

Final Report - 3459 to 3471 Sheppard Avenue East – Zoning Amendment Application

Date: April 1, 2022

To: Scarborough Community Council

From: Director, Community Planning, Scarborough District

Wards: 22 - Scarborough-Agincourt

Planning Application Number: 20 163200 ESC 22 OZ

SUMMARY

This application proposes to amend Zoning By-law 569-2013 for lands at 3459-3471 Sheppard Avenue East to permit the construction of a 12 storey (38.6 metres) mixed-use development. The existing commercial plaza would be demolished.

The proposed mid-rise building would contain 205 residential units and a gross floor area of 17,819 square metres resulting in an overall density of 4.83 times the area of the lot. A total of 782 square metres of non-residential gross floor area (GFA) in the form of a commercial retail unit is located on the ground level for the full length of the Sheppard Avenue East frontage. Both vehicular and residential access to the building are located along Aragon Avenue which flanks the development site to the east. Three residential dwelling units are proposed to be located at grade along Aragon Avenue along with the residential lobby entrance for pedestrians. Access to the garage, loading, and short-term parking is provided along a private driveway taken from Aragon Avenue at the south end of the property. Parking for 209 vehicles and 216 bicycles are proposed at grade and within a 2-level underground parking structure.

The proposed development is consistent with the Provincial Policy Statement (2020) and conforms with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) as implemented by the policies of the City of Toronto's Official Plan. The proposed development will contribute to residential intensification on an underutilized site on Sheppard Avenue East and improves street related retail and the public realm in accordance with Official Plan direction for reurbanizing *Avenues*. Further, it is recommended that a Section 37 contribution of \$1,000,000 be secured to be directed towards local park improvements in Ward 22.

This report reviews and recommends approval of the application to amend the Zoning By-law to permit the proposed development subject to the Bills being held from enactment to allow for the Owner to enter into a Section 37 Agreement and finalize the Servicing and Stormwater Management report.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend City of Toronto Zoning By-law 569-2013, as amended, for the lands at 3459 to 3471 Sheppard Avenue East, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 5 to this report.
2. City Council authorizes the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.
3. Before introducing the necessary Bill to City Council for enactment, City Council require the owner to:
 - i. submit a revised Functional Servicing Report to the Satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services which addresses matters as set out in the Engineering and Construction Services memorandum dated February 28, 2022; and
 - ii. enter into a financially secured development agreement for the construction of any improvements to the municipal infrastructure, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, if it is determined that upgrades are required to the infrastructure to support this development, according to the accepted Site Servicing Review.
4. Before introducing the necessary Bill to City Council for enactment, City Council require the owner to enter into an Agreement pursuant to Section 37 of the Planning Act, to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, with such Agreement to be registered on title to the lands at 3459 to 3471 Sheppard Avenue East, in order to secure the following:
 - a. the community benefits recommended to be secured in the Section 37 Agreement are as follows:
 - i. an indexed cash contribution of \$1,000,000.00 to be paid by the owner prior to the issuance of the first above-grade building permit for the new residential building, to be allocated towards improvements to parks and community facilities in Ward 22 provided that purpose is identified in the Toronto Official Plan and will benefit the community, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor;
 - ii. the cash contribution set out in subsection i. above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table: 18-10-0135-01, or its successor, calculated from the date

of execution of the Section 37 Agreement to the date of payment of the cash contribution by the owner to the City.

iii. in the event the cash contribution in Subsection i. above has not been used for the intended purpose within three (3) years of the by-law coming into full force and effect, the cash contribution may be redirected for another purpose(s), at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purpose is identified in the Official Plan and will benefit the community in the vicinity of the site.

b. the following matter to be secured in the Section 37 Agreement as a legal convenience to support the development is as follows:

i. the Owner will construct and maintain the development of the site in accordance with Tier 1, Toronto Green Standard, and the Owner will be encouraged to achieve Tier 2, Toronto Green Standard, or higher, where appropriate, consistent with the performance standards of Toronto Green Standards applicable at the time of the site plan application for each building on the site.

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

A pre-application consultation meeting was held with City staff September 23, 2019 to identify application requirements and provide feedback on the development proposal.

The current application was submitted on July 16, 2020 and deemed complete on September 21, 2020. A Preliminary Report on the application was adopted without amendment by Scarborough Community Council on November 9, 2020 authorizing staff to conduct a community consultation meeting using the standard notification area. The decision of Community Council on the Preliminary Report for the subject application can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.SC19.4>

PROPOSAL

This application proposes to amend the Zoning By-law for the property at 3459-3471 Sheppard Avenue East to permit the construction of a 12-storey (38.6 metres), mixed-

use development. Located at the eastern corner of Sheppard Avenue East and Aragon Avenue, the existing commercial plaza would be demolished.

Through discussions with City staff and a number of resubmissions (July 2020, July 2021, January 2022) the design of the proposal has been revised to improve the built form; properly respond to the front and rear angular planes; reduce the height of the building's wings; and enhance the ground floor streetscape conditions. These revisions were made in order to bring the proposal into greater compliance with the Official Plan, the Mid-rise building guidelines and the outcomes of the Sheppard/Warden Avenue Study.

The proposed mid-rise building would contain 205 residential units and have a gross floor area of 17,819 square metres resulting in an overall density of 4.83 times the area of the lot. A total non-residential gross floor area of 782 square metres is proposed on the ground floor for commercial and retail uses. Located on the ground level for the full frontage of Sheppard Avenue, the commercial retail unit extends the anticipated future retail condition approved for construction on the adjacent site (3445 Sheppard Avenue East), creating a seamless retail and streetscape condition. Access to the commercial retail unit is taken directly from the sidewalk along Sheppard Avenue East. The main residential lobby is located on Aragon Avenue and includes three residential dwelling units located at grade along Aragon Avenue towards the rear of the site.

Vehicular access to the site and parking is proposed through a single access point off of Aragon Avenue. Parking for 209 vehicles and 216 bicycles are proposed at grade and within a 2-level underground parking structure. Access to the underground parking garage via a parking ramp is located at the southwest corner of the site. To the east of the parking ramp are 54 enclosed long-term bicycle parking spaces, two loading spaces (Type G and Type B) and 10 covered outdoor vehicular parking spaces for retail and visitors.

A total of 419 square metres and 416 square metres of indoor and outdoor amenity space respectively are proposed at a rate of 2.0 square metres per unit and allocated as follows:

- 277.4 square metres of indoor amenity space is located at the rear of the site adjacent to the visitor parking; and
- 416.6 square metres of outdoor amenity space is located at the second level, collocated with 110.3 square metres of indoor amenity.

Of the total 205 units, the following mix of unit types is proposed: studio (2%), 1-bedroom (73%), 2-bedroom (15%) and 3 bedroom (10%). The total proposed gross floor area of 17,819 square metres results in an overall density of 4.83 FSI. Please see Attachments 6 - 11 for visual representations of the proposal including detailed site plan and elevation drawings.

Site and Surrounding Area

The subject site is a corner site located at the southwest corner of Sheppard Avenue East and Aragon Avenue in the Tam O'Shanter-Sullivan neighbourhood area. The site is located between two Major Streets - Warden Avenue to the west and Birchmount Road to the east.

The total site area of the subject site is 3,687 square metres in size and is rectangular in shape. The main frontage along Sheppard Avenue East is approximately 67 metres and 55 metres along Aragon Avenue. The site depth is approximately 56 metres. There are currently two points of vehicular access with a vehicular entry point off of Sheppard Avenue East and one off of Aragon Avenue. The site is currently developed by a two-storey office-commercial building with a gross floor area of 1,898 square metres and contains at-grade surface parking at the front of the building.

The site's main frontage is along Sheppard Avenue East and the nearest major intersection is Warden Avenue and Sheppard Avenue East, which is 215 metres to the west. The site is located within the Sheppard/Warden Avenue study area. Surrounding planned and existing uses include:

- **North:** to the immediate north of the site across Sheppard Avenue East, is a gas station, a four-storey office building, a one-storey commercial building and two residential apartment buildings of 13 storeys and 20 storeys in height. Further north are low-rise residential neighbourhoods.
- **South:** to the immediate south of the site are residential neighbourhoods comprised of primarily detached houses along Aragon Avenue and a townhouse development that is bounded by Warden Avenue and Cass Avenue.
- **East:** to the immediate east of the site, across Aragon Avenue and fronting onto Sheppard Avenue East are two one-storey commercial buildings currently utilized by a bank and a fast food restaurant. Low rise residential comprised of detached houses are the primary built form along Aragon Avenue and in the immediate area east of the site.
- **West:** to the immediate west of the site, is an approved mixed-use development which is about to begin construction. The development proposes 352 residential units in two condominium buildings of 14 and 10 storeys along with ground floor retail fronting onto Sheppard Avenue East and four blocks of stacked townhouses towards the rear. Approved by Council in 2015, a Site Plan Control application (14 179177 ESC 40 SA) is currently under review by City staff.

Reasons for Application

A zoning by-law amendment is required in order to permit the proposed building envelope, including density, height, reduced setbacks and stepbacks, angular plane encroachments, reduced vehicle parking rate and location of outdoor amenity spaces.

The lands do not form part of City-wide By-law No. 569-2013. Should this application be approved, the lands would be brought into By-law 569-2013.

APPLICATION BACKGROUND

Application Submission Requirements

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

- Planning Rationale
- Site, Architectural, Landscaping and Sun/Shadow Plans
- Pedestrian Level Wind Study
- Draft Zoning By-law Amendments
- Functional Servicing and Stormwater Management Report
- Geotechnical Study
- Hydrogeological Report
- Preliminary Grading and Servicing Plans
- Civil and Utilities Plan
- Toronto Green Standard Checklist and Template
- Public Consultation Study
- Community Services and Facilities Studies
- Arborist Report and Tree Preservation Plan
- Transportation Impact Study

The materials can be viewed through the Application Information Centre (AIC) at the following link:

<http://app.toronto.ca/AIC/index.do?folderRsn=fAPbfJhHRE2PygmNGgvyNw%3D%3D>

A Notification of Complete Application was issued on September 21, 2020.

Agency Circulation Outcomes

The application together with the applicable reports noted above, have been circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate Zoning By-law standards and further future conditions to be secured as part of Site Plan Control approval.

Community Consultation

A virtual Community Consultation Meeting to consult with area residents on the proposed rezoning of the subject site was held on March 16, 2021. The virtual Community Consultation Meeting was hosted on the City's WebEx platform from 6:00 - 7:30 PM. The meeting was attended by the Ward Councillor, the applicant team, City Planning staff and approximately 20 members of the public. City staff provided an overview of the policy context and the applicant presented the proposal, after which questions were asked of staff and the applicant.

Issues raised by members of the public in attendance related to:

- Concerns regarding the proposed parking supply and the breakdown between visitor, residential and commercial parking spaces;
- Questions regarding the unit mix and size of the dwelling units;
- Questions and concerns regarding the site servicing and the impacts on soft infrastructure and other community service facilities;
- Impact of the development on transit, schools, community service facilities and municipal infrastructure;
- Potential traffic impacts on local streets and the overall street network in the area including Highway 401;
- Concerns about noise and construction impacts and questions regarding the mitigation plans for these impacts; and
- Questions regarding the commercial retail unit and the leasability of the space.

Notice for the public meeting was provided to landowners and residents within 500 metres of the subject site. Results of the public consultation are summarized in the Community Consultation section and commented on where appropriate in the Comments section of this report.

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 Provincial Policy Statement (2020) (the "PPS") provides policy direction province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- the efficient use and management of land and infrastructure;
- ensuring the sufficient provision of housing to meet changing needs including affordable housing;
- ensuring opportunities for job creation;
- ensuring the appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs; and
- protecting people, property and community resources by directing development away from natural or human-made hazards.

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning.

The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

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

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.7 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

Provincial Plans

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

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

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

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

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

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and a vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space, and better connected transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;

- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

The Growth Plan (2020), builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan (2020), take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise. In accordance with Section 3 of the *Planning Act* all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan (2020). Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan (2020).

Planning for Major Transit Station Areas

The Growth Plan (2020) contains policies pertaining to population and employment densities that should be planned for in major transit station areas (MTSAs) along priority transit corridors or subway lines. MTSAs are generally defined as the area within an approximately 500 to 800 metre radius of a transit station, representing about a 10-minute walk. The Growth Plan (2020) requires that, at the time of the next municipal comprehensive review (MCR), the City update its Official Plan to delineate MTSA boundaries and demonstrate how the MTSAs plan for the prescribed densities.

Sheppard Avenue East is identified as a Priority Transit Corridor on Schedule 5 of the Growth Plan and through the City's current MCR, MTSAs are to be delineated for stations along this Corridor.

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 of Ontario*.

Toronto Official Plan policies may be found here:

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

The subject site is located on lands designated as *Mixed Use Areas* on Land Use Map 19. An excerpt from this Official Plan Land Use Map can be found in Attachment 3. This portion of Sheppard Avenue East is identified as an *Avenue* (Map 2), a Major Street with a 36-metre right of way (Map 3), a Higher Order Transit Corridor (Map 4), and forms part of the Surface Transit Priority Network (Map 5).

Chapter 2 - Shaping the City

Chapter 2 of the Official Plan sets out the urban structure of the City, develops the strategy for directing growth within the structure and sets out policies for the management of change, through the integration of land use and transportation.

The Integrating Land Use and Transportation policies (Policy 2.2.5) states that the City's servicing for water, wastewater and stormwater management infrastructure will be maintained and developed to support the city building objectives by providing adequate facilities to support new development and maintaining the infrastructure in a state of good repair.

The Healthy Neighbourhoods policies (Section 2.3.1) requires developments in *Mixed Use Areas*, *Regeneration Areas*, and *Apartment Neighbourhoods* that are adjacent or close to *Neighbourhoods*, to be compatible with those *Neighbourhoods*. Development will gradually transition in scale and density through step-downs and setbacks, maintaining adequate light and privacy of the *Neighbourhoods*. Development will mitigate impacts on *Neighbourhoods* as follows: orientation and screening of lighting and amenity areas; attenuation of traffic and parking impacts on adjacent streets; and placement and screening of parking, servicing, and access areas in underground and above-grade structures.

