

500 Sheppard Avenue East – Official Plan and Zoning Amendment Application – Appeal Report

Date: January 9, 2023

To: North York Community Council

From: Director, Community Planning, North York District

Ward: 18 – Willowdale

Planning Application: 21 235569 NNY 18 OZ

Related Application: 21 252112 NNY 18 SA

SUMMARY

On November 8, 2021, Official Plan and Zoning By-law Amendment applications were submitted to permit two residential towers located on top of a 4-9 storey podium that included office and retail use. The proposed mixed-use building has 35-storey (122.65 metres) and 39-storey towers (134.75 metres) inclusive of the podium, altogether containing 928 dwelling units.

On June 29, 2022, the Applicant appealed the Official Plan and Zoning By-law Amendment application to the Ontario Land Tribunal ("OLT") due to Council's failure to make a decision within the prescribed time frame in the *Planning Act*.

This report recommends that the City Solicitor with the appropriate City staff attend the OLT hearing to oppose the application in its current form and to continue discussions with the Applicant to resolve the outstanding issues. The matters identified in this report will be further addressed as part of the OLT process and/or through revisions proposed by the Applicant.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct the City Solicitor and appropriate City staff to attend the Ontario Land Tribunal in opposition of the Official Plan and Zoning By-law Amendment application for the lands at 500 Sheppard Avenue East and to continue discussions with the Applicant in an attempt to resolve outstanding issues.

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

- a) The final form and content of the draft Official Plan and Zoning By-law amendments are to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning;
- b) The applicant has provided updated reports confirming adequate water, sanitary and stormwater capacity to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, or the Chief Engineer and the Executive Director, Engineering and Construction Services has determined that no holding provisions are required in the Zoning By-laws, as amended;
- c) In the event the updated servicing reports referred in 2b) require upgrades to the servicing or functional items above, the owner shall enter into agreement(s) for the construction of any such improvements to such services, as required, at no cost to the City and to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
- d) the owner has submitted a revised Travel Demand Management Plan acceptable to, and to the satisfaction of the Chief Planner and Executive Director, City Planning and the General Manager, Transportation Services and that such matters arising from such study be secured if required;
- e) The owner has resolved transportation-related matters including an updated Traffic Impact Study report to reassess the proposed driveway access points to the satisfaction of the Manager, Transportation Development Planning and Review; and
- f) The owner addressed all outstanding issues raised in Urban Forestry, Tree Protection and Plan Review memo as they relate to the Zoning By-law Amendment application, to the satisfaction of the Supervisor, Tree Protection and Plan Review.

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

FINANCIAL IMPACT

The City Planning Division confirms that there are no financial implications resulting from the recommendations included in this report in the current budget year or in future years.

DECISION HISTORY

A Preliminary Report was adopted by North York Community Council on April 20, 2022 authorizing staff to conduct a community consultation meeting with an expanded notification area. The decision of the North York Community Council can be found here: [Agenda Item History - 2022.NY31.22 \(toronto.ca\)](#)

In 2015 the Ontario Municipal Board approved Official Plan Amendment No. 318 through By-law 1048-2016 and a Zoning By-law Amendment through By-law 1049-2016 to permit a 25-storey mixed-use building inclusive of a 9-storey podium on the site. This approval included: a non-profit child care (557.4 square metres) plus 290 square metres of exterior play space; land conveyances on Bayview Avenue and Sheppard Avenue East (222 square metres) to secure the planned right-of-way widths; on-site parkland (381 square metres); as well as, gross floor area permissions attributed through density incentives and transfers under Section 4.3 and Figure 4.3.3 of the Sheppard East Subway Corridor Secondary Plan for parkland improvements and maintenance and a pedestrian mid-block connection from Sheppard Avenue East to Mallinham Court. A copy of the Tribunal's decision can be found here: [Publications \(annual reports, brochures\) \(gov.on.ca\)](#).

By-law 1048-2016 can be found at:
<https://www.toronto.ca/legdocs/bylaws/2016/law1048.pdf>

By-law 1049-2016 including the Section 37 agreement be found at:
<https://www.toronto.ca/legdocs/bylaws/2016/law1049.pdf>. Note, the said Section 37 agreement was registered on title on June 2, 2016.

