

307 Sheppard Avenue West – Official Plan Amendment and Zoning Amendment – Refusal Report

Date: May 4, 2022

To: North York Community Council

From: Director, Community Planning, North York District

Wards: Ward 18 - Willowdale

Planning Application Number: *21 251380 NNY 18 OZ*

SUMMARY

This application proposes to amend the City of Toronto Official Plan, City of Toronto Zoning By-law 569-2013 and former City of North York Zoning By-law 7625 for the lands at 307 Sheppard Avenue West to permit a 9-storey (29.1 metres) mixed use building. The proposal contains a total of 33 residential units and 140 square metres of ground floor commercial space. The total gross floor area ("GFA") would be 2979 square metres, resulting in a density of 4.29 times the lot area. A total of 24 parking spaces are proposed in a two-level underground parking garage accessed by a car elevator.

The proposed development represents an overdevelopment of the site that is not appropriate for the local context and does not respect the vision for the Sheppard Avenue West corridor in the Sheppard Lansing area. The application does not conform to the City of Toronto Official Plan, including the Sheppard Lansing Secondary Plan, and does not represent good planning. This report reviews and recommends refusal of the application to amend the Official Plan and Zoning By-laws.

For the reasons outlined in this report, it is recommended that the application be refused and in the event that the matter is appealed to the Ontario Land Tribunal ("OLT"), that the City Solicitor and appropriate staff oppose the appeal.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council refuse the application for the Official Plan Amendment and Zoning By-law Amendment at 307 Sheppard Avenue West for the reasons set out in the report, from the Director, Community Planning, North York District, dated May 4, 2022.

2. City Council authorize the City Solicitor, together with appropriate staff, to appear before the Ontario Land Tribunal in support of City Council's decision to refuse the application, in the event that the application is appealed.

3. In the event that the application is appealed and the Ontario Land Tribunal approves the applications in whole or in part, City Council authorize the City Solicitor to request the Tribunal withhold its Order(s) approving the Official Plan and Zoning By-law Amendments applicable to the subject lands until such time as the City Solicitor confirms that:

- a. the final form and content of the Official Plan Amendment and Zoning By-law Amendments are satisfactory to the Chief Planner and Executive Director, City Planning, and the City Solicitor, in consultation with the Chief Engineer and Executive Director, Engineering and Construction Services, and other appropriate Divisions;
- b. The owner has addressed any issues arising from the technical review of the application identified as part of Engineering and Construction Services review of the file, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Transportation Services.

4. City Council authorize the City Solicitor and other City Staff to take any necessary steps to implement City Council's decision.

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

At the June 22, 2011 meeting of North York Community Council, Community Council directed City Planning to bring forward modifications to the existing Sheppard Avenue Commercial Area Secondary Plan (SACASP) that would facilitate developments which incorporate use of the 45 degree angular plane and other appropriate and desirable measures to protect adjoining *Neighbourhoods*, and which provide for a mix of residential and retail uses. The 2011 North York Community Council recommendation directed staff to focus the review on the western segment of the SACASP area. The decision can be viewed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2011.NY8.49>

Following the review of the west part of the SACASP, completed in 2016, City Council adopted Official Plan Amendment (OPA) 367 amending the SACASP west of Yonge Street, and renamed it the Sheppard Lansing Secondary Plan. The Secondary Plan review examined the permitted land uses, density and development standards within

the western segment of the SACASP area located west of the North York Centre between Beecroft Avenue extending just west of Brentwood Avenue/Easton Road. The Official Plan Amendment adopted by Council updated the density permissions, built form types, setbacks, heights, massing and transitions to neighbouring properties, parking and transportation demand management strategy, and outlined improvements to the public realm of the Sheppard Avenue West right-of-way. OPA 367 was adopted on January 31, 2017 and enacted on February 16, 2017. OPA 367 as adopted by City Council can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.NY19.33>

City Council's adoption of OPA 367 was appealed in March of 2017 and in a Decision issued September 9, 2019, the Local Planning Appeal Tribunal (the "LPAT", now the OLT) dismissed the appeals of OPA 367, finding that OPA 367 has regard for matters of provincial interest, is consistent with the Provincial Policy Statement (the "PPS") and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (the "Growth Plan"). The LPAT found that OPA 367 conforms to the intent of the City's Official Plan, reflecting the City's objectives for *Mixed Use Areas* adjacent to *Neighbourhoods* that results in a framework for future development that has an appropriate level of intensification. OPA 367 is the result of a City-led public study that included public outreach and consultation with residents, landowners, and key stakeholders and has been informed by EA and related reviews; a transportation assessment; and urban design assessment. The LPAT concluded that OPA 367 is in the public interest and represents good planning, and therefore the appeals were dismissed.

The two-year moratorium on applications to amend a new secondary plan, as prescribed by the *Planning Act*, ended on September 9, 2021.

APPLICATION BACKGROUND

Application History

A pre-application consultation meeting was held on July 22, 2021 to discuss the potential redevelopment of the site. Staff expressed concerns with the height and density of the proposed development concept, as it was not in conformity with the recently approved Sheppard Lansing Secondary Plan, and was not an appropriate scale of development for the site. Staff communicated that it is the City's intention to implement the Secondary Plan in this area and the proposed development concept did not meet the objectives of the Secondary Plan.

It was noted that the applicant did not participate in the Secondary Plan study process, nor were they involved in the appeal of the Secondary Plan, which would have been the appropriate time to express their objection to the Secondary Plan in relation to their development objectives for the site. The relationship to the adjacent development application at 314-317, 325 Bogert Avenue and 305-308 Poyntz Avenue (File No. 16 272001 NNY 23 OZ) was also discussed, as the size of the subject site leaves limited opportunity for a viable development.

The current Official Plan and Zoning By-law Amendment application was submitted on January 10, 2022 and was deemed complete as of this date on February 3, 2022.

Application Description

This application proposes to amend the City of Toronto Official Plan, City of Toronto Zoning By-law 569-2013, and North York Zoning By-law 7625 to permit a 9-storey (29.1 metres) mixed use building with frontage on Sheppard Avenue West and Easton Road. The proposed development would include 2839 square metres of residential GFA and 140 square metres of at-grade non-residential GFA, resulting in an overall density of 4.29 times the lot area.

The application proposes a 0 metre setback at the side and rear property lines. While there appears to be a small setback from these property lines at-grade, either the floorplate of the upper floors, balconies and/or terraces extend to the side and rear property lines, necessitating a 0 metre setback. A 2 metre front yard setback is proposed from the new property line after the required road widening at the Sheppard Avenue West frontage. The built form proposes a step-back at the sixth floor of the building, as well as further terracing at the ninth floor to accommodate the outdoor amenity on the eighth floor roof. Balconies are proposed starting at the second floor on the north and south sides of the building, at the fourth floor on the east side and at the sixth floor on the west side. A blank wall is also proposed on the west façade of the building for the first five storeys.

The proposed building includes 109 square metres of indoor amenity space located on the first and ninth floors, and 78 square metres of outdoor amenity space located on the roof. As a result of the building footprint occupying nearly the entire site area, there is no soft landscaping or amenity space proposed at-grade on site.

Pedestrian access to the building lobby is proposed from an entrance at the Easton Road frontage and access to the retail units is proposed at the Sheppard Avenue West frontage. Vehicular access to the site would be provided from a driveway off of Easton Road, which would lead to two levels of underground parking containing 24 parking spaces, including 20 residential and 4 visitor spaces, accessed by a car elevator. The proposal also includes 24 bicycle parking spaces, including 2 short-term spaces located along Sheppard Avenue West at-grade and 22 long-term spaces located within underground parking level 2. There are no loading spaces proposed.

Key development statistics for the application are outlined in the chart below:

Category	Proposal
Site Area	695 square metres (gross)
	581 square metres (net after road widening)
Gross Floor Area (GFA)	
Residential GFA	2839 square metres

Non-Residential GFA	140 square metres
Total	2979 square metres
Floor Space Index (FSI)	4.29 (gross)
	5.13 (net)
Building Height	9 storeys (29.1 metres)
Proposed Residential Units	
1 Bedroom	14 (42%)
2 Bedroom	10 (30%)
3 Bedroom	9 (27%)
Total	33
Parking Spaces	24
Bicycle Parking	24
Setbacks	
North (front)	2 metres
South (rear)	0 metres
East (side)	0 metres
West (side)	0 metres
Step-backs (setback from property line)	
North (front)	At 6 th floor – 3.82 metres At 9 th floor – 5.3 metres
South (rear)	At 9 th floor – 4.5 metres
East (side)	At 6 th floor – 1.95 metres At 9 th floor – 5.7 metres
West (side)	At 6 th floor – 5.5 metres At 9 th floor – 8.5 metres

Detailed project information is found on the City's Application Information Centre at: <http://app.toronto.ca/AIC/index.do?folderRsn=aRBYiNfqIqs9s8JkypCXhw%3D%3D>

See Attachment 1 for Location Map, Attachment 5 for the proposed site plan, Attachment 6 for a three-dimensional representation of the project in context, Attachment 7 for building elevations and Attachment 8 for the Application Data Sheet.