Chapter 3 - Building a Successful City

Chapter 3 of the Official Plan guides growth and development by integrating social, economic and environmental perspectives into the planning process.

The public realm policies (Section 3.1.1) promote quality architecture, landscape and urban design and construction that ensures that new development enhances the quality of the public realm. The public realm policies of the Official Plan recognize the essential role of the City's streets, open spaces, parks and other key shared public assets in creating a great city. These policies aim to ensure that the public realm is beautiful, comfortable, safe and accessible.

Section 3.1.2 Built Form states that architects and developers have a civic responsibility to create buildings that not only meet the needs of their clients, tenants and customers, but also the needs of the people who live and work in the area. New development in Toronto will be located and organized to fit with its existing and/or planned context. It will do this by generally locating buildings parallel to the street or along the edge of a park or open space, have a consistent front yard setback, acknowledge the prominence of corner sites, locate entrances so they are clearly visible and provide ground floor uses that have views into and access from the streets. New development will also locate and organize vehicle parking and vehicular access to minimize their impacts on the public realm. Furthermore, new development will create appropriate transitions in scale to neighbouring existing and/or planned buildings, limit shadowing on streets, properties and open spaces, and minimize any additional shadowing and uncomfortable wind conditions on neighbouring parks as necessary to preserve their utility.

In addition to the matters identified above, new development will also be massed to define the edge of streets, parks and open spaces to ensure adequate access to sky

views for the proposed and future uses. New development will provide public amenity, and enhance the public realm through improvements to adjacent boulevards and sidewalks through tree plantings.

In December 2019, as part of the Five Year Review of the Official Plan, City Council approved Official Plan Amendment 479 and 480, providing additional built form and public realm guidance. OPA 479 and 480 provide greater clarity through new policies that describe the public realm, built form and built form types in order to ensure that buildings and their surrounding public spaces work together to achieve a high standard of design. While OPA 479 and 480 were not in force at the time of the original submission for the subject site, the policy direction was instructive but not determinative in Staff's review of the application.

Section 3.1.3 contains policies for the diversity of building types in Toronto. The Official Plan states that mid-rise building heights are contextual and are informed by the width of the right-of-way onto which they front.

Mid-rise buildings help establish and reinforce an urban environment through a development form that is repeatable, moderate in scale, has good, predictable street proportion, allows for access to midday sunlight in the spring and autumn, has open views to the sky from the street, and that can support high-quality, accessible open spaces in the block. Mid-rise buildings provide good transition in scale that has predictable impacts on adjacent low-scale uses. The policies of the Plan provides direction respecting mid-rise Buildings, addressing key urban design considerations, including:

- have heights generally no greater than the width of the right-of-way that it fronts onto;
- maintain street proportion and open views of the sky from the public realm by stepping back building massing generally at a height equivalent to 80% of the adjacent right-of-way width; and
- allow for daylight and privacy on occupied ground floor units by providing appropriate facing distances, building heights, angular planes and step-backs.

Policy 3.2.1.1 directs 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. A full range of housing includes (among others): ownership and rental housing; affordable and mid-range rental and ownership housing; and housing that meets the needs of people with physical disabilities.

The Official Plan provides direction on Community Services and Facilities in Section 3.2.2, stating 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, and will be informed through the preparation of a community services strategy. The inclusion of community service facilities are encouraged in all significant private sector development.

Chapter 4 - Land Use Designations

Land use designations are among the Official Plan's key implementation tools for achieving the Official Plan's growth strategy. The subject property is designated *Mixed Use Areas* on Map 19 – Land Use Map of the Official Plan (see Attachment 3: Official Plan Land Use Map). The *Mixed Use Areas* designation provides for a broad range of commercial, residential and institutional uses, in single-use or mixed-use buildings, as well as parks, open spaces and utilities. The policies of this land use designation include development criteria which direct, in part, that new development:

- create a balance of high quality commercial, residential, institutional and open space uses that reduce automobile dependency and meet the needs of the local community;
- locate and mass new buildings to provide a transition between areas of different development intensity and scale by providing appropriate setbacks and/or stepping down of heights, particularly towards lower scale *Neighbourhoods*;
- locate and mass new buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods*;
- locate and mass new buildings to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces; and
- provide an attractive, comfortable and safe pedestrian environment.

Chapter 5 - Implementation

Policy 5.3.2.1 of the Implementation Plans and Strategies for City-Building section, states that design guidelines will be adopted to advance the vision, objectives and policies of the Plan. Urban design guidelines specifically are intended to provide a more detailed framework for built form and public realm improvements in growth areas. The Official Plan provides for the use of Section 37 of the *Planning Act* to secure community benefits in exchange for increased height and density for new development, provided it first meets the test of good planning and is consistent with the policies and objectives of the Plan.

The Section 37 community benefits are capital facilities and/or cash contributions toward specific capital facilities, above and beyond those that would otherwise be provided under provisions of the *Planning Act* or the *Development Charges Act* or other statute. Section 37 may be used, irrespective of the size of the project or increase in height and/or density as a mechanism to secure facilities required to support development.

It should be noted that Section 37 of the *Planning Act* has been amended and replaced with the new Community Benefits Charge regime. The new regime, while in place in legislation, provides for a transition period. The continued use of the Section 37 density bonusing framework remains in place and will be utilized where applicable until the City passes a Community Benefit Charge by-law.

Sheppard/Warden Avenue Study

The application is subject to Site and Area Specific Policy 373, an outcome of the (Sheppard/Warden Avenue Study) approved in February 2012 by City Council for the portion of Sheppard and Warden Avenues between the former hydro corridor and Bay Mills Boulevard/Aragon Avenue.

The Sheppard/Warden Avenue Study final report may be found here:
<https://www.toronto.ca/legdocs/mmis/2012/sc/bgrd/backgroundfile-43418.pdf>

Site and Area Specific Policy No. 373 provides for Mid-rise buildings to be the predominant form of new development with similar development criteria established by the Plan. A mix of uses is encouraged, where appropriate; non-residential uses will be concentrated on the Sheppard Avenue East and Warden Avenue frontages; small-scale retail, office and community uses which are part of an integrated development will be located in close proximity to the Sheppard Avenue East and Warden Avenue intersection.

The study area is divided into different zones that help to clarify the built form parameters for specific parts of each property, with parts of some deep lots identified as "Tall Building Zone" and "Grade-related Residential Zone".

The subject property is not in a specific zone, as it is meant to accommodate the predominant mid-rise form of development mentioned above.

The outcome of staff analysis and review of relevant Official Plan policies and designations, as well as Site and Area Specific Policies noted above are summarized in the Comments section of the Report.

Zoning and Holding Provision

The site is zoned Commercial Residential with a Holding Provision (CR-H) by the former City of Scarborough Tam O'Shanter Community Zoning By-law No. 12360. The initial purpose of this Holding Provision was to secure a new public laneway at the rear of the property, as originally envisioned in SASP 373. The public lane requirement for the lands was subsequently removed in 2015 through Official Plan Amendment 310 in order to facilitate the development of the neighbouring property to the west. A City-initiated housekeeping amendment to the Zoning By-law to remove the requirement of Holding Provision for the required laneway was planned as referenced in the Preliminary Report for the subject site. However, this housekeeping amendment is no longer necessary for reasons detailed in the Comments section of this report.

Upon removal of the Holding Provision, the Commercial Residential zone type permits a broad range of commercial, recreational and residential uses, including offices, hotels, financial institutions, medical centres, restaurants, retail stores, personal services shops, municipal parking lots, places of entertainment, recreational uses, educational and training facilities, day nurseries, dwelling units, nursing homes, and retirement homes. Prior to the removal of the Holding Provision, only Neighbourhood Commercial and Highway Commercial uses are permitted with the exception of automobile service stations.

Performance standards permit a maximum GFA of 2.5 and a building height between 10.5 and 36 metres. The building envelope is required to fit within a 45-degree angular plane projected from the lot line abutting the Single-Family Residential Zone to the south and 80 percent of the right of way along lot lines abutting a street (Sheppard Avenue East and Aragon Avenue). Required setbacks include 3 metres (minimum) to 5 metres (maximum) along Sheppard Avenue East and a minimum 3 metre setback from all other streets (Aragon Avenue). Portions of buildings above 20 metres in height are to be stepped back an additional 5.5 metres from the west lot line and 1.5 metres from all street lines. A minimum ground floor height of 4.5 metres is required for the portion of the building within 20 metres of Sheppard Avenue East, and a minimum 1.5 metre strip of soft landscaping is required along the south portion of the property bordering the Single Family Residential zone. Other relevant performance standards include additional mechanical penthouse setbacks, amenity space requirements (quantity and location), and parking rates for residential units in keeping City-wide Zoning By-law 569-2013 Policy Area 4 rates.

The lands are not part of city-wide Zoning By-law 569-2013. Should this application be approved, the lands would be brought into By-law 569-2013.

The City's Zoning By-law 569-2013 may be found here:

<https://www.toronto.ca/citygovernment/planning-development/zoning-by-law-preliminary-zoning-reviews/zoningby-law-569-2013-2/>

Design Guidelines

Part III of the Provincial Policy Statement (2020) under section titled "Guidance Material" states that guidance material and technical criteria may be issued from time to time to assist planning authorities and decision-makers with implementing the policies of the Plan.

Policy 1 in Section 5.3.2 Implementation Plans and Strategies for City Building, of the Official Plan states that Guidelines will be adopted to advance the vision, objectives, and policies of the Plan. Urban Design Guidelines specifically are intended "to provide a more detailed framework for built form and public improvements in growth areas".

Avenues and Mid-rise Buildings Study and Performance Standards

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

City Council also adopted a revised Mid-Rise Building Performance Standards Addendum, for staff to use together with the 2010 approved Mid-Rise Building

Performance Standards in the preparation of area studies or during the evaluation of development applications, where mid-rise buildings are proposed and Performance Standards are applicable, until such time as City Council adopts updated Mid-Rise Building Design Guidelines. Council's decision is here:

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

Growing Up: Planning for Children in New Vertical Communities

In July 2020, Toronto City Council adopted the Growing Up: Planning for Children in New Vertical Communities Urban Design Guidelines, and directed City Planning staff to apply the "Growing Up Guidelines" in the evaluation of new and under review multi-unit residential development proposals of 20 or more residential units. The objective of the Growing Up Guidelines is to consider the needs of children and youth in the design and planning of vertical neighbourhoods which in turn, will enhance the range and provision of housing for households across Toronto. Implementation of the Guidelines also presents the opportunity to address housing needs for other groups, including roommates forming non-family households, multi-generational households and seniors who wish to age-in-place. This will increase liveability for larger households, including families with children, at the neighbourhood, building and unit scale.

The Growing Up Guidelines (2020) are available at:

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

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

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

The Guidelines are to be used in conjunction with other policies and guidelines. They are not intended to be prescriptive, but rather are intended to provide an additional degree of information. All residents, both pet-owners and non-pet-owners, will benefit from the Guidelines as they encourage design that demonstrate considerations for pets and reduces the impact that they have on our parks, open spaces and the environment. The Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings are available at: <https://www.toronto.ca/city-government/planning-development/officialplanguidelines/design-guidelines/bird-friendly-guidelines/>

Site Plan Control

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

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the PPS (2020) and the Growth Plan (2020). Staff have determined that the proposal is consistent with the PPS and conforms with the Growth Plan (2020) as detailed below.

Provincial Policy Statement (2020)

The proposal represents appropriate intensification of the subject lands in accordance with the PPS (2020) policies detailed in Section 1.1.3 and the City of Toronto's growth management policies as envisioned in the Official Plan. The subject site is appropriately located for intensification as it is within an existing settlement area that can accommodate growth and is served by existing infrastructure and transit. The proposed intensification is in an efficient, compact built form, consistent with PPS (2020) direction to achieve cost-effective development patterns, optimization of future potential transit investments and standards to minimize land consumption and infrastructure servicing costs.

Policy 1.1.3.2 of the PPS (2020) directs that land use patterns shall be based on densities and a mix of land uses which: efficiently use land and resources; are appropriate for and efficiently use infrastructure which is planned or available; and are transit supportive and support active transportation. Consistent with this direction, the development is proposed in a compact built form along Sheppard Avenue East, a major street in close proximity to frequent transit along with existing and future higher order transit services in the area. TTC bus routes along Sheppard Avenue East include the 985 express route and the 85 bus route, which connect to the Meadowvale Loop, Don Mills Station on the Sheppard Subway line, Sheppard-Yonge Station on the Yonge-University-Spadina Subway line, and the Rouge Hill GO Station.

Furthermore, Policy 1.1.3.3 states that planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas and the availability of suitable existing or planned infrastructure. The development review process has ensured that future service infrastructure will be in place to serve the projected population.

The PPS directs that healthy, livable and safe communities are achieved, amongst other means, by accommodating a range of residential, employment, institutional and other uses to meet long-term needs, facilitating all forms of residential intensification and redevelopment, promoting densities for new housing which efficiently use land, resources, infrastructure and public services, and support the use of public transit. By providing a range and mix of unit types, including two-and three-bedroom units at a rate of 15% and 10% respectively, the proposal is consistent with Policy 1.4.3 of the PPS (2020) that requires an appropriate range of housing types and densities be provided to meet projected requirements of current and future residents. Through the introduction of

residential intensification and redevelopment on the subject lands, the mix of unit sizes and additional open space amenity provided contribute to a complete community as directed by the PPS (2020). In addition to proposed residential uses, the development proposes a modest amount of commercial space, contributing to local employment opportunities and supporting accessible retail that can be accessed on foot.

Section 1.6 of the PPS includes policies on infrastructure and public service facilities. Policy 1.6.3 states that the use of existing infrastructure and public service facilities should be optimized, wherever feasible, before consideration is given to developing new infrastructure and public service facilities. With respect to transit and transportation systems, Policy 1.6.7.4 promotes a land use pattern, density and mix of uses that minimizes the length and number of vehicle trips and supports current and future use of transit and active transportation. The proposal is consistent with these policies as it fronts Sheppard Avenue East which is a Higher Order Transit Corridor as per the City of Toronto's Official Plan and forms part of Metrolinx's regional transit plan for the Greater Toronto Area. While the current status of future transit expansion and the deployment of specific transit technologies on the Sheppard Avenue East remains under consideration at this time, the application promotes transit supportive development in a compact built form that supports future use of transit.

