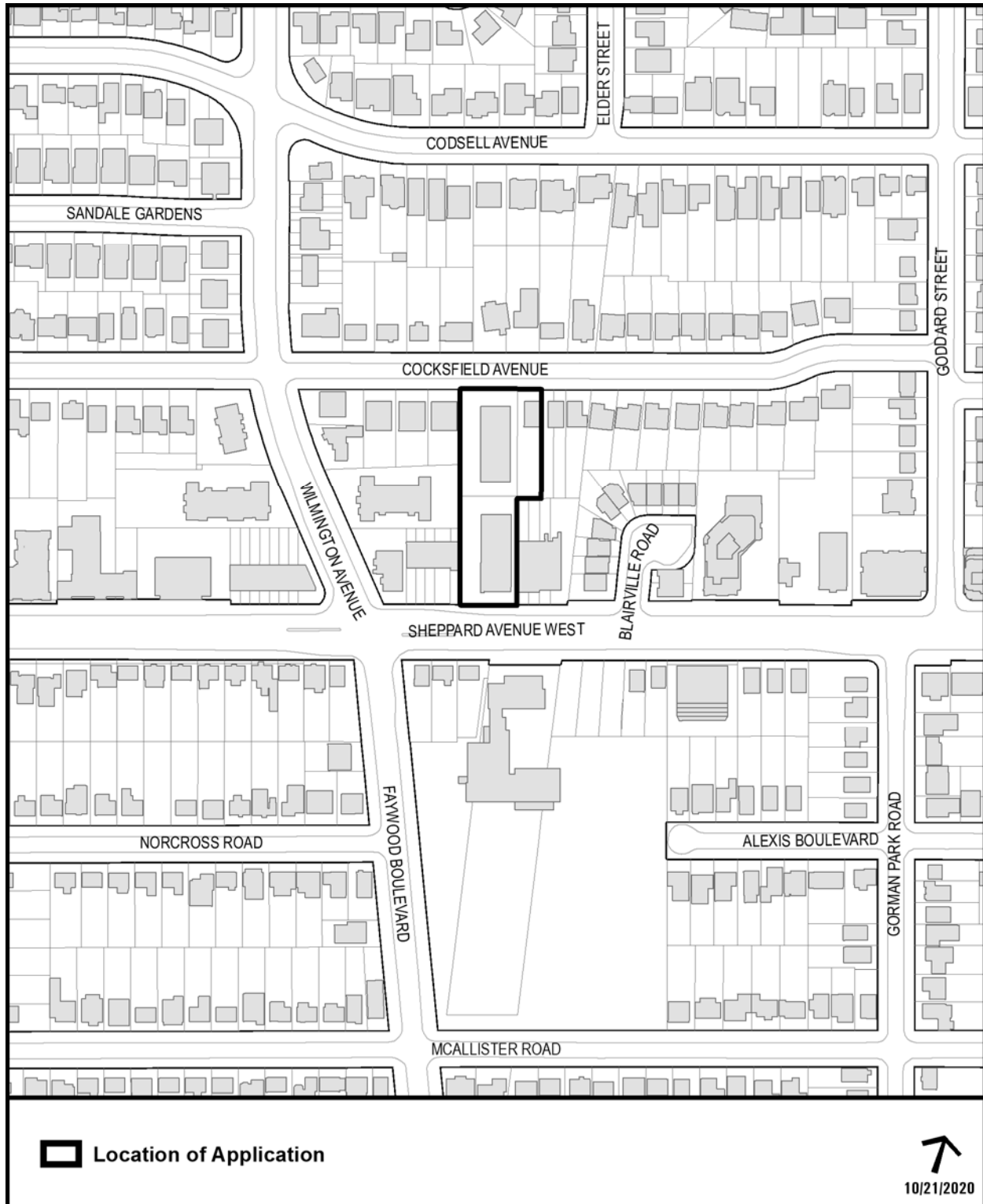
#### Parking and Loading

Parking Spaces:	210	Bicycle Parking Spaces:	209	Loading Docks:	2
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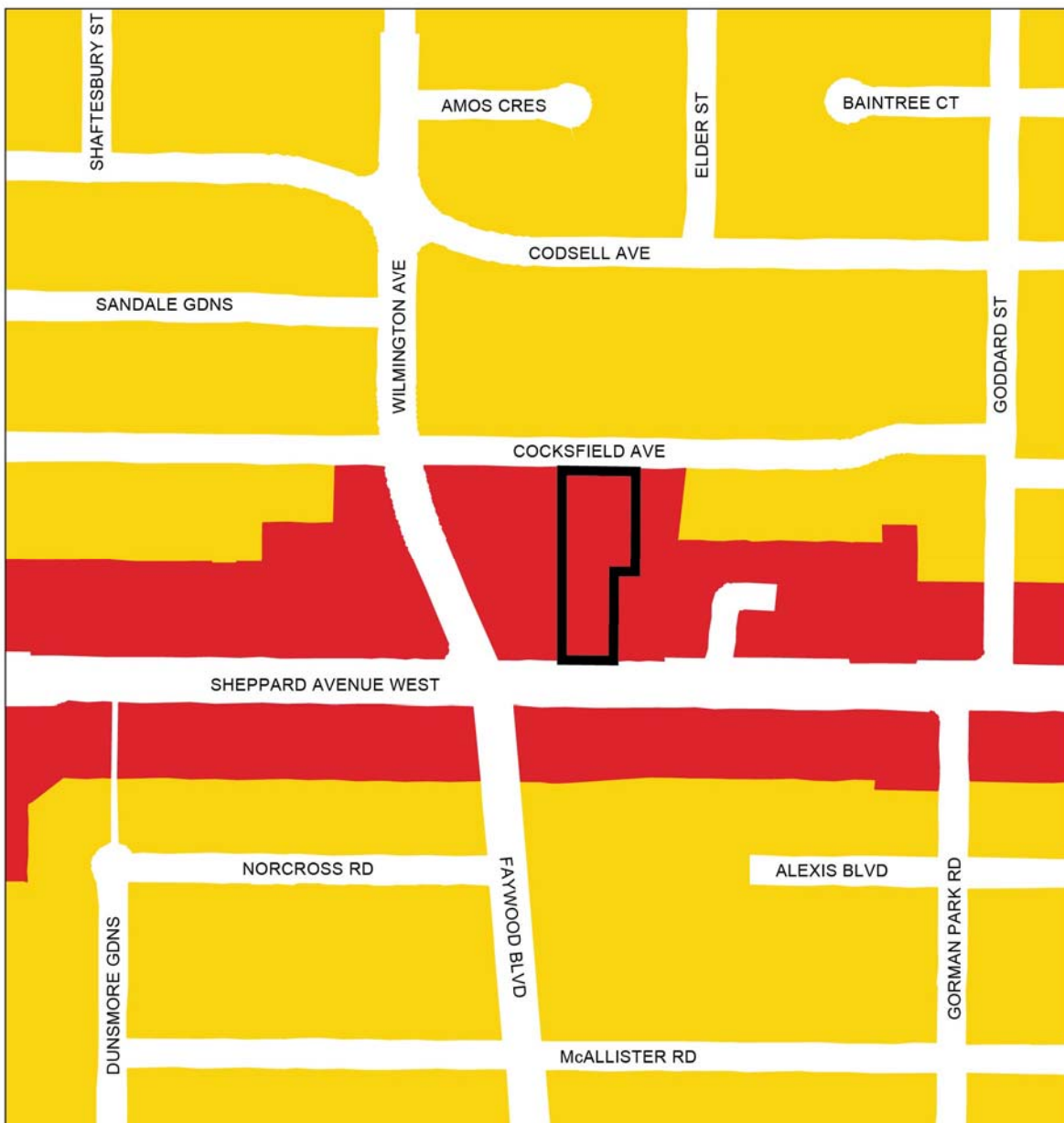
