

## **1181 Sheppard Avenue East - Official Plan Amendment and Zoning By-law Amendment Application – Request for Direction Report**

Date: June 7, 2022

To: North York Community Council

From: Director, Community Planning, North York District

Ward: 17 - Don Valley North

**Planning Application Number:** 19 264391 NNY 17 OZ and 22 121816 NNY 17 SA

### **SUMMARY**

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On December 23, 2019, an Official Plan and Zoning By-law Amendment application was submitted to amend the Sheppard East Subway Corridor Secondary Plan Map 9-2 and the former City of North York Zoning By-law No. 7652 and Zoning By-law 1094-2002, as amended by Zoning By-law 961-2009, for the property at 1181 Sheppard Avenue East. The proposal is to permit a mixed use development comprised of a 22-storey tower (89.15 metres) with 39,033 square metres of office space, and a 33-storey residential tower (105.7 metres) with 452 residential units connected by a 5-storey (19 metre) podium

On November 19, 2021, the Applicant appealed the application to the Ontario Land Tribunal ("OLT") due to Council not making a decision within the 120-day time frame in the Planning Act.

This report recommends that the City Solicitor with the appropriate City staff attend the OLT hearing to oppose the application in its current form and to continue discussions with the Applicant to resolve outstanding issues.

### **RECOMMENDATIONS**

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The City Planning Division recommends that:

1. City Council direct the City Solicitor and appropriate City staff to attend the Ontario Land Tribunal in opposition to the current Application regarding the Official Plan and Zoning By-law Amendment appeal for the lands at 1181 Sheppard Avenue East and to continue discussions with the Applicant in an attempt to resolve outstanding issues.

2. In the event that the Ontario Land Tribunal allows the appeals in whole or in part, City Council authorize the City Solicitor to request that the issuance of any final Order be withheld until such time as the City Solicitor advises that:

- a) the final form and content of the draft Official Plan and Zoning By-laws are to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning;
- b) applicable community benefits and other matters in support of the development are to be secured in a Section 37 Agreement executed by the owner and registered on title to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor;
- c) the City has advised that any building envelope changes to address the findings of the wind tunnel study have been made to the satisfaction of the Chief Planner and Executive Director, City Planning Division; and
- d) the City has confirmation of water, sanitary and stormwater capacity from the Chief Engineer and Executive Director, Engineering and Construction Services or the determination of whether holding provisions are required in the Zoning By-law amendment.

3. City Council authorizes the City Solicitor and City staff to take any necessary steps to implement City Council's decision.

## **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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### **Previous Approval**

The subject site is part of the former Canadian Tire lands which were located on the south side of Sheppard Avenue west of the Leslie subway station and between the Bessarion subway station, extending south to Highway 401, and which totalled 20 hectares (50 acres) in area. In 2000 Canadian Tire filed an application for a mixed use re-development for the entire 20 hectare property. In order to ensure the area was planned as a comprehensive, mixed use community, the Bessarion-Leslie Context Plan was undertaken and, after community consultation, was approved in 2002. A Zoning by-law (1094-2002) and a Plan of Subdivision implemented the Bessarion-Leslie Context Plan, and provides the implementation tools for a public road network, streetscape character, pedestrian connections, development density and building heights for the property. In 2006 Canadian Tire sold the majority of these lands to Concord Adex but retained ownership of the subject site which is identified as 1181 Sheppard Avenue East. It is located on the southwest corner of Sheppard Avenue East and the CN rail line, west of Leslie Street.

In 2008, Canadian Tire filed applications for an Official Plan and Zoning By-law amendment on the subject property in order to permit a new 25-storey head office building for the Canadian Tire Corporation, which included ancillary retail uses, a new daycare facility, and a direct pedestrian connection to the Leslie subway station. On October 1, 2009 City Council approved the applications subject to a holding (H) provision which may be lifted when the conditions respecting a safety feature on the property related to the adjacent CN Rail line are satisfied and when site plan approval is granted. A section 37 contribution of \$1,000,000 towards the provision of a public community centre, streetscaping improvements along Sheppard Avenue East, on-site public art, and the incorporation of green building technologies such as daylight harvesting were also to be secured prior to Site Plan approval.

City Council's decision can be viewed here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2009.NY27.53>

Canadian Tire ultimately decided not to pursue the relocation of their head office building to this location and did not pursue any further planning or building approvals. Concord Adex purchased the site from Canadian Tire in 2019.

### **Sheppard Avenue East (Bayview to Leslie) Focused Planning Review**

On June 26 - 29, 2018, City Council passed a motion directing staff from the City Planning Division, in consultation with other appropriate City Divisions, to review the existing policies of the Sheppard East Subway Corridor Secondary Plan and to analyse the existing and planned built form context to clarify, refine, and/or strengthen the appropriate density and height limitations and other planning and built form policies for the Mixed Use Areas and Institutional Areas located to the north and south of Sheppard Avenue East between the east side of Bayview Avenue and the east side of Leslie Street (the "Sheppard Avenue East Review"). The subject site falls within this study area. Council also directed staff to evaluate whether there is potential for appropriate, grade-related, low-rise intensification opportunities on existing older two-storey and three-storey townhouse and apartment building properties in the vicinity of Talara Drive and Highway 401 that are designated Neighbourhoods and Apartment Neighbourhoods. The decision of City Council can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.NY31.8> At the

January 6, 2022 meeting of North York Community Council, a letter from the local ward councillor was submitted to Community Council for consideration with recommendations acknowledging that City Planning staff undertook and completed the Sheppard Avenue East Review and directed City Planning staff to build upon the completed review and undertake a further study examining the streets and blocks network, parks and open spaces, an enhanced public realm, heritage, built form, multimodal transportation options, servicing infrastructure, and compatible land uses in the area. The item was adopted by Community Council on January 6, 2022 and will be considered by City Council on February 2, 2022. The decision of Community Council can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2022.NY29.27>

## **Growth Plan Conformity and Municipal Comprehensive Review**

In June 2020, the City Planning Division initiated the Growth Plan Conformity and Municipal Comprehensive Review ("MCR"), which includes the delineation of approximately 180 potential Major Transit Station Areas (MTSAs) to meet Provincial minimum intensification requirements. A subset of MTSAs will be identified as Protected Major Transit Station Areas (PMTSAs), where the Council-approved inclusionary zoning policy framework can be implemented. The report can be found at the following link: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.PH14.4>

On March 25, 2022, the Planning and Housing Committee approved for consultation 97 MTSA/PMTSAs, of which Leslie Station was identified as a MTSA with a proposed minimum density target of 300 people and jobs per hectare. The report can be found at the following link: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2022.PH32.7>

## **Current Application**

The subject Application for Official Plan Amendment and Zoning By-law Amendment was determined to meet the complete application submission requirements of the Planning Act and the Toronto Official Plan as of December 23, 2019.

The Preliminary Report was adopted by North York Community Council on February 5, 2022 authorizing staff to hold a community consultation meeting with an expanded notification area. The decision of the North York Community Council can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.NY13.8>

## **SITE AND SURROUNDING AREA**

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**Site Description and Dimensions:** The site is located at 1181 Sheppard Avenue East adjacent to the Metrolinx rail corridor. The site is rectangular in shape, and has an overall site area of 8,411 square metres.

**Existing Use:** Vacant (formerly part of Canadian Tire distribution centre)

### **Surrounding uses include:**

**North:** On the north side of Sheppard Avenue East are a 4 and 5-storey office building and the Ambrose Parkette. Further north is a low density neighbourhood.