By introducing residential intensification and a modest amount of commercial GFA on the subject site, the proposal will contribute to the creation of a complete community on a major street that is intended for reurbanization as envisioned in the Sheppard/Warden Avenue Study. The site is within a priority transit corridor, provides for a compact built form with a mix of housing opportunities along a major street and contributes to an improved public realm on the Sheppard Avenue East corridor. Based on the analysis of the policies, it is Planning staff's opinion that the application and the amending draft Zoning By-law is consistent with the PPS (2020) and addresses all the above noted policies.

Growth Plan (2020)

The proposal conforms to the Growth Plan (2020) as it accommodates new growth within a built up area of the community through intensification. Policy 2.2.1.4 of the Growth Plan provides direction on the achievement of complete communities setting out objectives for a mix of land uses, a range and mix of housing options to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes. Convenient access to a range of transportation options, public service facilities, and open spaces and recreational facilities is also highlighted as a key component of complete communities along with the development of a high quality, compact built form and an attractive and vibrant public realm.

The proposed residential density increase further intensifies an underutilized site that is served by existing surface transit with planned higher order transit for the Sheppard Avenue East corridor. The proposed intensification and built form on the subject site conforms to the direction of the Growth Plan as the range of uses and mix of densities further intensifies an underutilized site that is located on a major street and served by existing surface transit. The proposal will support the provision of a complete community that includes both residential and commercial retail uses, all within a compact urban

form. The proposal supports an efficient use of land, and provides a pedestrian-friendly community by improving the streetscape along Sheppard Avenue East through the elimination of surface parking fronting onto Sheppard Avenue East and enhances the public realm through the addition of new retail space with appropriate frontyard setbacks and a seamless streetwall condition with the adjacent approved development at 3445 Sheppard Avenue East.

The above conforms with the Growth Plan (2020) Guiding Principles as well as policies which direct development to settlement areas with a priority on proximity to existing and planned higher order transit.

Additionally, the subject lands are located within a priority transit corridor close to existing and planned rapid transit. The proposed development implements a density appropriate for its transit context (both existing and future improvements). While the future higher order transit technology along Sheppard Avenue East is still being considered the existing transit service and the connectivity it provides can support the planned densities and introduction of residential uses on the subject site.

The draft Zoning By-law amendment includes a range and mix of housing units and sizes in accordance with the Growth Plan (2020) policies, contributing to a complete community. This conforms with Growth Plan policy direction as the proposal will optimize future public investments in higher order transit along Sheppard Avenue East. The proposal also implements a range of pedestrian improvements that will enhance connectivity to the surrounding area and to higher order transit and provides for intensification that is transit-supportive as directed by Policy 2.2.4 of the Growth Plan.

The proposal provides a high quality compact built form and also enhances the public realm through an improved built form and retail streetscape that promotes pedestrian activity and vibrancy complementing the reurbanization of this segment of Sheppard Avenue East. Through a detailed review of the application, Staff have determined it conforms and does not conflict with the Growth Plan (2020).

Official Plan

This application has been reviewed against the Official Plan policies, including Site and Area Specific Policy 373 (SASP 373) described in the Policy Consideration Section of this Report as well as the policies of the Toronto Official Plan as a whole.

Land Use

The existing condition today is not in keeping with the Official Plan's vision for the subject site. The subject site is designated *Mixed Use Areas* in the Official Plan, a designation which is anticipated to absorb most of the City's anticipated growth in commercial, retail and housing (Policy 4.5) and to achieve a multitude of planning objectives by combining a broad array of uses. The subject property is also designated an *Avenue* in the Official Plan, where reurbanization is anticipated and encouraged to create new housing (2.2.3). Moreover, the Sheppard/Warden Study and SASP 373 establishes a vision and policy framework with direction on built form and land uses in

order to transform areas bounded by the former hydro corridor to the west and Bay Mills Boulevard/Aragon Avenue to the east into a vibrant mixed-use 'Avenue'.

The proposed introduction of residential uses and overall intensification of this underutilized site on the Sheppard Avenue Corridor implements the Official Plan direction as described above. Moreover, the proposal contributes to the reurbanization of Sheppard Avenue East and is in keeping with the Official Plan direction for *Mixed Use Areas* by contributing to the residential intensification of the lands in a compact built form.

The recommended zoning by-law amendment would enhance the streetscape and public realm of Sheppard Avenue East by creating a seamless streetwall condition with the adjacent approved development located 3445 Sheppard Avenue East. Should the subject proposal be approved, the development would complete the reurbanization of the easterly portion of this block in accordance with the vision detailed in the Sheppard/Warden Avenue Study.

Staff conclude that the proposal reurbanizes a key *Avenue* corridor in Scarborough as envisioned in SASP 373 study by bringing new retail and housing opportunities to an underutilized site. The proposal is transit supportive, compatible with neighbouring land uses, fits the existing character of the neighbourhood, contributes to the housing options in the community and does not create any potential undue impacts.

Public Lane and In-force Holding Provision

The purpose of the Holding Provision that currently applies to the subject lands via the former City of Scarborough Tam O'Shanter Community Zoning By-law 12360 was to secure a new public laneway at the rear of the property. This public laneway was originally envisioned in SASP 373, but the requirement was removed in 2015 through OPA 310 to facilitate development of the neighbouring property to the west of the site (3445 Sheppard Avenue East). As mentioned above, when OPA 310 was adopted, it was anticipated that a City-initiated housekeeping amendment to the Zoning By-law to remove the Holding Provision would be undertaken but the exercise never took place.

However, should this application be approved, and the recommended zoning by-law amendment be enacted, the subject lands would be incorporated into Zoning By-law 569-2013 and zoned Commercial Residential (CR).

Since the need for the public lane requirement was removed via OPA 310, there is no need to include a holding provision for a public lane in the recommended zoning by-law amendment for the subject application. Furthermore, since the lands will be incorporated into Zoning By-law 569-2013 as a CR Zone, there is no need to lift the Holding Provision from the former City of Scarborough Tam O'Shanter Community By-law which contains the "H", as the former zoning would not be in force for the subject lands.

Density, Height, Massing

This application has been reviewed against the Official Plan policies and design guidelines described in the Policy Consideration Section of the Report. It has also been reviewed against SASP 373 and the Midrise design guidelines as detailed below.

Staff's review of the density, height and massing of the project were informed primarily by the applicable policies and guidelines referenced above, namely, ensuring appropriate transitions to the *Neighbourhood* designated lands to the south of the subject site and ensuring the building's height relates to Sheppard Avenue East and Aragon Avenue appropriately. Through the review of the proposal and three rounds of staff circulation, the applicant has revised the building design to appropriately respond to the surrounding existing and planned context, with a particular focus on the *Neighbourhoods* designated lands to the immediate south of the subject site and the building's overall height as it relates to Sheppard Avenue East.

Staff are of the opinion that the proposed development is compatible with the surrounding existing and planned context, including the established neighbourhood to the south of the site. The proposed built form, including the height, massing and density is appropriate for the reasons set out below.

The proposed application is for a 12-storey (38.6 metres), mixed-use development comprised of a total GFA of 17,819 square metres resulting in an overall density of 4.83. The ground floor of the building is slightly recessed with the 2nd through 6th storey projecting over the first floor along the north and east elevations. Along Sheppard Avenue East, the building mass steps back slightly at the 7th floor and again at the 12th floor. The rear of the building terraces down toward the south property line beginning at the 8th storey. Two wings project from the rear of the building beginning at the 6th storey and gradually step down to the 2nd storey.

The terracing of the building mass from the 8th storey is informed by the required 45-degree angular plane, which for sites of this depth is to be applied from property lines of adjacent lands designated *Neighbourhoods*. Through the Planning process, Staff requested that the applicant reduce massing on the 10th and 11th floors to ensure compliance to the rear 45-degree angular plane. The building is also setback from the rear property line by 8 metres providing adequate separation beyond the required 7.5 metres. While there are still very minor projections into the rear angular plane at the 10th and 11th storey, Planning staff are of the opinion that the Official Plan Policies and mid-rise guidelines are met with respect to appropriate transition and privacy.

Upon removal of the holding provision contained within the current zoning by-law, the as of right zoning permissions under the Commercial Residential zone for the subject property permit a building height of 10.5 to 36 metres and 2.5 FSI. Official Plan development criteria for *Mixed Use Areas* do not assign a minimum or maximum height, however, City Council adopted Mid-Rise Building Performance Standards in 2010 and an Addendum to these Standards in 2016, which are to be used together during the evaluation of mid-rise development applications in locations where the Performance Standards are applicable. Combined with Official Plan policy, these guidelines help define the appropriate building height for a site and the surrounding context. As outlined in Performance Standard #1 of the Mid-rise Building Guidelines and Official Plan Built

Form Policies, the City generally defines mid-rise buildings as taller than a typical house or townhouse but no taller than the width of the street's public right-of-way.

At 12 storeys or 38.6 metres in height (excluding the mechanical penthouse), the proposed development is only slightly taller than the width of the planned right-of-way along Sheppard Avenue and the as of right zoning permissions. In determining whether this height was appropriate, staff analysed the proposal based on Midrise Performance Standard #1 which requires that maximum building heights comply with the angular plane requirements and sun/shadow testing to ensure a minimum of 5-hours of sunlight onto the *Avenue* sidewalks is provided from March 21st- September 21st. Fronting onto Sheppard Avenue East, the proposal falls below the 45 degree angular planes measured from 80% of the right-of-way along Sheppard Avenue. Only a small portion of the mechanical penthouse protrudes into the angular planes, which Staff have deemed nonconsequential. The desired sunlight window on the north side of Sheppard Avenue East is also met.

Along the Aragon Avenue frontage, the Sheppard/Warden Avenue Study envisioned a reduction of height from the Avenue mid-rise height to the building wing height for a maximum height of 6 storeys in relation to the scale of the street and lands designated *Neighbourhoods to the south of the subject property*. As such, revisions were made through the review of the project to remove massing above the 6th storey to provide a more appropriate 6 storey building height on the local street (Aragon Avenue). A similar design approach was employed for the adjacent development at 3445 Sheppard Avenue East. Further revisions were requested to ensure that the building massing along Aragon Avenue step down to fully comply with the front angular plane that wraps Sheppard Avenue. Projections on the 10th and 11th floor were removed providing a stepback on the 10th floor. At the western portion of the site, the building is setback 6 metres at the 7th level to provide appropriate separation distancing from the 14 storey tower located on the adjacent site.

Given the existing and the planned context for the subject property and the surrounding area, Staff are of the opinion that the density and height are appropriate and reasonable for the subject lands. The proposal is appropriately deployed to meet the policy intent for *Mixed Use Areas* and the Sheppard/Warden Avenue Study while properly transitioning to adjacent lands designated *Neighbourhoods*.

Sun, Shadow, Wind

This application has been reviewed against the Official Plan policies and design guidelines described in the Policy Consideration Section of the Report with respect to sun, shadow and wind.

Section 4.5, Policy 2(d) of the Official Plan states that development within *Mixed Use Areas* will contribute to quality of life by locating and massing new buildings to adequately limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes. Policy 2(e) of Section 4.5 further states that development should be located and massed to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, and Parks and Open Spaces.

Sun-shadow diagrams and a Pedestrian Level Wind Study were submitted as part of the application and were evaluated to determine what impacts the proposed building will have on the surrounding context. It should also be noted that the potential shadow impacts were evaluated in conjunction with the shadowing impacts from the adjacent property at 3445 Sheppard Avenue East as approved by City Council and currently under review as a Site Plan Application.

The sun-shadow studies indicate that, for required test times (March 21, June 21, September 21 and December 21 for the hours between 9:18 am and 6:18 pm), the most significant shadow impacts were observed during September and December when shadows are longer. Shadowing impacts are primarily contained within the Sheppard Avenue East right of way, with some minor shadowing impacts on the commercial properties immediately to the north of the subject site. Only minor incremental shadowing was observed on September 21 at 5:18 and 6:18 PM on lands designated Neighbourhoods (approximately eight properties located on Malamute Crescent). More substantial shadow impacts were observed on December 21st, with incremental shadowing on *Neighbourhoods* designated lands to the north of the site along Nortonville Drive at 9:18 and 10:18 AM, with approximately 17 properties impacted.

The Pedestrian Level Wind Study prepared in support of this application has evaluated the predicted wind conditions for the proposed building in conjunction with the existing conditions. The study found that there is an expected increase in wind speeds should the building be constructed. Favourable wind conditions are anticipated at the main entrances of the proposal, sidewalks and the second level outdoor amenity space. Potentially uncomfortable wind conditions were predicted around the northwest and northeast building corners and to the west and east of the project, as well as the seventh level outdoor amenity space. The report suggests wind mitigation strategies for reducing wind speeds including canopies, trellises, dense landscaping and wind screens. These features will be secured as part of the forthcoming application for site plan control approval.

Given the existing and the planned context for the subject property, Staff expect the building to perform reasonably well with respect to shadow impacts, sun exposure and wind conditions. Based on a review of the submitted studies, the sun, shadow and wind impacts can be supported by Staff.

Traffic Impact, Access, Parking

In June 2020, Trans-Plan submitted a Traffic Impact Study as part of the zoning by-law amendment application for the proposed development. Responding to staff advice and to reflect revisions to the building design, the Traffic Impact Study was updated in May 2021 and December 2021. The studies provided an assessment of the existing transportation network conditions, transit service and operations, parking supply and the potential impacts to the aforementioned should the development be constructed.

The existing condition today is two access points to the subject property with access and egress provided off of both Sheppard Avenue and Aragon Avenue. The application proposes to remove access off of Sheppard Avenue East, consolidating vehicular

access to the development from Aragon Avenue. The vehicular access from Aragon Avenue would remain in the same position as it is today.