#### CONTACT:

Kelly Snow, Planner, Community Planning  
(416) 395-7124  
Kelly.Snow@toronto.ca

## Attachment 2: Location Map



### Attachment 3: Official Plan Land Use Map



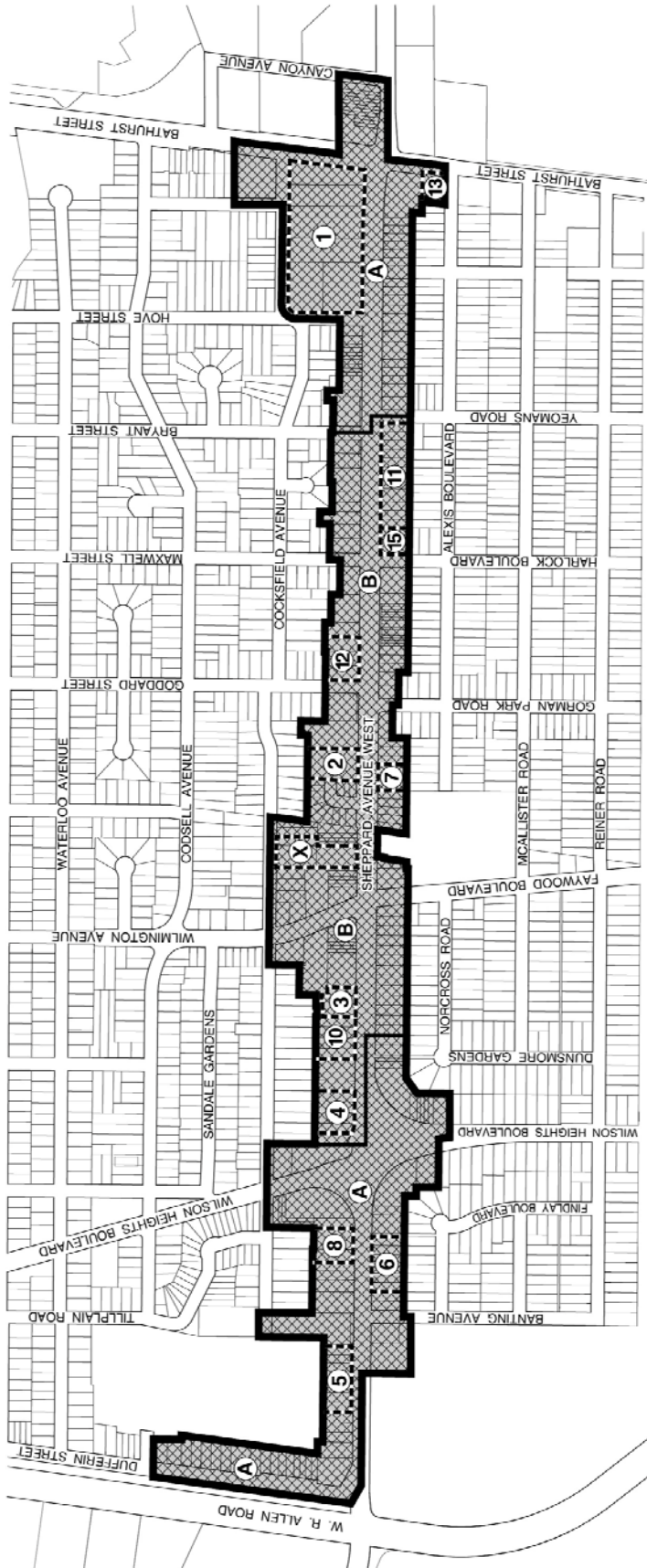
824 Sheppard Avenue West and 177, 179 & 181 Cocksfield Avenue