In addition, City Council has also provided direction to review the existing Sheppard East Subway Corridor Secondary Plan. This review is currently ongoing:
[Agenda Item History - 2018.NY31.8 \(toronto.ca\)](#)

SITE AND SURROUNDING AREA

Site Description and Dimensions: The site is located at the corner of Bayview Avenue and Sheppard Avenue East. The gross site area is 5,731 square metres with a frontage of 71.5 metres on Sheppard Avenue East and a frontage of 38.3 metres on Bayview Avenue.

Existing Use: 3-storey commercial building with retail use at-grade and office uses (3,336 square metres) on the above floors.

Surrounding uses include:

North: townhouses on Mallingham Court, and townhouses and a 7-storey residential building at the corner of Clairtrell Road and Spring Garden Avenue. There are detached dwellings on Teagarden Court and a new 14-storey residential building at 2-6 Teagarden Court at the corner of Teagarden Court and Bayview Avenue.

East: Bayview subway entrance shelter, and across Bayview Avenue another Bayview Station entrance shelter, a 15-storey mixed-use building and the Bayview Village Shopping Centre.

South: a gas station, low-rise commercial and residential buildings that front onto Sheppard Avenue East. Across Bayview Avenue, there is another gas station, the YMCA facility and residential mid-rise buildings that front onto Sheppard Avenue East.

West: a pair of 14-storey residential buildings and predominantly townhouses on Clairtrell Avenue, a church site and a 10-storey mixed-use building and a variety of low-rise residential dwellings on Hycrest Avenue.

THE APPLICATION

Description A mixed-use building containing two towers of 35 storeys and 39 storeys inclusive of a 4 to 9 storey podium with 3 levels of underground parking. The proposed development would include 58,000 square metres of residential gross floor area and 3,000 square metres of non-residential gross floor area (retail use is 900 square metres; office use is 2,100 square metres).

Height: 122.65 metres (35-storey) and 134.75 metres (39-storey) inclusive of the 7.5 metre high mechanical penthouses.

Density (Floor Space Index): Residential FSI 9.6; Non-Residential FSI 0.52 = Combined total FSI 10.12

Unit count: 928 total dwelling units. Unit breakdown: 696 one-bedroom units (75%), 139 two-bedroom units (15%) and 93 three-bedroom units (10%).

Additional Information

See Attachments 1-5 of this report for a location map, Application Data sheet, three-dimensional representations of the project in context and a site plan of the proposal. The Application Data Sheet contains additional details on the proposal including: site area and dimensions; floor area; unit breakdowns; and parking counts.

All plans and reports submitted as part of the application can be found on the City's Application Information Centre at: <http://app.toronto.ca/AIC/index.do?folderRsn=N6I714wcB1cLcfMcGbNjaQ%3D%3D>

Reasons for Application

The Official Plan Amendment application proposes to amend Official Plan Amendment ("OPA") No. 318 which permits a maximum residential FSI of 3.99 and a minimum commercial FSI of 0.59, in which, a minimum of 2,000 square metres of gross floor area be dedicated for office use. Additional amendments to OPA No.318 are required to relocate the on-site parkland from the north to the west of the existing Bayview Parkette and to increase the parkland from 381 square metres to 573 square metres.

OPA No. 318 also included density incentives and transfers associated with the permitted gross floor area under Section 4.3 and Figure 4.3.3 of the Sheppard East Subway Corridor Secondary Plan ("SESCSP"). Under Section 4.3, provisions included were: monetary contributions for parkland improvements; ongoing maintenance to the parkland and the provision of a public easement and walkway connecting Sheppard Avenue East to Mallingham Court, which is proposed to be eliminated under the Community Benefit Charge ("CBC") by-law. In addition, further amendments to the SESCSP require that maximum densities be supported by built form and urban design objectives, community resources and infrastructure capacity.

The Zoning By-law Amendment application proposes to amend Site-Specific Zoning By-law 1049-2016 that zones the subject site to Residential Multi-Sixth Density Zone RM6(234) and 01 Open Space, which permit a variety of residential and commercial uses. A summary of the proposed performance standard amendments includes: increases in density, maximum residential gross floor area, and residential units associated with the 25-storey residential building containing 310 units; added density, height and units for the addition of another residential building that was not contemplated in the Site Specific Zoning By-law 1049-2016; elimination of the Section 37 Agreement registered on title that secured an on-site child care space of 557.4 square metres plus 290 square metres of exterior play space; buildings' setbacks; minimum landscaping (1,535 square metres) and minimum vehicle parking and loading space.

Site Plan Control

A Site Plan Control application (file no. 21 252112 NNY 18 SA) has been submitted but has not been appealed to the OLT.