Parking for 209 vehicles are proposed with a total of 169 spaces dedicated to the residential dwelling units, 33 spaces dedicated for visitor parking purposes and 7 parking spaces are dedicated to the commercial retail unit. The remaining 199 residential parking spaces are located within a 2-level underground parking structure. Access to the underground parking structure is proposed via a parking ramp that is located at the southwest corner of the site. To the east of the parking ramp are 54 enclosed long-term bicycle parking spaces, two loading spaces (Type G and Type B) and 10 covered outdoor vehicular parking spaces for retail and visitors. In total, 216 bicycle parking spaces are proposed with 153 long term and 46 short term for residents. A total of 17 bicycle parking spaces are proposed to serve the commercial retail units. The proposed bicycle parking supply exceeds the requirements of the Toronto Green Standard.

As part of the Traffic Impact Study, the consultant undertook a traffic operations assessment comprised of a traffic impact study, parking study, loading study and a Transportation Demand Management Plan. The report indicates that at full build out the proposal would generate approximately 71 and 146 two-way vehicle trips during the weekday morning and afternoon peak hours, respectively. According to the study, the relevant intersections in the study area are expected to operate acceptably at full build-out of the development and five years thereafter. The study anticipates that the commercial area is expected to serve primarily building residents, therefore 10% internal reduction was applied to the site trips.

An additional conclusion of the study is that transit trips from the proposed development would have a negligible effect on transit vehicle capacity. Cycling trips from the proposed development in the short term were expected to be minimal due to existing infrastructure conditions.

The Sheppard Avenue East corridor, for the portions that are covered by the City-wide 569-2013 zoning by-law, applies the parking rates for Policy Area 4. A review of the proposed parking supply determined that the 209 parking spaces for the subject site could adequately service the site and meets the City of Toronto Zoning By-law requirements for Policy Area 4.

As part of the Traffic Impact Study, the consultant suggests a number of TDM measures and associated costs for implementation in order to encourage a reduction in automobile trips and parking demands, including: Transit Maps/Schedules, Presto Pass, Bicycle Racks/Storage, Bicycle Repair Station, Pedestrian Friendly Site Design Standards and Care Share Parking Spaces.

The traffic impact study concludes that no further roadway improvements would be required to support the development and the proposed access off of Aragon Avenue is adequate for traffic operations and circulation.

Transportation Services staff concur with the consultant's findings in the Traffic Impact Study, that the surrounding area road network can reasonably accommodate the future

vehicular, transit, cycling and pedestrian trips generated from the proposed development. City Planning and Transportation Services staff have recommended that the subject property adopt the parking regulations detailed in City of Toronto Zoning by-law 569-2013 and conclude that the proposed residential parking supply and loading spaces meet the requirements of City of Toronto Zoning By-law 569-2013.

Road Widening

As per Official Plan Map 3 - Right-of-Way Widths Associated with Existing Major Streets Sheppard Avenue East has a planned right-of-way width of 36 metres. Policy 2.2.3 of the Official Plan provides for the City to secure additional land through the development review process to meet the Official Plan's ROW requirements and to support growth management.

As part of Plan 4501, a 3.05 metre road widening was expropriated along Sheppard Avenue by the City of Toronto. The development will be required to incorporate these lands to accommodate any future potential transit requirements and ROW widening.

At this time, there is no additional land required for Sheppard Avenue East as the requirement of a 36m wide right-of-way has been satisfied. Likewise, there is no additional land required for Aragon Avenue as this road is not identified in the Official Plan as a road to be widened.

Streetscape

The Official Plan requires that new development enhance the existing streetscape by massing new development to define edges of streets with good proportion. The Official Plan also requires that attention be given to the streetscape by ensuring that these areas are attractive, comfortable and functional for pedestrians through landscaping and setbacks that create attractive transitions from the public to private realms. For larger developments located on *Avenues* located adjacent to higher order transit, the Official Plan states that development should provide street related retail with a fine grain of entrances. Moreover, where existing retail buildings have been set back with parking between the building and the public street or sidewalk, new street-related retail infill development is encouraged to be constructed adjacent to the public sidewalk to promote walking and transit use.

The application proposes a 4.5 metre setback along Sheppard Avenue East at grade from the property line and a 3.0 metre setback along Aragon Avenue at grade. Through the development review process, Staff worked with the applicant to revise the front yard setback from 4.3 metres to 4.5 metres to ensure a seamless streetwall condition with the adjacent Site Plan Application at 3445 Sheppard Avenue East. This is a significant improvement over the existing condition on site, characterized by a deep front yard setback (approximately 19 metres) containing surface parking.

The proposal would eliminate vehicular access from Sheppard Avenue East consolidating vehicular access to a single access point from Aragon Avenue. The proposal also incorporates a land conveyance along the north lot line, as described above in the Road Widening section, to accommodate any future potential road

widening that may result from the various transit technologies proposed for Sheppard Avenue East. A landscaped boulevard is proposed containing coordinated improvements with the adjacent site in a widened boulevard including landscaped edges, tree planters, a pet relief area, tree plantings and the reintegration of the existing TTC bus facility and a 2.1 metre municipal sidewalk.

In keeping with the Official Plan intent for *Mixed Use Areas*, the proposed front yard setback of 4.5 metres significantly improves the streetscape condition along this portion of Sheppard Avenue East through the elimination of surface parking (Policy 3.1.2.4) and by bringing the building and ground floor commercial units closer to the public sidewalk, thereby, enhancing retail visibility and promoting street related retail (Policy 3.5.3.4). Moreover, the front yard setback is aligned with the adjacent site at 3445 Sheppard Avenue East, creating a continuous stretch of commercial retail along Sheppard Avenue East appropriately framing and supporting the public realm (Policy 3.5.3.4 d)) and providing safe and comfortable pedestrian connections between retail developments on adjacent sites (Policy 3.5.3.4 c)). Through the review process, Urban Design staff worked to ensure that ground floor retail slab steps with grade to avoid retaining walls facing the street as there is a grade change along Sheppard Avenue East.

Along Aragon Avenue, a 3.0 metre setback is proposed at grade, along with residential entrances to the residential dwelling units located at grade. This improves upon the initial proposal which provided a 1.5 metre setback and retail at grade which was deemed insufficient and inappropriate for a local street. The 3.0 metre setback ensures space for appropriate landscaping, privacy and transition and is contextually a better fit with the physical character of Aragon Avenue.

The elimination of the access ramp along Sheppard Avenue East and the consolidation of vehicle access to a singular access point on Aragon Avenue minimizes vehicular impacts on the public realm, thereby improving pedestrian safety and walkability in keeping with Official Plan intent (Policy 3.1.2.4).

Based on the aforementioned, City Planning staff are of the opinion that the proposed development would improve the existing streetscape condition and enhance the public realm along both Sheppard Avenue East and Aragon Avenue in accordance with Official Plan direction for *Mixed Use Areas*. The elimination of surface parking fronting onto Sheppard Avenue East and the addition of new retail space with appropriate frontyard setbacks creates a seamless streetwall condition with the adjacent Site Plan Application located at 3445 Sheppard Avenue East. The residential dwelling units located at grade on Aragon Avenue provide an appropriate interface the Neighbourhood to the south of the subject site. Streetscaping details will be finalized and secured through the Site Plan Control application review process.

Amenity Space

Official Plan Policy 3.1.2.11 requires that every significant multi-unit residential development provide indoor and outdoor amenity spaces for use of their residents, designed to consider the needs of residents of all ages and abilities over time and throughout the year.

The development proposes both indoor and amenity space at the following rates:

- an indoor amenity space ratio of 2.05 square metre per unit, for a total of 419.5 square metres of indoor amenity space; and
- An outdoor amenity space ratio of 2.03 square metres per unit, for a total of 416.6 square metres.

Outdoor amenity space is located on the second floor while indoor amenity space is located on the ground, second and third floors. 416 square metres of outdoor amenity and 110.3 square metres of indoor amenity are collocated on the second floor.

Staff are satisfied with the provision and location of the indoor and outdoor amenity space for the proposed development.

Servicing

A Functional Servicing and Stormwater Management Report, Geotechnical Study and Hydrogeological Assessment Report were submitted in support of the application. The objectives of these reports is to identify the municipal servicing and stormwater management requirements for this development and to demonstrate how each service would be accommodated by the existing infrastructure.

Engineering and Construction Services staff have reviewed the reports and advise that in principle the site can be serviced adequately and there are no issues preventing approval of the zoning by-law amendment application, but details as to the potential for local infrastructure improvements will need to be confirmed and secured.

This report recommends that prior to the enactment of Bills by City Council, the applicant is required to submit to the Chief Engineer & Executive Director of Engineering and Construction Services, for review and approval, a Site Servicing Review to determine the stormwater runoff, sanitary flow and water supply demand resulting from this development. The report will also be required to demonstrate how the subject site can be serviced and whether existing municipal infrastructure is adequate. Additionally, should it be determined that upgrades are required to the infrastructure to support this development, according to the accepted Site Servicing Review, it is recommended that the Owner will be required to enter into a financially secured development agreement for the construction of any improvements to the municipal infrastructure to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services. This is documented in Recommendation #3 of this report.

Economic Impact

The subject lands are currently occupied by a two-story office-commercial building with a GFA of 1,898 square metres. As these subject lands are currently occupied by a two-story office-commercial building, Economic Development & Culture recognizes this location as desirable, feasible and viable for continued employment uses.

The proposal includes 782 square metres of retail space located on the ground floor along Sheppard Avenue East and Aragon Avenue frontages, which is a reduction in commercial GFA on site. However, despite the reduction in commercial GFA, Planning staff are satisfied that the improved retail condition and streetscaping improves the quality of the retail environment along Sheppard Avenue East including the integration with the retail uses contained in the adjacent development at 3445 Sheppard Avenue East.

Open Space/Parkland

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.

The site is approximately a 550 metre walk away from Scarden Park, a 26,100 square metre park which contains a baseball diamond and playground. In addition, the development approval for the adjacent site (3445 Sheppard Avenue East) secured a 1,321 square metre public park on the western edge of the site which is to be conveyed to the City.

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 12 to 28 square metres of local parkland per person, which is less than the city-wide average provision of 28 square metres of parkland per person in 2016. The site is in the middle quintile of current provision of parkland. The site is in a parkland priority area, as per Chapter 415, Article III, of the Toronto Municipal Code.

In accordance with Chapter 415, Article III of the Toronto Municipal Code, the applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. The residential component of this proposal is subject to a cap of 10% 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 appraised through Real Estate Services. The appraisal will be conducted upon the submission of an application for the first above ground building permit and is valid for six months. 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).

An Arborist Report and Tree Preservation and Removal plan were submitted and are currently under review by Urban Forestry staff. Urban Forestry staff are of the opinion that this Landscape Plan is acceptable.

As proposed, this project would require the removal of seven by-law protected privately owned trees, located on the subject site. The seven by-law protected private trees include: six Cottonwood trees ranging from 35-78 centimetres in diameter and a Silver maple tree of 34 centimetres in diameter. The proposed building footprint and excavation will require the removal of these trees. The planting of three replacement trees for each bylaw-protected private tree removed would be a condition of Urban Forestry's permit issuance, if an application to remove the subject trees is approved.

The application is also required to comply with the tree planting elements of the Toronto Green Standard (TGS) Version 3, which based on the area of the site, requires 670 cubic metres of soil volume. The submitted landscape plans specify soil volumes totalling 681 cubic metres including a combined total of 17 proposed new trees on the private and public portions of the site. These tree planting plans will, with minor modifications and details, be satisfactory to Urban Forestry. The submission of satisfactory plans/revisions will be a condition of Urban Forestry's approval of the forthcoming Site Plan Control application.

Toronto Green Standard

Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement.

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 2040 or sooner. Performance measures for the Tier 1 development features will be secured through the Site Plan Control process.

Community Services Assessment

Community Services and Facilities (CS&F) are an essential part of vibrant, strong and complete communities. CS&F are the lands, buildings and structures for the provision of programs and services provided or subsidized by the City or other public agencies, boards and commissions, such as recreation, libraries, childcare, schools, public health, human services, cultural services and employment services.

The timely provision of community services and facilities is as important to the livability of the City's neighbourhoods as "hard" services like sewer, water, roads and transit. The City's Official Plan establishes and recognizes that the provision of and investment in community services and facilities supports healthy, safe, liveable, and accessible. Providing for a full range of community services and facilities in areas experiencing major or incremental growth, is a responsibility shared by the City, public agencies and the development community.

A Community Services and Facilities Study (CS&F) (June 2020) was submitted as part of the application. The Study provides a demographic profile for the Tam O'Shanter-Sullivan Neighbourhood, an assessment of development activity and an inventory of the existing community service facilities within the surrounding area. Based on the Community Services and Facilities Study, the following CS&F priorities may be considered in review of the subject application:

- Securing financial contributions towards recreation facility priorities for Mid- and North Scarborough as identified in PF&R's Facilities Master Plan.

Based on the above recommendations, City Planning staff and the Local Ward Councillor worked collaboratively to secure a Section 37 contribution of \$1,000,000, to be deployed in areas of need related to park improvements in the Scarborough-Agincourt Ward. The contributions will be secured in the required amending Section 37 agreement discussed further below.

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. With a proposed density of 4.83, the proposed development exceeds the density limits of the existing Zoning By-law which permits a density of 2.5. Despite this, Staff are of the opinion that the application is consistent with the objectives and policies of the Official Plan as detailed in the Comments section of this report, and thus constitutes good planning.