### Official Plan Land Use Map #16

File # 20 205918 NNY 06 02



## Attachment 4: Secondary Plan Map



Not to Scale



## Official Plan Amendment #

## Sheppard West / Dublin Secondary Plan

Map 23-1 Consolidated Land Use Map

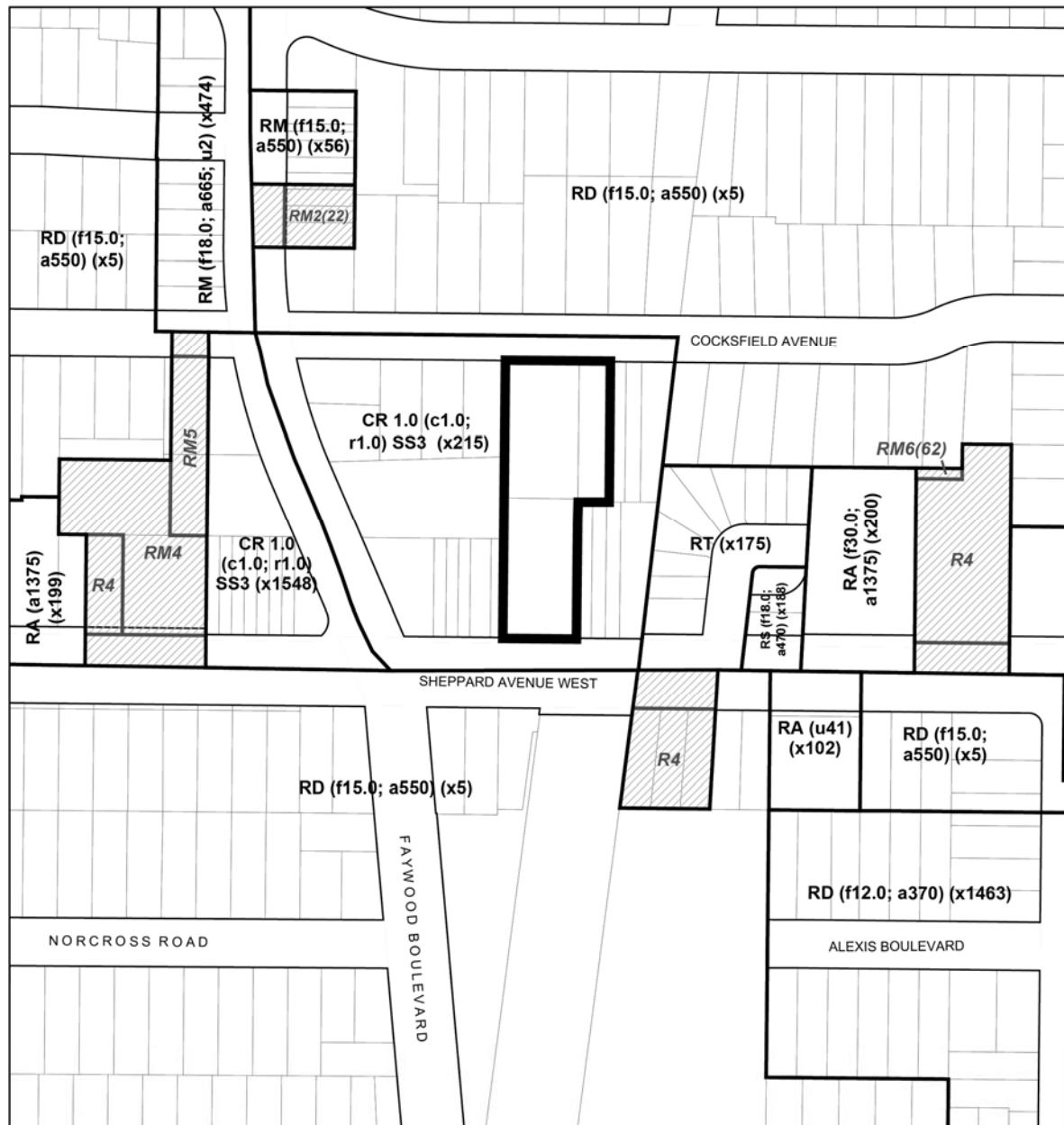
Secondary Plan Boundary

Mixed Use Areas

Site and Area Specific Policy Areas

November 2015

## Attachment 5: Existing Zoning By-law Map



**Zoning By-law 569-2013**

**824 Sheppard Avenue West and 177, 179 & 181 Cocksfield Avenue**

**File # 20 205918 NNY 06 0Z**



**Location of Application**

**RD** Residential Detached  
**RS** Residential Semi-Detached  
**RT** Residential Townhouse  
**RM** Residential Multiple  
**RA** Residential Apartment  
**CR** Commercial Residential



See Former City of North York By-law No. 7625

**R4** One-Family Detached Dwelling Fourth Density Zone  
**RM2** Multiple-Family Dwellings Second Density Zone  
**RM4** Multiple-Family Dwellings Fourth Density Zone  
**RM5** Multiple-Family Dwellings Fifth Density Zone  
**RM6** Multiple-Family Dwellings Sixth Density Zone



Not to Scale  
 Extracted: 10/14/2021



Attachment 5: Draft Official Plan Amendment

