

Final Report - 4415 to 4419 and 4421 Sheppard Avenue East - Zoning By-law Amendment Application

Date: June 14, 2022

To: Scarborough Community Council

From: Director, Community Planning, Scarborough District

Wards: 23 - Scarborough North

Planning Application Number: 20 216675 ESC 23 OZ

Related Applications: 21 240284 ESC 23 SA

SUMMARY

This application proposes to amend Zoning By-law 569-2013 for lands at 4415-4419 and 4421 Sheppard Avenue East to permit the construction of an 11 storey (35.95 metres) mixed-use development. The existing buildings on site would be demolished.

The proposed mid-rise building would contain 239 residential units and a gross floor area of 17,991 square metres resulting in an overall density of 5.2 times the area of the lot. A total of 325.4 square metres of non-residential gross floor area is located on the ground level for a portion of the Sheppard Avenue East frontage and the full Brimley Road frontage. Six residential townhouse units directly accessible from grade are proposed to be located along Fulham Street along with the main residential lobby entrance at the northwest corner of the building along Sheppard Avenue East.

Access to the garage, loading, and short-term parking is provided along a private driveway taken from Fulham Street. Parking for 182 vehicles and 189 bicycles are proposed at grade and within a two and a half level underground parking structure. A 142 square metre Privately Owned Publicly Accessible Open Space (POPS) is also proposed at the northeast corner of the site at the intersection of Sheppard Avenue and Brimley Road.

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, including Official Plan Amendment 479 and 480. The proposed development advances Official Plan direction for reurbanizing *Avenues* and *Mixed Use Areas* by intensifying an underutilized site on Sheppard Avenue East with residential uses and supporting the public realm with grade related commercial uses and open space at the intersection of Sheppard Avenue East and Brimley Road.

As part of the approvals for the application, it is recommended that a cash contribution

of \$950,000 be secured to be directed towards local park improvements in Ward 23 in an agreement pursuant to Section 37 of the *Planning Act*. It is also recommended that a number of items be secured through the Section 37 as a legal convenience including a POPS and the finalized Engineering studies.

This report reviews and recommends approval of the application to amend the Zoning By-law to permit the proposed development.

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 4415 to 4419 and 4421 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. City Council authorize the City Solicitor to submit the necessary bill to implement the foregoing recommendations provided the City Solicitor is satisfied that the appropriate legal mechanisms are in place to ensure that no building permit will issue until such time as the Section 37 Agreement is executed and registered.
4. City Council require the owner to enter into 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 \$950,000.00 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 23 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 Recommendation 4.a.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 Recommendation 4.a.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 matters to be secured in the Section 37 Agreement as a legal convenience to support the development as follows:

i. the owner shall provide to the City for nominal consideration Privately-Owned Publicly Accessible Open Space (POPS) easements for the on-site POPS of approximately 142 square metres located at the northeast corner of the subject site at the intersection of Brimley Road and Sheppard Avenue East, for public access and provisions for rights of support if necessary, encumbrances and insurance, and indemnification of the City by the owner, to the satisfaction of the Director, Real Estate Services, the Chief Planner and Executive Director, City Planning, and the City Solicitor in consultation with the Ward Councillor. The owner shall own, operate, maintain, and repair the POPS and install signage in a location to be determined through the Site Plan review process, at its own POPS at any time, 365 days a year. The final design and program of the POPS will be determined through the Site Plan review process and secured in a Site Plan Agreement, to the satisfaction of the Chief Planner and Executive Director, City Planning.

ii. the owner shall submit a revised Functional Servicing and Stormwater Management Report to the Satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services to address the matters as set out in the Engineering and Construction Services memorandum dated June 8, 2022;

iii. prior to the issuance of a building permit, the owner shall 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 Functional Servicing and Stormwater Management Report referenced in Recommendation 4.b.ii. above;

iv. 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 January 25, 2019 to identify application requirements and provide feedback on the development proposal.

The current application was submitted on November 12, 2020 and deemed complete on December 9, 2020. A Preliminary Report on the application was adopted without amendment by Scarborough Community Council on April 23, 2021 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=2021.SC23.8>

PROPOSAL

This application proposes to amend the zoning by-law for the property at 4415 to 4419 and 4421 Sheppard Avenue East to permit the construction of an 11-storey (35.95 metres), mixed-use development. The proposed building comprises the entire block bounded by Sheppard Avenue East, Fulham Street and Brimley Road. Both the existing single storey commercial building and detached house on site would be demolished.

Through discussions with City staff and three submissions (November 2020, November 2021, and April 2022), the design of the proposal has been revised to:

- improve the built form and massing and properly respond to the angular plane requirements on both Sheppard Avenue East and Fulham Street;
- reduce the height and depth of the building's wings;
- provide an appropriate future condition to the adjacent medical building along Brimley Road;
- implement appropriate stepbacks and setbacks along Sheppard Avenue East; and
- enhance the ground floor streetscape conditions, including the implementation of a POPs space along Brimley Road.

These revisions were made in order to bring the proposal into greater compliance with the Official Plan, the Mid-rise Building Guidelines and urban design outcomes provided for by OPA 479 and 480.

The proposed mid-rise building would contain 239 residential units and have a gross floor area of 17,991 square metres resulting in an overall density of 5.2 times the area of the lot. A total non-residential gross floor area of 325.4 square metres is proposed on

the ground floor for commercial and retail uses. Located on the ground level, the commercial retail unit spans the majority of Sheppard Avenue and wraps around the corner of Brimley Road with an additional retail entrance from a POPS located at the intersection of the two major streets which is to be secured as a legal convenience via a Section 37 agreement.

Primary access to the commercial retail unit is taken directly from the sidewalk along Sheppard Avenue East. The main residential lobby is located at the northwest corner of the building at Fulham Street.

Vehicular access to the site and parking is proposed through a single private access point off of Fulham Street. Parking for 182 vehicles are proposed at grade and within a 2 and a half level underground parking structure. Access to the underground parking garage is via a parking ramp accessed from Fulham Street. 189 bicycle parking spaces are proposed, located on the first and second storey of the building.

A total of 483 square metres and 523 square metres of indoor and outdoor amenity space respectively are proposed meeting and exceeding the required rate of 2.0 square metres per unit. Of the total 239 units, the following mix of unit types is proposed: 1-bedroom (80%), 2-bedroom (19%) and 3 bedroom (1%).

Please see Attachments 7 - 13 for visual representations of the proposal including detailed site plan, massing and elevation drawings.

Reasons for Application

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

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=x4OpjgpAVvbFHxaDAj9LOg%3D%3D>

A Notification of Complete Application was issued on December 9, 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 May 27, 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.

Notice for the public meeting was provided in both English and Traditional Chinese to landowners and residents within the area bound by Highway 401 to the south, Huntingwood Drive to the north, Midland Avenue to the west, and McCowan Road to the east.

Issues, questions, comments and concerns raised by members of the public in attendance at the virtual Community Consultation event included:

- Questions and concerns regarding how the increased traffic and associated deliveries related to the subject application would be addressed;
- Questions and concerns related to traffic impacts on local streets like Fulham Street and the ability to make turns onto Sheppard Avenue East;
- Concern and comments regarding the perceived inadequacy of the proposed parking supply and the breakdown between visitor, residential and commercial parking spaces;
- Concern and comments regarding the overall scale of the project and the potential privacy impacts and overlook into neighbouring backyards due to the building's balconies;
- Concern regarding potential sunlight, shadowing and noise impacts; and

- Questions regarding the potential community benefits, should the project be approved.

Additional concerns and varying levels of support and opposition were provided through correspondence to the staff and the local Councillor's office. Overall, the comments and concerns articulated by the community can be organized into three general themes: concerns about privacy/scale, traffic impacts and provision of parking supply, and general impacts to soft/hard infrastructure of the local area.

In addition to the above consultation activity on May 27, 2021 and general email communications, a letter of support was mailed to the Councillor's Office directly from the Sheppard East Village Business Improvement Area (dated: April 27, 2021) and to Community Planning staff indicating that there is a need and support for greater residential intensification along Sheppard Avenue East. Likewise, the C.D. Farquharson Community Association (CDFCA) submitted a letter of endorsement (dated: May 24, 2021), indicating support for the project and its design. The Friends of Farquharson organization met with the applicant prior to the City Consultation on May 27, 2021 to discuss the proposal and subsequently provided City staff with a letter.

Regarding community benefit contributions, staff received a number of email communications and letters regarding the potential community benefits that are recommended to be secured through the planning process. Suggestions included, a new public open space, recognition of CD Farquharson (who the community is named after) in the form of a heritage plaque, a scent garden/greenspace, art installations and community meeting space for the local community. Through the planning process, staff worked closely with the applicant and local Ward Councillor to identify appropriate community benefits to be secured through a Section 37 agreement, as detailed in the Section 37 section of this report.

Additional details on the public consultation process are found at Attachment 6 - Community Consultation Summary. Where possible, City Planning staff worked closely with the applicant to address the community concerns and issues identified above through revisions to the design of the proposed development and with reference to Official Plan policies. Planning staff encouraged the applicant to revise the building design to address the community concerns by:

- reducing the building depth of the building's wings on Fulham Street to ensure an appropriate relationship with Fulham Street and to ensure appropriate privacy/transition;
- providing additional open space and built form relief at the corner of Brimley Road in the form of a POPS;
- requiring a revised Traffic Impact Study; and
- ensuring that the community benefits secured through Section 37 reflect the needs of the Ward in consultation with the local ward Councillor.

Further commentary on these matters are provided 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 Province has advised the City that the Sheppard East LRT Extension is no longer being planned for by the Province, and the City does not need to delineate or plan for these stations as MTSA's in this Municipal Comprehensive Review. The Province is beginning exploratory work on the extension of the Line 4 Sheppard Subway, including a station at Sheppard Avenue East and McCowan. The City will work to delineate the boundaries of this potential MTSA once the location of each station is established.

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*.

The City of Toronto Official Plan can be found here: <https://www.toronto.ca/city-government/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 the 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.

To ensure that the City can manage and accommodate the growth objectives detailed in Chapter 2, 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 of the Plan. Accordingly, adequate facilities to support new development must be developed and infrastructure must be maintained 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*. New development adjacent to *Neighbourhoods* is required to gradually transition in scale and density through step-downs and setbacks, maintaining adequate light and privacy of the *Neighbourhoods*. Overall, new 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 3.1.1. POPS spaces should generally be publicly accessible; be designed and programed for users of a variety of ages and abilities; be sited in highly visible locations; and seamlessly integrate and connect to the public realm.

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. Of particular note in the review of this proposal are the built form policies contained in OPA 479 and how they relate to corner sites.

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:

- having 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.

Avenue Study

Although located on an identified *Avenue*, an Avenue Study as provided for by the Official Plan has yet to be completed. When an Avenue Study has yet to be completed, development in *Mixed Use Areas* has the potential to set the tone of reurbanization in terms of form and scale for the *Avenue*. The City of Toronto's Official Plan states that development in *Mixed Use Areas* on an *Avenue* may proceed prior to the completion of an Avenue Study if an *Avenue* segment review is submitted which addresses the larger context and examines the implications for the segment of the *Avenue* in which the proposed development is located (Policy 2.2.3.(3) (a)). The development may only proceed if the segment review demonstrates to Council's satisfaction that the subsequent development of the entire *Avenue* segment will have no adverse impacts on the corridor as defined within the context and parameters of the review.