POLICY CONSIDERATIONS

Official Plan Designation: The site is designated *Avenue, Mixed Use Areas and Parks* as shown on the Urban Structure Map 2 and Land Use Map 16 of the Official Plan. The site is also identified as a "Bayview Node" within the Sheppard East Subway Corridor Secondary Plan Area as shown on Map 9-3 and Specific Development Policies Map 9-3, as amended, and subsection 4.2.2.1 (o) to Section 4.2 A of the Secondary Plan. Refer to Attachment 7: Sheppard East Secondary Corridor Secondary Plan, Map 9-3.

Zoning: The site is subject to former City of North York Zoning By-law 7625 and site-specific Zoning By-law 1049-2016 "RM6(234) Residential Multi-Sixth Density Zone" and "01 Open Space" with a residential use density limit of 3.99 times the area of the lot and a maximum commercial use density of 0.59 times the lot area (in which a minimum of 2000 square metres shall be dedicated to office use) and a maximum building height limit of 82 metres. Refer to Attachment 9, Zoning By-law 7625. The site is not subject to the City-wide zoning by-law 569-2013. Refer to Attachment 8, Zoning By-law 569-2013 map

Additional information:

See Attachment 6 for applicable policy documents.

COMMUNITY CONSULTATION

A Virtual Community Consultation Meeting was hosted by City staff on June 6, 2022. Approximately 51 people participated, as well as the Ward 17 and Ward 18 Councillors. Following a presentation by City staff and the Applicant, the following comments and issues were raised by the community:

- Proposed buildings' heights and shadow impacts on surrounding uses
- No affordable housing units proposed
- Insufficient vehicle parking spaces
- Traffic impacts to the abutting Bayview Avenue and Sheppard Avenue East intersection
- Traffic impacts on existing road capacity
- Existing public school capacity constraints

COMMENTS

Provincial Framework

Staff review of this application has had regard for the relevant matters of provincial interest set out in the Planning Act. Staff has reviewed the current proposal for

consistency with the Provincial Policy Statement ("PPS") and conformity with the Growth Plan (the "Growth Plan").

The proposal is not consistent with the PPS as it does not promote the integration of land uses planning, growth management and transit-supportive development to improve the mix of employment and housing uses; support energy conservation, air quality and climate change; and sufficiently plan for sewage, water and stormwater to ensure that systems are optimized, feasible and viable over the long term. The proposal is not in conformity with the Growth Plan as it does not support the achievement of complete communities; major office and appropriate major institutional development to major transit station areas and ensure supportive transportation and servicing infrastructure to meet current and projected needs. All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS, and shall conform to provincial plans.

Growth Direction and Land Use

The Official Plan provides policy direction to focus urban growth into a pattern of compact centres, mobility hubs, and corridor in order to use municipal land, infrastructure and service efficiently. Areas that can accommodate growth are Centres, Avenues, Employment Areas and Downtown.

The Growth Plan and the Official Plan distinguishes Centre from Major Transit Service Areas by providing minimum combined gross density targets of 400 jobs and residents per hectare for each Centre and a minimum combined gross density of 200 jobs and residents per hectare for each Major Transit Service Area served by subways.

The Growth Plan includes policies which suggests that the implementation and achievement of these policies are to be undertaken on a comprehensive basis by the municipality. This would include developing a strategy to achieve minimum intensification targets, identifying Strategic Growth Areas (which includes Major Transit Station Areas), identify the appropriate type and scale of development in these areas; and ensure the lands are zoned and development is designed in a manner that supports the achievement of complete communities.

In order to implement the current policies of the Growth Plan, the City is currently undertaken a review of the existing Secondary Plan for the area to determine what growth may be appropriate in order to meet the policies of the Growth Plan and at the same time ensuring that there is the necessary infrastructure and public service facilities to support that future growth.

While this exercise is being undertaken, it is also recognized that there may be development proposals that are submitted within these areas that need to be evaluated based on their impact on the broader comprehensive planning exercise.

The proposed application for the 35 and 39 storey buildings would impact and to an extent set the context ahead of the City's ongoing exercise. It may be proposing densities that exceed what the City envisions within the Major Transit Station Area and will affect how the City's ability to determine the appropriate type and scale for this area. This includes the establishment of the appropriate mix of land uses within the MTSA where the Growth Plan directs that major office and appropriate major institutional development will be directed to Urban Growth Centre, Major Transit Station Areas or other Strategic Growth Areas within existing or planned frequent transit service. The proposed amendment does not conform with this policy direction as major office is defined as freestanding office buildings of approximately 4,000 square metres of floor space or greater or with approximately 200 jobs or more.