Authority: North York Community Council Item \_\_\_\_\_ as adopted by City of Toronto Council on \_\_\_\_\_, 20~

Enacted by Council: \_\_\_\_\_, 20~

CITY OF TORONTO

BY-LAW No. XXX-2020

To adopt Amendment No. 561 to the Official Plan for the City of Toronto with respect to lands municipally known as 824 Sheppard Avenue West and 177-181 Cocksfield Avenue.

WHEREAS authority is given to Council by Section 17 of the Planning Act, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS the 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 HEREBY ENACTS as follows:

The attached Amendment No. 561 to the Official Plan is hereby adopted pursuant to the Planning Act, as amended.

ENACTED AND PASSED this \_\_\_\_ day of \_\_\_\_\_, A.D. 2021.

John Tory,  
Mayor

ULLI S. WATKISS  
City Clerk

(Corporate Seal)

## AMENDMENT NO. 561

### TO THE CITY OF TORONTO OFFICIAL PLAN

The Official Plan of the City of Toronto is amended as follows:

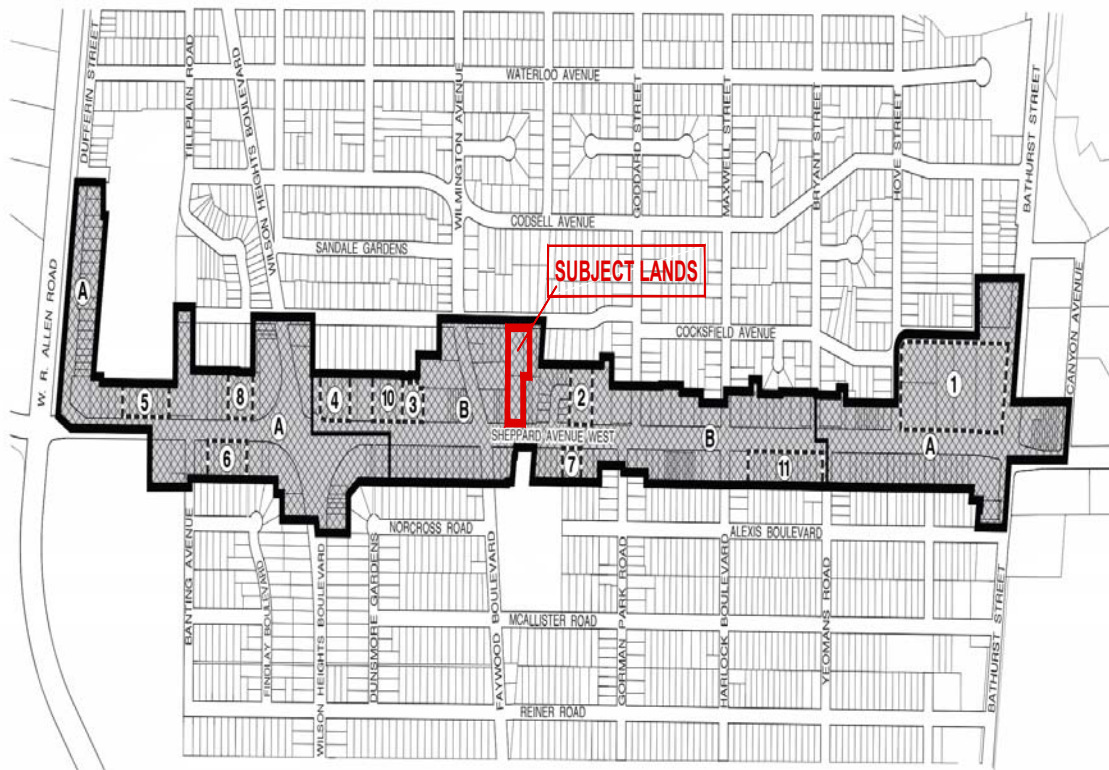
Map 23-1, Consolidated Land Use Map, of Chapter 6, Section 23 (Sheppard West/Dublin Secondary Plan) is amended by adding the lands known municipally as 824 Sheppard Avenue West and 177-181 Cocksfield Avenue as Site and Area Specific Policy Area 22, as shown on the attached Schedule "1".