As part of the application requirements for the proposal, the applicant has submitted an *Avenue* segment review in support of the application. Further details are provided in the comments section of this report.

Zoning

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

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

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

The site is zoned Commercial Residential (CR) under the City of Toronto's by-law 569-2013 permitting a broad array of commercial and residential uses subject to the permitted density contained within Development Standard Set 3 and Exception 1156. For the subject site, the zoning permits a maximum floor space index of 0.4, exclusively for commercial uses and a maximum coverage of 33%. The maximum height permitted is 11 metres. The site specific provisions in Exception 1156 carries forward the zoning permissions contained within the former Agincourt Community By-law 10076.

Under the former Agincourt Community By-law 10076 the site is zoned Community Commercial, CC-25-71-87 (x37). The Community Commercial Zone permits banks, professional offices, personal service shops, restaurants, retail stores and taverns among other commercial uses. The applicable exception number prohibits automobile sales and services and places of entertainment. Along Sheppard Avenue East, the minimum building setback, as per Performance Standard Number 25, requires a minimum building setback of 21.0 metres from the centre line of the street or 3.0 metres from a lot line. A maximum lot coverage of 40% is permitted (Performance Standard Number 71) and a setback of 7.5 metres from the abutting sites to the south is required (Performance Standard Number 87).

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

Design Guidelines

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 available 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:

Site Plan Control

The application is subject to Site Plan Control. A Site Plan Control application has been submitted (File No.: 21 240284 ESC 23 SA) and is being reviewed concurrently with the subject application.

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 well 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.

Through the staff review process, staff determined that the proposal is consistent with direction provided by Policy 1.1.3.2 of the PPS (2020), as it is proposed in a compact built form along Sheppard Avenue East, a major street, in close proximity to frequent existing transit 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. The subject site is also located approximately 1.5 km west of the Agincourt GO station. Overall, the subject proposal provides a transit supportive form with an appropriate amount of bicycle parking and grade related non-residential uses that support active transportation.

When considering whether infrastructure is available to service the development, 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 and that the proposal is consistent with this direction.

By providing a range and mix of unit types, including larger sized units, the proposal is consistent with Policy 1.4.3 of the PPS (2020) that provides for 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 while improving the public realm on Sheppard Avenue.

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 the current and future use of transit and active transportation. The proposal is consistent with these policies as it fronts onto Sheppard Avenue East which is an identified Higher Order Transit Corridor in 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 the 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 and *Avenue* that is intended for reurbanization. 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 draft zoning by-law amendment 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. Moreover, through the Planning review process staff determined that the proposal 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.

The proposed residential density increase intensifies an underutilized site that is served by existing surface transit with planned higher order transit for the Sheppard Avenue East corridor. This conforms with Growth Plan (2020) direction on achieving complete communities through a range and mix of densities deployed in a high quality, compact

built form and a vibrant public realm. As directed by Policy 2.2.1.4, the proposal will support the provision of a complete community as the project includes both residential and commercial retail uses, all within a compact urban form. Overall, the proposal represents an efficient use of land, and supports a pedestrian-friendly environment. It improves the streetscape along this major street 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 the addition of a 142 square metre POPS at the corner of Sheppard Avenue and Brimley Road.

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 which includes 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 proposal 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, POPS 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 Official Plan Amendments 479 and 480 described in the Policy Consideration Section of this Report as well as the policies of the Toronto Official Plan as a whole.

Avenue Study

As provided for by the Official Plan's Avenues policies (Section 2.2.3), the applicant submitted an *Avenue* segment review for Sheppard Avenue East between Brownspring Road and the CP Railway Corridor. These boundaries were scoped in consultation with City Planning staff. Through the *Avenue* segment review, soft sites for redevelopment were identified and the potential associated impacts with the soft sites were assessed, including, impacts to *Neighbourhood* designated lands, traffic impacts, servicing impacts and community service facility impacts. The precedent in terms of scale and form were also investigated by the *Avenue* segment review and evaluated by City Planning staff.

In total, within the study area, 11 soft sites were identified and conceptual massing was prepared for the soft sites. Conceptual massing was informed by an Urban Design

framework in order to define the appropriate massing and height of the buildings. The submitted *Avenue* Study concluded that mid-rise, mixed use buildings would be the primary form of development ranging in heights up to a maximum of 11 storeys. The *Avenue* Study generally concludes that, as an *Avenue* segment with two potential MTSAs, the level of intensification is appropriate and supportable.

As part of the review process, Planning staff requested refinements to the submitted *Avenue* segment review to reflect OPAs 479 and 480 which gives direction on mid-rise building development, including language on corner sites, height in relation to the right of way width and front angular planes. Further refinements were requested for Soft Site 4 and Soft Site 5, where Planning staff indicated tall building massing was not appropriate for these sites. Further refinements were requested as the Study did not indicate the necessary transportation infrastructure needed to support the potential growth of approximately 2,800 units and how the proposed site may be impacted by this growth. As such, the *Avenue* segment review was amended to demonstrate how the indicated growth would impact the transportation network and the necessary mitigation measures and local transportation improvements necessary to support the subject proposal.

Through three rounds of rezoning submission review and comment, Planning staff are satisfied that the *Avenue* segment review adequately meets the policy requirements contained within the Official Plan as detailed above including the revised public realm and built form policies of OPA 479 and 480. With reference to the above *Avenue* policy requirements, staff conclude that the subject proposal reurbanizes a key *Avenue* corridor in Scarborough consistent with the outcomes of the segment review and adequately implements the applicable policies of the *Mixed Use Areas* designation. 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. Staff are of the opinion that the proposed built form can advance prior to the completion of a broader *Avenue* study. It is appropriate in terms of scale and intensity and will set an appropriate development precedent for the future reurbanization of this segment of Sheppard Avenue East.

Land Use

The existing condition today is not in keeping with the Official Plan's vision for the subject site as the in-force zoning does not permit residential uses. 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).

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 for this portion of Sheppard Avenue East through the elimination of surface parking fronting on Sheppard Avenue East. The streetscape and public realm will be significantly improved through the addition of new retail space with appropriate frontyard setbacks and the addition of a POPS at the northeast corner of the site. Should the subject proposal be approved, the development would successfully complete the reurbanization of this portion of Sheppard Avenue East from Brimley Road to Fulham Street in accordance with Official Plan direction for *Mixed Use Areas*.

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. The proposal submitted in November 2020 was not originally supportable by staff from a density, height and massing perspective, however, through three rounds of revisions in response to staff commentary and review (November 2020, November 2021 and May 2022), the proposal has been amended and revised to better comply with Official Plan Amendment 479/480 and the Mid-rise Building Design Guidelines.

As part of the zoning by-law amendment process, staff worked closely with the applicant to refine and address the following built form and public realm issues, including:

- securing appropriate transitions in built form to the *Neighbourhood* designated lands to the south of the subject site;
- ensuring compliance with the front angular plane requirements in accordance with the Mid-rise Building Design Guidelines;
- increasing setbacks to a minimum of 3.0 metres along Sheppard Avenue East to ensure the future right-of-way and streetscape can accommodate future higher order transit infrastructure;
- reducing the depth of the building wings and height, and increasing setbacks along Fulham Street in order to ensure an appropriate relation of the building to the scale of the street;
- ensuring the future development potential of the existing Medical Building located along Brimley Road is not sterilized due to subject proposal; and
- providing built form relief and open space along Brimley Road through the provision of a 142 square metre POPS.

Staff are of the opinion that the proposed development's height, massing and density is appropriate for the site and is compatible with the surrounding existing and planned context for the reasons set out below.

The proposed building comprises the majority of the block bounded by Sheppard Avenue East, Fulham Street and Brimley Road. The 'L' shaped site consists of two parcels but does not consolidate lands containing a two storey commercial office building to the south at 2020 Brimley Road. Please see Attachment 2 of this report for a map of the subject site's location and context.

The proposed application for an 11-storey (35.95 metres), mixed-use development is comprised of a total GFA of 17,991 square metres resulting in an overall density of 5.2 FSI. The building has been designed and articulated to properly fit its existing and planned context as follows:

- Along the north elevation, the first two floors of the building are slightly recessed and setback 3 metres from the Sheppard Avenue East property line created after a 2.76 metre strip of land is dedicated to the City for road widening. The 3rd through 6th storey projects forward 1.5 metres over the first two floors along the north and east elevations before stepping back 1.5 metres at the 7th and 10th floors to comply with the front angular plane requirements.
- The massing of the building terraces down toward the south property line beginning at the 10th level, with additional steps deployed at levels 7, 5 and 3 to provide proper transition in form to the lands designated *Neighbourhoods* to the south along Fulham Street.
- Along the Fulham Street frontage, a 3 metre setback from the ground floor to level 6 is applied, with a 1.5 metre stepback from levels 7 through 9. Levels 10 and 11 are stepped back an additional 1.5 metres along the western elevation. At the northeast corner of the site, a 9.0 metre setback from Brimley Road is proposed in order to create a POPs with a total area of approximately 142 square metres.
- Adjacent to the Medical Building, along the eastern elevation, the ground floor is built to the property line with a 5.5 metre setback applied for levels 2 through 5, with an additional 1.5 metre stepback from levels 6 through 10. The deployment of the subject proposal would appropriately accommodate future development opportunities for the adjacent property at 2020 Brimley Road.

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, 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 11 storeys or 35.95 metres in height (excluding the mechanical penthouse), the proposed development is generally compliant with the width of the planned right-of-way along Sheppard Avenue.

While the 1:1 relationship is compliant with the Mid-rise Building Guidelines definition, staff also analysed the proposal based on Mid-rise Performance Standard 1. This performance standard requires that maximum building heights comply with a front angular plane requirement of 45 degrees measured from 80% of the right-of-way along Sheppard Avenue East as well as sun/shadow testing to ensure a minimum of 5-hours of sunlight onto the *Avenue* sidewalks is provided from March 21st- September 21st. Staff worked with the applicant to ensure appropriate stepbacks along Sheppard Avenue East to ensure that the proposal falls below the 45 degree angular planes measured from 80% of the right-of-way along Sheppard Avenue. The most recent

submission is compliant with the 45 degree front angular plane as per the Mid-Rise Building Design Guidelines. Further detail on the sun/shadow impacts is detailed in the section below.

In addition to the angular plane requirements for regulating the building height and massing, the subject sites location at an urban intersection where higher order transit is expected to be deployed along Sheppard Avenue requires the provision of appropriate space to accommodate the required public realm improvements along the transit corridor. Through review of the application, the front yard setback was increased from 2.1 metres to 3.0 metres setback at grade on Sheppard Avenue East and the removal of a portion of the cantilever from the north elevation of the building. The building is now setback a full 3.0 metres for levels 1 and 2 and 1.5 metres from levels 3-6 along Sheppard Avenue East. Combined with the 2.76 metre road widening, the proposed massing and setbacks will ensure appropriate space within the front yard of the building to accommodate future higher order transit infrastructure.

Official Plan Amendment 480 introduced new policy direction for mid-rise buildings on corner sites with different right-of-way widths stating that these buildings will have building heights along each street edge that will appropriately relate to their corresponding right-of-way width. A 45 degree angular plane is also required to regulate the appropriate building height as provided for by OPA 480.