Site and Surrounding Area

The site is located at the southwest corner of Sheppard Avenue West and Easton Road. The site area before a required road widening is 695 square metres, with 22.87 metres of frontage on Sheppard Avenue and 30.46 metres of frontage on Easton Road. A 2-

storey medical office building with surface parking located at the rear, accessible from Easton Road, currently occupies the site. Two coniferous trees are located in front of the existing building, with a number of deciduous trees located at the rear. A TTC bus shelter is located just beyond the southwest corner of the site along Sheppard Avenue West.

The uses surrounding the site include the following:

North: On the opposite side of Sheppard Avenue West are low-rise commercial buildings, including a 1-storey building west of Brentwood Avenue and a 2-storey building east of Brentwood Avenue.

South and West: To the south and west of the site is a large rental apartment building complex with heights ranging from 4- to 6-storeys and eight detached houses at 314-317, 325 Bogert Avenue and 305-308 Poyntz Avenue, which is currently subject to a development application. The application proposes a redevelopment of the lands with mid- and high-rise buildings, stacked townhouses and a public park (File No. 16 272001 NNY 23 OZ). This application is currently under appeal to the Ontario Land Tribunal (Case No. PL170905).

East: On the opposite side of Easton Road is a low-rise residential neighbourhood comprised of one- and two-storey detached dwellings, including a one-storey commercial building in a house form directly opposite the site.

Application Submission

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

- Arborist Report
- Draft Official Plan Amendment
- Draft Zoning By-law Amendments for Zoning By-laws 569-2013 and 7625
- Environmental Site Assessment (Phase I)
- Geotechnical Study
- Hydrogeological Report
- Planning Rationale
- Stormwater Management Report
- Sun/Shadow Study
- Toronto Green Standard Checklist
- Transportation Impact Study

Detailed project information including all plans and reports submitted as part of the application can be found on the City's Application Information Centre at:

<http://app.toronto.ca/AIC/index.do?folderRsn=aRBYiNfqIqs9s8JkypCXhw%3D%3D>

Agency Circulation Outcomes

The application together with the applicable reports noted above, have been circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the application.

Reasons for Application

An Official Plan Amendment application is required because the proposal does not conform to the height, density or setback requirements of the Sheppard Lansing Secondary Plan. A Zoning By-law Amendment to amend North York By-law 7625 is also required to permit the proposed residential use, and to establish site specific standards related to height, density, setbacks, landscaping, parking, among other by-law standards. The site is not currently subject to City of Toronto By-law 569-2013, however the application proposes to amend By-law 569-2013 so that it does apply.

POLICY CONSIDERATIONS

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 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. 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."

The PPS directs municipalities to provide clear, reasonable and attainable policies to protect provincial interests and direct development to suitable areas. The City of Toronto has established a vision and policy framework at a local level through the Official Plan, including the Sheppard Lansing Secondary Plan.

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

The Growth Plan builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. In accordance with Section 3 of the *Planning Act* all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan.

Policy 2.2.2.3 of the Growth Plan, states that "all municipalities will develop a strategy to achieve the minimum intensification target and intensification throughout delineated built-up areas", which will "be implemented through official plan policies and designations, updated zoning and other supporting documents". Policy 5.2.5.6 of the Growth Plan states municipalities are to develop and implement urban design and site design official plan policies and other supporting documents that direct the development of a high quality public realm and compact built form in order to achieve the minimum intensification and density targets in the Growth Plan.

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. The Official Plan contains policies on where to direct intensification and how and where to deploy height and density. Authority for the Official Plan derives from the *Planning Act*.

The current application is located along an Avenue as identified on Map 2 – Urban Structure of the Official Plan. The lands are designated *Mixed Use Areas* on Map 16 – Land Use Plan of the Official Plan. See Attachment 2 of this report for an excerpt from the Official Plan Land Use Map.

Mixed Use Areas are made up of a broad range of commercial, residential and institutional uses, in single use or mixed use buildings, and are intended to accommodate much of the new housing to be constructed in the City. Development in *Mixed Use Areas* is subject to a number of development criteria in Section 4.5.2 of the Official Plan. Development in *Mixed Use Areas* will:

- locate and mass new buildings to provide a transition between areas of different development intensity and scale;
- provide appropriate setbacks and/or stepping down of heights, particularly towards lower scale *Neighbourhoods*;
- locate and mass new buildings to adequately limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes;
- provide good site access and circulation and an adequate supply of parking for residents and visitors;
- provide an attractive, comfortable and safe pedestrian environment;

- locate and screen service areas, ramps, and garbage storage to minimize the impact on adjacent streets and residences; and,
- provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development, among other requirements.

As outlined in Section 2.3.1.3 of the Official Plan, developments in *Mixed Use Areas*, *Regeneration Areas* and *Apartment Neighbourhoods* that are adjacent or close to *Neighbourhoods* will:

- a) be compatible with those *Neighbourhoods*;
- b) 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*;
- c) maintain adequate light and privacy for residents in those *Neighbourhoods*;
- d) orient and screen lighting and amenity areas so as to minimize impacts on adjacent land in those *Neighbourhoods*;
- e) locate and screen service areas, any surface parking and access to underground and structured parking so as to minimize impacts on adjacent land in those *Neighbourhoods*, and enclose service and access areas where distancing and screening do not sufficiently mitigate visual, noise and odour impacts upon adjacent land in those *Neighbourhoods*; and
- f) attenuate resulting traffic and parking impacts on adjacent neighbourhood streets so as not to significantly diminish the residential amenity of those *Neighbourhoods*.

Section 3.1.2 of the Official Plan contains Built Form policies which establish that infill and redevelopment sites will need to fit in, respect and improve the character of the surrounding area. Developments must be conceived not only in terms of the individual building site and program, but also in terms of how that site, building and its façades fit within the existing and planned context of the neighbourhood and the City. Each new building should promote and achieve the overall objectives of the Official Plan. Policy 3.1.2 directs that:

- Development will be located and organized to fit with its existing and planned context. It will frame and support adjacent streets, lanes, parks and open spaces to promote civic life and the use of the public realm, and to improve the safety, pedestrian comfort, interest and experience, and casual views to these spaces from the development;
- Development will protect privacy within adjacent buildings by providing setbacks and separation distances from neighbouring properties and adjacent building walls containing windows;
- Development will be located and massed to fit within the existing and planned context, define and frame the edges of the public realm with good street proportion, fit with the character, and ensure access to direct sunlight and daylight on the public realm by: a) providing streetwall heights and setbacks that fit harmoniously with the existing and/or planned context; and b) stepping back building mass and reducing building footprints above the streetwall height; and
- Transition in scale will be provided within the development site(s) and measured from shared and adjacent property line(s).

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

The outcome of staff analysis and review of relevant Official Plan policies are summarized in the Comments section of this Report.

Sheppard Lansing Secondary Plan

The Sheppard Lansing Secondary Plan (OPA 367) sets out the vision and planning framework for the Sheppard Avenue West corridor in the Sheppard Lansing area. The plan envisions the corridor as an attractive place, supportive of active transportation and providing local shops, services, offices and residences. Appropriate land uses and built form within the *Mixed Use Areas* will reinforce the public realm of Sheppard Avenue West and be compatible with and provide transition to the adjacent stable residential *Neighbourhoods*.

It is the objective of the Secondary Plan to permit and encourage redevelopment based on the following guiding principles:

1. Create a mixed use avenue;
2. Frame and support Sheppard Avenue West with low- to mid-rise built form;
3. Provide street enclosure with building heights that range from 3 to 6 storeys;
4. Provide appropriate transition to adjacent *Neighbourhoods*;
5. Animate the public realm with appropriately massed and high quality built form;
6. Rebalance the right-of-way to create a complete street and the Sheppard Avenue West Promenade;
7. Complete the transportation network for pedestrians and cyclists; and
8. Parking and travel demand management strategies to support a mix of uses and active transportation.

The site is designated *Mixed Use Areas 'A'* in the Secondary Plan (Attachment 3), which permits a mix of commercial, office, retail and residential uses, as well as parks and open space. Residential uses are permitted in a townhouse or low-rise apartment building form. The maximum height for the site is 5 storeys and the maximum density for the site is 2 times the lot area. The Secondary Plan sets out a number of policies related to setbacks, step-backs, and an angular plane to ensure appropriate transition to adjacent *Neighbourhoods*.

Section 3.6 of the Secondary Plan contains policies that ensure new development is massed appropriately to relate to the public realm and pedestrian environment, transition to adjacent *Neighbourhoods*, minimize impacts of overlook and protect privacy. Policy 3.6.3 of the Secondary Plan provides for appropriate transition to adjacent *Neighbourhoods* through a modified angular plane. The policy states that transition in scale will be provided to maintain natural light and views and ensure privacy, while minimizing overlook and shadows to neighbouring properties. No part of any building should project into a 45 degree angular plane measured from a height of 10.5 metres at the minimum required 7.5 metre rear yard setback.