Chapter 6, Section 23 (Sheppard West/Dublin Secondary Plan) is amended by adding the following to Section 4.0 (Specific Policies):

"4.22 824 Sheppard Avenue West and 177-181 Cocksfield Avenue (22 on Map 23-1)

A mixed-use building with grade related non-residential uses, having a maximum density of 4.0 times the lot area and with a maximum height of 12 storeys and 46 metres (including mechanical penthouse), is permitted."

# SCHEDULE "1"



Not to Scale ↑



## Sheppard West / Dublin Secondary Plan

Map 23-1 Consolidated Land Use Map

- Secondary Plan Boundary
- ▨ Mixed Use Areas
- ② Site and Area Specific Policy Areas

October 2009

## Attachment 6: Draft Zoning By-law Amendment

Authority: North York Community Council Item \_\_\_\_\_ as adopted by City of  
Toronto Council on \_\_\_\_\_, 20~  
Enacted by Council: \_\_\_\_\_, 20~  
CITY OF TORONTO

BY-LAW No. XXXX-2022

To amend the City of Toronto By-law No. 569-2013, as amended,  
with respect to lands known municipally as 824 Sheppard Avenue West and 177-181  
Cocksfield Avenue.

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 authority is given to Council by Section 34 and Section 36 of the Planning Act,  
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;  
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 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;

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 lands subject to this By-law are outlined in 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 569-2013, Chapter 800 Definitions.
3. Zoning By-law No. 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines from CR 1.0 (c1.0; r1.0) SS3 (x215) to (H) CR 1.0 (c1.0; r1.0) SS3 (x430) as shown on Diagram 2 attached to this By-law.
4. Zoning By-law No. 569-2013, as amended, is further amended by adding to Article 900.11.10 Exception Number 430 so that it reads:

(430) Exception CR 430

The lands are subject to the following Site-Specific Provisions, Prevailing By-laws and Prevailing Sections:

Site Specific Provisions:

- (A) On 824 Sheppard Avenue West and 177-181 Cockfield Avenue, as shown on Diagram 1 of By-law ##-2022 [Clerks to insert By-law number], if the requirements of section 7 and Schedule A of By-law ##-2022 [Clerks to insert By-law number] are complied with, a building or structure may be constructed, used or enlarged in compliance with Sections (B) to (J) below;
- (B) Despite regulation 40.10.40.40(1), the permitted maximum gross floor area of all buildings and structures on the lot must not exceed 20,000 square metres, of which:
  - (i) residential uses must not exceed 16,500 square metres; and
  - (ii) non-residential uses must not exceed 4,000 square metres;
- (C) Despite regulations 40.5.40.10(1) and (2) the height of a building or structure is measured from the Canadian Geodetic Datum elevation of 191.2 metres in the year 2020 to the highest point of the building or structure;
- (D) Despite regulation 40.10.30.40(1)(A), there shall be no maximum lot coverage.
- (E) Despite regulations 40.5.40.10(3) to (8), and 40.10.40.10(3) no portion of a building or structure may exceed the height in metres specified by the numbers following the symbol HT on Diagram 3 of By-law ##-2022 [Clerks to insert By-law number] with the exception of the following:

(i) wind screens, parapets, terrace or balcony guardrails, ornamental elements, pavers, balustrades, railings and dividers, pergolas, trellises, planters, eaves, privacy screens, stair enclosures, skylights, mechanical equipment, mechanical and architectural screens, access hatches, roof assemblies, roof drainage, window washing equipment, chimneys, vents, lightning rods, light fixtures, pavers, elements of a green roof, structures located on the roof used for outside, open air recreation or elevator overruns to a maximum of 3.0 metres.

(ii) mechanical penthouse enclosures to a maximum of 6.0 metres.