It is recommended that, prior to introducing the necessary Bill for enactment, City Council require the owner to enter into and register on title an Agreement pursuant to Section 37 of the *Planning Act* as follows:

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

- i. an indexed cash contribution of \$1,000,000.00 to be paid by the owner prior to the issuance of the first above-grade building permit for the new residential building, to be allocated towards improvements to parks and community facilities in Ward 22 provided that purpose is identified in the Toronto Official Plan and will benefit the community, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor;
- ii. the cash contribution set out in subsection i. above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table: 18-10-0135-01, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of payment of the cash contribution by the owner to the City.
- iii. in the event the cash contribution in Subsection i. above has not been used for the intended purpose within three (3) years of the by-law coming into full force

and effect, the cash contribution may be redirected for another purpose(s), at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purpose is identified in the Official Plan and will benefit the community in the vicinity of the site.

b. the following matter to be secured in the Section 37 Agreement as a legal convenience to support the development is as follows:

i. the Owner will construct and maintain the development of the site in accordance with Tier 1, Toronto Green Standard, and the Owner will be encouraged to achieve Tier 2, Toronto Green Standard, or higher, where appropriate, consistent with the performance standards of Toronto Green Standards applicable at the time of the site plan application for each building on the site.

Conclusion

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), and the Toronto Official Plan. Staff are of the opinion that the proposal is consistent with the PPS (2020) and does not conflict with the Growth Plan (2020). Furthermore, the proposal is in keeping with the intent of the Toronto Official Plan, particularly as it relates to *Mixed Use Areas*, Built Form, Public Realm policies, SASP 373 and the mid-rise building guidelines.

Through the Planning review process, Staff worked with the applicant to address and resolve the following:

- refining the building design to ensure appropriate transition and privacy by stepping the massing at the rear to the *Neighbourhood* designated lands to the south of the subject site;
- requiring that the front angular plane is met to ensure the building height generally has a 1:1 relationship with Sheppard Avenue East;
- limiting the building wing height to 6 storeys and reducing massing along Aragon Avenue, to ensure an appropriate building height on a local street;
- revising the front yard setback to align with the adjacent front yard setback at 3445 Sheppard Avenue East for a seamless streetwall condition and ensuring that the proposed commercial retail space, streetscape and landscape boulevard seamlessly integrate with the adjacent site at 3445 Sheppard Avenue East; and
- requiring the provision of a greater setback on Aragon Avenue to provide for appropriate spacing and privacy for the residential dwelling units located at grade.

The proposed development would contribute positively to the area through residential intensification of an under-utilized site in accordance with the vision established in the Sheppard/Warden Avenue Study. The public realm along Sheppard Avenue East would be improved through the addition of ground floor retail that are close the sidewalk. Additionally, the development approval would secure a significant community benefit contribution of \$1,000,000 for Ward 22 in exchange for the increase in density through the Section 37 agreement.

Staff are of the opinion the proposed development is an appropriate development for the site that is compatible with the surrounding context. Staff recommend that City Council approve the application, Draft Zoning By-law Amendment and associated Section 37 agreement.

CONTACT

Samuel Baron, Planner, Community Planning, Scarborough District, Tel. No. 416-392-4582, E-mail: Samuel.Baron@toronto.ca

SIGNATURE

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

ATTACHMENTS

City of Toronto Data/Drawings

- Attachment 1: Application Data Sheet
- Attachment 2: Location Map
- Attachment 3: Official Plan Land Use Map
- Attachment 4: Existing Zoning By-law Map
- Attachment 5: Draft Zoning By-law Amendment

Applicant Submitted Drawings

- Attachment 6: Site Plan
- Attachment 7: North Elevation
- Attachment 8: South Elevation
- Attachment 9: East Elevation
- Attachment 10: West Elevation
- Attachment 11: 3D Massing Model in Context

Attachment 1: Application Data Sheet

APPLICATION DATA SHEET

Municipal Address: 3459-3471 SHEPPARD AVE E Date Received: July 3, 2020
Application Number: 20 163200 ESC 22 OZ
Application Type: OPA / Rezoning, Rezoning
Project Description: Redevelopment of existing commercial lands for a 12-storey mixed use building with retail on the ground floor and 205 residential units above.
Applicant: RYAN GUETTER Agent: Architect: Owner: 2698279 ONTARIO INC.

EXISTING PLANNING CONTROLS

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

PROJECT INFORMATION

Site Area (sq m): 3,687 Frontage (m): 119 Depth (m): 55

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	965		1,980	1,980
Residential GFA (sq m):			17,037	17,037
Non-Residential GFA (sq m):	1,931		782	782
Total GFA (sq m):	1,931		17,819	17,819
Height - Storeys:	2		12	12
Height - Metres:	8		39	39

Lot Coverage Ratio (%): 53.69 Floor Space Index: 4.83

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	17,037	

Retail GFA: 782

Office GFA:

Industrial GFA:

Institutional/Other GFA:

Residential Units by Tenure	Existing	Retained	Proposed	Total
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Rental:

Freehold:

Condominium:			205	205
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Other:

Total Units:			205	205
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Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:	3		150	31	21
Total Units:	3		150	31	21

Parking and Loading

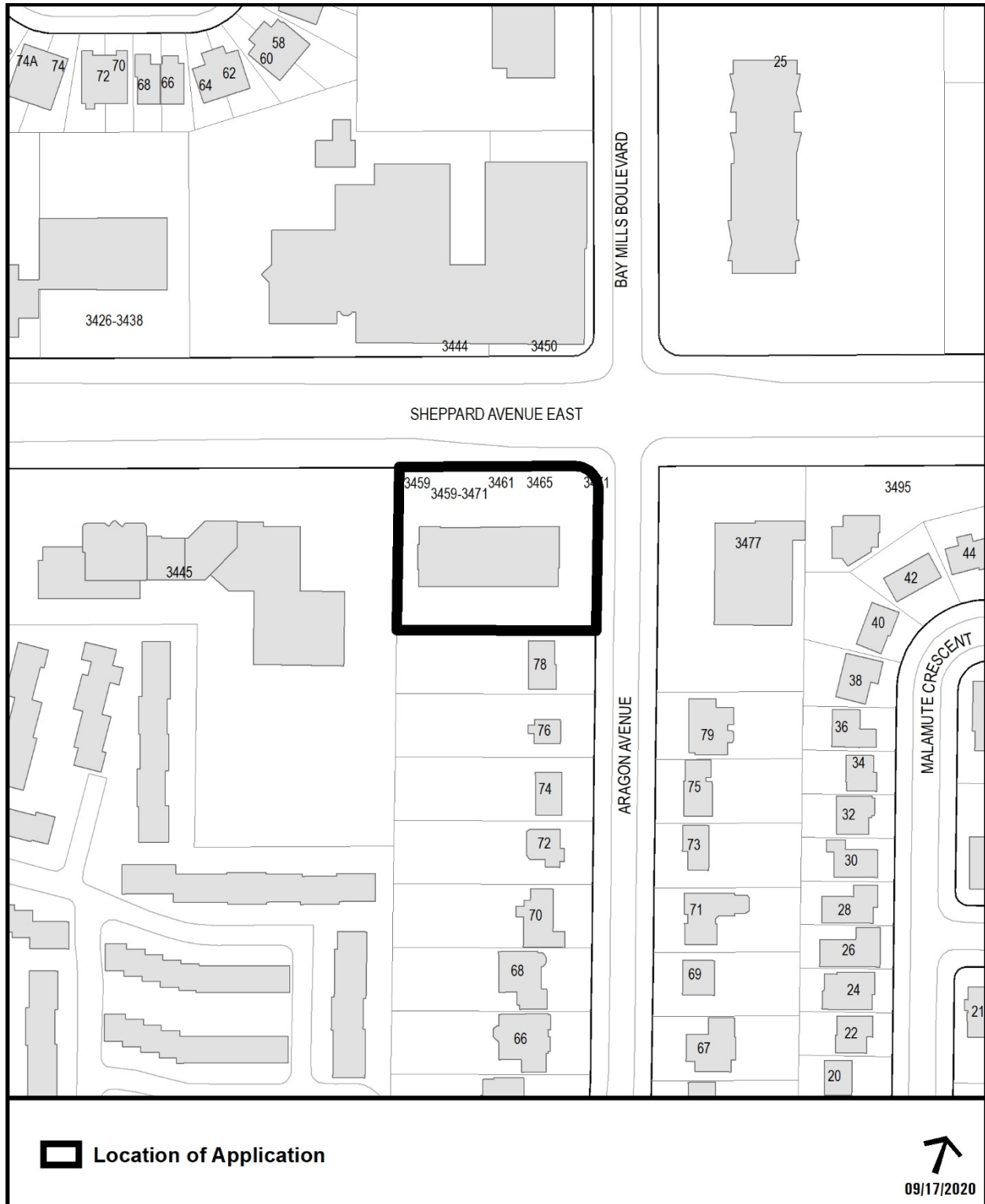
Parking Spaces:	209	Bicycle Parking Spaces:	216	Loading Docks:	2
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CONTACT:

Samuel Baron, Planner, Community Planning

Samuel.Baron@toronto.ca

Attachment 2: Location Map







Attachment 3: Official Plan Land Use Map



3459-3471 Sheppard Ave E

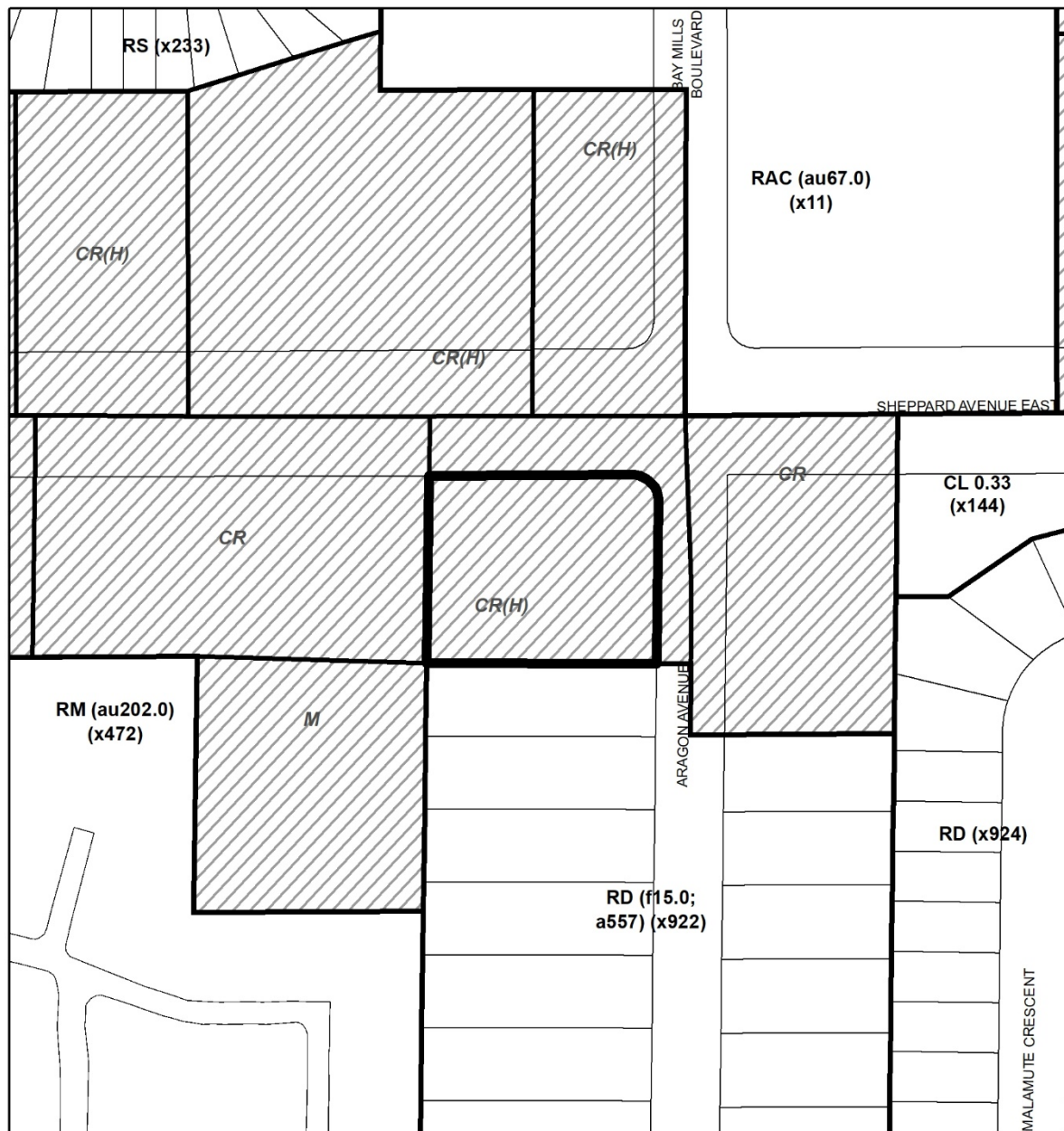
Official Plan Land Use Map #19

File # 20 163200 ESC 22 02

-  Location of Application
-  Neighbourhoods
-  Apartment Neighbourhoods
-  Mixed Use Areas


Not to Scale
09/17/2020

Attachment 4: Existing Zoning By-law Map



Zoning By-law 569-2013

3459-3471 Sheppard Avenue East

File # 20 163200 ESC 22 02



Location of Application



See Former City of Scarborough Tam O'Shanter Community By-law No. 12360

RD
RS

Residential Detached
Residential Semi-Detached

RM
RAC
CL

Residential Multiple
Residential Apartment Commercial
Commercial Local

M
CR
SC
PW
P

Multiple-Family Residential
Commercial-Residential
School
Place(s) of Worship
Park



Not to Scale
Extracted: 09/17/2020

Attachment 5: Draft Zoning By-law Amendment

Authority: Scarborough Community Council Item ##, as adopted by City of Toronto Council on ~, 20~

CITY OF TORONTO

BY-LAW No. XXXX-2022

To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2022 as 3459, 3461, 3465, 3467 and 3471 Sheppard Avenue East.

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

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

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

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

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

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

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

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law No. 569-2013, Chapter 800 Definitions.
3. Zoning By-law No. 569-2013, as amended, is further amended by adding the lands subject to this by-law to the Zoning By-law Map in Section 990.10, and applying the

following zone label to these lands: CR 2.5 (c0.5; r2.0) SS3 (x517) as shown on Diagram 2 attached to this By-law.

4. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Policy Areas Overlay Map in Section 995.10.1 and applying no label as shown on Diagram 3 attached to this By-law.
5. Zoning By-law 569 -2013, as amended, is further amended by adding the lands to the Height Overlay Map in Article 995.20.1, and applying the following height and storey label to these lands: HT 36.0, as shown on Diagram 4 attached to this By-law.
6. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Rooming House Overlay Map in Section 995.40.1, and applying no label as shown on Diagram 5 attached to this By-law.
7. Zoning By-law 569 -2013, as amended, is further amended by adding the lands to the Lot Coverage Overlay Map in Article 995.30.1 and applying no label as shown on Diagram 6 attached to this By-law.
8. Zoning By-law 569-2013, as amended, is further amended by adding to Article 900.11.10 Exception Number 517 so that it reads:

(517) Exception CR **517**

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

Site Specific Provisions:

- (A) On 3459, 3461, 3465, 3467 and 3471 Sheppard Avenue East, as shown on Diagram 1 of By-law [Clerks to insert by-law ##], if the requirements of Section 10 and Schedule A of By-law [Clerks to insert by-law ##] are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Sections (B) to (N) below:
- (B) Despite Regulations 40.5.40.10(1) and (2), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 178.5 metres and elevation of the highest point of the **building** or **structure**;
- (C) Despite Clause 40.10.30.40, the permitted maximum **lot coverage**, as a percentage of the **lot area**, is 54 percent;
- (D) Despite Regulation 40.10.40.1(1), residential use portions of the **building** are permitted to be located on the same **storey** as the non-residential use portions of the **building** provided the **dwelling units** are located to the rear of the non-residential uses on the first **storey** and have direct access to Aragon Avenue;
- (E) Despite Regulation 40.10.40.10(3), the permitted maximum height of a **building** or **structure** is the number following the HT symbol in metres as shown on

Diagram 3 of by-law [Clerks to supply by-law ##];

- (F) Despite Regulation 40.10.40.10(7), the permitted maximum number of **storeys** in a **building** is the number following the ST symbol as shown on Diagram 5 of by-law [Clerks to supply by-law ##];
- (i) for the purpose of this exception, elements for the functional operation of a **building**, such as mechanical equipment, air units, boilers generators, elevator equipment, tanks, and other architectural features including screen walls, parapets and architectural articulations does not constitute a **storey**;
- (G) Despite Regulations 40.5.40.10(3) to (8) and (E) above, the following equipment and **structures** may project beyond the permitted maximum height of a **building**:
- (i) equipment used for the functional operation of the **building** including electrical, utility, mechanical and ventilation equipment, enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, chimneys, and vents may project above the height limits to a maximum of 6 metres;
- (ii) **structures** that enclose, screen or cover the equipment, **structures** and parts of a **building** listed in (i) above, inclusive of a mechanical penthouse, may project above the height limits to a maximum of 6 metres;
- (iii) architectural features, parapets, and elements and **structures** associated with a **green roof** may project above the height limits to a maximum of 6 metres;
- (iv) **building** maintenance units and window washing equipment may project above the height limits to a maximum of 6 metres; and
- (v) trellises, pergolas, and unenclosed **structures** providing safety or wind protection to rooftop **amenity space** may project above the height limits to a maximum of 6 metres;
- (H) Despite Regulation 40.10.40.40(1), the permitted maximum **gross floor area** is 17,819 square metres, of which:
- (i) the permitted maximum **gross floor area** for residential uses is 17,037 square metres; and
- (ii) the required minimum **gross floor area** for non-residential uses is 782 square metres;
- (I) Despite Regulation 40.10.40.70, the required minimum **building setbacks** are as shown in metres on Diagram 7;
- (J) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided in accordance with the following:

- (i) a minimum of 0.78 residential occupant **parking spaces** per **dwelling unit**;
 - (ii) a minimum of 0.16 residential visitor **parking spaces** for each **dwelling unit**; and
 - (iii) a minimum of 0.96 **parking spaces** for each 100 square metres of non-residential **gross floor area**;
- (K) Despite Regulation 200.5.10.1(1), "car-share parking spaces" may replace **parking spaces** otherwise required for residential occupants, subject to the following:
 - (i) a reduction of four resident occupant **parking spaces** will be permitted for each "car-share parking space" provided and that the maximum reduction permitted be capped by the application of the following formula:
 - (a) four multiplied by (total number of **dwelling units** divided by 60), rounded down to the nearest whole number;
 - (ii) for the purpose of this exception, "car-share" means the practice whereby a number of people share the use of one or more motor **vehicles** and such "car-share" motor **vehicles** are made available to at least the occupants of the **building** for short-term rental, including hourly rental; and
 - (iii) for the purpose of this exception, "car-share parking space" means a **parking space** exclusively reserved and signed for a **vehicle** used only for "car-share" purposes;
- (L) Despite regulation 230.5.1.10(4)(A), the required minimum width of a **bicycle parking space** is:
 - (i) length of 1.8 metres;
 - (ii) width of 0.6 metres; and
 - (iii) vertical clearance of 1.9 metres;
- (M) Despite Regulation 230.5.1.10(4)(A)(ii), the required minimum width of a **stacked bicycle parking space** is:
 - (i) length of 1.8 metres;
 - (ii) width of 0.45 metres; and
 - (iii) vertical clearance of 1.25 metres;
- (N) A minimum of 15 percent of the total number of **dwelling units** on the **lot** must contain a minimum of two bedrooms and a minimum of 10 percent of the total number of **dwelling units** must contain a minimum of three bedrooms;

Prevailing By-laws and Prevailing Sections: (None Apply)

9. Despite any severance, partition or division of the lands, the provisions of this By-law shall apply as if no severance, partition or division occurred.

10. Section 37 Provisions:

- (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 2 [Clerks to provide By-law ##] in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A hereof and which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor;
- (B) Where Schedule A of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same; and
- (C) The owner shall not use, or permit the use of, a building or structure erected with an increase in density pursuant to this By-law unless all provisions of Schedule A are satisfied.

Enacted and passed on [month day, year].

[full name],
Speaker

[full name],
City Clerk

(Seal of the City)

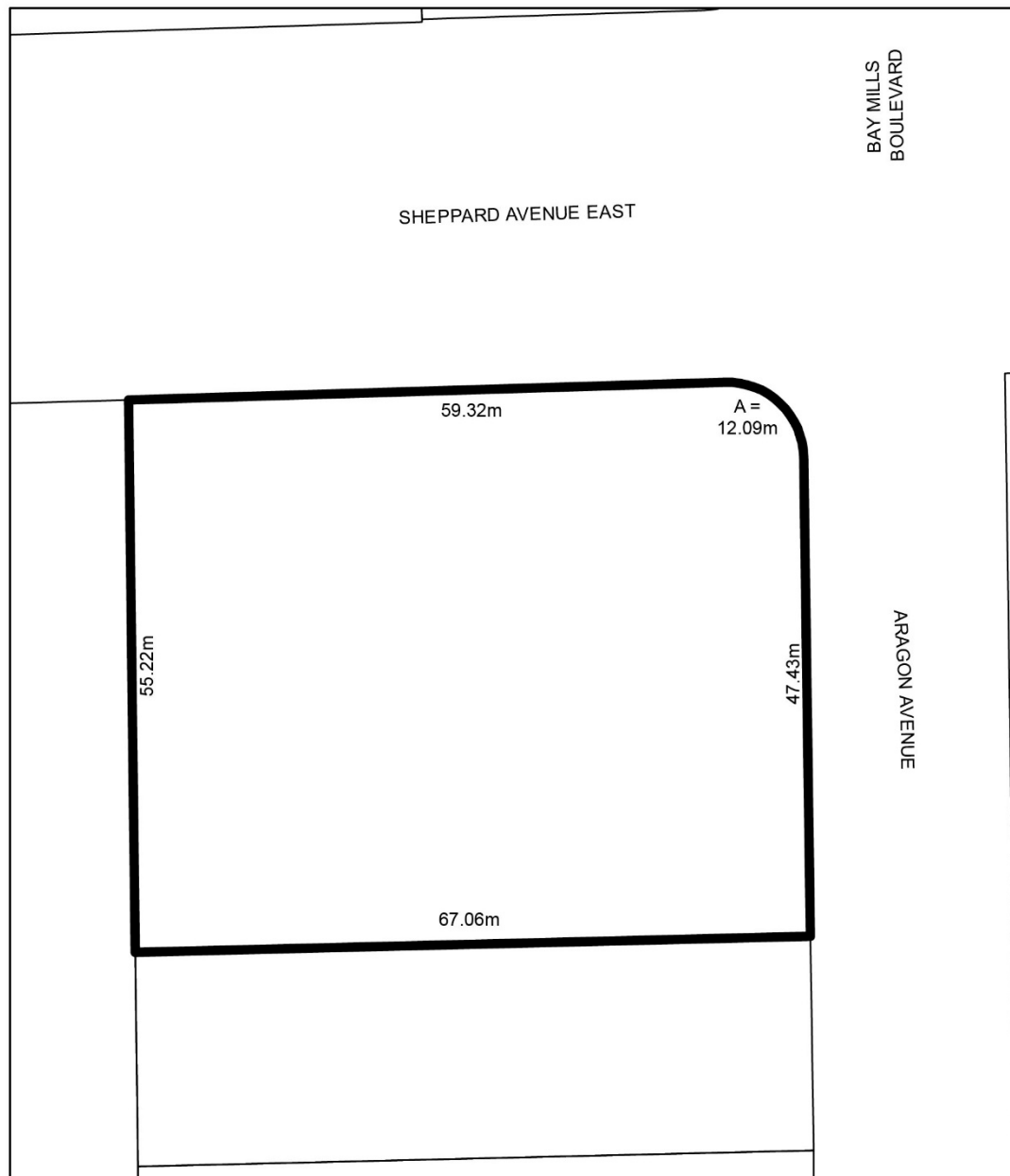
SCHEDULE A

Section 37 Provisions

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

1. An indexed cash contribution of \$1,000,000.00 to be paid by the owner prior to the issuance of the first above-grade building permit for the new residential building, to be allocated towards improvements to parks and community facilities in Ward 22 provided that purpose is identified in the Toronto Official Plan and will benefit the community, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor;
2. The cash contribution set out in Section 1 above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table: 18-10-0135-01, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of payment of the cash contribution by the owner to the City.
3. In the event the cash contribution in Section 1 above has not been used for the intended purpose within three (3) years of the by-law coming into full force and effect, the cash contribution may be redirected for another purpose(s), at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purpose is identified in the Official Plan and will benefit the community in the vicinity of the lands.
4. The Owner will construct and maintain the development of the lands in accordance with Tier 1, Toronto Green Standard, and the Owner will be encouraged to achieve Tier 2, Toronto Green Standard, or higher, where appropriate, consistent with the performance standards of Toronto Green Standards applicable at the time of the site plan application for each building on the lands.