As a corner site that spans an entire block, the proposal has frontages on three public streets (Sheppard Avenue, Brimley Road and Fulham Street), OPA 480 was highly determinative in staff's review of the subject application and staff ensured compliance with the angular plane and height requirements for mid-rise buildings provided for by these policies. Working with staff, the applicant revised the proposal, reducing the overall height and building depth on Fulham Street to comply with OPA 480's limits for heights for a mid-rise building along local streets. Fulham Street has a right of way of 20 metres and as such, the policies limit built form to 20 metres or approximately 6 storeys to ensure an appropriate relation to the scale of the street and lands designated *Neighbourhoods* to the south of the subject property. The deeper sites on either side of Fulham Street that are designated *Mixed Use Areas* allow for the deployment of density to respond to this context. The building provides a generous setback of 12.5 metres at 6 storeys occurring beyond the 30 metre depth usually preferred for corner sites. However, the combination of step backs, setbacks and the significant step down in height (rather than storey by storey terracing) allow staff to support this condition on a corner site pursuant to Official Plan policy direction.

As part of the soft site analysis within the applicant submitted *Avenue* segment review, the neighbouring medical office building (located at 2020 Brimley Road) was identified as a mid-rise building development. Planning staff initially recommended consolidation with this adjacent site to appropriately develop the block, however, it was not deemed feasible by the landowner. As part of the development review process, Planning staff required the applicant team explore multiple soft site scenarios to determine an appropriate relationship with any future redevelopment of the site at 2020 Brimley Road. To safeguard the potential redevelopment of the adjacent site, the eastern elevations of the proposal were modified to accommodate a future townhouse block condition through a 5.5 metre setback from the property line above level 2. Additional open space

was achieved along the Medical Office Building's northern property line through the inclusion of a staff recommended POPs.

Lastly, the terracing of the building mass from the rear of the site 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*. The rear of the building deploys stepbacks towards the rear property line at levels 7, 5 and 3 as defined by the rear angular plane requirements. At the ground level, the first two storeys of the building are setback from the rear property line by 9.0 metres providing more than adequate separation to the properties to the south of the site. With the deployment of the 45 degree angular plane, building terracing and rear setback, Planning staff are of the opinion that the Official Plan Policies and Mid-rise Guidelines are met with respect to appropriate transition and privacy.

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 and overall microclimatic conditions.

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 would be primarily contained within the Sheppard Avenue East right of way, with some minor shadowing impacts on the commercial properties immediately to the north and east of the subject site during December. No shadow impacts were observed during any of the four test times on lands designated *Neighbourhoods*.

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 examined 36 test locations for pedestrian wind velocities and the study found that there is an expected increase in wind speeds acceptable to a typical suburban context should the building be constructed. The study suggests wind mitigation strategies for the retail entrance at the northeast corner, as well the rooftop amenity area in order to support overall use and comfort.

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. Staff will continue to investigate and improve upon sun, shadow and wind conditions through the Site Plan Application review process.

Traffic Impact, Access, Parking

The site is bounded by three public roads with Sheppard Avenue East located to the north, Brimley Road located to the east and Fulham Street located to the west. Brimley Road and Sheppard Avenue East are both defined as Major Streets in the City of Toronto's Official Plan.

The existing condition today is two main access points to the subject property with access and egress provided off of both Fulham Street and Brimley Road. A small curb cut currently exists off of Sheppard Avenue East towards the eastern portion of the site, which provides access to the detached house on the site. The application proposes to remove access off of Brimley Road and Sheppard Avenue East, consolidating vehicular access to the development strictly from Fulham Street. The vehicular access from Fulham Street would be shifted mid-block from its current position today.

In support of the proposed zoning by-law amendment, a Traffic Impact Study was submitted and reviewed by staff. Responding to staff advice and to reflect revisions to the building design, the Traffic Impact Study was updated in November 2021 and May 2022. 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.

As part of the Traffic Impact Study evaluation, the consultant undertook both a current and future traffic operations assessment comprised of a traffic impact study, parking study and loading study. A Transportation Demand Management Plan was also recommended in an effort to reduce auto dependency and to minimize vehicular impacts.

According to the study, the boundary road network is currently operating acceptably and at full build out the proposal would generate approximately 189 and 183 two-way vehicle trips during the weekday morning and afternoon peak hours, respectively. The study concludes that the Sheppard and Brimley intersection will operate at capacity during the weekday peak periods and the intersection at Sheppard and Fulham will operate at a Level of Service "C", with acceptable control delays. The study notes that the traffic conditions are anticipated to improve with the implementation of forthcoming transit plans. Overall, as per the Traffic Update Letter (dated: April 22, 2022), the Traffic Engineering consultant concludes that trips generated by the subject development are not anticipated to materially impact the boundary road network or transportation system. Transportation Services staff have reviewed and accepted these conclusions of the Traffic Impact Study. The applicant will be required to submit, technical revisions that demonstrates a revised Fulham Street Conceptual Design, Signage and Pavement Markings Plan to be reviewed and secured through the Site Plan approval process.

For this portion of Sheppard Avenue East, the City-wide Zoning By-law 569-2013 applies the parking rates for Policy Area 4. Based on the site statistics, drawings and traffic update letter (dated April 22, 2022), a total of 182 parking spaces is proposed to service the development. 146 of the total parking spaces are provided for residential use. Out of 146 parking spaces, four car-share and eight barrier-free parking spaces are proposed. In total, 36 of 182 parking spaces are proposed for the visitor parking spaces. These visitor's parking spaces are proposed to be shared between residential and retail visitors. Eight accessible parking spaces that comply with required dimensions are distributed at each level and are proposed to install close to the elevators and access entrance doors. In total, 36 (20%) EVSE parking spaces with future electric vehicle charging installation are proposed and illustrated in the underground parking garage. The proposed number complies with the current Toronto Green Standard, Version 3.

Based on the application of zoning by-law No 569-2013, a minimum of 233 parking spaces are required in the proposed development. While By-law 89-2022 is approved by City Council and enacted, a portion of it is currently under appeal and it is not yet in force. For the purposes of reviewing development applications, staff have deemed it appropriate to apply the parking standards set out in By-law 89-2022 for evaluating the appropriate supply of parking on site due to Council approved policy direction to apply parking maximums on site (rather than the required minimums under 569-2013). By-law 89-2022 stipulates up to a maximum of 236 parking spaces can be provided in the proposed development, however, there should not be less than 13 parking spaces based on the same by-law. Based on the application of by-law 89-2022, the proposed parking supply of 182 spaces are less than the maximum and more than the minimum required. A review of proxy sites and transportation demand work was also undertaken as part of the Traffic Impact Study in support of the proposed parking supply and Transportation Services staff have found that analysis to be satisfactory. Based on the foregoing analysis, Transportation Services staff have deemed the proposed parking supply of 182 parking spaces as acceptable. The proposed draft zoning by-law amendment reflects the parking supply and rate calculations as proposed.

In terms of active transportation, cycling trips from the proposed development in the short term are expected to be minimal due to existing cycling infrastructure conditions. A total of 185, 164 long-term and 21 short-term, bicycle parking spaces are provided in the proposed development. The proposed bicycle parking supply meets and exceeds the requirements of the Toronto Green Standards Version 3 and 4.

An additional conclusion of the Traffic Impact Study is that the proposal is located in an area with excellent surface transit service and that transit is intended to be extended in the area, which will provide additional non-automobile travel opportunities. Transit service is anticipated to improve as higher order transit projects in the local area come into service.

As part of the Traffic Impact Study, the consultant suggests a number of Travel Demand Management measures and associated costs for implementation in order to encourage a reduction in automobile trips and parking demands, including: safe and secure bicycle parking, provision of information packages including transit and active transportation maps, carshare locations and public parking lots and parking management/unbundled

parking. These measures are intended to reduce the building's dependency on automobiles and to support the use of non-driving modes of transportation.

As part of Transportation Services review, staff have indicated that the owner is responsible for securing the payment for proposed mitigation measures and the roadway improvements at the intersection of Sheppard Avenue East and Fulham Street and along the frontage of Fulham Street as part of the future Notice of Approval conditions. These conditions are subject to change as the proposal advances through the Site Plan review process.

Transportation Services and City Planning 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 are generally supportive of the subject property adopting the parking rates detailed in the recently approved By-law 89-2022 in accordance with approved Council direction.

Road Widening

Official Plan Map 3 - Right-of-Way Widths Associated with Existing Major Streets indicates Sheppard Avenue East has a planned right-of-way width of 36 metres and this portion of Brimley Road has a planned right-of-way width of 30 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.

To accommodate the planned right-of-way width along Sheppard Avenue East, a road widening of approximately 2.76 metres is provided for in the development concept along the frontage of Sheppard Avenue, which will be conveyed in whole to the City.

For the purposes of the Official Plan, the 30m ROW requirement for Brimley Road has been satisfied, however, sidewalks and traffic poles at the northeast corner of the site on the westside of Brimley Road are located within private property. The required right-of-way width of Brimley Road, 30 metres, is satisfied along the east frontage of this property. However, the existing boulevard width located at the northeast corner of the site along the west side of Brimley Road is insufficient to install a public sidewalk within the City's boulevard. The proposed property conveyance must maintain a clear width of 2.1 metres municipal sidewalk, including existing traffic signal poles, which should be within the public right-of-way. Approximately 23 square metres of the private property lands will be conveyed to the City to form part of the Brimley Road right-of-way and rationalize the intersection with Sheppard Avenue East. These lands are identified as Part 5 on the Draft Reference Plan (Plan of Survey) dated April 7, 2022, prepared by Holding Jones Vanderveen Inc.

There is no additional land required for Fulham Street as this road is not identified in the Official Plan as a road to be widened. All corner rounding conveyances, the widening of Sheppard Avenue East and additional land conveyance mentioned above must be secured during the Site Plan control stage.

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 Official Plan also provides for the provision of POPS, which are spaces that contribute to the public realm but remain privately owned and maintained. POPS spaces should generally be publicly accessible, be designed and programed for users of a variety of ages and abilities, be sited in highly visible locations, and seamlessly integrate and connect to the public realm.

The application proposes a 3.0 metre setback along Sheppard Avenue East at grade from the property line, as well as a 2.76 metre road widening to meet the 36 metre ROW requirements for Sheppard Avenue East. Along Sheppard Avenue East, 325.4 square metres of retail are proposed and a 106.8 square metre private gym amenity space that will activate the frontage. A 2.1 metre sidewalk will be located within the 2.76 metre road widening, which will be conveyed to the City with opportunities to provide enhanced streetscape conditions secured through the increased private setbacks.

Staff worked with the applicant to improve the proposed condition on Fulham Street in order to ensure a 3.0 metre setback was provided to allow for appropriate soft landscaping and privacy for grade related units. A 2.1 metre sidewalk, will be constructed alongside of Fulham Street, not inclusive of the 3.0 metre setback as no sidewalk currently exists. Residential access to the building is proposed along Fulham Street at the northwest corner of the development with six residential townhouse units along Fulham 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 Fulham Street.

Along Brimley Road, a POPS that has a total area of 142 square metres is proposed. At 9 metres wide, the POPS will create an animated edge and provide much needed relief and open space in a highly visible location at the intersection of Sheppard Avenue East and Brimley Road. Additionally, along Brimley Road, approximately 23 square metres of the private property lands will be conveyed to the City and will form part of the right-of-way as detailed above due to infrastructure and servicing requirements.

In keeping with the Official Plan intent for *Mixed Use Areas*, the proposed front yard setback of 3.0 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 the ground floor commercial unit and indoor amenity closer to the public sidewalk enhancing retail visibility and promoting street related retail (Policy 3.5.3.4). The addition of a POPS at the corner of the site provides open space

and enhances the public realm in a highly visible location (Policy 3.1.1.20). The addition of this open space will create comfortable and functional conditions for pedestrians. Through a 9 metre wide setback, the development will promote civic life and provide amenity for pedestrians in the public realm to make areas adjacent to streets, parks and open spaces attractive (3.1.2.10).