The Sheppard Avenue West and Easton Road intersection is identified as a Higher Order Pedestrian Zone in the Secondary Plan. Policy 5.4 directs that Higher Order Pedestrian Zones will be provided at main crossings and will provide shorter distances for street crossing and more visible crossing facilities. Landscaped and amenity space with corner extensions will be created, and opportunities will be provided to activate corners for commercial activities.

The Sheppard Lansing Secondary Plan can be found here:

<https://www.toronto.ca/legdocs/bylaws/2017/law0123.pdf>

The outcome of staff analysis and review of the Sheppard Lansing Secondary Plan policies are summarized in the Comments section of this Report.

Zoning By-laws

The site is subject to the former City of North York Zoning By-law 7625, in which it is zoned *Special Commercial Area Zone (C6)*. The C6 zone permits a range of uses including business and professional offices, professional medical offices, financial institutions, and places of worship. New residential dwellings, including apartment buildings, are not a permitted use under the C6 Zone. Refer to Attachment 4 for the existing Zoning By-law 7625 map.

The site is not currently included in the City of Toronto Zoning By-law 569-2013, but it is proposed to be brought into the City-wide Zoning By-law through this application.

Zoning By-law 569-2013 may be found on the City's website at www.toronto.ca/zoning.

Design Guidelines

Official Plan Policy 5.3.2.1 states that Guidelines will be adopted to advance the vision, objectives, and policies of the Plan. Urban design guidelines are intended to provide a more detailed framework for built form and public improvements. This application was reviewed using the following guidelines:

Avenues and Mid-rise Buildings Study and Performance Standards

City Council adopted the Avenues and Mid-rise Buildings Performance Standards in 2010 and an addendum in 2016 which are to be used together during the evaluation of mid-rise development proposals on the Avenues. 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/>.

Growing Up: Planning for Children in New Vertical Communities

The Growing Up Design Guidelines focus on expanding housing options in new mid-rise and tall buildings to support social interaction and to better accommodate the needs of all households at all different life stages, including those with children and multi-generational households with seniors. This includes incorporating larger-sized units in developments at a minimum of 15 percent for 2-bedroom units and 10 percent for 3-bedroom units. The Guidelines also provide direction on unit sizes and the incorporation of services, shops, and restaurants into the building that meet families' daily needs and minimize trips and travel times. The guidelines can be viewed here:

<https://www.toronto.ca/city-government/planning-development/planning-studies-initiatives/growing-up-planning-for-children-in-new-vertical-communities/>

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

The City of Toronto has completed the Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings. The purpose of these guidelines is to develop pet amenities in multi-unit buildings to respond to an increased pet population. The guidelines can be viewed here:

<https://www.toronto.ca/wp-content/uploads/2019/12/94d3-CityPlanning-Pet-Friendly-Guidelines.pdf>

Retail Design Manual

City Council adopted the Retail Design Manual on October 27, 2020. The guidelines provide direction on the design of retail spaces as part of the lower floors in mixed-use buildings with a focus on retail uses that interface with the public realm to enable successful retail development. The guidelines can be viewed here:

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

Site Plan Control

The application is subject to Site Plan Control. A Site Plan Control application has not yet been submitted.

COMMENTS

The Provincial Policy Statement (2020)

The PPS recognizes the Official Plan as the most important vehicle for implementing the objectives of the PPS. The City of Toronto Official Plan guides development in the City in a manner consistent with the PPS, and includes the Sheppard Lansing Secondary Plan which has established a vision and policy framework specific to this area.

Analysis of the proposed development in the context of the Official Plan and Sheppard Lansing Secondary Plan is assessed later in this report.

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

The Growth Plan is a high level policy document that directs intensification to delineated built-up areas and establishes minimum intensification targets. The Growth Plan directs municipalities to develop a strategy to achieve the objectives and targets set out in the Growth Plan, to be implemented through official plan policies and designations, zoning and other supporting documents.

The Official Plan, including the Sheppard Lansing Secondary Plan, conform to and implement the objectives of the Growth Plan, and is further discussed below.

Official Plan and Sheppard Lansing Secondary Plan

This application has been reviewed against the relevant policies of the Official Plan and the Sheppard Lansing Secondary Plan described in the Policy Considerations section of this report. The application does not adhere to the development criteria and does not implement the vision of the Official Plan and Secondary Plan. The following sections provide an explanation of how the application fails to meet the intent and objectives of the Official Plan and Secondary Plan.

Built Form – Density, Height, Transition and Massing

The proposed building is 9-storeys, with step-backs commencing at the sixth floor. The Sheppard Lansing Secondary Plan permits a maximum height of 5-storeys on the site, which was determined to be an appropriate height for this part of the Sheppard Avenue West corridor due to the depth of the lots and the need to provide a transition to the adjacent *Neighbourhoods*.

The importance of providing appropriate transition to *Neighbourhoods* is identified in the Official Plan and is set out in the Official Plan's criteria for development in *Mixed Use Areas*. Further, transition to *Neighbourhoods* is required to be provided through a modified 45 degree angular plane, and a 7.5 metre rear yard setback with a 1.5 metre landscape strip in the Secondary Plan area. The proposed development does not meet the required angular plane, provides a 1.5 metre rear yard setback at grade and a 0 metre rear yard setback above the first floor, and no landscape strip.

The modified 45 degree angular plane contained in the Secondary Plan is also contained in the Mid-Rise Performance Standards for shallow sites and is applied at a height of 10.5 metres from the required rear yard setback. This angular plane allows for redevelopment while maintaining natural light, views, ensuring privacy, and minimizing overlook and shadows to neighbouring properties. The applicant has not shown the 45 degree angular plane from the *Neighbourhoods* lands in their application drawing package however based on staff's analysis, the fourth floor and above would project into the angular plane.

The Secondary Plan permits a density equal to a Floor Space Index ("FSI") of 2.0 times the area of the site. The density permissions in the Secondary Plan are the result of extensive study of the area and consultation with the community to develop the vision and objectives for the Sheppard Lansing area. The permitted densities are intended to

facilitate a less-intensive form of development along the Sheppard Avenue West corridor in comparison to areas such as the North York Centre, where more intensive development is expected to occur. The application proposes a FSI of 4.29, which exceeds the gradual intensification of the Avenue that the Secondary Plan envisions.

The Sheppard Lansing Secondary Plan provides for a form and intensity of development that meets the needs of the local community as well as provides transition between areas of different development intensity and scale with practical application through the stepping down of heights towards the lower-scale *Neighbourhoods*. It is a form that represents the gradual intensification of an Avenue, meeting the provincial direction for growth and intensification, and in a manner that is reflective of the City's vision and objectives while preserving the stable residential lands that surround the Sheppard Avenue West corridor. The proposed development disregards the City's vision for the corridor and does not meet the intent or objectives of the Secondary Plan, the Built Form policies in Section 3.1.2 of the Official Plan, or relevant Healthy Neighbourhoods policies in Section 2.3.1.3 of the Official Plan.

Section 5.3.1.3 of the Official Plan provides that amendments to the Official Plan that are not consistent with its general intent will be discouraged. Council will be satisfied that any development permitted under an amendment to the Plan is compatible with its physical context and will not affect nearby *Neighbourhoods* or *Apartment Neighbourhoods* in a manner contrary to the neighbourhood protection policies of the Plan. The Sheppard Lansing Secondary Plan amended the Official Plan to provide area specific policies and development criteria to implement the City's vision for the Sheppard Avenue West corridor, including policies that address transition to *Neighbourhoods*. In its decision dated September 9, 2019, the LPAT found that the Council-approved Secondary Plan conforms with the intent of the City's Official Plan and reflects the City's built environment policies. It also meets the intent of the applicable provincial and municipal policies/guidelines. It provides for a balance of heights and compact built form that will frame Sheppard Avenue West and encourage the development of an animated streetscape that acknowledges the local context while at the same time not affecting *Neighbourhoods*. The proposed Official Plan Amendment is contrary to the vision for the Sheppard Lansing area, and does not meet the intent of the Official Plan.

Landscaping and Amenity

The proposed development provides no rear or side yard setbacks at-grade and no landscape buffer to the adjacent *Neighbourhoods* site. The absence of setbacks and buffer results in there being no soft landscaping or amenity area around the site at-grade. The only outdoor amenity is found on the roof of the proposed building, meaning there is no outdoor pet amenity or relief area on site as directed by the Pet Friendly Design Guidelines. The proposed landscaping is insufficient and does not provide appropriate transitions between the building and the public realm or facilitate adequate pedestrian comfort.