The Provincial minimum density targets require that the city plan for both people and job per hectare within the MTSA. The Growth Plan also prioritizes areas with existing employment densities to optimize the return on investments of existing transit services. The proposed commercial gross floor area including 2,100 square metres dedicated for office use, does not retain the current office space (3,396 square metres) provided within the existing 3-storey commercial building. Moreover, the proposal provides for a substantial increase to the residential gross floor area (58,000 square metres) while decreasing the proposed commercial gross floor area (3,000 square metres) from the existing Site Specific Zoning By-law 1049-2016. By-law 1049-2016 provide for a minimum of 3,362 square metres of commercial gross floor area associated with the 25-storey residential building (20,710 square metres). This does not achieve a balanced growth of jobs and housing to meet the City's growing population, or integrate land use planning and economic development goals to optimize existing transit investment.

The proposal needs to be carefully considered in advance of the City completing its study given the Growth Plan's policy direction. The proposal itself is proposing specific land use changes, density and built form that is not yet supported by the City's ongoing planning exercise, and which exceeds the previously approved growth for the subject lands.

Avenue Segment Study

The Sheppard East Subway Corridor Secondary Plan policies, which are currently under review, apply to the subject site. The proposed 35-storey and 39-storey towers have the potential to set a precedent for the form and scale along Sheppard Avenue East. Development prior to the completion of the Secondary Plan review may proceed ahead of the completion of the area study, should the applicant demonstrate that subsequent development of similar form, scale and intensity will have no adverse impacts on the entire *Avenue*, as outlined in the City's term of reference. The applicant submitted an Avenue Segment Study prepared by Goldberg Group. The study did not consider underutilized lots on the entire *Avenue* including underutilized lots to the immediate north, south and corners of the abutting Bayview/Sheppard intersection for staff to assess the cumulative impacts of the development of similar form, scale and intensity along the *Avenue* and its cumulative impact on available infrastructure.

Aside from that, the density that is proposed through the amendment is far exceeding the densities within the study area; exceed the densities for the Major Transit Station that plan for a minimum of 200 people/jobs per hectare; and even go beyond the densities found in the North York Centre which is expected to plan for a minimum density of 400 people and jobs per hectare.

Public Realm

The subject site is located within The Claitrell Area Context Plan and identifies this corner as an 'Urban Transit Square " which is to be attractive and comfortable for pedestrian, cycling and transit travellers. The distinctive urban streetscape should include an enhanced streetscape at the northwest Bayview/Sheppard intersection to complement a 'gateway building' on this "Urban Transit Square'. Private landscaped areas adjacent to the public sidewalk are encouraged to contribute to the pedestrian amenity.

The Official Plan directs the consolidation and minimization of driveway widths and curbs cuts across the public sidewalk. The number and width of curb cuts should be kept to a minimum to reduce pedestrian/vehicular conflicts. This proposed multiple curb cuts along both the Sheppard and Bayview frontages and in close proximity to the Sheppard/Bayview intersection and transit station does not support the Official Plan public realm objectives that limit driveway widths and curb cuts across the public sidewalk on important pedestrian streets to promote pedestrian, cycling and transit use.

Built Form

The Claitrell Area Context Plan identifies the subject site as a "gateway site" which encourages a distinctive built form and complementary streetscape for new development to reinforce the building's role as a visual gateway into the community. The proposed base building and towers do not fit with the character of the existing and planned context on Sheppard Avenue East and do not meet the public realm and built form objectives of the Official Plan and the Sheppard East Subway Corridor Secondary Plan.

The proposed towers' heights of 122.65 metres (35-storey) and 134.75 metres (39-storey) significantly exceed the previously OLT approval for the one tower at 82 metres (25-storeys); and the proposed heights of both towers are not in keeping with recent adjacent building height approvals. The proposed towers introduce excessive shadowing on neighbouring properties and the proposed base building (west tower) does not transition down to lower-scale buildings and integrate with adjacent street wall buildings. The proposed buildings; height, massing and transition do not meet the built form objectives of the Official Plan, the Sheppard East Subway Corridor Secondary Plan ("SESCSP") and the Tall Building Guidelines.

Moreover, the proposed base building does support adjacent streets, parks and transportation infrastructure in an area with high pedestrian volumes. The proposed base building's 3 metre setback from the park is insufficient and the base building's

(east tower) setback from the existing TTC subway entrance shelter is insufficient. It does not provide adequate space for TTC maintenance as well as adequate pedestrian clearway along Bayview Avenue.