**East:** To the east of the site is the GO Transit rail corridor and Oriole GO Station. Further east is the Leslie Toronto Transit Commission (TTC) subway station, and the Canadian College of Naturopathic Medicine.

**South:** Directly south of the site is a 28-storey residential building. Further south is the Concorde Park Place neighbourhood, which is a tower neighbourhood with heights up to 36 storeys.

West: Immediately west the site is a gas station and car wash, and a fast food restaurant. Further west is a Canadian Tire retail store.

The site is located approximately 150 metres from the Leslie TTC station and approximately 650 metres from the existing Oriole GO station. Once the Oriole GO Station is relocated, the site will be approximately 100 metres from the subject site.

## THE APPLICATION

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### Description

**Height:** 22-storey office tower (89.15 metres, including a 7.0 mechanical penthouse) and a 33-storey residential building (105.7 metres, including a 6.5 metre mechanical penthouse). The two buildings are connected by a 5-storey base building (19.2 metres).

**Gross Floor Area:** 73,002 square metres ( 33,903 square metres residential, 39,099 square metres non-residential).

**Density (Floor Space Index):** 8.68 times the area of the lot (4.03 times the lot area residential and 4.65 times the lot area non-residential).

**Unit count:** 452 dwelling units (60 studio units (13.3%), 269 one-bedroom units (59.5%), 63 two-bedroom units (14%), and 60 three-bedroom units (13.3%)).

**Parking spaces:** 811 vehicular spaces (332 residential, 45 residential visitor, 28 retail, 403 office, and 3 daycare).

**Bicycle parking spaces:** 466 bicycle parking spaces (361 long-term and 105 short term)

**Phasing:** Two Phases proposed. Residential tower proposed as Phase 1. Office tower and childcare centre are proposed as Phase 2.

### Additional Information

See Attachments 1-4 of this report for a location map, Application Data sheet, building elevations, and a site plan of the proposal. The Application Data Sheet contains additional details on the proposal including: site area and dimensions; floor area; unit breakdowns; and parking counts.

All plans and reports submitted as part of the application can be found on the City's Application Information Centre at:

<https://www.toronto.ca/city-government/planning-development/application-information-centre/>

## Reasons for Application

An amendment to the Sheppard East Subway Corridor Secondary Plan is being sought to increase the maximum permitted density on the lands to 8.7 times the area of the lands, whereas the Secondary Plan permits a maximum density of 7.5 times the area of the lands.

An amendment to the former City of North York Zoning By-law No. 7625, as amended by Zoning By-law 961-2009, is required to permit the proposed residential use, the proposed height and density, and to incorporate appropriate development standards for the proposed development.

## Site Plan Control

The proposal is subject to Site Plan Control. A Site Plan Control application has been submitted (File No. 22 121816 NNY 17 SA).

## POLICY CONSIDERATIONS

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**Official Plan Designation:** The site is designated Mixed Use Areas on Map 19 of the Official Plan and located in the Sheppard East Subway Corridor Secondary Plan Area, and is subject to Site and Area Specific Policies of the Secondary Plan.

**Zoning:** The site is zoned General Commercial (C1)(111)(H) in the City of North York Zoning By-law 7625, as amended by site-specific by-law 961-2009. The site is not subject to Zoning By-law 569-2013.

### Additional information:

See Attachment 6 for applicable policy documents.

## COMMUNITY CONSULTATION

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A Virtual Community Consultation Meeting was hosted by City staff on November 16, 2020. Approximately 110 people participated, as well as the Ward Councillor. Following a presentation by City staff and the Applicant, the following comments and issues were raised:

- Questions regarding how this proposal differs from the approval that already exists for the site;
- Concerns over increased traffic impacts on Sheppard Avenue East, Provost Drive, and Singer Court;
- Impacts of development on building at 33 Singer Court with respect to traffic, views, and sunlight loss;
- Questions regarding proposed easement through the parking garage at 33 Singer Court;
- Questions regarding shadow impacts on homes north of Shepard Avenue East;

- Concerns with construction timing and staging;
- Connections to the subway and Metrolinx station were supported by attendees;
- Concerns with overlook and privacy to existing buildings at 33 Singer Court; and
- Questions regarding approval process and timing.

## **COMMENTS**

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### **Provincial Framework**

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 to provincial plans. Staff's review of this application has had regard for the relevant matters of provincial interest set out in the Planning Act. Staff has reviewed the current proposal for consistency with the Provincial Policy Statement, and conformity with the Growth Plan. Staff find the proposal to be consistent with the PPS and conforms with the Growth Plan.

### **Official Plan**

The site is subject to the policies of the Sheppard East Subway Corridor Secondary Plan. Staff are reviewing the proposed land use mix, including the proportion of residential and non-residential uses. The Secondary Plan states that the Leslie node is to be an employment focused node, and that lands south of Sheppard Avenue East should be predominantly developed for non-residential employment and service commercial uses. Per the Secondary Plan, the maximum permitted density on the lands is 7.5 times the area of the site. The applicant is proposing a density of 8.7 times the lot area. Staff have concerns with the density proposed and have recommended that the density be reduced to be in keeping with the Secondary Plan and in order to address the built form issues discuss in subsequent sections of this report.

### **Phasing**

The Growth Plan identifies that major office will be directed to major transit station areas with existing or planned frequent transit service. The applicant proposes to develop the site in two Phases, with the first Phase of development delivering the 33-story residential tower. The applicant has proposed that second Phase of the development would deliver the 22-storey office tower.

Typically when phasing office and residential development, in order to ensure that the office is delivered in a timely manner, the office component would be developed prior to or concurrent with the residential portion of the development. The applicant has suggested the use of a restrictive covenant agreement to permit the construction of the residential building as part of Phase 1 development, with the office building being built no later than an agreed upon date.

Staff have concerns with the proposed Phasing and are reviewing the applicant's suggested approached and additional ways in which to ensure that the major office component of the development be delivered prior to the residential or ensure that the office component can be developed.

## **Built Form**

Planning staff have reviewed the proposed built form against the policies of the Official Plan, and relevant design guidelines. Planning staff have concerns with the proposed built form in relation to the site as well as the surrounding context as further described below:

## **Height and Massing**

The Secondary Plan policies regarding height state that generally, buildings should be designed with a maximum height based on a 1:1 height to street width ratio, and exceptions to this standard may be accommodated through treatment of bulk and mass of buildings, as well as detailed elevation articulation. Along the Sheppard Avenue East frontage there is a desire to relate the height and mass of development to a pedestrian scale while framing the street edge at a scale that balances the street width.

The applicant is proposing two tall buildings on top of a five storey podium, with heights of 33-storeys (105.7 metres) and 22-storeys (89.15 metres) respectively. The existing site specific zoning by-law permits a tall building office tower of 20 storeys (76 metres), with a three storey (15 metre) podium height along Sheppard Avenue East. Staff have indicated that the overall building heights proposed should be reduced, in particular the residential tower. The reduction of building heights will assist in minimizing the shadow impacts on the adjacent public streets and sidewalks, on Ambrose Parkette, and the neighbourhood to the north.

The proposed building heights and massing are not in keeping with the context of the Secondary Plan as taller buildings are located away from Sheppard Avenue East and are located closer to Highway 401. The proposed building massing, including setbacks, stepbacks, floor plate size, and the locations of the balconies require revision in order to conform to the City's Tall Buildings Guidelines and the policies of the Official Plan.