Streetscape and Public Realm

The Sheppard Lansing Secondary Plan envisions an enhanced public realm along the Sheppard Avenue West corridor, animated by mixed uses in appropriately massed and high quality built form. The Secondary Plan provides for the achievement of complete streets, with improved bicycle and pedestrian amenities and connections.

The Sheppard/Easton intersection is identified as a Higher Order Pedestrian Zone in the Secondary Plan. In accordance with the Secondary Plan, the corners at these intersections will be activated for commercial activities, and landscaped and amenity space with corner extensions will be created. The proposed development includes retail space at-grade; however, it is not located at the corner and does not include at-grade landscaping or amenity to support the commercial activity and activate the corner as directed by Policy 5.4 of the Secondary Plan.

The proposed development does not provide pedestrian or cycling connections through or around the site to achieve the connectivity required by the mobility policies in the Secondary Plan. Lot consolidation is encouraged by the Secondary Plan to minimize curb cuts and maximize pedestrian and cycling safety, comfort and quality. Lot consolidation also provides for more active frontages along Sheppard Avenue West and supports the public realm. The proposal is not the type of comprehensive development envisioned for the Sheppard Lansing area, and does not achieve the public realm objectives of the Secondary Plan.

Traffic Impact, Access, Parking

The proposed vehicular access to the site is located off Easton Road, directly beside a proposed driveway for the development application at 314-317, 325 Bogert Avenue and 305-308 Poyntz Avenue. Side-by-side driveways to access each of these developments is not an acceptable condition to City staff. It is staff's understanding that the applicant is Party to the appeal of the 314-317, 325 Bogert Avenue and 305-308 Poyntz Avenue application for the purpose of contesting the driveway location for that development. It is unknown at this time whether the driveway of the adjacent development will remain as currently proposed, but it is staff's position that the current proposed access, in relation to the adjacent proposed access, is not appropriate.

Due to its size, there is limited space for vehicle maneuvering on the site. As such, the application proposes a driveway which leads straight into a car elevator that provides access to the underground parking. The underground parking garage appears to be very constricted, and it is unclear whether or not vehicles will be able to adequately maneuver within the underground garage. Further analysis is required. Additionally, the application does not propose a loading space, whereas one Type 'G' loading space is required. The proposal also does not include a driveway area for deliveries, therefore delivery vehicles would park on the street. A driveway access into the site or lay-by lane to accommodate deliveries, drop-offs, pick-ups, etc. to eliminate vehicle stoppage and congestion on Easton Road and Sheppard Avenue West should be provided if an on-site loading space is not provided.

Through consultation with the West Lansing Homeowner's Association in 2019, the need for traffic solutions to manage neighbourhood cut-through in the area was identified. Traffic-calming measures including bump-outs along Easton Road to reduce lane width, and turn prohibitions were suggested. Further, since the Sheppard Lansing Secondary Plan identifies the Sheppard/Easton intersection as a Higher Order Pedestrian Zone, the applicant is required to show design changes at the intersection to satisfy this policy, as well as measures to calm traffic along Easton Road.

A Transportation Impact Study was submitted by the applicant to evaluate the effects of the development on the transportation system, and to suggest any transportation improvements, if deemed necessary, to accommodate the travel demands and impacts generated by the development. The study is currently under review by staff.

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 road widening dedication along the *Sheppard Avenue West frontage* of the subject site is required. The site plan shows a 5 metre road widening, although it is not clear whether or not the site plan reflects a 36 metre right-of-way. It is also not clear why the widening does not appear to align with the widening being provided on the adjacent development site to the west. Further information is required.

Servicing

The applicant has submitted a Functional Servicing and Stormwater Management Report, a Hydrogeological Report, and a Geotechnical Report. These reports will allow City staff to evaluate the effects of the development on the City's municipal servicing infrastructure. It will also identify and provide the rationale for whether the City requires the applicant to provide new infrastructure and/or upgrades to the existing infrastructure in order to facilitate this development.

Staff from Engineering and Construction Services and Transportation Services are continuing to review the application. In the event that the matter is appealed to the OLT, staff recommend the OLT withhold the issuance of any Orders that may approve the application until such time as the owner has addressed any forthcoming comments as a result of Engineering and Construction Services' review of the file, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Transportation Services; and provided any revised materials, including, but not limited to: a satisfactory Geotechnical Study, Hydrogeological Report, Transportation Impact Study and Functional Servicing Reports, as outlined in Recommendation 3b of this report. Alternatively, these matters will be raised as issue during the course of the hearing.

Housing – Unit Mix and Size

The Council-adopted Growing Up Urban Design Guidelines provide guidance on the proportion and size of larger units recommended in new multi-unit residential developments.

Guideline 2.1 of the Growing Up Guidelines states that a residential building should provide a minimum of 25 percent large units. Specifically, the guidelines state that a minimum of 10 percent of the total residential units should be 3-bedroom units and a minimum of 15 percent should be 2-bedroom units.

Guideline 3.0 states that the ideal unit size for large units, based on the sum of the unit elements, is 90 square metres for 2-bedroom units and 106 square metres for 3-bedroom units, with ranges of 87-90 square metres and 100-106 square metres representing an acceptable diversity of sizes for such bedroom types while maintaining the integrity of common spaces to ensure their functionality.

The application proposes 30 percent of the residential units to be 2-bedroom units and 27% to be 3-bedroom units, which exceeds the guidance from the Growing Up Guidelines. However, the sizes of the 2-bedroom units range from 58 square metres to 76 square metres, which is significantly below the ideal unit size as specified in the Guidelines. The sizes of the 3-bedroom units range between 94 square metres and 109 square metres, making some of the proposed 3-bedroom units undersized.

Open Space/Parkland

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 28+ square metres of parkland per person, which is comparable to the city-wide average provision of 28 square metres of parkland per person.

In accordance with Chapter 415, Article III of the Toronto Municipal Code, staff recommend that the applicant be required to satisfy the parkland dedication requirement through cash-in-lieu should the OLT approve the application in some form. The proposal is subject to a cap of 10% parkland dedication. The value of the cash-in-lieu of parkland dedication would be appraised through Real Estate Services. The appraisal would be conducted upon the submission of an application for the first above ground building permit and is valid for six months. Payment would be required prior to the issuance of said permit.

Tree Preservation

An Arborist Report prepared by MHBC Planning, Urban Design & Landscape Architecture and dated September 2, 2021 was submitted in support of the proposed development. The Arborist Report submitted concludes that there are a total of 25 trees on and within six metres of the site. The removal of 22 trees is required to accommodate the proposed development.

The City would typically secure the planting of new trees on the site and on adjacent public rights-of-way through Site Plan Approval. However, due to the coverage of the proposed building and zero setbacks, there is limited opportunity to retain existing trees or for on-site planting of trees.

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.

The applicant is required to meet Tier 1 of the TGS. 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. Performance measures for the Tier 1 development features will be secured through the site specific Zoning By-law, should this application be approved by the OLT. Other applicable TGS performance measures will be secured through the Site Plan Approval process, should the application be approved.

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*. The Official Plan identifies that Section 37 may be used for development with more than 10,000 square metres of gross floor area. The applicant is proposing new density of 2,979 square metres which does not qualify for a Section 37 contribution.

Conclusion

The proposal has been reviewed against the policies of the PPS, the Growth Plan, and the City of Toronto Official Plan including the Sheppard Lansing Secondary Plan. Staff are of the opinion that the proposal fails to conform to the relevant policy directions of the City's Official Plan and Sheppard Lansing Secondary Plan, which provide detailed policies to guide development in a manner specific to the local context while also protecting provincial interests.

The proposed 9-storey building represents an overdevelopment of the site. The proposed height, scale and massing results in a lack of appropriate transition to the adjacent neighbourhood, lack of outdoor amenity and landscaping, and creates issues with respect to loading, driveway and parking access; and potentially issues around constructability as encroachments onto the public realm and adjacent properties may be required.

The Sheppard Lansing Secondary Plan, approved by Council and upheld by the LPAT on September 9, 2019, is informed by good principles of planning and urban design and represents the public interest. The proposal fails to meet the objectives of the Secondary Plan, does not represent good planning and urban design, and is therefore not in the public interest. Staff recommend that Council refuse the application, and believe that refusal of the application is consistent with the PPS, conforms with the Growth Plan, and conforms with the Official Plan including the Sheppard Lansing Secondary Plan.

Should the application be appealed to the OLT, it is recommended that staff be directed to attend the OLT hearing in opposition to the applicant's development proposal and application for an Official Plan and Zoning By-law Amendment.