The elimination of the access ramp along Sheppard Avenue East and the consolidation of vehicle access to a singular access point on Fulham Street 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 all three frontages (Sheppard Avenue East, Fulham Street and Brimley Road) in accordance with Official Plan direction for *Mixed Use Areas*. Streetscaping details and the design of the POPS will be finalized and secured through the Site Plan Control application review process in accordance with Official Plan policies.

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.

A total of 1,006 square metres of amenity space is proposed for the building. The development proposes both indoor and amenity space at the following rates:

- an indoor amenity space ratio of 2.02 square metre per unit, for a total of 483 square metres of indoor amenity space; and
- an outdoor amenity space ratio of 2.18 square metres per unit, for a total of 523 square metres

The indoor amenity space is distributed throughout the building with a private gym located on the ground floor facing Sheppard Avenue. Meeting rooms and work from home space are located on Levels 2, 4, 5, 6 and a multipurpose room is located on level 7, which is collocated with outdoor amenity space.

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 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. As part of the Section 37 agreement, as a legal convenience, this report recommends that the applicant will be required to submit a revised Functional Servicing and Stormwater Management Report, for review and approval, to the Chief Engineer and Executive Director, Engineering and Construction Services.

Additionally, should it be determined that upgrades are required to the infrastructure to support this development, according to the accepted Functional Servicing and Stormwater Management Report, 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 matter will also be secured through as a legal convenience through the Section 37 agreement.

Economic Impact

The subject lands are currently occupied by a single-storey commercial building with a GFA of 743 square metres. As these subject lands are currently occupied by commercial uses, Economic Development & Culture recognizes this location as desirable, feasible and viable for continued employment uses.

The proposal includes 325.4 square metres of retail space located on the ground floor along Sheppard Avenue East and Brimley Road frontages, which is a reduction in commercial GFA on site. However, Planning staff are satisfied that the improved retail condition and streetscaping improves the quality of the retail environment along Sheppard Avenue East and Brimley Road including potential activation and integration with the POPs at the northeast corner of the site along Brimley Road.

Housing

Guideline 2.1 of the Growing Up guidelines states that a building should provide a minimum of 25% large units (10% of the units should be three-bedroom units and 15% of the units should be two-bedroom units). Guideline 3.0 states that the ideal unit size for large units, based on the sum of the unit elements, is 90 square metres for two-bedroom units and 106 square metres for three-bedroom units, with ranges of 87-90 square metres and 100-106 square metres representing a diversity of sizes for such bedroom types. Guideline 2.1 also recommends providing a critical mass of larger units primarily located in lower portions of the building in order to provide access to local streets.

The current breakdown of the 239 residential units is as follows: 192 one bedroom and one bedroom plus den units (80%), 45 two bedroom junior, two bedroom and two bedroom plus den units (19%) and 2 three bedroom units (1%). Within this composition of larger units, six units are townhouse units located at grade along Fulham Street. Overall, the average size of the two and three bedroom units is approximately 107 square metres.

While the Growing Up Guidelines set a target of 25% for two and three bedroom units, the proposed unit size of the larger units overall is deemed appropriate due to the average size of the units exceeding 106 square metres. Staff note that previous submissions met the Growing Up Guidelines in terms of unit mix but not size and will continue to collaborate with the applicant to pursue a revised unit mix that would better comply with the Growing Up Guidelines. Planning staff are wholly supportive of the six townhouse units proposed on Fulham Street, a local street, which supports a range and diversity of housing types for the local area in accordance with the Growing Up Guidelines.

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.

Nearby parks in the area include the Farquharson Park, the Garden Avenue Parkette, McDairmid Woods Park, Snowhill Park and North Agincourt Park.

The Official Plan contains policies to ensure that Toronto's systems of parks and open spaces are maintained, enhanced and expanded. Map 8B of the City of Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0.80 to 1.56 hectares of local parkland per 1,000 people. 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.

Privately-Owned Publicly Accessible Open Space (POPS)

The Official Plan provides for the provision of POPS, which are spaces that contribute to the public realm but remain privately owned and maintained. The subject application proposes a 142 square metre privately-owned publicly accessible spaces at the northeast corner of the site, at the intersection of Sheppard Avenue East and Brimley Road. In order to create room for the POPS, the northeast corner of the site and building was redesigned as per staff's direction, thus resulting in a reduction of non-residential GFA between Submission 1 (November 2020) and Submission 2 (November 2021).

At 9 metres wide, the POPS will create an animated edge and provide much needed relief and open space in a highly visible location at the intersection of Sheppard Avenue East and Brimley Road. There is significant potential to design the POPS to complement and enhance the proposed commercial retail unit located along Brimley Road. In accordance with Official Plan Policy 3.1.1.20 and the Growth Plan (Sections 2.1, 4.25 and 5.24), staff consider the proposed POPS to be a positive element of the proposal.

Staff recommend that the POPS be secured in the Section 37 Agreement. Landscaping and design treatment will be coordinated between the POPS and other portions of the site and building facades with the final design be secured through the Site Plan Control approval process.

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, and Landscape Plan were submitted to Urban Forestry staff for review. As proposed, this project would require the removal of three City street trees, located in the road allowance adjacent to Fulham Street. The three City street trees for removal are Crab apple trees, ranging from 28.5-29 centimetres in diameter. Their removal is required due to the proposed sidewalk, grading, building and underground garage excavation.

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 development site (3,434.3 square metres), requires 624 square metres of soil volume. The submitted landscape plans specify soil volumes in excess of this requirement, including a combined total of 13 acceptable new trees on the private and public portions of the site. The Landscape Plans, with minor revision, will be satisfactory to Urban Forestry. The submission of satisfactory plans/revisions will be a condition of Urban Forestry's approval of the Site Plan Control application. For the purposes of the zoning by-law amendment, Urban Forestry issues have been resolved to date.

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 (November 2020) was submitted as part the application for the area bounded by Finch Avenue East to the north, Ellesmere Road to the south, Markham Road to the east, and Kennedy Road to the west. The Study provides a demographic profile of the Agincourt South-Malvern West and Agincourt North neighbourhoods of Toronto. The Study concludes that the community services and facilities in the area can accommodate the increased population from the proposed development and that the proposal presents an opportunity to achieve community benefit contributions in consultation with the Local Councillor and City staff.

The application was circulated to publicly funded school boards for review. Toronto District School Board has indicated that local elementary and secondary schools may not have sufficient capacity to accommodate the estimated influx of students from the proposed development. As such, the status of local school accommodation should be communicated to new and existing residents to inform them that students from new development will not displace existing students at local schools. The Toronto Lands Corporation requests that pre-approval conditions be incorporated into the subsequent site plan agreement advising that local schools may not have sufficient capacity. This will be advertised to potential future residents through the erection of a notice sign on site and a warning clause in all offers of purchase for the residential units.

The Toronto Catholic District School Board has indicated that sufficient space exists within local Catholic elementary schools to accommodate students from the proposed development, but has indicated that consultation is required with the TCDSB with respect to a future construction management plan to address student safety as part of this development.

Overall, based on the submitted Community Services and Facilities Study, the following CS&F priorities may be considered as part of the Section 37 agreement:

- Securing financial contributions towards the potential expansion of the Agincourt Recreation Centre, or other capital projects/park improvements identified in the PFR's Facilities Master Plan;

- Securing financial contributions towards improvements to the Agincourt District Library, or other branches serving the subject site; and/or
- Securing financial contributions towards a new or expanded non-profit child care in the vicinity.

Based on the above recommendations, City Planning staff and the Local Ward Councillor worked collaboratively to secure a Section 37 contribution of \$950,000, to be deployed in areas of need related to park improvements in the Scarborough North Ward as identified by the Facilities Master Plan in consultation with the Ward Councillor. 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*. Under Toronto's Official Plan, developments that exceed a threshold of 10,000 square metres of GFA, and where the application increases the permitted density by at least 1,500 square metres and/or significantly increases the permitted height, are typically subject to Section 37 provisions.

While the proposed development exceeds the height and density limits of the existing zoning by-law, the application is consistent with the objectives and policies of the Official Plan, and thus constitutes good planning. With a proposed density of 5.2, the proposed development exceeds the density limits of the existing Zoning By-law which permits an as of right density of 0.4 FSI. 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, City Council require the owner to enter into and register on title an Agreement pursuant to Section 37 of the *Planning Act* as follows:

- i. an indexed cash contribution of \$950,000.00 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 23 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.

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

- i. the owner shall provide to the City for nominal consideration Privately-Owned Publicly Accessible Open Space (POPS) easements for the on-site POPS of approximately 142 square metres located at the northeast corner of the subject site at the intersection of Brimley Road and Sheppard Avenue East, for public access and provisions for rights of support if necessary, encumbrances and insurance, and indemnification of the City by the owner, to the satisfaction of the Director, Real Estate Services, the Chief Planner and Executive Director, City Planning, and the City Solicitor in consultation with the Ward Councillor. The owner shall own, operate, maintain, and repair the POPS and install signage in a location to be determined through the Site Plan review process, at its own POPS at any time, 365 days a year. The final design and program of the POPS will be determined through the Site Plan review process and secured in a Site Plan Agreement, to the satisfaction of the Chief Planner and Executive Director, City Planning;
- ii. the owner shall submit a revised Functional Servicing and Stormwater Management Report to the Satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services to address the matters as set out in the Engineering and Construction Services memorandum dated June 8, 2022;
- iii. prior to the issuance of a building permit, the owner shall 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 Functional Servicing and Stormwater Management Report referenced in (ii) above;
- iv. 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, including Official Plan Amendment 479 and 480. 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, OPA 480 and the Mid-rise Building Design Guidelines.

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

- refining the building design to ensure appropriate transition and privacy by reducing the building wing depth 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 and to limit shadow impacts;
- limiting the building wing height to 6 storeys and reducing massing along Fulham Street to ensure an appropriate building height on a local street;
- revising the front yard setbacks and limiting the building cantilever along the north elevation to accommodate future higher order transit infrastructure and required streetscape conditions;
- requiring the provision of a POPS at the northeast corner of the subject site to create open space and to reduce massing; and
- ensuring the future development potential of the adjacent Medical Office site located to the east of the building.

The proposed development would contribute positively to the area through residential intensification of an under-utilized site in accordance with Official Plan direction for *Mixed Use Areas*. The public realm along Sheppard Avenue East would be improved through the addition of ground floor retail that is brought closer to the public sidewalk. Additionally, the development approval would secure a significant community benefit contribution of \$950,000 for Ward 23 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
City Planning Division

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
Attachment 6: Community Consultation Summary

Applicant Submitted Drawings

Attachment 7: Simplified Site Plan
Attachment 8: East Elevation
Attachment 9: West Elevation
Attachment 10: North Elevation
Attachment 11: South Elevation
Attachment 12: 3D Massing Model of Proposal in Context (Southeast)
Attachment 13: 3D Massing Model of Proposal in Context (Northwest)

Attachment 1: Application Data Sheet

APPLICATION DATA SHEET

Municipal Address: 4415-4419 SHEPPARD AVE E Date Received: November 9, 2020
Application Number: 20 216675 ESC 23 OZ
Application Type: OPA / Rezoning, Rezoning
Project Description: Redevelopment comprising of an 11 storey mixed-use building with commercial uses on the ground floor and residential uses above.