## **Higher Order Transit Connections**

The site is adjacent to a TTC subway station and the future GO transit station (Oriole Station). The Secondary Plan's Bessarion-Leslie Context Plan identifies a pedestrian connection through the site to the Leslie subway station, and also identifies a direct underground pedestrian connection from this site to the Leslie subway station. The Growth Plan speaks to major transit station areas being planned and designed to be transit-supportive to achieve multi-modal access to stations and connections to nearby major trip generators by providing connections to local and regional transit services to support transit service integration. Additionally, the Secondary Plan allows for gross floor area exclusions for a direct underground pedestrian connection to a transit terminal. The applicant's plans show a gross floor area exemption for a TTC connection, however, the applicant is not providing that connection.

Securing direct and safe connections to the TTC and GO transit stations are necessary to support transit service integration and a transit supportive complete community as per the policies of the Growth Plan and the Official Plan.



## **Child Care**

The applicant has proposed to provide a child care facility, with a capacity of 72 spaces, as part of the development proposal. City's Community and Social Services group have reviewed the proposal and have identified that the child care must be located on the first floor of the new development. The current location on the third floor of the proposed office building is not supported by staff. In addition, staff are of the opinion that the daycare should be provided during the first Phase of development.

## **Sun and Shadow**

The Official Plan identifies that new development should adequately limit shadow impacts on properties in adjacent lower-scale Neighbourhoods, particularly during the spring and fall equinoxes and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces. The Official Plan also identifies that where development includes, or is adjacent to, a park or open space, the building(s) should be designed to provide good transition in scale to the parks or open spaces to provide access to direct sunlight and daylight.

The applicant submitted Sun/Shadow studies as part of their application. The Sun/Shadow studies demonstrate shadowing on the Neighbourhoods in the morning and on the Toronto Region Conservation Authority (TRCA) regulated lands in the late afternoon in March and September. The shadows currently proposed are not acceptable.

## **Wind**

A Pedestrian Level Wind Study prepared by RDWI was submitted in December 2019, and a revised study was submitted in April 2021. A wind tunnel study was done as part of these studies.

The Pedestrian Level Wind Study identifies a number of uncomfortable or unsafe wind conditions, for sitting and standing, occurring along the south façade of the office tower, on the outdoor residential amenity space of the residential building, and at the outdoor play area associated with the daycare located on the 3rd level of the office podium. The Wind Study has identified that two wind failures occur within the proposed daycare outdoor play space, one failure within the outdoor residential amenity area located on Level 2, and one failure at grade at the southern limit of the office building.

The wind impacts resulting from the proposal are not acceptable.

## **Indoor/Outdoor Amenity Space**

The application is proposing to provide indoor and outdoor amenity space at the rate of 1.5 square metres per dwelling unit. This site specific zoning for this area allows for a minimum provision of 1.5 metres of indoor and outdoor amenity space for this site.

## **Parkland**

The Official Plan contains policies to ensure that Toronto's systems of parks and open spaces are maintained, enhanced and expanded. The site is in a parkland acquisition priority area, as per Chapter 415, Article III of the Toronto Municipal Code.

The City of Toronto Parkland Strategy is a 20-year strategic city-wide plan that guides long-term planning for new parks, park expansions and improvements, and improved access to existing parks. The Strategy includes a new methodology to measure and assess parkland provision, using the baseline of residential population against the area of parkland available across the city. According to the Strategy's methodology, the development site is currently 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 2016.

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% parkland dedication while the non-residential component is subject to a 2% parkland dedication. The value of the cash-in-lieu of parkland dedication will be determined upon the submission of an application for first above grade building permit, and payment will be required prior to the issuance of said permit.

## **Tree Preservation**

The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees By-law) and III (Private Tree By-law). The arborist report identified 24 City-owned trees within the right-of way that meet the criteria for protection under the City's Tree protection policies, which are proposed to be removed due to the proposed development and replaced. The arborist report states that there are no Private trees to be removed that meet the requirements of the Private Tree By-law.

## **Traffic**

The applicant's traffic engineering consultant submitted an Urban Transportation Considerations report. The report concludes that the study area intersections will be able to accommodate the new site traffic without any significant infrastructure improvements. The analysis results do indicate some future at or over-capacity movements along the Sheppard Avenue East and Leslie Street corridors.

Transportation Services has acknowledged the site context, and when coupled with a pedestrian tunnel connection to the Leslie TTC Station and relocated Oriole GO Station, along with a parking reduction, the site's auto-dependency and projected traffic impact on the site environs will be lessened. Transportation Services has accepted the overall methodology and conclusions of the submitted report. All analysis from the applicant's consultants has been based on the tunnel connection. Should the tunnel not be provided staff will have to reassess the traffic impacts.

## **Parking and Loading**

An Urban Transportation Considerations Report was submitted for the site and has been reviewed by Transportation Services and Engineering and Construction Services.

A total of 811 vehicle parking spaces are proposed in 8-levels of parking. Of the 811 parking spaces, 332 are proposed as residential parking spaces, 45 as residential visitor spaces, 403 as office parking spaces, 28 spaces for the retail component, and 3 spaces for the daycare. Staff are willing to accept the parking proposed on account of the sites location adjacent to transit, and in effort to minimize the impact of the vehicular trips generated.

The application proposes two driveways to access parking, one from Singer Court, and a second from Sheppard Avenue East. The Sheppard Avenue East driveway has been proposed as a right-in/right-out driveway that provides access to the loading area and below-grade parking facilities. Staff are not supportive of the Sheppard Avenue East driveway to access below grade parking facilities. Transportation Services have indicated that they would consider the new right-in/right-out driveway access on Sheppard Avenue East as part of this development if it is to provide access to the site's loading area only. New access on a major arterial such as Sheppard Avenue East is discouraged as Transportation Services is readying a reconstruction for 2023/2024 that will prioritize a complete street approach for vulnerable users, with new physically protected cycling facilities.

The proposal requires a total of 11 loading spaces, including one Type A, five Type B, four Type C and one Type G loading space. The application proposes to provide a total of five loading spaces, including 1 Type-G, 1 Type-B, and three Type-C loading spaces. Given the standard sharing provisions of the Zoning By-law, Transportation Services accepts the proposed loading supply.

Staff have concerns with the location and organization of the vehicular access to the parking garages, the drop-off and loading areas, and their relationship to the public realm, and the cumulative impacts of the proposal on the public realm.

## **Transportation Demand Management**

A Transportation Demand Management (TDM) plan was provided in the applicant's TIS. TDM measures that have been proposed include car-share vehicles spaces, car-share memberships to all units, the provision of bicycle safety courses, and real-time transportation screens.

The TDM identifies that the provisions of a below grade PATH like access to connect the site to the transit facility and future development sites located to the west of the site. The report also identifies that the provision of a secondary connection to Leslie Street TTC subway station which will also connect to the future Oriole GO Station as Development Plan Measures to encourage transit use. Transportation Planning staff have reviewed the TDM Strategy and agree with the TDM Strategy in principle, but without the development plan measures identified in the consultant's report, the applicant will have to revise their TDM strategy to be reflective of the proposal.

## **Servicing**

A Functional Servicing and Stormwater Management Report and associated plans have been submitted for the site and have been reviewed by Engineering and Construction Services. Revisions to the Functional Servicing and Stormwater Management Report are required prior to acceptance by Engineering and Construction Services.

In the event that the OLT allows the Official Plan and Zoning By-law Amendment appeal in whole or in part, the final Order should be withheld pending the confirmation of water, sanitary and stormwater capacity from the Chief Engineer and Executive Director, Engineering and Construction Services.

## **Archaeological Assessment**

An archaeological resource assessment identifies and evaluates the presence of archaeological resources also known as archaeological sites. Whether a property has archaeological resource potential can be confirmed on the searchable database TO maps. The subject site is identified as having archaeological resource potential as per the City's database. The applicant has provided a Stage 1 Archaeological Assessment which is under review.