CONTACT

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Tel. No. (416) 396-5570
E-mail: Heather.Au@toronto.ca

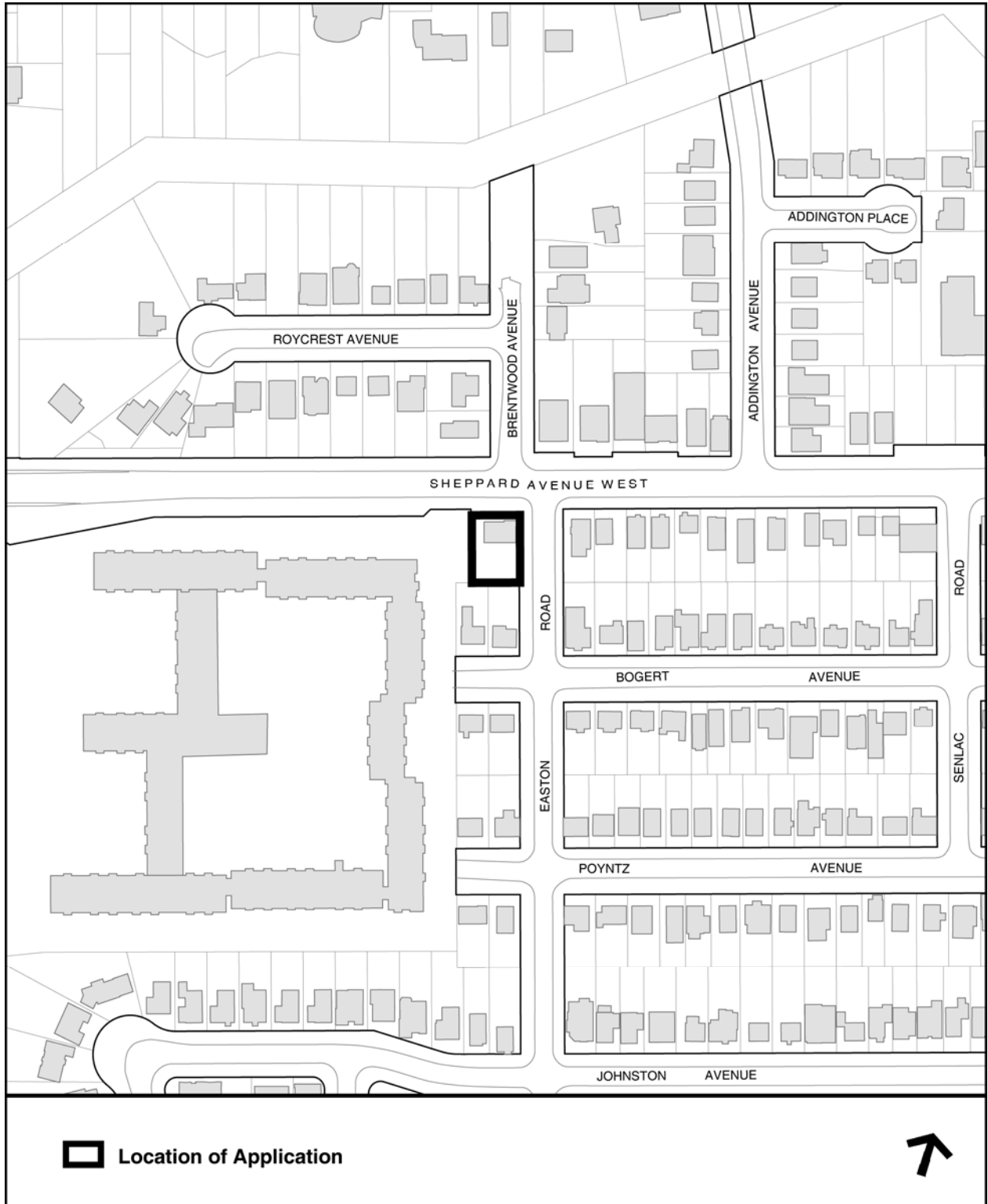
SIGNATURE

David Sit MCIP RPP, Director
Community Planning, North York District

ATTACHMENTS

Attachment 1: Location Map
Attachment 2: Official Plan Land Use Map
Attachment 3: Sheppard Lansing Secondary Plan Map
Attachment 4: Existing Zoning By-law Map
Attachment 5: Site Plan
Attachment 6: 3D Model of Proposal in Context
Attachment 7: Elevations
Attachment 8: Application Data Sheet

Attachment 1: Location Map



Attachment 2: Official Plan Land Use Map



Official Plan Land Use Map #16

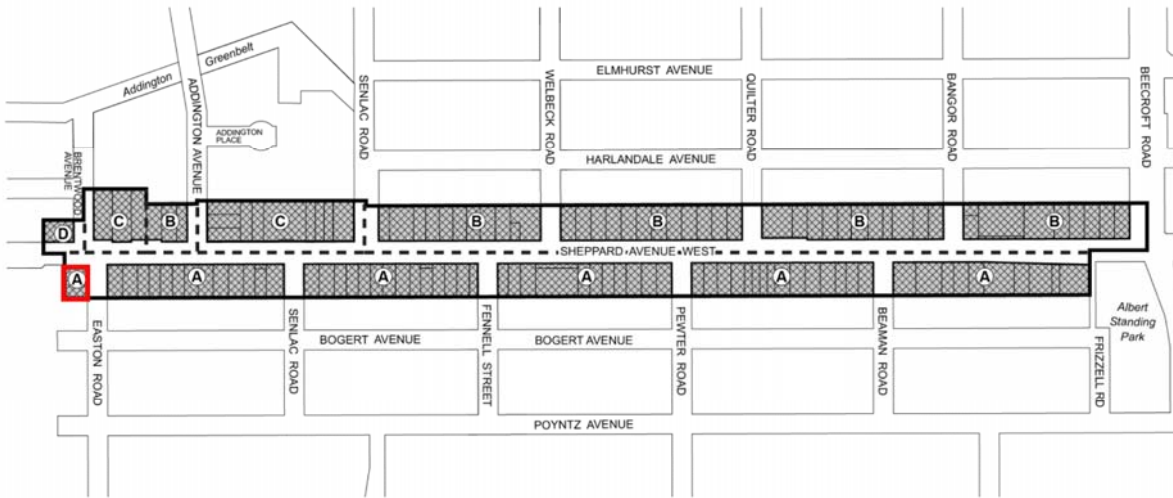
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File # 21 251380 NNY 18 0Z