Applicant	Agent	Architect	Owner
LOWELL WINTRUP			4415-4421 SHEPPARD AVENUE EAST INC

EXISTING PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:
Zoning:	CC-25-71-87 (x37)	Heritage Designation:
Height Limit (m):		Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq m):	3,437	Frontage (m):	61	Depth (m):	78
-------------------	-------	---------------	----	------------	----

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			2,486	2,486
Residential GFA (sq m):			17,665	17,665
Non-Residential GFA (sq m):	743		325	325
Total GFA (sq m):	743		17,991	17,991
Height - Storeys:	2		11	11
Height - Metres:			36	36

Lot Coverage Ratio (%)	72.35	Floor Space Index:	5.23
------------------------	-------	--------------------	------

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	17,665	
Retail GFA:	325	

Office GFA:

Industrial GFA:

Institutional/Other GFA:

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			239	239
Other:				
Total Units:			239	239

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:			192	45	2
Total Units:			192	45	2

Parking and Loading

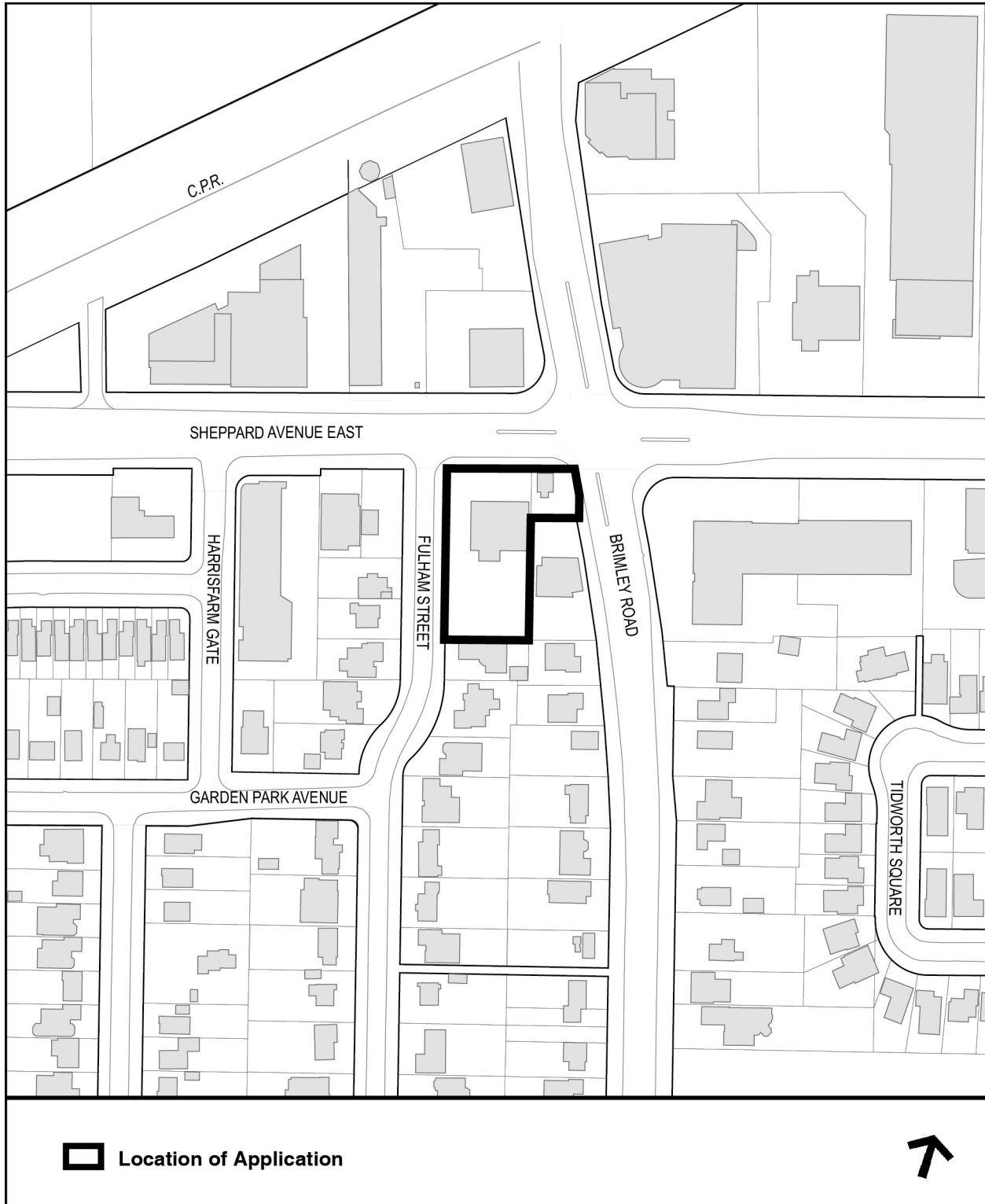
Parking Spaces:	182	Bicycle Parking Spaces:	189	Loading Docks:	1
--------------------	-----	-------------------------	-----	----------------	---

CONTACT:

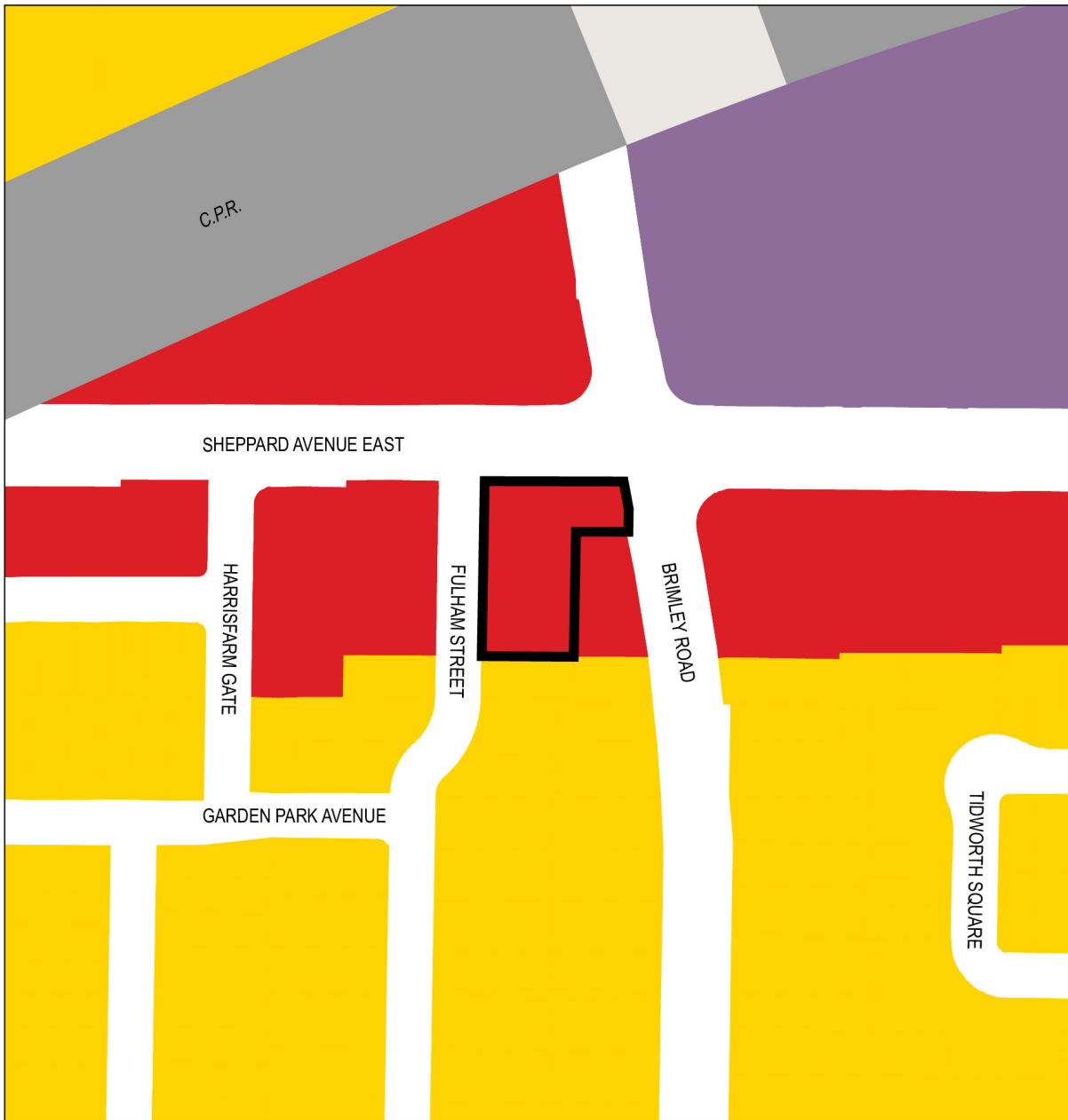
Samuel Baron, Planner, Community Planning

Samuel.Baron@toronto.ca

Attachment 2: Location Map



Attachment 3: Official Plan Land Use Map



Official Plan Land Use Map #19

4415-4419 Sheppard Avenue East

File # 20 216675 ESC 23 0Z



Location of Application



Neighbourhoods



Mixed Use Areas



Utility Corridors

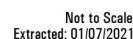


General Employment Areas



Not to Scale
Extracted: 01/07/2021

The map displays a network of roads and land parcels. Key roads include Sheppard Avenue East, Garden Park Avenue, Fulham Street, Brimley Road, and Tidworth Square. The C.P.R. railway line runs diagonally across the top left. Various land parcels are labeled with zoning designations and lot numbers, such as CR 0.4 (c0.4; r0.0) SS3 (x319), RD (f15.0; a696) (x267), and RD (x284). A specific parcel on Fulham Street is highlighted with a thick black border, indicating its location relative to the surrounding infrastructure and zoning.



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 ###-2022

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2022 as 4415, 4417, 4419 and 4421 Sheppard Avenue East.

Whereas Council of the City of Toronto has the authority 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 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 569-2013, Chapter 800 Definitions.
3. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines from a zone label of CR 0.4 (c0.4, r0.0) SS3 (x1156) to a zone label of CR 0.4 (c0.4, r0.0) SS3 (x616) as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 616 so that it reads:

(616) Exception CR 616

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 4415, 4417, 4419 and 4421 Sheppard Avenue East, as shown on Diagram 1 of By-law [Clerks to insert by-law ##], if the requirements of Section 6 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 (Q) below:
- (B) Despite Regulations 40.10.20.40(1)(A) and (B), an **apartment building**, and **mixed use building** are permitted;
- (C) 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 171.15 metres and the elevation of the highest point of the **building** or **structure**;
- (D) Despite Clause 40.10.30.40, the permitted maximum **lot coverage**, as a percentage of the **lot area**, is 75 percent;
- (E) Despite Regulation 40.10.40.10(3), the permitted maximum height of a **building** or **structure** is the number in metres following the letters "HT" as shown on Diagram 3 of By-law [Clerks to insert By-law ##];
- (F) Despite Regulations 40.5.40.10(3) to (8) and (D) above, the following equipment and **structures** may project beyond the permitted maximum height shown on Diagram 3 of By-law [Clerks to insert By-law ##]:
 - (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, by a maximum of 6.0 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, by a maximum of 6.0 metres;
 - (iii) architectural features, parapets, and elements and **structures** associated with a **green roof**, by a maximum of 6.0 metres;
 - (iv) **building** maintenance units and window washing equipment, by a maximum of 6.0 metres;
 - (v) planters, **landscaping** features, guard rails, and divider screens on a balcony and/or terrace, by a maximum of 6.0 metres; and
 - (vi) trellises, pergolas, and unenclosed **structures** providing safety or wind protection to rooftop **amenity space**, by a maximum of 6.0 metres;
- (G) 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 Fulham Street;
- (H) Despite Regulation 40.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** on the **lot** is 17,991 square metres, of which:
- (i) the permitted maximum **gross floor area** for residential uses is 17,665 square metres;
 - (ii) the required minimum **gross floor area** for non-residential uses is 325 square metres;
- (I) Despite Regulation 40.10.40.70(3), the required minimum **building setbacks** are as shown in metres on Diagram 3 of By-law [Clerks to insert By-law ##];
- (J) A minimum of 142 square metres of publicly-accessible open space (POPS) must be provided in the area shown on Diagram 3 attached to By-law [Clerks to insert By-law ##];
- (K) Despite Regulation 40.10.40.60(1):
- (i) a platform with a floor level no higher than the floor level of the first **storey** of the **building** may encroach into the required minimum **building setback** by 2.7 metres;
 - (ii) a platform with a floor level higher than the floor level of the first **storey** of the **building** may encroach into the required minimum **building setback** a maximum of 1.8 metres.