## **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.

Section 37 benefits were not discussed in the absence of an agreement on the proposal's density and height. Should this proposal be approved in some form by the OLT, City Planning staff recommends staff be authorized to negotiate an appropriate agreement for Section 37 benefits with the applicant, in consultation with the Ward Councillor.

## **Further Issues**

City Planning continues to receive additional information regarding this application as the result of ongoing review by City commenting divisions, materials submitted in support of the proposal, and through deputation made by members of the public to Community Council. Planning staff may also be required to evaluate supplementary or revised plans and supporting materials submitted by the applicant after the date of this report. As a result Planning staff may continue to identify further issues or supplement the reasons provided in this report. Where substantive changes to the proposal are made by the applicant, Staff may report back to City Council as necessary.

## **Conclusion**

The application has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), the Official Plan, the Sheppard East Subway Corridor Secondary Plan and applicable City guidelines intended to implement Official Plan policies. As currently proposed, the proposal is consistent with the PPS and conforms with the Growth Plan.

This report recommends that the City Solicitor, with appropriate staff, attend the OLT in opposition to the application in its current form and to continue discussions with the applicant in an attempt to resolve outstanding issues. This recommendation is consistent with the PPS and conforms with the Growth Plan.

## **CONTACT**

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## **SIGNATURE**

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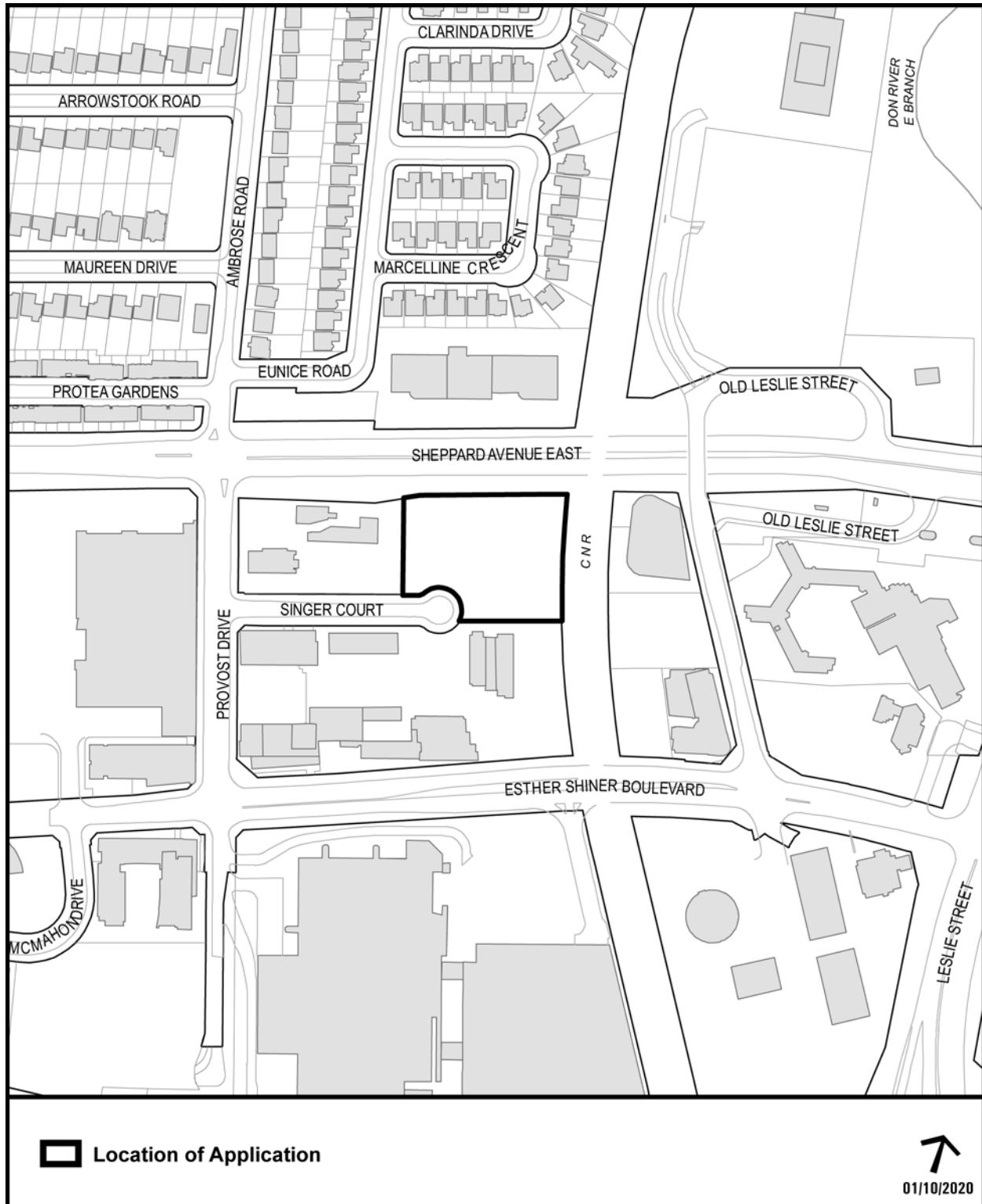
David Sit, MCIP, RPP  
Director, North York Community Planning

## **ATTACHMENTS**

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Attachment 1: Location Map  
Attachment 2: Application Data Sheet  
Attachment 3: Site Plan  
Attachment 4a: East Elevation  
Attachment 4b: North Elevation  
Attachment 4c: South Elevation  
Attachment 4d: West Elevation  
Attachment 5: Policy Considerations  
Attachment 6: Official Plan Land Use Map  
Attachment 7: Zoning By-law Map

## Attachment 1: Location Map



## Attachment 2: Application Data Sheet

**Municipal Address:** 1181 SHEPPARD AVE E      **Date Received:** December 23, 2019

**Application Number:** 19 264391 NNY 17 OZ

**Application Type:** OPA / Rezoning, OPA & Rezoning

**Project Description:** Official Plan and Zoning By-law Amendment Application to permit a mixed use development containing 36,085 square metres of office space, 4,996 square metres of retail space, a 740 square metre day nursery, and 513 residential units. The office component is located in a 22 storey building, and the residential component is located in a 33-storey building, with the mixed use podium located at its base.

<b>Applicant</b>	<b>Agent</b>	<b>Architect</b>	<b>Owner</b>
CONCORD ADEX DEVELOPMENTS CORPORATION	URBAN STRATAGIES	DIALOGUE	CANADIAN TIRE CORPORATION

### EXISTING PLANNING CONTROLS

Official Plan Designation: Mixed Use Areas      Site Specific Provision: Y

Zoning: C1(111)(H)      Heritage Designation: N

Height Limit (m):      Site Plan Control Area: Y

### PROJECT INFORMATION

Site Area (sq m): 8,411      Frontage (m): 69      Depth (m): 86

<b>Building Data</b>	<b>Existing</b>	<b>Retained</b>	<b>Proposed</b>	<b>Total</b>
Ground Floor Area (sq m):			3,443	<b>3,443</b>
Residential GFA (sq m):			33,903	<b>33,903</b>
Non-Residential GFA (sq m):			39,099	<b>39,099</b>
<b>Total GFA (sq m):</b>			<b>73,002</b>	<b>73,002</b>
Height - Storeys:			33	<b>33</b>
Height - Metres:			99	<b>99</b>