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


Attachment 3: Sheppard Lansing Secondary Plan Map



Not to Scale 

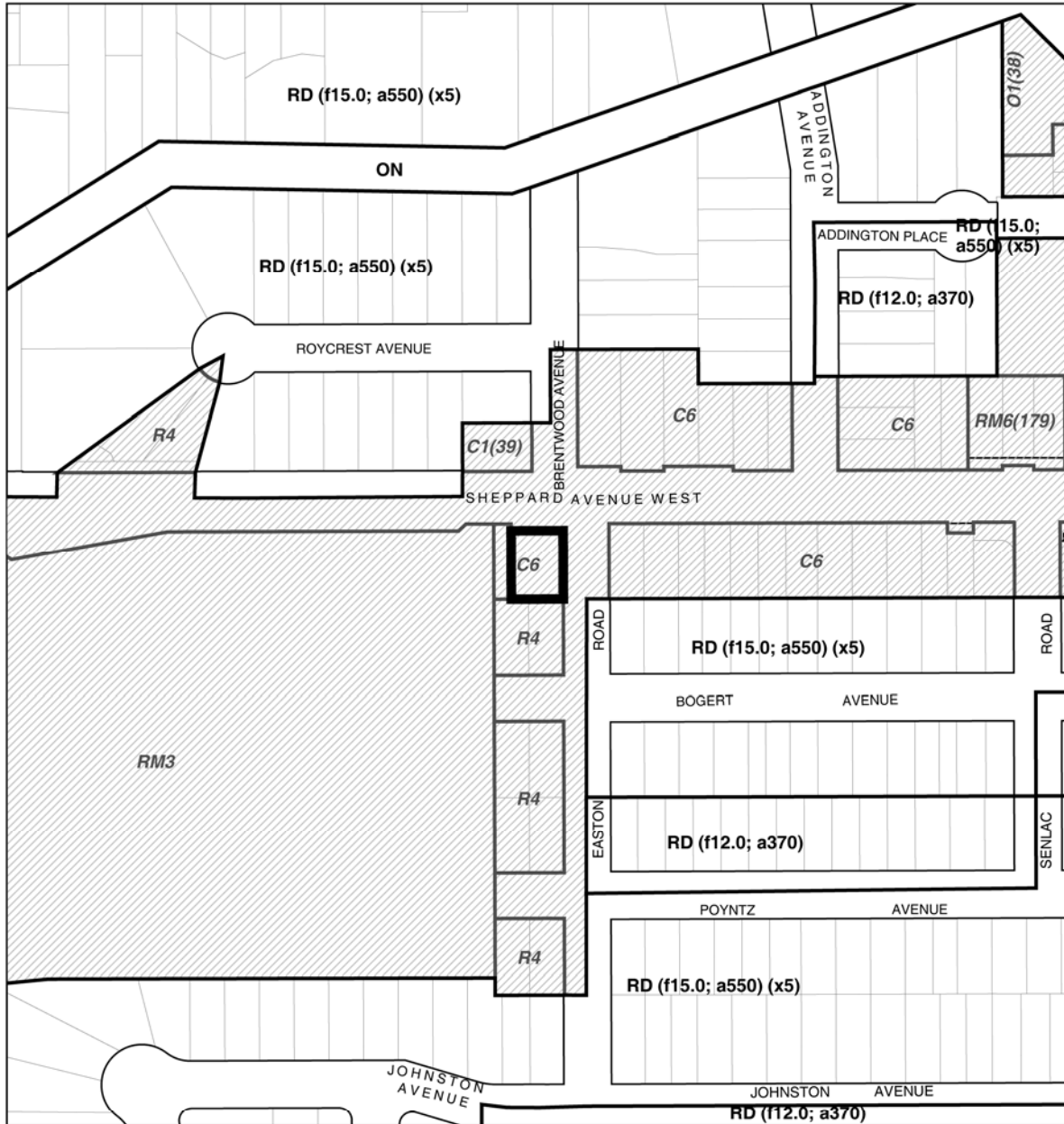


Sheppard Lansing
MAP 37-1 Land Use Areas

-  Secondary Plan Boundary
-  Mixed Use Areas
-  Subject Property
-  Mixed Use Area A
-  Mixed Use Area B
-  Mixed Use Area C
-  Mixed Use Area D

November 2016

Attachment 4: Existing Zoning By-law Map




Zoning By-law 569-2013

307 Sheppard Avenue West

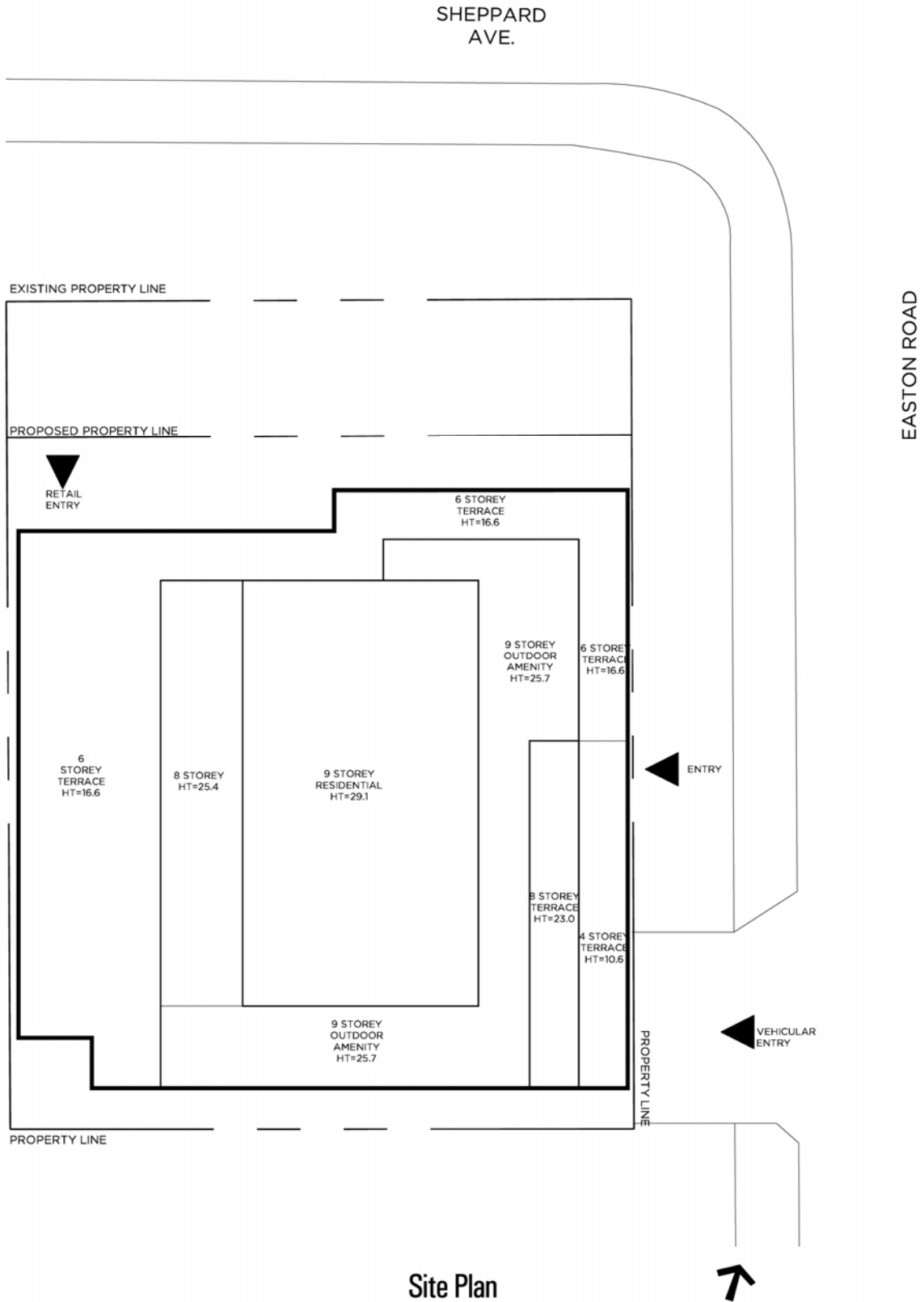
File # 21 251380 NNY 18 0Z

-  Location of Application
- RD** Residential Detached
- RS** Residential Semi-Detached
- ON** Open Space Natural

-  See Former City of North York By-law No. 7625
- R4** One-Family Detached Dwelling Fourth Density Zone
- RM3** Multiple-Family Dwellings Third Density Zone
- RM5** Multiple-Family Dwellings Fifth Density Zone
- RM6** Multiple-Family Dwellings Sixth Density Zone
- C1** General Commercial Zone
- C6** Special Commercial Area Zone
- O1** Open Space Zone