(F) Despite clause 40.5.40.60, 40.10.40.60, and regulation 40.10.40.70(3), no portion of a building or structure may extend beyond the areas delineated by heavy lines on Diagram 3 of By-law #-2022 with the exception of the following:

(i) cornices, light fixtures, ornamental and architectural features, parapets, art and landscape features, patios, decks, pillars, pergolas, trellises, balconies, terraces, eaves, window sills, planters, ventilation shafts, guardrails, balustrades, railings, stairs, stair enclosures, doors, mechanical penthouse enclosures, wheelchair ramps, fences, covered walkways, screens, site servicing features, awnings and canopies including support structures, window washing equipment, bicycle parking facilities and underground garage ramps and associated structures to a maximum of 1.5 metres;

(ii) Canopies and awnings to a maximum of 2.5 metres;

(iii) structures, elements and enclosures permitted by (E) above to a maximum of 1.5 metres;

(G) Despite regulation 40.10.50.10(1)(B)(i), no landscaping strip is required.

(H) Despite regulation 200.5.10.1(1) and Table 200.5.10.1, parking spaces must be provided and maintained on the lot in accordance with the following minimum requirements:

(i) 180 parking spaces for residents of the dwelling units; and

(ii) 30 parking spaces shared for residential visitors and all other non-residential uses.

(I) Despite regulation 220.5.10.1(1), one Type "G" loading space must be provided on the lot;

(J) Despite regulations 230.5.10.1(1) and (5) and Table 230.5.10.1(1), bicycle parking spaces must be provided and maintained on the lot in accordance with the following minimum requirements:

(i) 0.68 "long-term" bicycle parking spaces per dwelling unit for residential occupants;

(ii) 0.07 "short-term" bicycle parking spaces per dwelling unit for residential visitors;

(iii) no bicycle parking spaces are required for non-residential uses.

Prevailing By-laws and Prevailing Sections:

(A) Schedule "D" Airport Hazard Map from City of North York Zoning By-law 7625.

5. Holding Provisions:

Prior to the lifting of the (H) holding in whole or in part, the following applies:

(A) 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 lands as of the date of the passing of this By-law until the "(H)" symbol has been removed.

(B) An amending by-law to remove the Holding provision in 5(A) above, in whole or in part, shall be enacted by City Council when the following condition(s) has been fulfilled to the satisfaction of Council:

That satisfactory arrangements are made with Engineering & Construction Services and/or appropriate agreement(s) are entered into with the City for the design and construction of any improvements to the municipal infrastructure, should it be determined that upgrades are required to the infrastructure to support this development, according to the Functional Servicing Report accepted by the Chief Engineer & Executive Director of Engineering and Construction Services, which may include the applicant obtaining MECP Environmental Compliance Approval and upgrading the existing municipal infrastructure off site.

6. Despite any future severance, partition or division of the lot as shown on Diagram 1, the provisions of this By-law apply as if no severance, partition or division occurred.

7. 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 1 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 to this By-law unless all provisions of Schedule A are satisfied.

ENACTED AND PASSED this \_\_\_\_ day of \_\_\_\_\_, 2022.

JOHN TORY,  
Mayor

(Corporate Seal)

John D. Elvidge  
City Clerk



## 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 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. The community benefits recommended to be secured in the Section 37 Agreement are as follows:

(i). Prior to the issuance of the first above grade building permit the Owner shall provide a financial contribution to the City in the amount of \$1,400,000.00 to be allocated towards improvements to parks, community facilities and/or the public realm located within Ward 6 and/or the vicinity of the application site, such allocation be at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor;

(ii). The financial contributions referred to in Part 1(i). above shall be indexed in accordance with the Statistics Canada Apartment Building Construction Price Index for Toronto calculated from the date of execution of the Section 37 Agreement to the date of submission of the funds by the Owner to the City;

(iii). In the event the financial contribution referred to in Part 1(i). above has not been used for the intended purpose prior to the expiry of the third anniversary of the By-law coming into full force and effect, the cash contribution may be redirected for another purpose at the sole discretion of the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.

2. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:

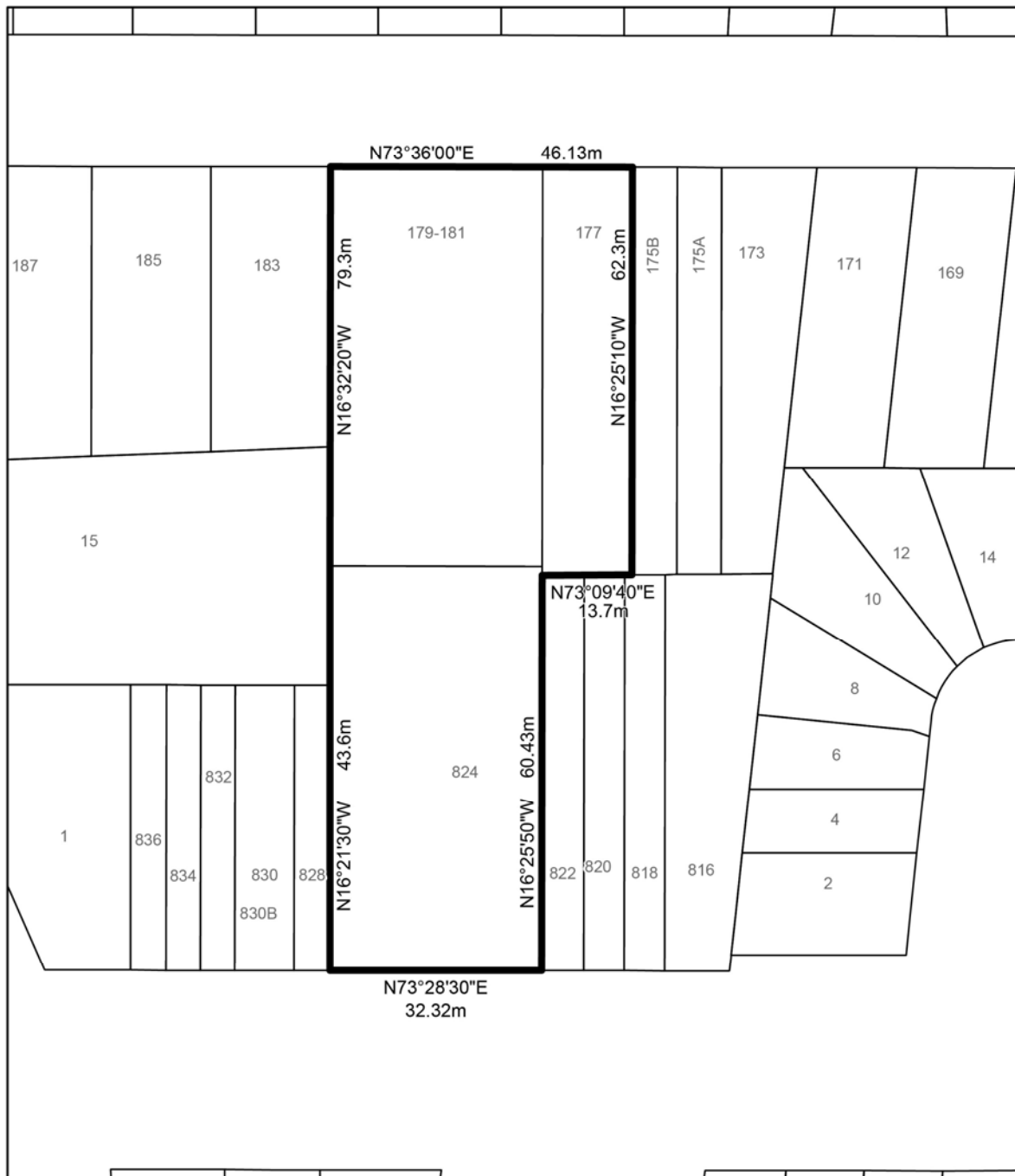
(i). The Owner shall Construct the development in accordance with the approved Transportation Demand Management Plan, to the satisfaction of the Chief Planner and Executive Director, City Planning Division;

(ii). Prior to Site Plan Approval for the development, the owner shall provide a Construction Mitigation Plan & Tenant Communication Plan, to the satisfaction of the Chief Planner and Executive Director, City Planning Division or his designate and thereafter the owner shall implement such strategy;

(iii). The Owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting of October 26 and 27, 2009;

(iv). The Owner shall provide and maintain all new residential dwelling units on the subject site as rental tenure for a period of at least 20 years beginning from the date that each new residential dwelling unit is first occupied, as generally illustrated in the plans submitted to the City Planning Division dated July 16, 2021. Any revision to these plans shall be to the satisfaction of the Chief Planner and Executive Director, City Planning Division; and,

(v). The Owner shall provide and maintain fifteen (15) replacement rental dwelling units, comprised of fifteen (15) two-bedroom units, on the subject site for a period of at least twenty (20) years, beginning from the date that each replacement rental dwelling unit is first occupied.