Lot Coverage Ratio (%): 40.93      Floor Space Index: 8.68

<b>Floor Area Breakdown</b>	<b>Above Grade (sq m)</b>	<b>Below Grade (sq m)</b>
Residential GFA:	31,733	2,170
Retail GFA:	457	2,353
Office GFA:	34,976	1,313
Industrial GFA:		
Institutional/Other GFA:		

<b>Residential Units by Tenure</b>	<b>Existing</b>	<b>Retained</b>	<b>Proposed</b>	<b>Total</b>
Rental:				
Freehold:				
Condominium:			452	<b>452</b>
Other:				
<b>Total Units:</b>			<b>452</b>	<b>452</b>

#### **Total Residential Units by Size**

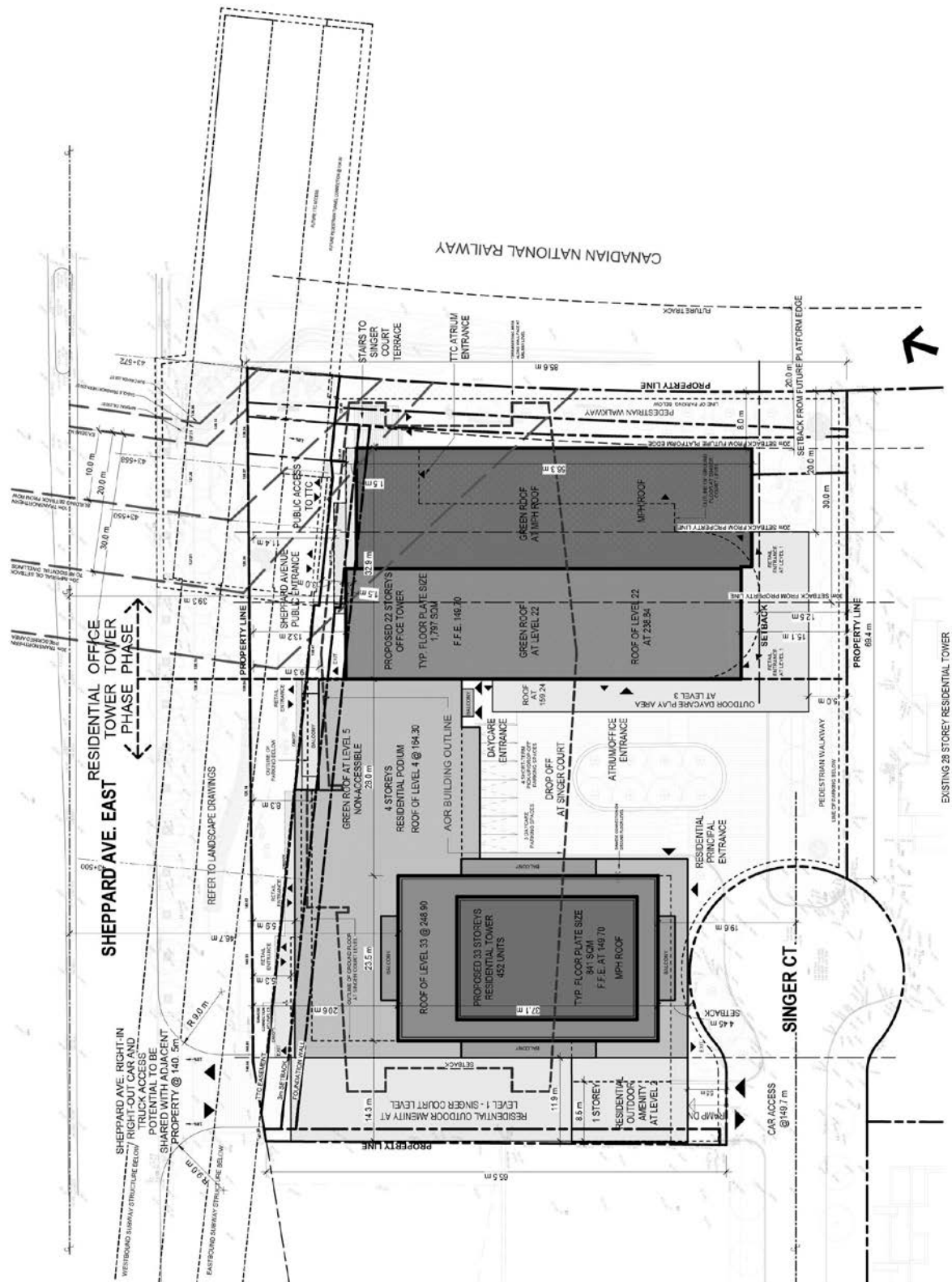
	<b>Rooms</b>	<b>Bachelor</b>	<b>1 Bedroom</b>	<b>2 Bedroom</b>	<b>3+ Bedroom</b>
Retained:					
Proposed:		60	269	63	60
<b>Total Units:</b>		<b>60</b>	<b>269</b>	<b>63</b>	<b>60</b>

#### **Parking and Loading**

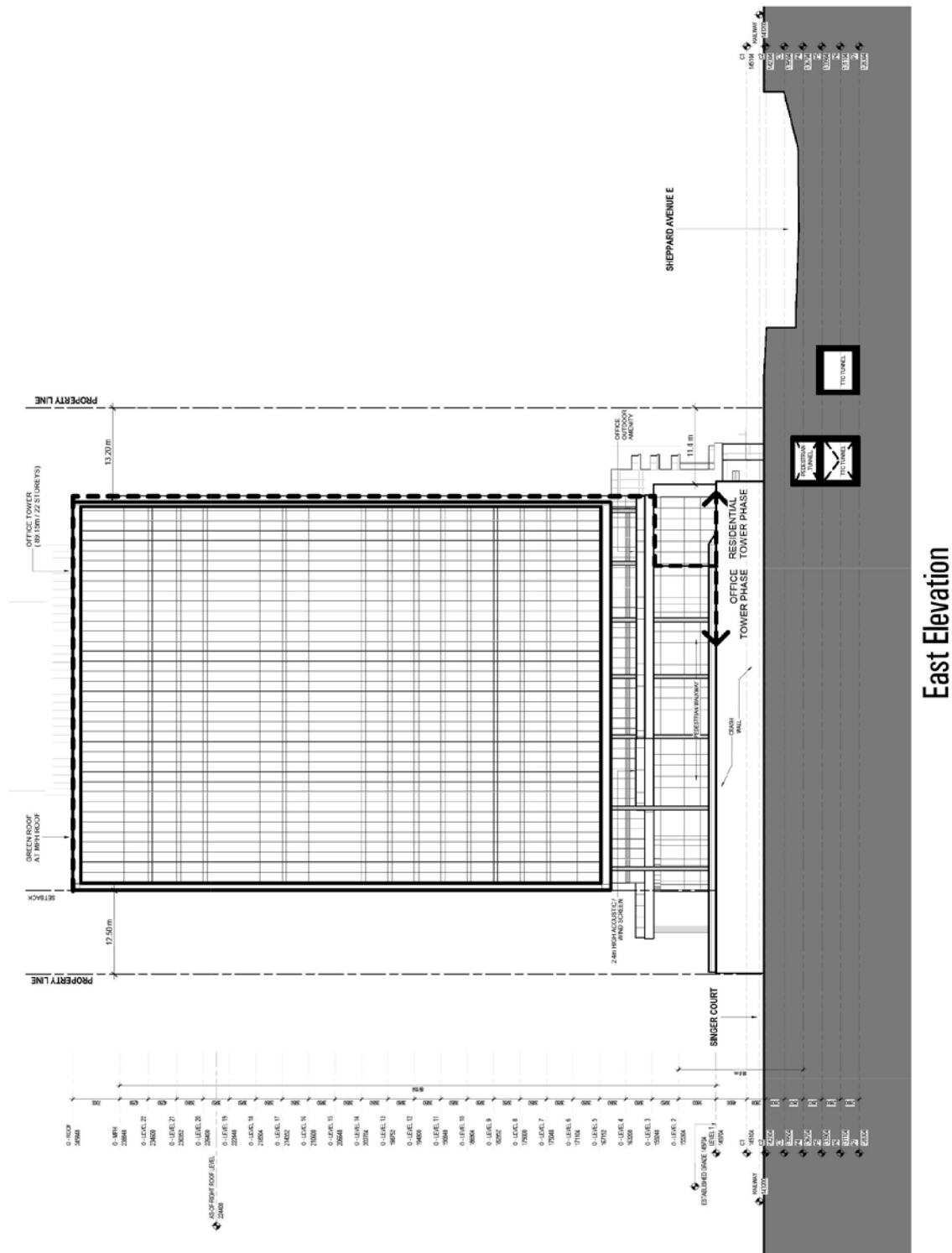
Parking Spaces: 811      Bicycle Parking Spaces: 466      Loading Docks: 5