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Attachment 5: Site Plan



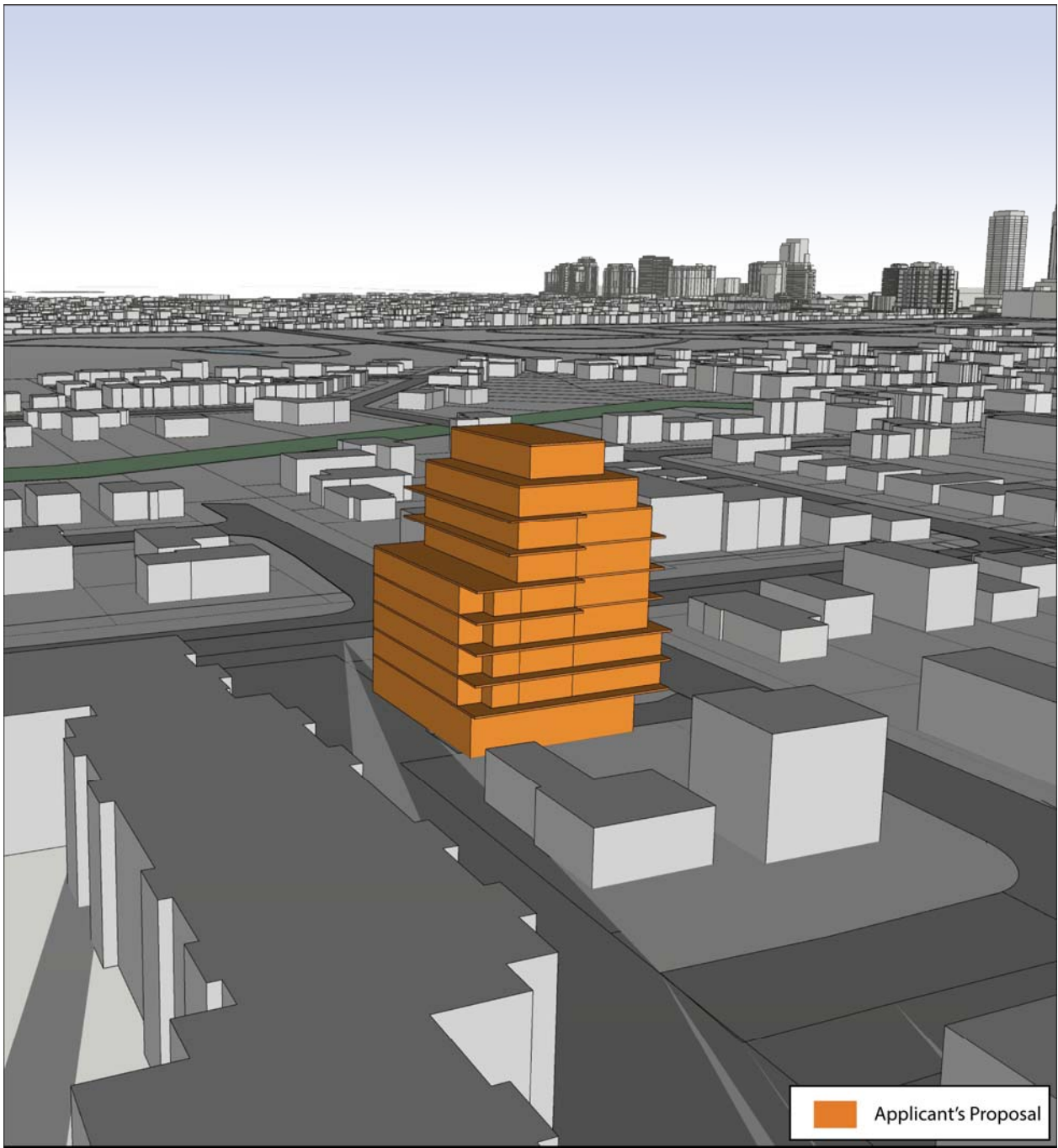
Site Plan

Attachment 6: 3D Model of Proposal in Context



View of Applicant's Proposal Looking Southwest

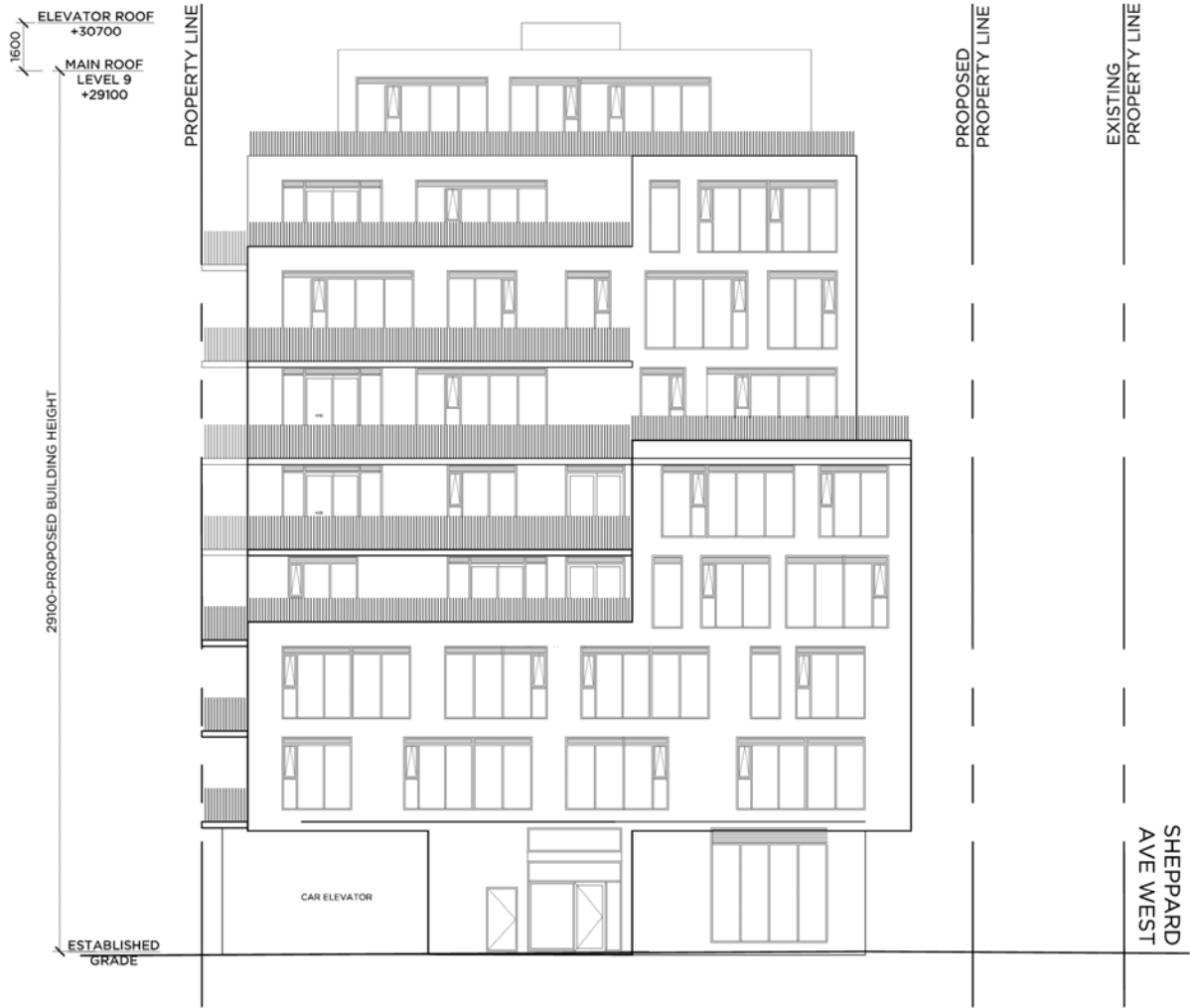

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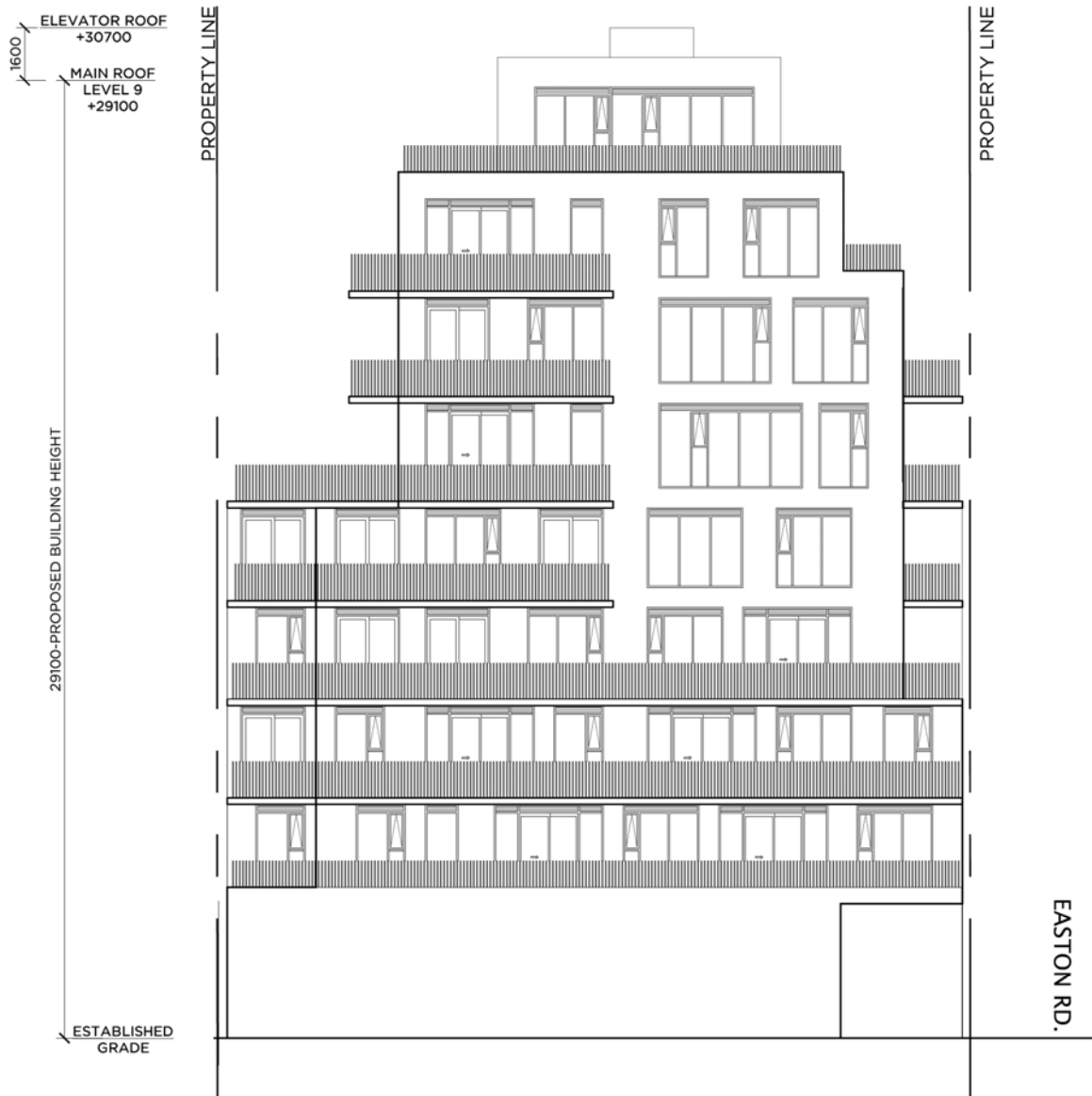
View of Applicant's Proposal Looking Northeast