Diagram 1 – Location Map



 **TORONTO**
Diagram 1

3459-3471 Sheppard Avenue East

File # 20 163200 ESC 22 0Z


City of Toronto By-law 569-2013
Not to Scale
03/23/2022

Diagram 2 – CR Zone and Exception Number



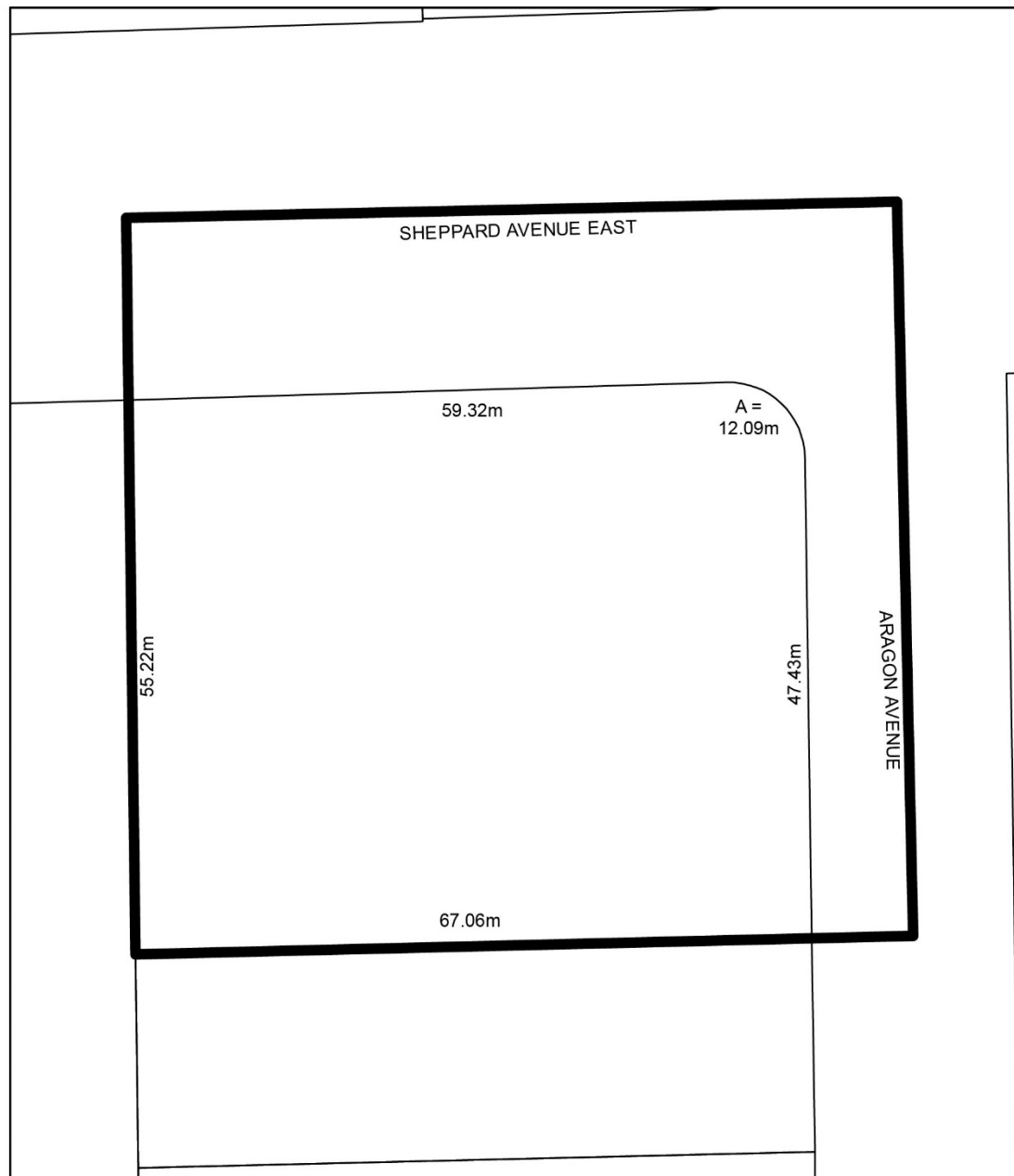
 **TORONTO**
Diagram 2

3459-3471 Sheppard Avenue East

File # 20 163200 ESC 22 02


City of Toronto By-law 569-2013
Not to Scale
04/04/2022

Diagram 3 – Policy Area Overlay



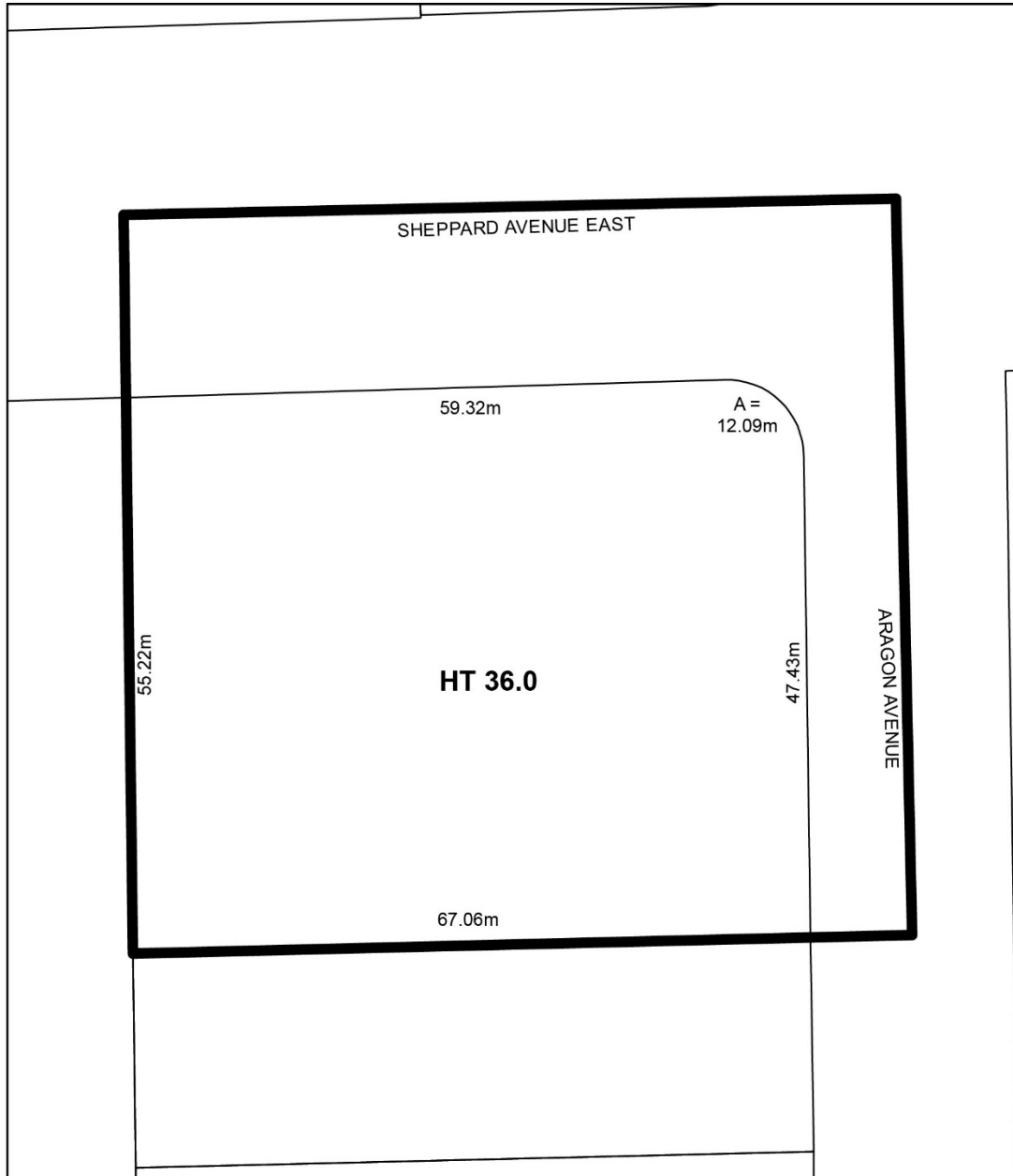
 **TORONTO**
Diagram 3

3459-3471 Sheppard Avenue East

File # 20 163200 ESC 22 0Z


City of Toronto By-law 569-2013
Not to Scale
03/30/2022

Diagram 4 – Height Overlay



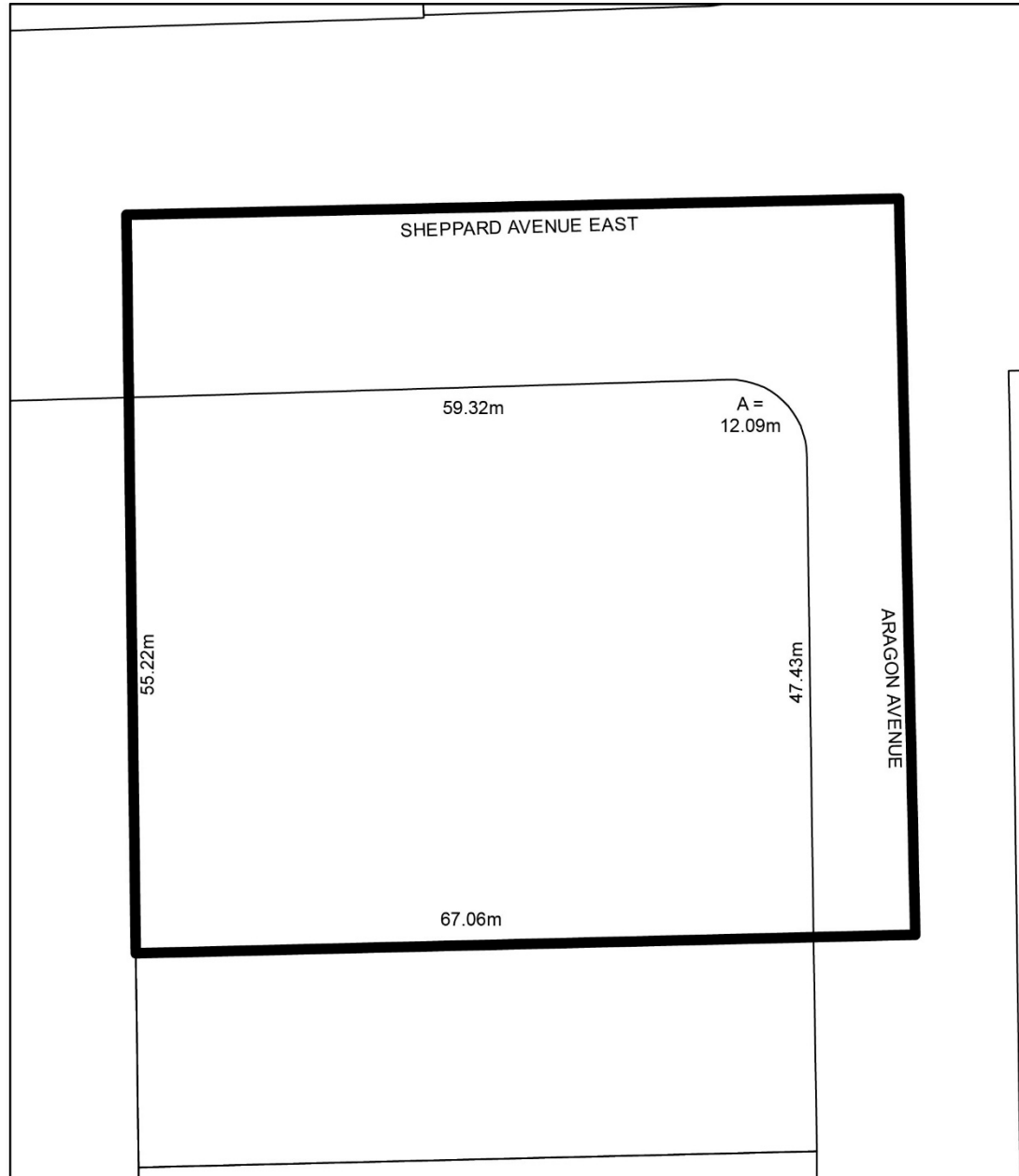
 **TORONTO**
Diagram 3

3459-3471 Sheppard Avenue East

File # 20 163200 ESC 22 0Z


City of Toronto By-law 569-2013
Not to Scale
03/23/2022

Diagram 5 – Rooming House Overlay



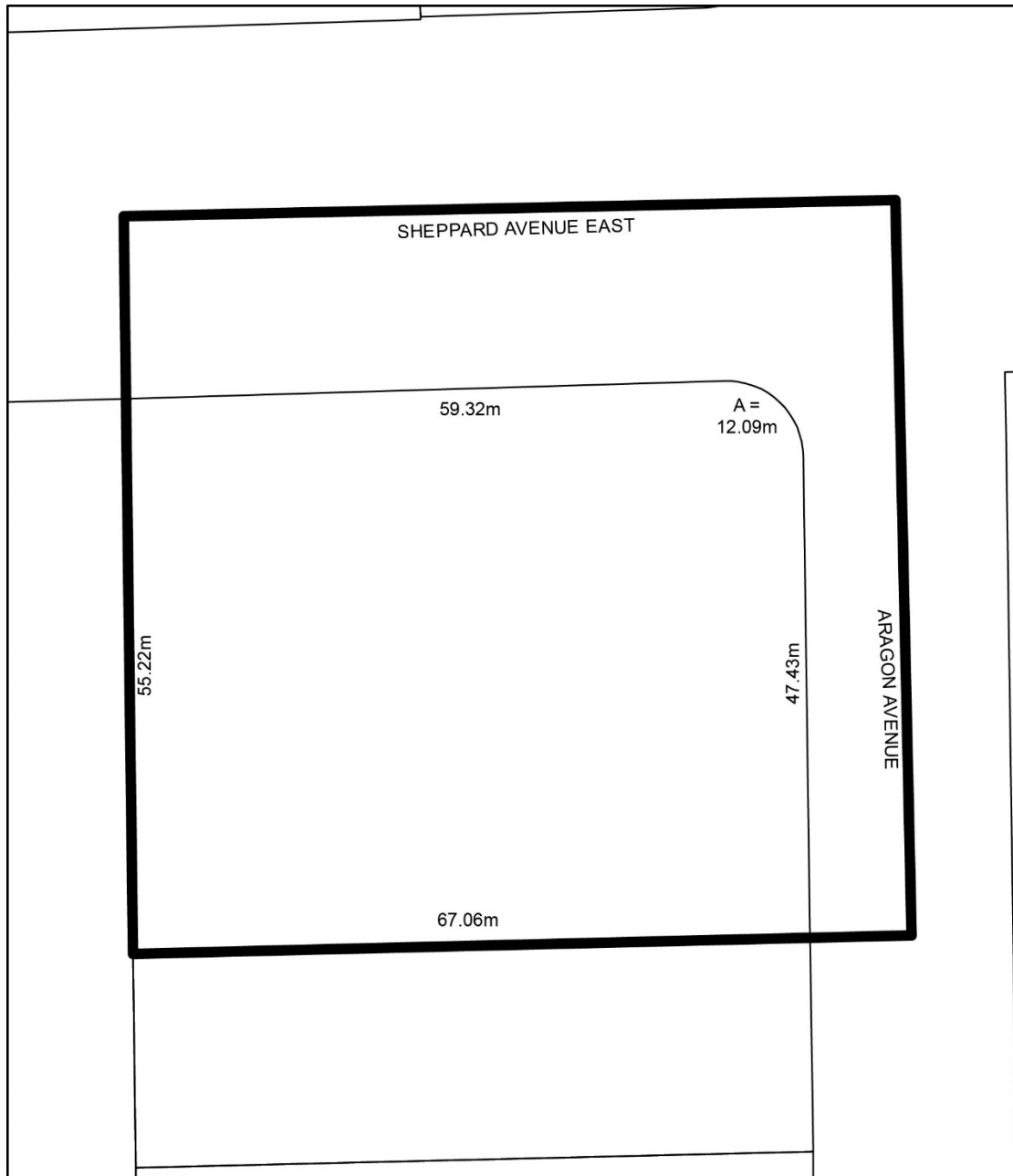
 **TORONTO**
Diagram 5

3459-3471 Sheppard Avenue East

File # 20 163200 ESC 22 0Z

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City of Toronto By-law 569-2013
Not to Scale
03/30/2022