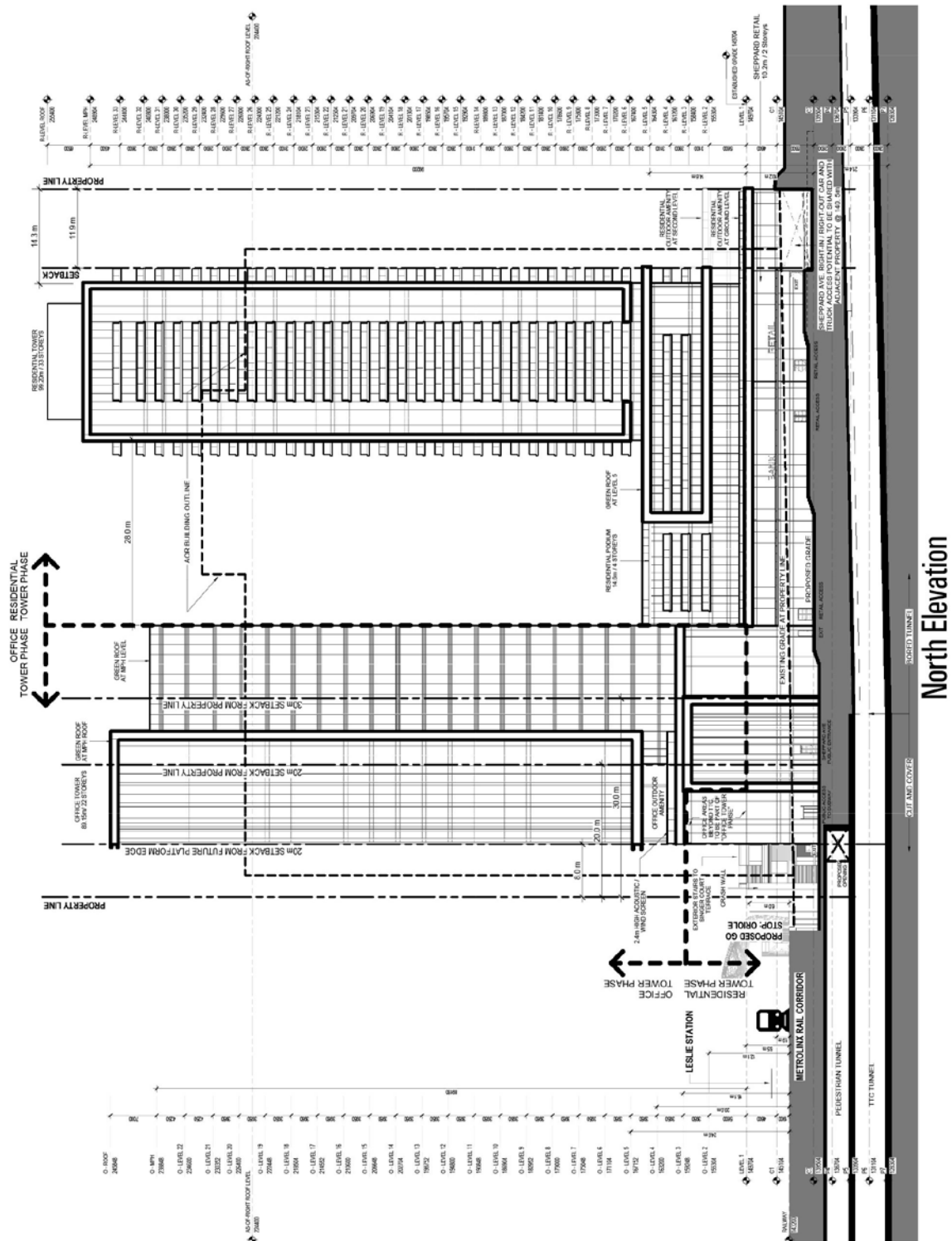


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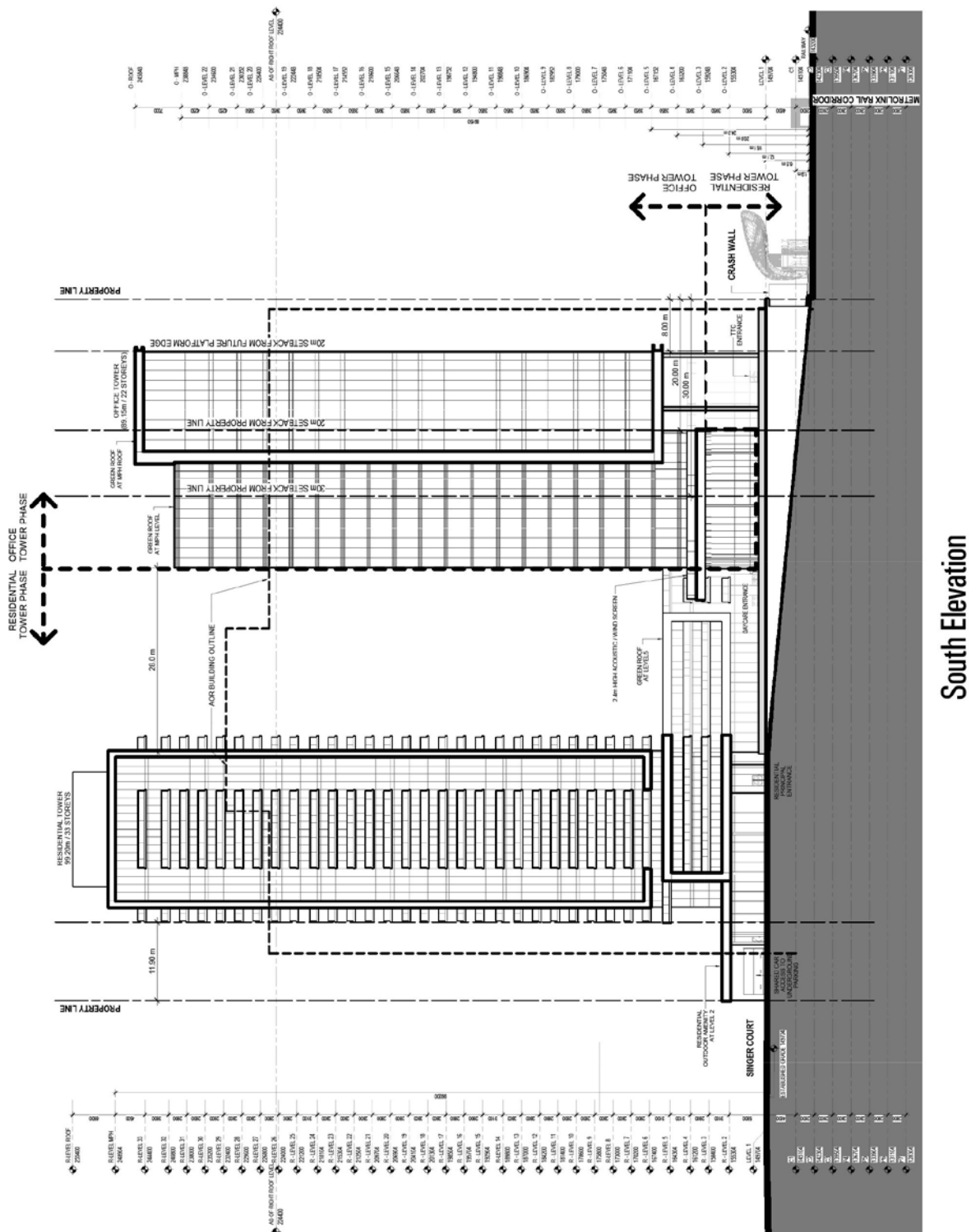