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04/21/2022

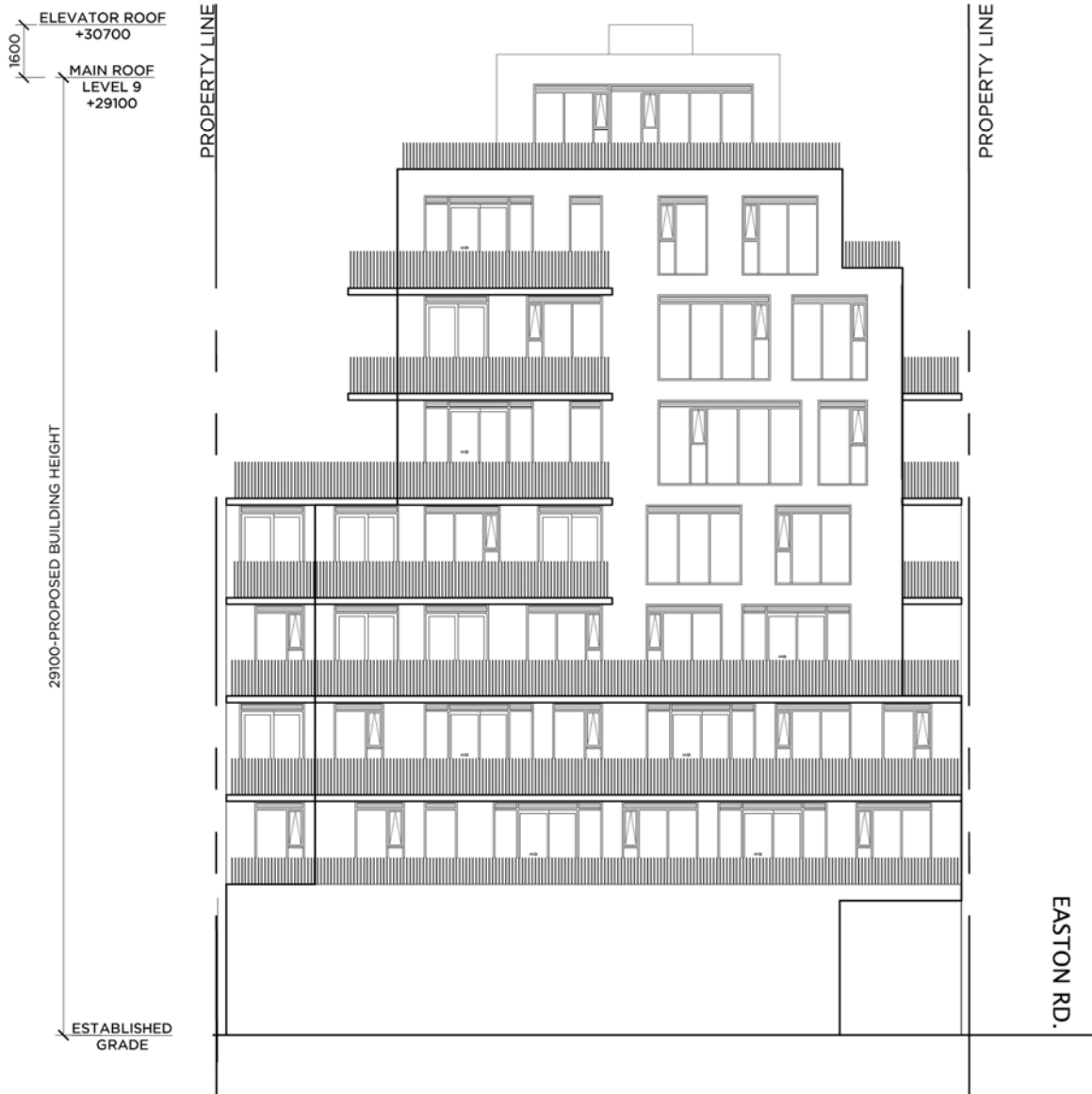
Attachment 7: Elevations



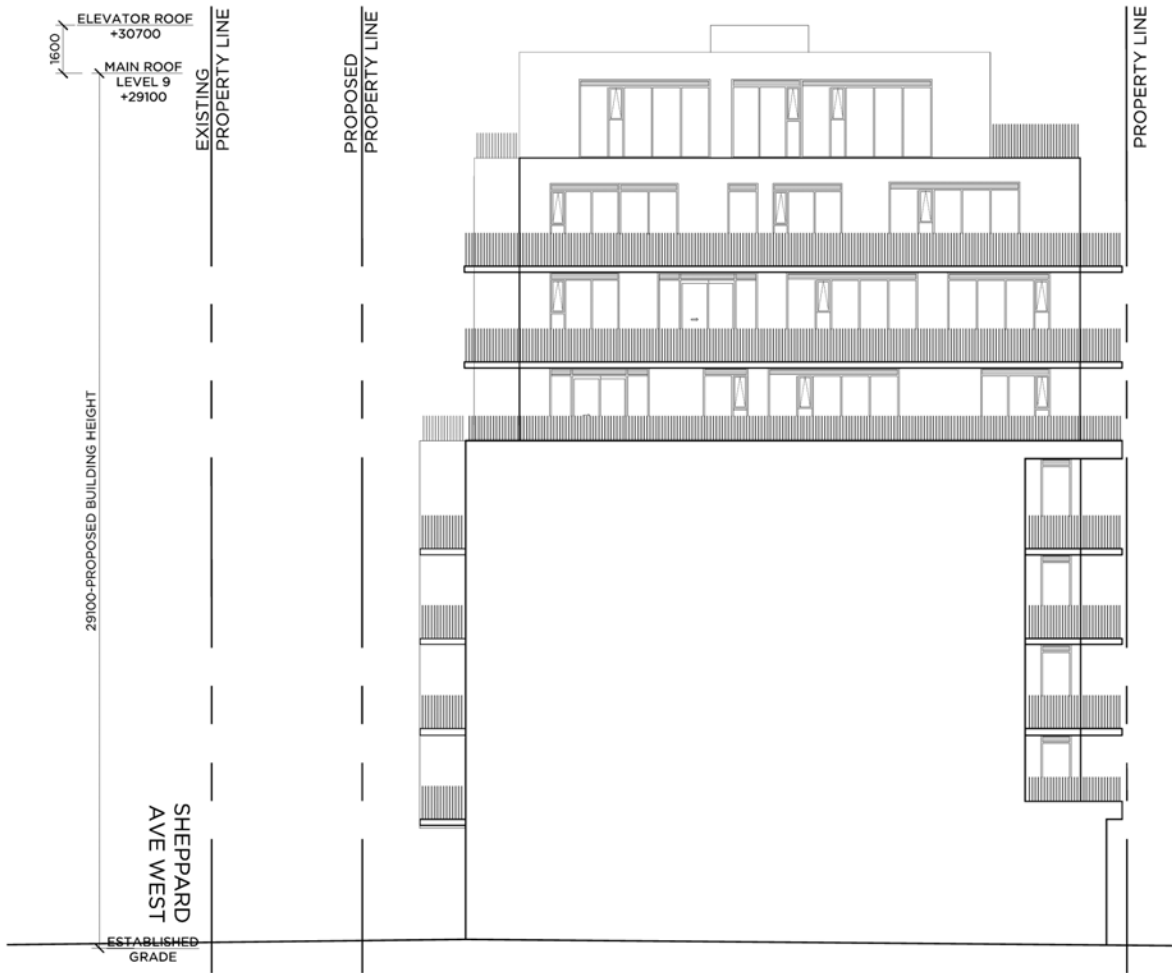
East Elevation



North Elevation



South Elevation



West Elevation

Attachment 8: Application Data Sheet

Municipal Address: 307 SHEPPARD AVE W **Date Received:** January 10, 2022

Application Number: 21 251380 NNY 18 OZ

Application Type: OPA & Rezoning

Project Description: Official Plan and Zoning by-law Amendment application for a 9-storey mixed-use building having a non-residential gross floor area of 140 square metres, and a residential gross floor area of 2839 square metres. 33 residential dwelling units are proposed.

Applicant	Agent	Architect	Owner
DAVID MCKAY			ESTELLE B KOSOY

EXISTING PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:
Zoning:	C6	Heritage Designation:
Height Limit (m):	8m	Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq m): 695 Frontage (m): 23 Depth (m): 30

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			445	445
Residential GFA (sq m):			2,839	2,839
Non-Residential GFA (sq m):			140	140
Total GFA (sq m):			2,979	2,979
Height - Storeys:	2		9	9
Height - Metres:			29	29

Lot Coverage Ratio (%): 64.03 Floor Space Index: 4.29

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	2,839	
Retail GFA:	140	
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			33	33
Other:				
Total Units:			33	33

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:			14 (42%)	10 (30%)	9 (27%)
Total Units:			14	10	9

Parking and Loading

Parking Spaces: 24 Bicycle Parking Spaces: 24 Loading Docks: 0

CONTACT:

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(416) 396-5570
Heather.Au@toronto.ca