Diagram 6 – Lot Coverage Overlay



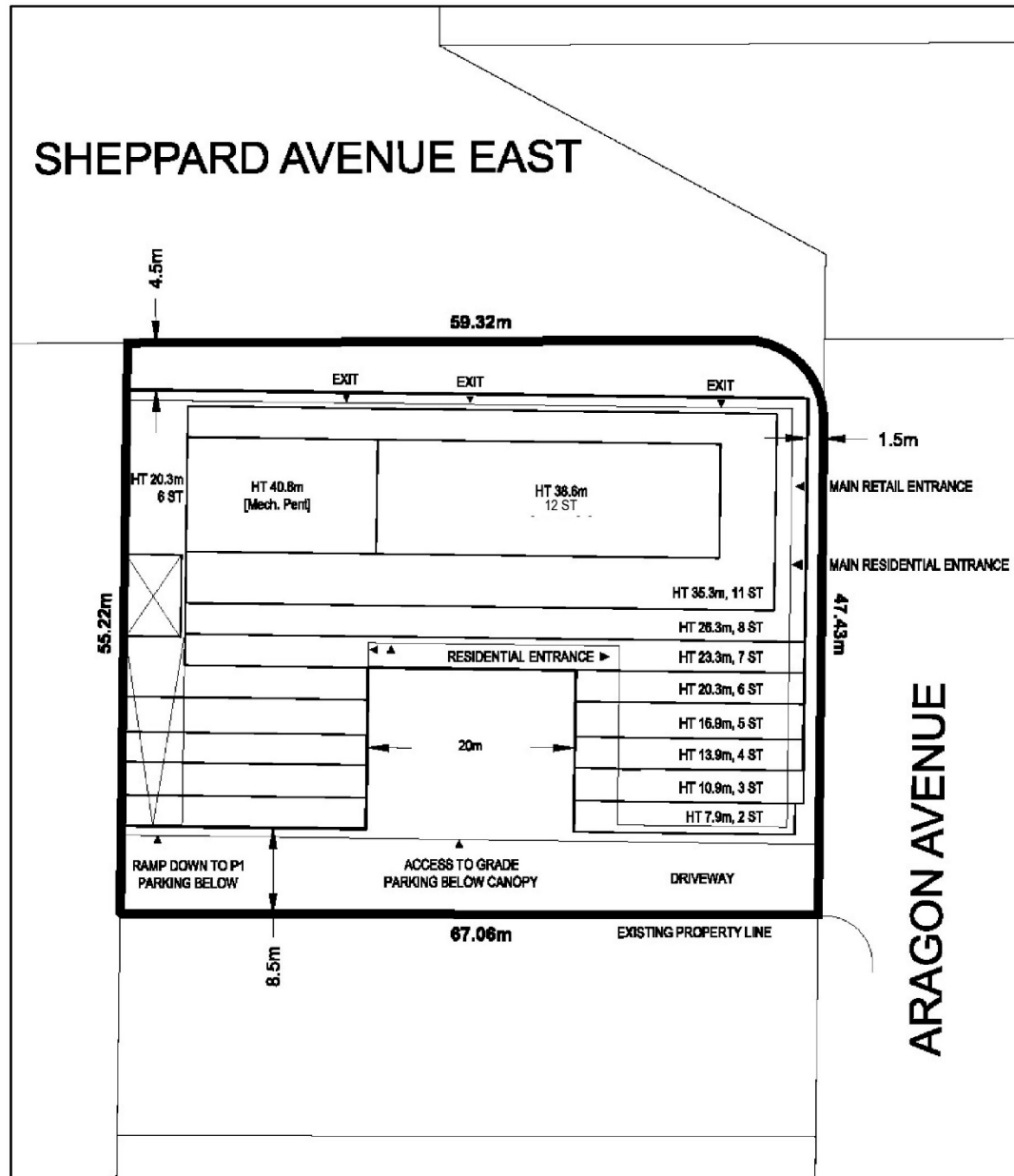
 **TORONTO**
Diagram 6

3459-3471 Sheppard Avenue East

File # 20 163200 ESC 22 02


City of Toronto By-law 569-2013
Not to Scale
03/30/2022

Diagram 7 – Setbacks and Height



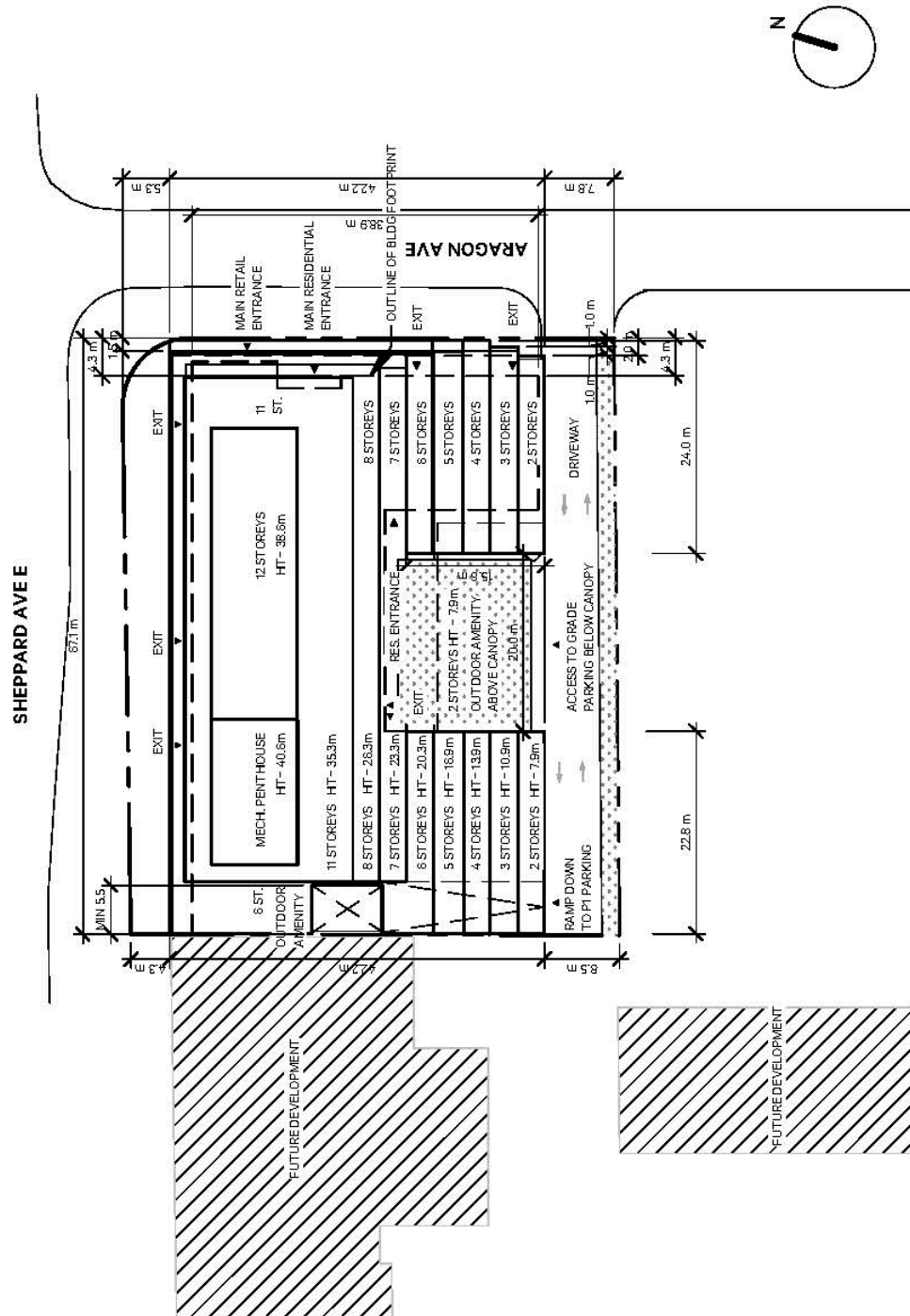
Toronto
Diagram 7

3459-3471 Sheppard Avenue East

File # 20 163200 ESC 22 02

City of Toronto By-law 569-2013
Not to Scale
03/31/2022

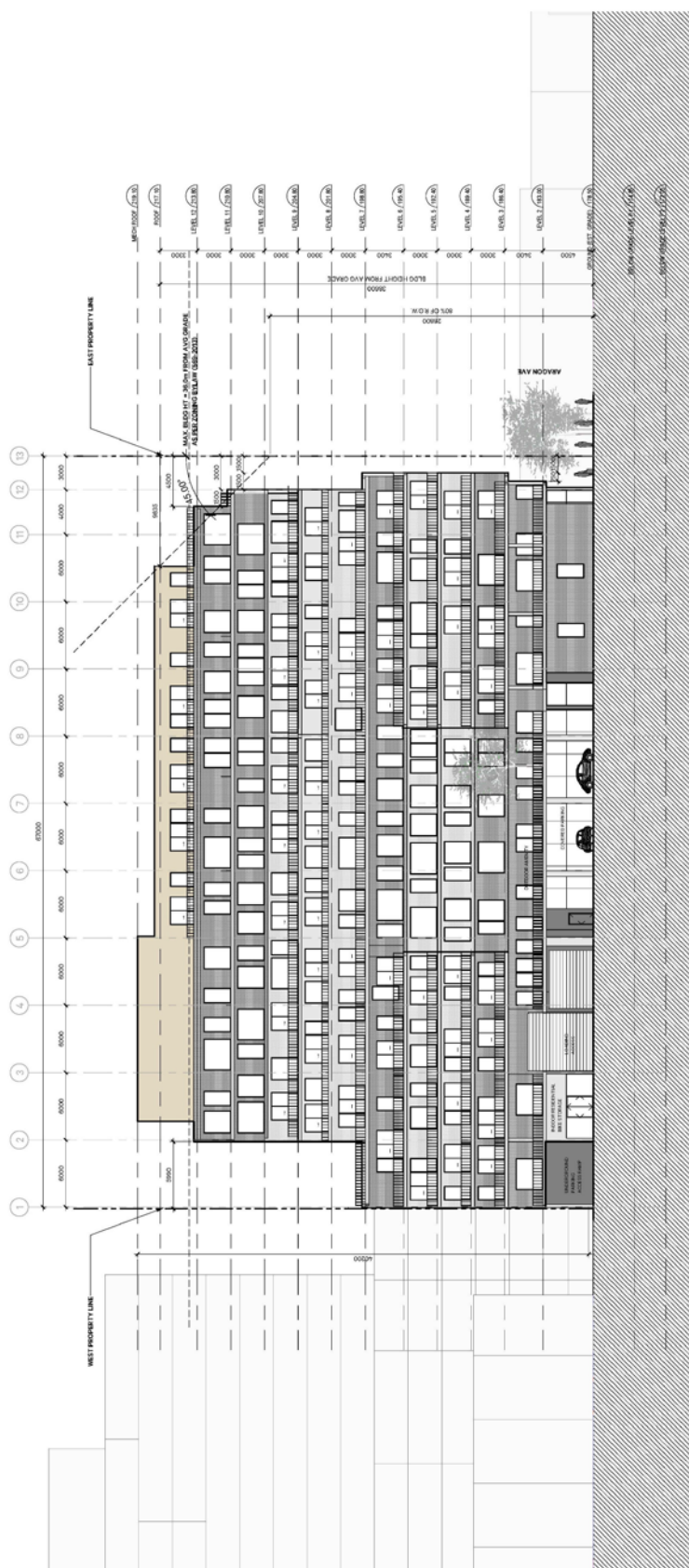
Attachment 6: Site Plan



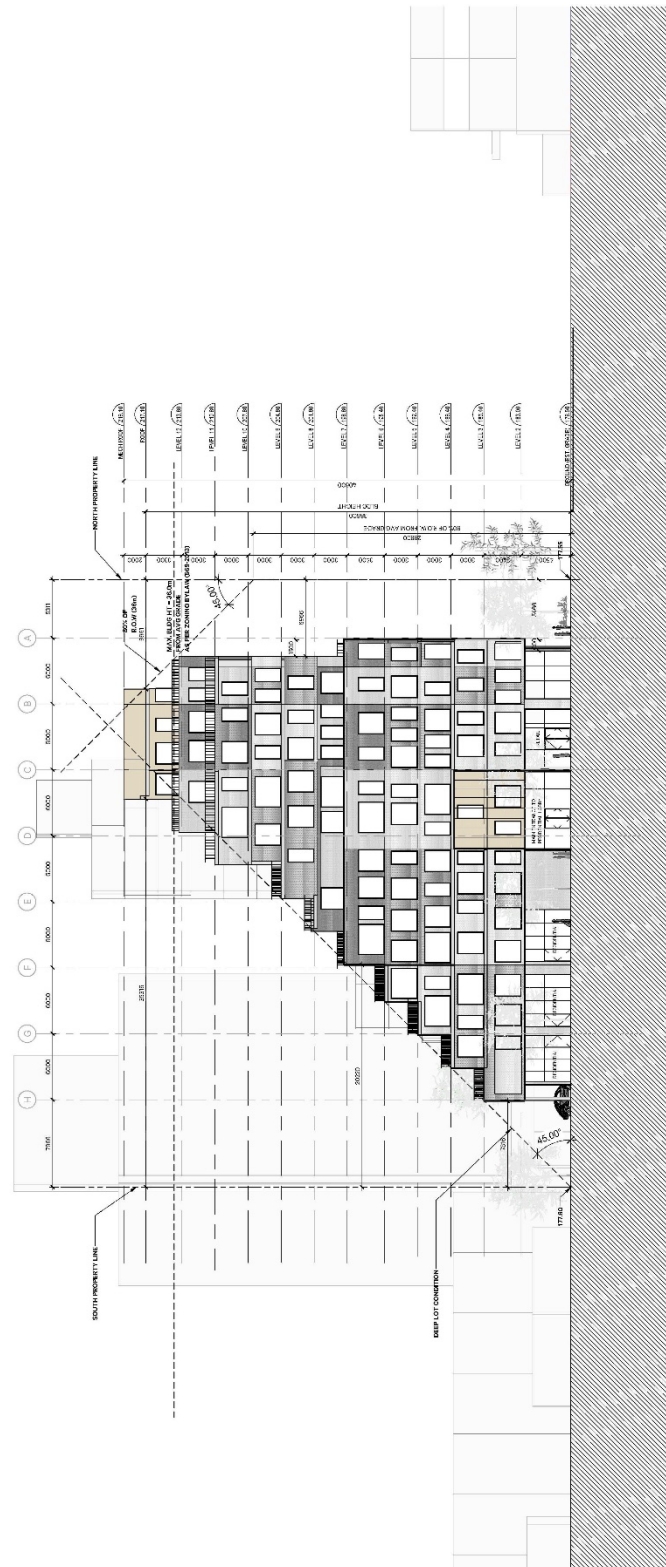
Attachment 7: North Elevation



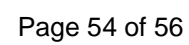
Page 52 of 56



Attachment 9: East Elevation



Final Report - 3459-3471 Sheppard Ave E



Attachment 11: 3D Massing Model in Context