- (L) Despite Regulation 40.10.40.60(2), a canopy, awning or similar **structure**, with or without structural support, or a roof over a platform which complies with provision (J) above, may encroach into a required minimum **building setback** for the **building** as follows:
 - (i) to the same extent as the platform it is covering; and
 - (ii) if it is not covering a platform, the canopy, awning or similar structure, a maximum of 1.8 metres.
- (M) Despite Regulation 40.10.40.60(3), exterior stairs providing access to a **building** or **structure** may encroach into a required minimum **building setback**.
- (N) Despite Regulation 40.10.40.60(5), architectural features on a **building** may encroach into a required minimum **building setback** a maximum of 0.3 metres.
- (O) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided in accordance with the following:
 - (i) no minimum **parking spaces** are required for residential occupants;
 - (ii) a maximum of 195 **parking spaces** for **dwelling units** for residential occupants, which may include "car-share parking spaces";
 - (iii) a minimum of 2 **parking spaces** plus 0.05 **parking spaces** per **dwelling unit** for the use of residential visitors;
 - (iv) a maximum of 1 **parking space** per **dwelling unit** for the first 5 **dwelling units** plus 0.1 **parking space** per **dwelling unit** for the 6th and subsequent **dwelling units** for the use of residential visitors;
 - (v) no minimum **parking spaces** are required for non-residential uses;
 - (vi) a maximum of 4.0 parking spaces per 100 square metres of non-residential **gross floor area**, which may include "car-share parking spaces";
- (P) Despite Regulation 200.15.10(1) and(2), a minimum of one of the required residential visitor **parking spaces** must be an accessible **parking space**, a minimum of 5 percent of the provided residential occupant **parking spaces** must be accessible **parking spaces** , and a minimum of one of the provided non-residential **parking spaces** must be an accessible **parking space**; and

- (i) where the calculation of the required accessible **parking spaces** results in a fraction, the number is rounded up to the nearest whole number;
- (Q) For the purpose of this exception:
- (i) "car-share" means the practice whereby a number of people share the use of one or more motor **vehicles** that are owned by a profit or nonprofit car-sharing organization, with such car-share motor **vehicles** to be made available for short term rental, including hourly rental. Car-share organizations may require that the car-share motor vehicles be reserved in advance, charge fees based on time and/or kilometers driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable;
 - (ii) "car-share parking space" means a **parking space** exclusively reserved and used only for "car-share" purposes whereby the **vehicle** is accessible to at least the occupants of the **buildings**;

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

5. Space must be provided within the development for installation of maintenance access holes and sampling ports, on the private side as close to the property line as possible, for both the storm and sanitary service connections, in accordance with the Sewers By-law, Chapter 681 of the City of Toronto Municipal Code.
6. Section 37 Requirements:
 - (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 2 attached to this 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 attached to this By-law 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 attached to 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 height and 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)

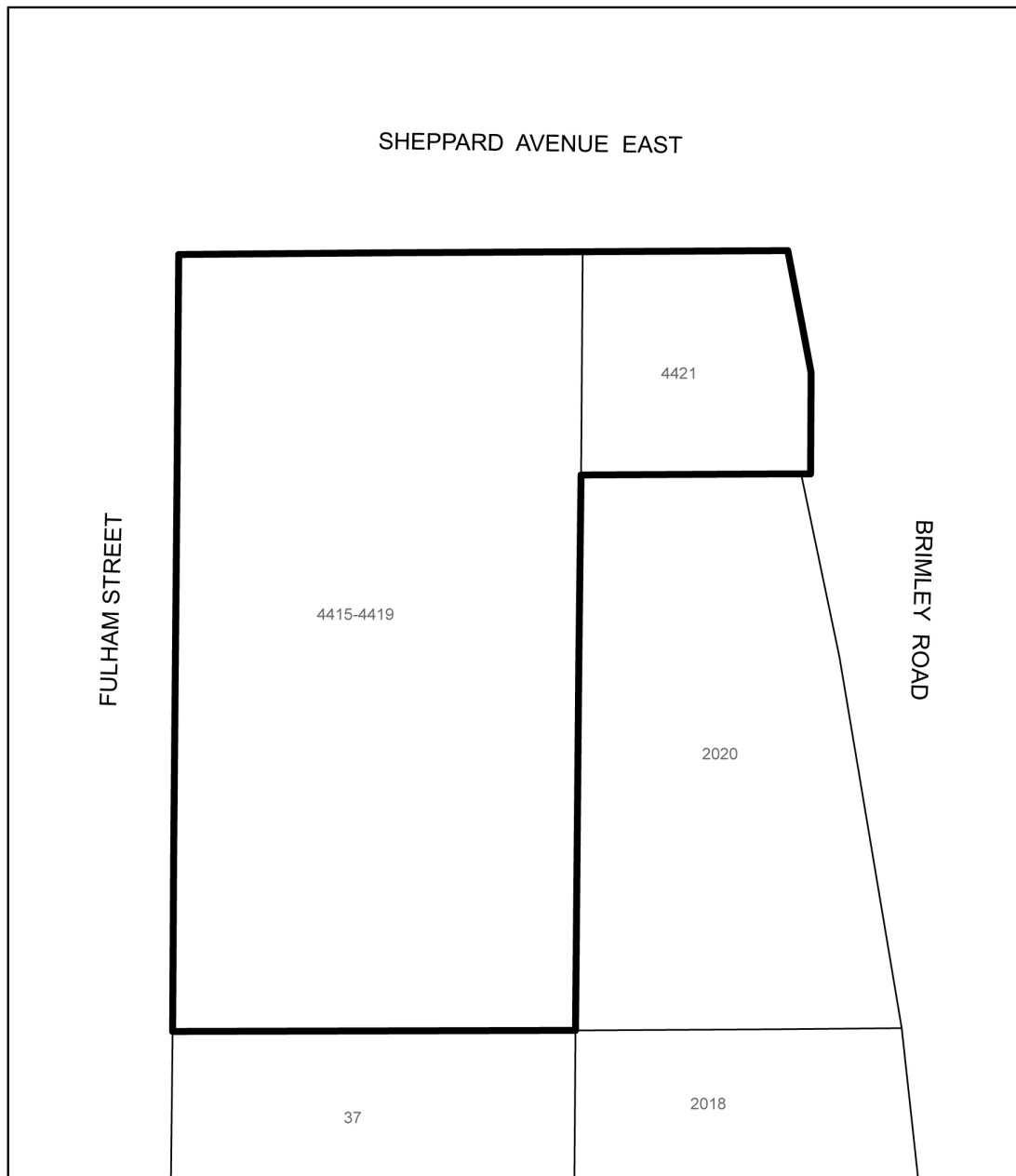
SCHEDULE A

Section 37 Requirements

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 height and 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 \$950,000.00 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 23 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 site.
4. As a legal convenience to support the development is as follows:
 - a. the owner shall provide to the City for nominal consideration Privately-Owned Publicly Accessible Open Space (POPS) easements for the on-site POPS of approximately 142 square metres located at the northeast corner of the subject site at the intersection of Brimley Road and Sheppard Avenue East, for public access and provisions for rights of support if necessary, encumbrances and insurance, and indemnification of the City by the owner, to the satisfaction of the Director, Real Estate Services, the Chief Planner and Executive Director, City Planning, and the City Solicitor in consultation with the Ward Councillor. The owner shall own, operate, maintain, and repair the POPS and install signage in a location to be determined through the Site Plan review process, at its own POPS at any time, 365 days a year. The final design and program of the POPS will be determined through the Site Plan review process and secured in a Site Plan Agreement, to the satisfaction of the Chief Planner and Executive Director, City Planning;

- b. the owner shall submit a revised Functional Servicing and Stormwater Management Report to the Satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services to address the matters as set out in the Engineering and Construction Services memorandum dated June 8, 2022;
- c. prior to the issuance of a building permit, the owner shall 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 Functional Servicing and Stormwater Management Report referenced in (b) above; and
- d. 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.