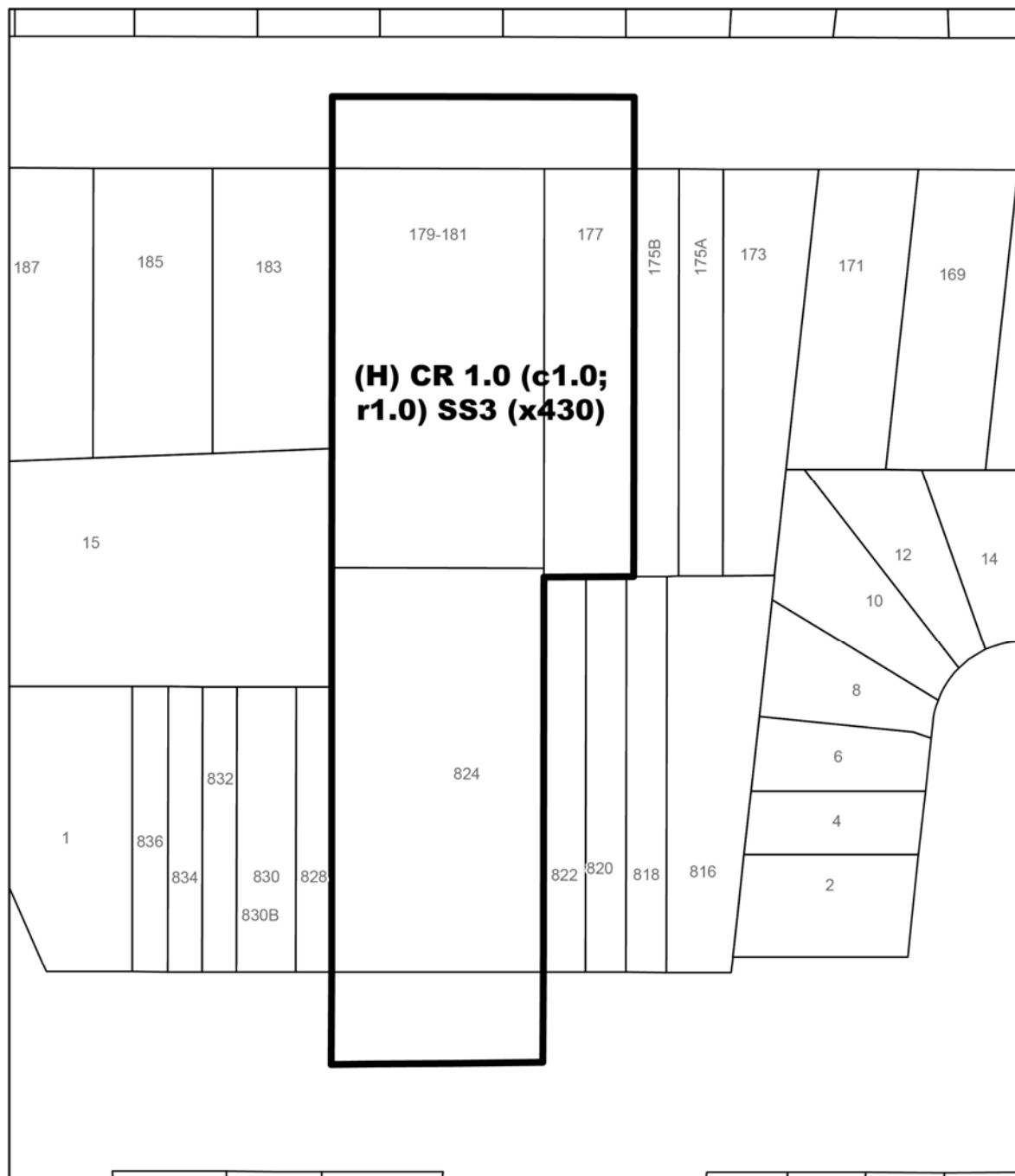


**Toronto**  
Diagram 1

**824 Sheppard Avenue West and  
177, 179 & 181 Cocksfield Avenue**

File # 20 205918 NNY 06 0Z

City of Toronto By-law 569-2013  
Not to Scale  
10/14/2021



**Toronto**  
Diagram 2

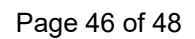
**824 Sheppard Avenue West and  
177, 179 & 181 Cocksfield Avenue**

File # 20 205918 NNY 06 0Z

City of Toronto By-law 569-2013  
Not to Scale  
10/14/2021



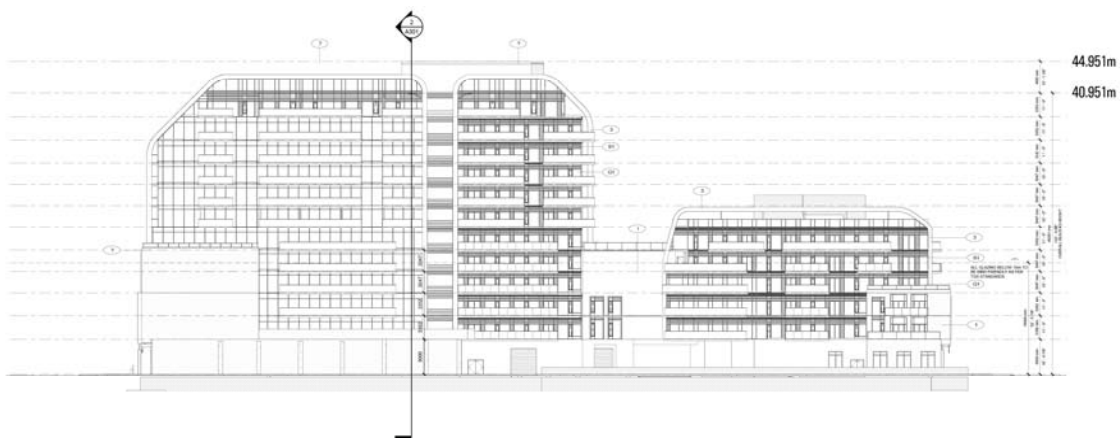
Final Report - 824 Sheppard Ave West, 177, 179, 181 Cocksfield Avenue



## Attachment 8a: North and East Elevations



North Elevation



East Elevation

## Attachment 8b: South and West Elevations