# Attachment 4a: East Elevation





# Attachment 4c: South Elevation





## **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.

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.

## **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;
- protecting people, property and community resources by directing development away from natural or human-made hazards; and
- conserving significant built heritage resources and significant cultural heritage landscapes.

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."

### **Growth Plan for the Greater Golden Horseshoe (2020)**

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (the "Growth Plan (2020)") came into effect on August 28, 2020. This was an amendment to the Growth Plan for the Greater Golden Horseshoe, 2019. The Growth Plan (2020) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part. The Growth Plan (2020) establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the Planning Act.

Policies not expressly linked to a MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and a vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space, and better connected transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure;
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas; and
- Conserving Cultural Heritage Resources in order to foster a sense of place and benefit communities, particularly in strategic growth 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.

## **Planning for Major Transit Station Areas**

The Growth Plan contains policies pertaining to population and employment densities that should be planned for in major transit station areas (MTSAs) along priority transit corridors or subway lines. MTSAs are generally defined as the area within an approximately 500 to 800 metre radius of a transit station, representing about a 10-minute walk. The Growth Plan requires that, at the time of the next municipal comprehensive review (MCR), the City update its Official Plan to delineate MTSA boundaries and demonstrate how the MTSAs achieve appropriate densities.

## **Toronto Official Plan Policies**

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

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

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

Chapter 2 describes how the City will manage growth and sets out policies for building a more liveable urban region and integrating land use and transportation. Toronto will strive to provide a full range of housing types in terms of form, tenure and affordability and encourage the construction of rental housing. The Official Plan's transportation policies make provisions for the protection and development of the City's street, rapid transit and inter-regional rail networks. The Official Plan provides complementary policies to make more efficient use of this infrastructure and to increase opportunities for walking, cycling, and transit use and support the goal of reducing car dependency.

The integration of transportation and land use is critical to achieving the overall aim of increasing accessibility throughout the City. The policies of the Plan reflect the importance of mutually supportive transportation and land use policies that combine mechanisms of mobility and proximity to maximize accessibility. Transportation Section of the Official Plan speaks to the City's transportation network being maintained and developed to support the growth management objectives of the Plan by protecting and developing the network right-of-ways as shown on Map 3 of the Official Plan. Policies also require that: streets are not closed to public use and stay within the public realm where they provide present and future access for vehicles, pedestrians and bicycles, space for utilities and services, building address, view corridors and sight lines. These are policies to ensure that new streets will be provided in consideration of surrounding land uses and will contribute to the development of a connected network which provides direct and clearly understood travel routes for all transportation modes and users throughout the City and acts as a fundamental organizing element of the City's physical structure.



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

Chapter 3 of the Official Plan contains policies to guide decision making based on the Plan's goals for the human, built, economic and natural environments.

On September 21, 2020, Official Plan Amendments 479 (Public Realm) and 480 (Built Form) came into force. These OPAs introduced new or revised policies regarding building types, building design and massing, parks, POPs (privately owned, publicly accessible spaces), and trees and natural areas, among other policies. OPA No. 479 also introduced the Block Context Plan requirement for some applications that shows how the physical form of the proposed development fits within the existing and planned context.

The built form policies provide principles on key relationships of the location and organization of development, its shape, scale and massing, and the provision of appropriate amenity within the existing and planned context to inform building design and ensure each new building will promote and contribute to a high quality of life. The policies require development to enhance and extend, where appropriate, a public realm that supports the creation of complete communities inclusive of public streets, parks and open spaces. Built Form requires new development to be located, organized and massed to fit with the existing and planned context, frame and define comfortable public spaces, and ensure access to direct sunlight and daylight on the public realm by providing good street proportion and transition in scale to neighbouring properties.

The Official Plan also provides additional guidance for townhouse and low-rise apartments, mid-rise buildings, and tall buildings. It states that tall buildings should be designed to reduce physical and visual impacts of the tower on the public realm and surrounding properties, including limiting shadows and pedestrian level wind impacts and maximizing access to sunlight and open views of the sky from the public realm.

The Official Plan identifies that new neighbourhoods require a comprehensive planning framework that reflects the Official Plan's city-wide goals, as well as the local context, including patterns of streets, development blocks, open spaces and other infrastructure, a strategy for affordable housing, community services and other policies that ensure new neighbourhoods are viable communities. The Housing Section of the Plan identifies that the City's quality of life, economic competitiveness, social cohesion, balance and diversity depend on access to adequate, affordable and appropriate Housing. It states that adequate and affordable housing is a basic requirement for everyone. The Official Plan states that a full range of housing, in terms of form, tenure and affordability, across the City and within neighbourhoods, will be provided and maintained to meet the current and future needs of residents. Production of affordable housing is addressed in the Housing section and identifies that where appropriate, assistance will be provided to encourage the production of affordable housing. In the case of affordable rental housing, and in order to achieve a range of affordability, municipal assistance may include: loans and grants, land at or below market rates, fees and property tax exemptions, rent supplement and other appropriate assistance.

The Community Services and Facilities policies in the Official Plan state that strategies for providing new social infrastructure or improving existing community service facilities will be developed for areas that are inadequately serviced or experiencing major growth or change.

The Parks and Open Spaces policies in the Official Plan promote the expansion of the city's parks and open space system. The measures for maintaining, enhancing and expanding the system including adding new parks and amenities, particularly in growth areas and maintaining, improving and expanding existing parks and designing high quality parks and their amenities to promote user comfort, safety, accessibility and year-round use and to enhance the experience of “place”, providing experiential and educational opportunities to interact with the natural world.

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

Chapter 4 of the Official Plan, Land Use Designations, functions as a key implementation tool for achieving the strategy of directing growth to specific areas of the City, and away from other others. This chapter establishes the general uses that are permitted in each land use designation, leaving it to the zoning by-laws to prescribe precise numerical provisions.

## **Chapter 5- Implementation**

Chapter 5 of the Official Plan outlines a variety of tools that the City can bring to bear to make things happen, including both the traditional tools that govern plans of subdivision, zoning by-laws, minor variances, consents and demolition control and also policies that provide guidance as to the forms of municipal influence needed to fulfil this Plan's objectives. Also presented is a framework for ongoing monitoring processes that will ensure that the Plan is effective over the long term.

## **Chapter 6- Secondary Plans**

Chapter 6 contains the Secondary Plans, which are more detailed local development policies to guide growth and change in a defined area of the City.