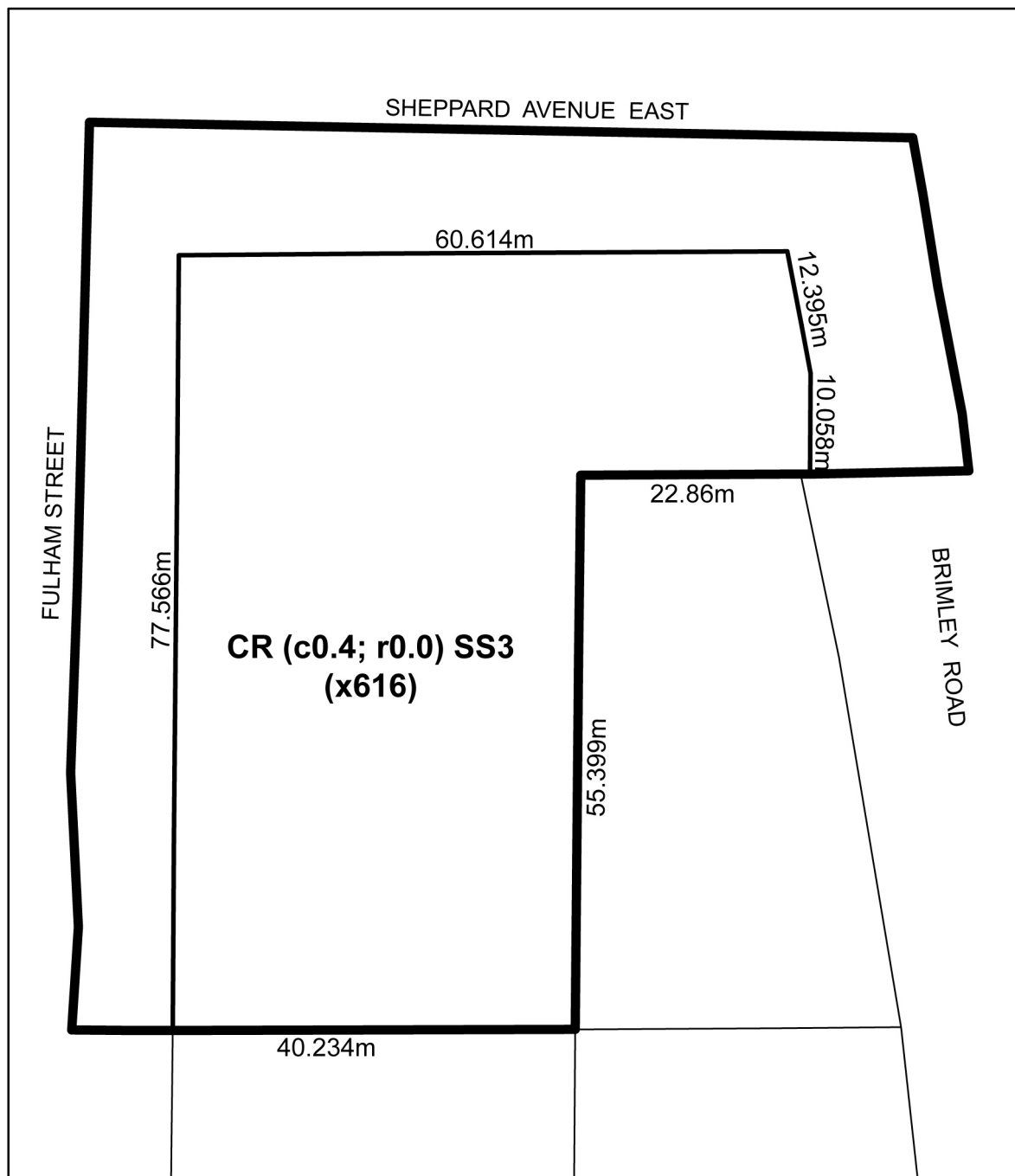


Toronto
Diagram 1

4415 - 4419 and 4421 Sheppard Avenue East

File # 20 216675 ESC 23 0Z

City of Toronto By-law 569-2013
Not to Scale
05/06/2022

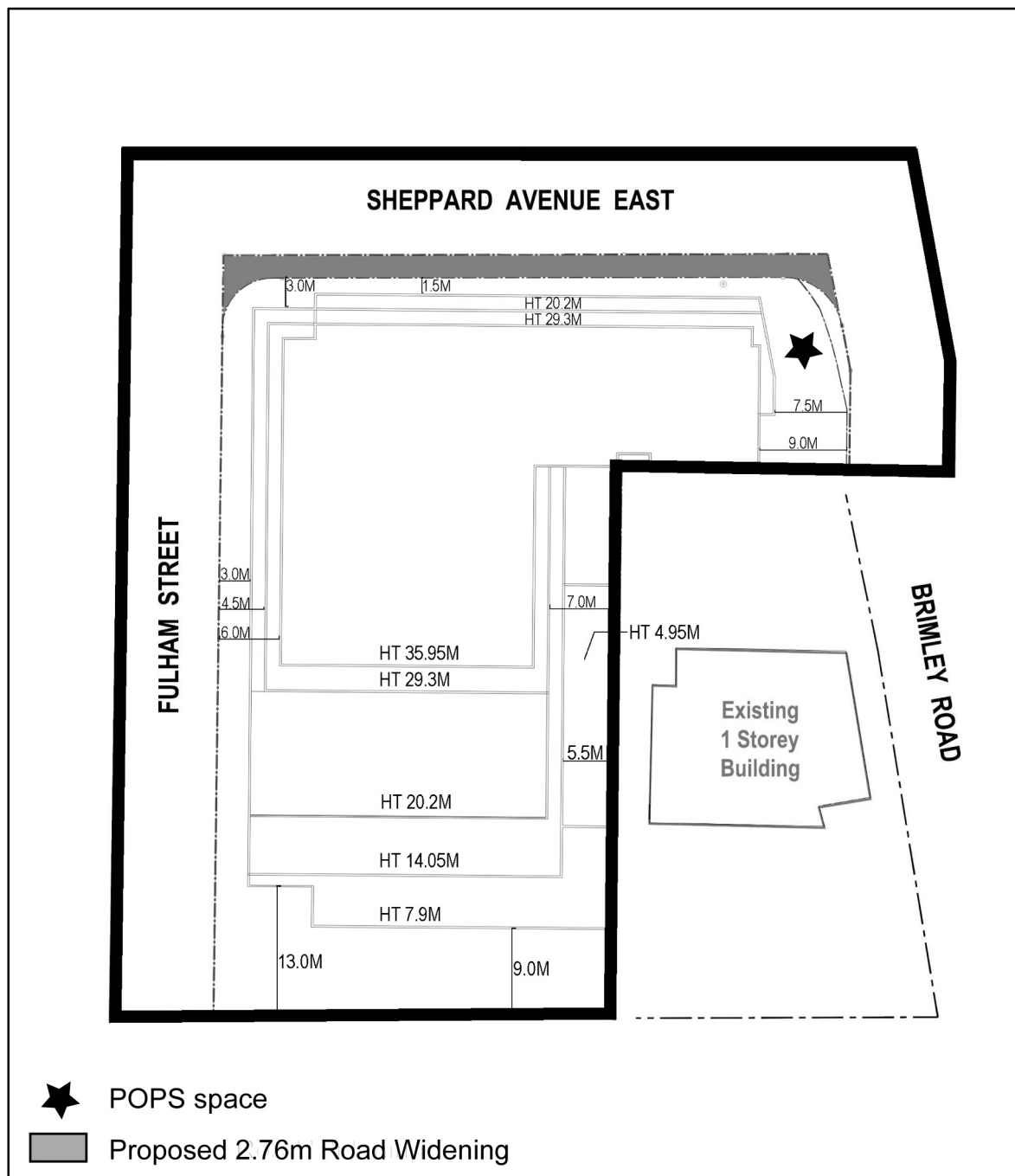


Toronto
Diagram 2

4415 - 4419 and 4421 Sheppard Avenue East

File # 20 216675 ESC 23 0Z

City of Toronto By-law 569-2013
Not to Scale
05/06/2022



TORONTO
Diagram 3

4415 - 4419 and 4421 Sheppard Avenue East

File # 20 216675 ESC 23 02

City of Toronto By-law 569-2013
Not to Scale
05/06/2022

Attachment 6: Community Consultation Summary

Community Consultation on the subject rezoning application included a Virtual Community Consultation, engagement with local community organizations and the Ward Councillor's Office.

A virtual Community Consultation Meeting to consult with area residents on the proposed rezoning of the subject site was held on May 27, 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, questions, comments and concerns raised by members of the public in attendance at the virtual Community Consultation event included:

- Questions and concerns regarding how the increased traffic and associated deliveries related to the subject application would be addressed;
- Questions and concerns related to traffic impacts on local streets like Fulham Street and the ability to make turns onto Sheppard Avenue East;
- Concern and comments regarding the inadequacy of the proposed parking supply and the breakdown between visitor, residential and commercial parking spaces;
- Concern and comments regarding the overall scale of the project and the potential privacy impacts and overlook into neighbouring backyards due to the building's balconies;
- Concern regarding the sunlight, shadowing and noise impacts; and
- Questions regarding the potential community benefits, should the project be approved.

Staff were also in receipt of individual public comments and letters delivered to staff via email. These individual comments from the general public included general questions, comments and concerns regarding the proposed development. A six page letter of non-support was submitted to City Planning staff, detailing a number of issues and concerns, including matters related to height/density, traffic, provision of soft and hard infrastructure and matters of privacy/compatibility and this letter was intended to represent the views of approximately 25 residents. Concern was expressed by residents in a number of email communications in response to the Councillor's letter dated June 17, 2021, which outlined and summarized the May 2021 virtual consultation event.

In addition to this letter, the issues, questions, comments and concerns raised in the above referenced email communications to City Planning staff were as follows:

- Concerns and outright opposition related to the overall height and density of the building;
- Concerns that building design does not adequately transition to the lower density built form in the area;

- Questions regarding the compatibility of the mid-rise proposal with single-storey commercial uses along Sheppard Avenue;
- Concerns regarding the potential noise and dust impacts through the construction process;
- Concerns and questions regarding traffic impacts on the local area and the ability of the local road network to accommodate the increase in traffic;
- Concerns about congestion and general safety for pedestrians;
- Concerns and questions concerning the provision of visitor parking on site and whether this supply was adequate;
- Concerns and questions regarding school capacity and whether there is enough capacity to accommodate students;
- Concerns and questions regarding the impacts on local property values;
- Lack of compatibility with existing Neighbourhood character;
- Concerns about privacy intrusions to the Neighbourhood south of the site due to balcony projections;
- Concerns about the gentrification that the project will create in the *Neighbourhood*;
- Comments of support related to the building design, the need for residential intensification and growth at this location
- Concerns about the ability to turn left onto Fulham should a median be installed for transit;
- Concerns about traffic from the development cutting through local streets;
- Suggestions on how to improve pedestrian safety and flow at the corner of Brimley and Sheppard;
- Suggestions to plant trees with similar canopies to the existing mature tree canopy;
- Questions regarding how the proposed frontyard setbacks will accommodate the future urbanization and transit on Sheppard Avenue East and the future sidewalk condition on Fulham Street; and
- General concerns about the planning process and overall communications;
- General and specific concerns regarding the ability of soft and hard infrastructure to accommodate the growth in population, including schools, sewer, health care, community recreation facilities, parks and other social infrastructure.

Overall, the comments and concerns articulated by the community can be organized into three general themes: concerns about privacy/scale, traffic impacts and provision of parking supply and general impacts to soft/hard infrastructure of the local area.

In addition to the above consultation activity and communications, a letter of support was mailed to the Councillor's Office directly from the Sheppard East Village Business Improvement Area (dated: April 27, 2021) and to Community Planning staff indicating the need and support for greater residential intensification along Sheppard Avenue East. Likewise, the C.D. Farquharson Community Association (CDFCA) submitted a letter of endorsement (dated: May 24, 2021), indicating support for the project and its design. The Friends of Farquharson organization met with the applicant prior to the City Consultation on May 27, 2021 to discuss the proposal and subsequently provided City staff with a letter.