## **Zoning By-laws**

The site is zoned General Commercial (C1)(111)(H) in the City of North York Zoning By-law 7625, as amended by site-specific by-law 961-2009. By-law 961-2009 only permits the following uses:

- Bank
- Business and professional office
- Commercial school
- Day nursery
- Dry cleaning and laundry collecting establishment
- Financial institution
- Fitness centre
- Personal service shop

- Professional medical office
- Restaurant including accessory outdoor café
- Retail store
- Take-out restaurant

Residential uses are not permitted.

The maximum gross floor area permitted is 63,550 square metres and a 736 square metre day nursery. The day nursery gross floor area is exempt from the maximum gross floor area.

The site is not subject to Zoning By-law 569-2013.

### **Design Guidelines**

The following design guidelines will be used in the evaluation of this application:

- Avenues and Mid-rise Guidelines;
- Tall Building Design Guidelines;
- Growing Up: Planning for Children in New Vertical Communities;
- Pet Friendly Design Guidelines; and
- Best Practices for Bird-friendly Glass;

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

### **Toronto Green Standard (Climate Mitigation and Resilience)**

Climate change mitigation and resilience are key concerns of the City. On October 2, 2019, City Council declared a Climate Emergency and set a new goal to achieve net zero greenhouse gas emissions by 2040 or sooner. In 2021, an updated TransformTO Net Zero Strategy will be presented to Council, outlining the necessary climate action to reach net zero GHG emissions community-wide. In June 2019, the Resilience Strategy was published, which set out that new development should be resilient to a changing climate.

The Toronto Green Standard (the "TGS") sets out the key sustainable performance measures new developments are required to meet to address climate mitigation and resilience. The TGS is a critical component of the City's efforts to achieve zero emissions buildings by 2030, to meet 2040 citywide greenhouse gas reduction targets, and to build a more resilient city. The TGS also supports other City-wide strategies related to environmental sustainability, including TransformTO, the Resilience Strategy, Ravine Strategy and Biodiversity Strategy.

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 TGS. Tier 1 performance measures are secured on site plan drawings and through a site plan agreement or registered plan of subdivision. Tiers 2+ are voluntary higher levels of performance with financial incentives (post-construction development charge refunds) intended to facilitate the foregoing objectives. Applicants are strongly encouraged to pursue higher tiers of the TGS wherever possible. Applications must use the documentation required for the version of the TGS in effect at the time of the initial site plan application. TGS Version 3.0 applies to new applications submitted on or after May 1, 2018. TGS Version 4.0 will apply to all new applications submitted on or after May 1, 2022.

The Toronto Green Standard can be found at the following link:

<https://www.toronto.ca/city-government/planning-development/officialplanguidelines/toronto-green-standard/>

## Attachment 6: Official Plan Land Use Map



1181 Sheppard Avenue East

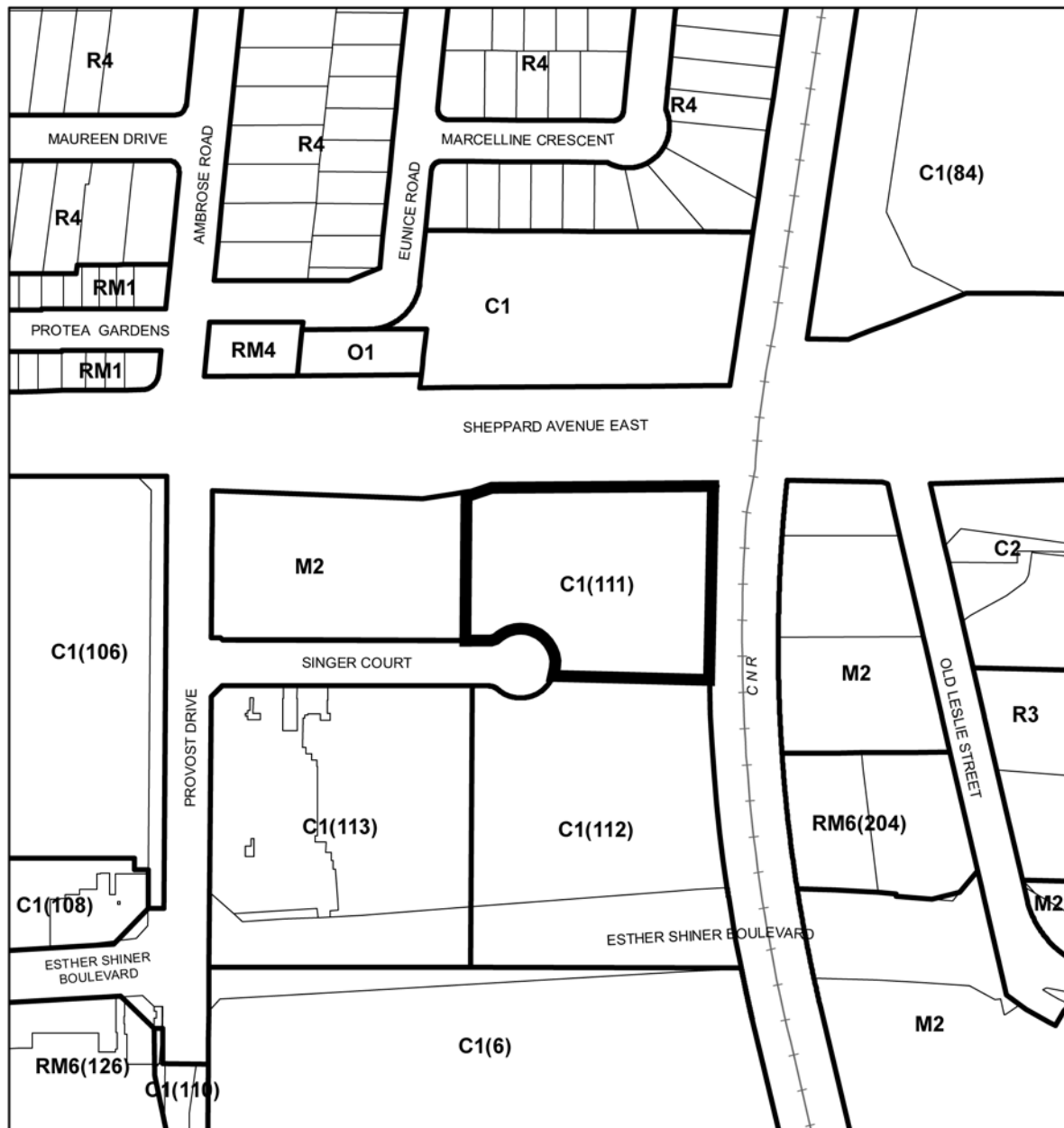
### Official Plan Land Use Map #19

File # 19 264391 NNY 19 0Z

	Location of Application		Parks & Open Space Areas
	Neighbourhoods		Natural Areas
	Mixed Use Areas		Parks



## Attachment 7: Zoning By-law Map



**Zoning By-law 7625**

**1181 Sheppard Avenue East**

**File # 19 264391 NNY 17 0Z**



Location of Application

**R3** One-Family Detached Dwelling Third Density Zone  
**R4** One-Family Detached Dwelling Fourth Density Zone  
**RM1** Multiple-Family Dwellings First Density Zone  
**RM4** Multiple-Family Dwellings Fourth Density Zone

**RM6** Multiple-Family Dwellings Sixth Density Zone  
**C1** General Commercial Zone  
**C2** Local Shopping Centre Zone  
**M2** Industrial Zone Two  
**O1** Open Space Zone



Not to Scale  
 Extracted: 01/10/2020