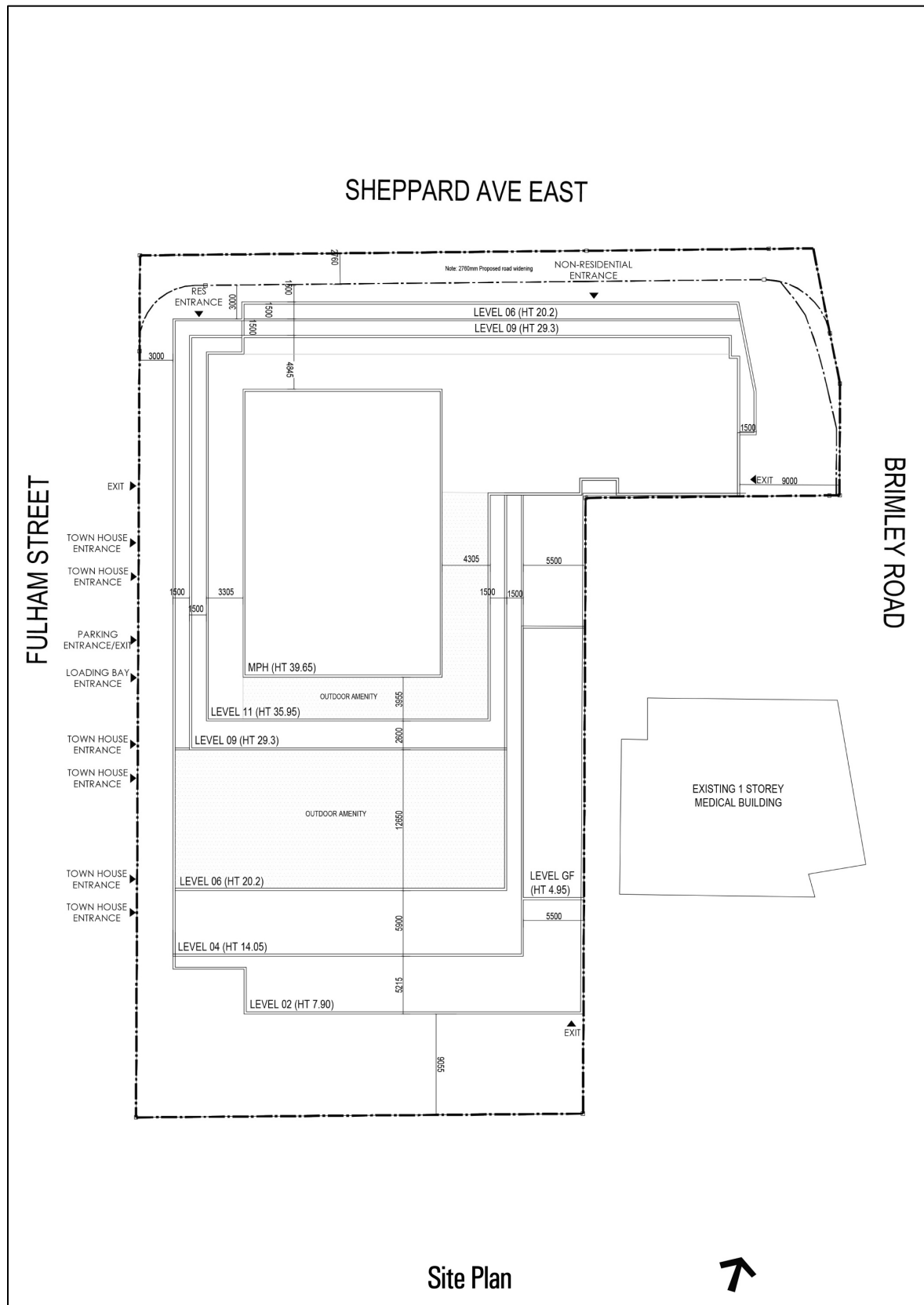
Regarding community benefit contributions, staff received a number of email communications and letters regarding the potential community benefits that should be

procured through the planning process. Suggestions included, a new public open space, recognition of CD Farquharson in the form of a heritage plaque (who the community is named after), a scent garden/greenspace, art installations and community meeting space for the local community. Through the planning process, staff worked closely with the applicant and local Ward Councillor to identify appropriate community benefits to be secured through a Section 37 agreement, as detailed in the Section 37 section above.

Where possible, Planning staff worked closely with the applicant to address the community concerns and issues identified above, that could be resolved through revisions to the design of the proposed development with reference to Official Plan policies. Planning staff encouraged the applicant to revise the building design to address the community concerns, including:

- reducing the building depth of the building's wings on Fulham Street to ensure an appropriate relationship with Fulham Street and to ensure appropriate privacy/transition;
- providing additional open space and built form relief at the corner of Brimley Road in the form of a POPS;
- requiring the applicant to revise the Traffic Impact Study; and
- ensuring that the community benefits secured through Section 37 reflect the needs of the local Ward.

Attachment 7: Simplified Site Plan



Attachment 8: East Elevation



Attachment 9: West Elevation



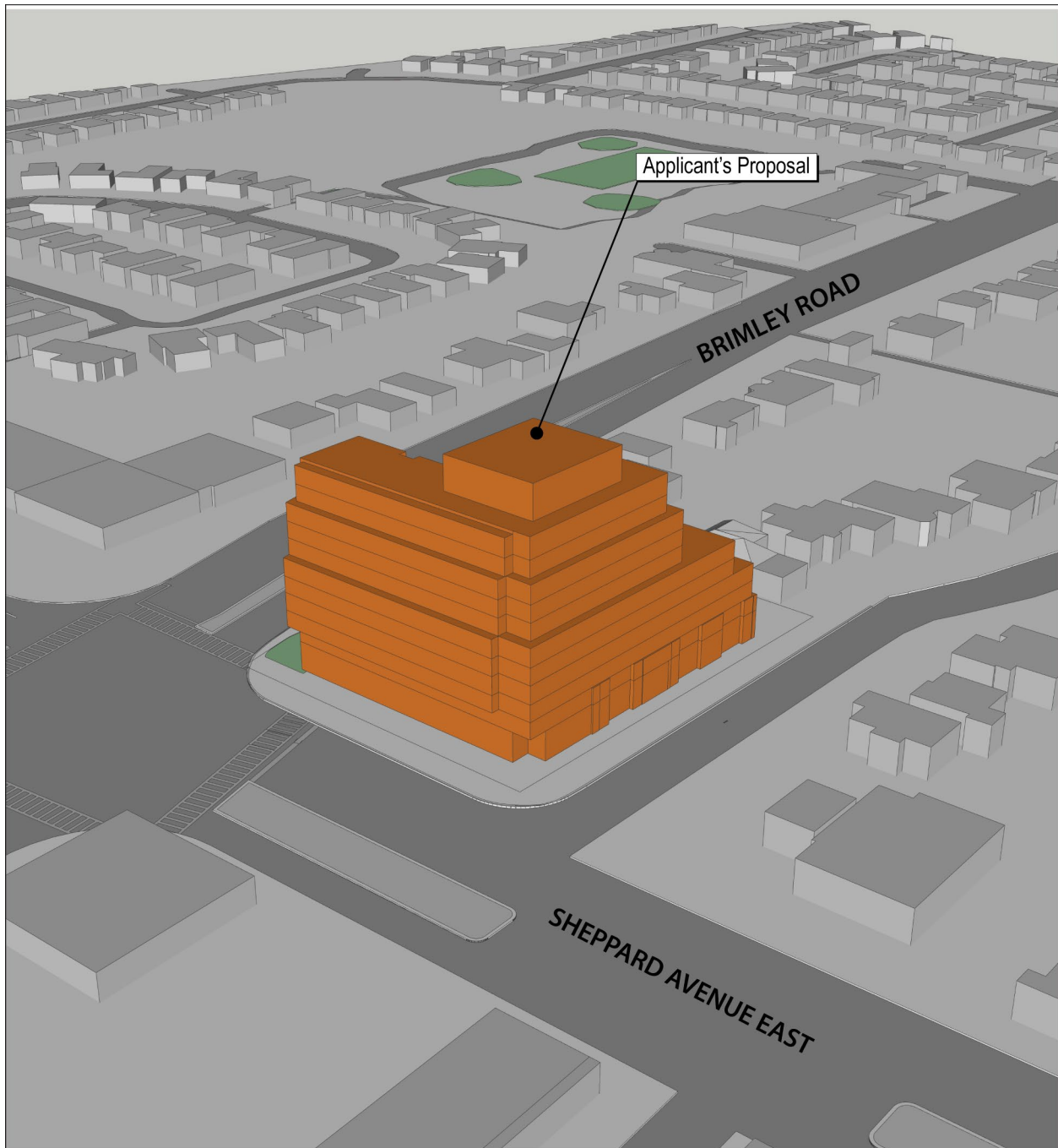
Attachment 10: North Elevation



Attachment 11: South Elevation



Attachment 12: 3D Massing Model of Proposal in Context (Southeast)

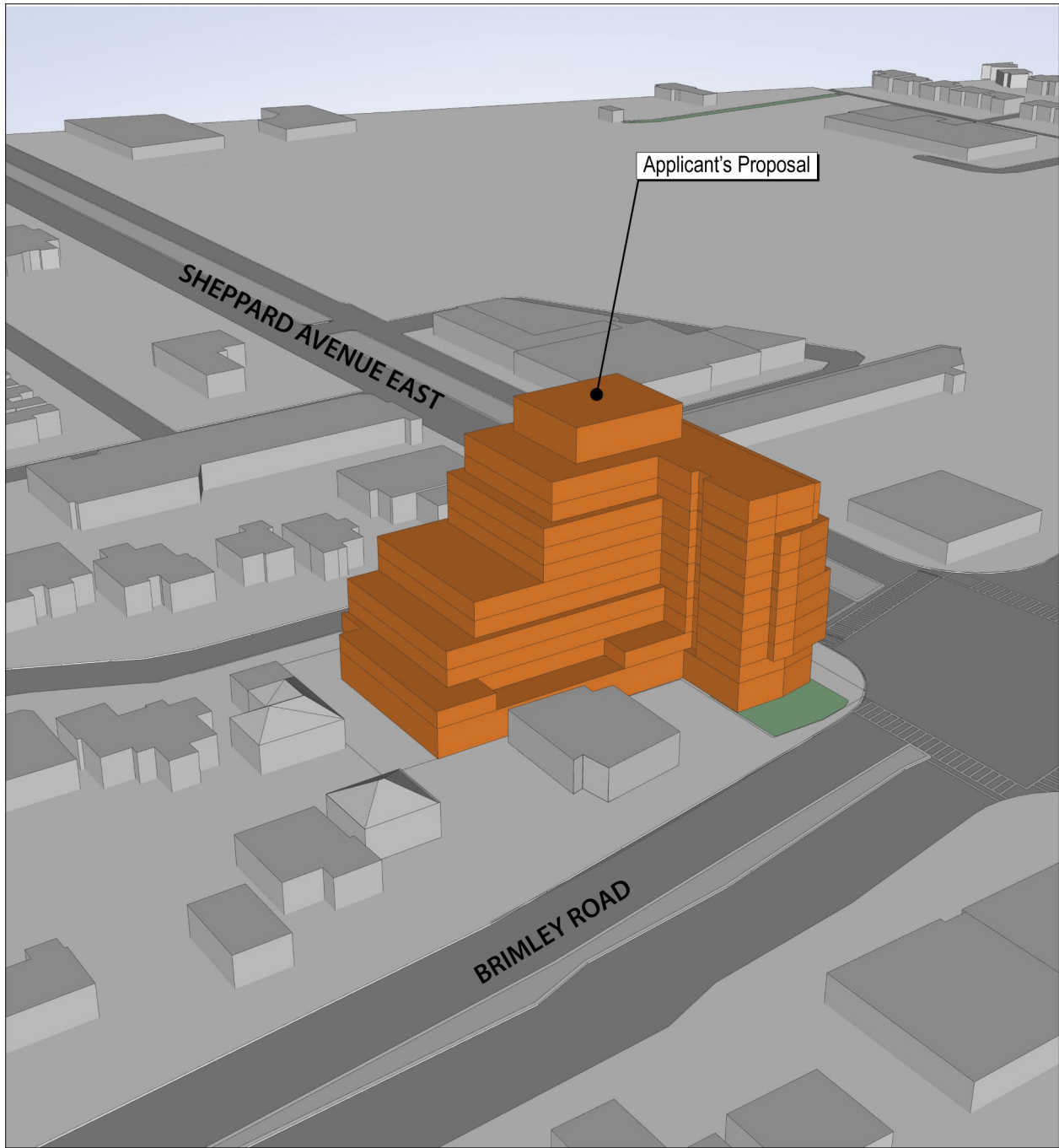


View of Applicant's Proposal Looking Southeast



05/11/2022

Attachment 13: 3D Massing Model of Proposal in Context (Northwest)



View of Applicant's Proposal Looking Northwest



05/11/2022