The Growth Plan directs that Major Transit Station Areas are to be planned and designed to be transit-supportive and achieve multimodal access to stations and connection. The Official Plan also provides direction to locate and organize vehicular access and ramps to minimize their impact and improve the safety and attractiveness of the public realm, the site and the surrounding area. The proposed unenclosed ramp to the underground parking immediately abutting the public mid-block connection is not acceptable. The incorporation of the vehicle ramp within the building podium will minimize the negative impacts on the public realm, the site and the surrounding area.

Sun and Shadow

The SESCSP provides for compatible transitions in density, height and scale between development nodes and stable residential areas. Building height and massing should minimize excessive shadowing within blocks, along streets and within open space areas.

The shadow impacts resulting from the proposal are not acceptable. The applicant's shadow study prepared by IBI group identifies excessive shadows cast by the proposed development on surrounding properties to the immediate north and northeast during the morning hours on Greenfield Avenue, Spring Garden Avenue and Clairtrell Road, Mallingham Court and Teagarden Court. Shadows cast on Mallingham Court continue from 9:18 AM until 3:18 PM during the spring and fall equinox.

Staff also have concerns with the proposed shadow on the park. The proposed building introduces new shadows from 2 PM to 5 PM during the spring and fall equinox.

Wind

The wind impact study submitted with the proposal is not acceptable and staff cannot evaluate nor determine whether the proposed building meet the policies of the Official Plan and the intent of the Tall Building Guidelines.

A Wind Study prepared by Gradient Wind did not provide the necessary details to evaluate the proposed wind conditions at the pedestrian level. In addition, no information was provided for wind levels for the existing park; proposed park addition; TTC subway entrance shelter and the TTC bus stop that all immediately adjacent to the proposed building at the pedestrian level along the public realm.

Transportation

This subject site is located at the northwest corner of Bayview Avenue and Sheppard Avenue East intersection with planned active transportation routes. This corner site anticipates increased pedestrian, cycling and transit use. There is a planned widened public sidewalk at the site's frontages as well as a planned cycling lane along Sheppard Avenue East. The TTC operates a bus stop and a TTC subway entrance shelter on the Bayview Avenue frontage. The TTC also has a planned Wheel-Trans transit service at this location. The proposed two, 6 metre-wide driveways interrupt the planned pedestrian and cycling routes on Bayview Avenue and Sheppard Avenue East. In addition, the east side yard setback of the base building is insufficient. TTC requires a minimum building setback of 5 metres from the existing TTC subway entrance shelter. Staff encourage opportunities to integrate the subway access to provide adequate setbacks for TTC maintenance, adequate pedestrian clearway on Bayview Avenue, and remove physical and visual sightline barriers for all road users at this key transportation interchange. The proposed site is located at an important transportation interchange that also serves as an important link to the regional transportation network, Highway 401, approximately 600 metres south of the subject site.

Travel Demand Management

Travel Demand Management ("TDM") measures are aimed at encouraging people to take fewer and shorter single occupancy vehicle trips to reduce congestion, energy consumption and pollution. Typical TDM policies and programs include, but are not limited to: parking supply management strategies (such as reduced parking provision) in combination with car sharing/bike sharing; school/trip planning; development-related transit initiatives; and cycling programs and expansion of the city-wide cycling networks.

Appropriate TDM measures have not been provided for in the draft Official Plan and zoning by-law amendments to address Toronto Green Standard v3 requirements.

Driveway Access and Site Circulation

The Traffic Impact Study ("TIS") prepared by the BA Group proposes two driveway accesses on Sheppard Avenue East and Bayview Avenue. The proposed Bayview driveway access will allow for right-in/right-out vehicular movements and the proposed Sheppard Avenue East driveway access will operate vehicular full movements. The submitted TIS did not provide information on the existing/future queue lines at the Sheppard/Bayview intersection and incorrectly identifies the existing Sheppard Avenue East driveway as a "full movement" driveway access. An updated TIS report is required to reassess the proposed driveway access points in relationship to the intersection's queue lines and the resulting impacts on the Sheppard/Bayview intersection's traffic operations.

Parking and Loading

A total of 294 vehicle parking spaces are provided on-site which includes 186 residential vehicle spaces and 108 vehicles spaces for visitor and retail spaces are proposed in a

3-level below-grade parking garage, accessed from Sheppard Avenue East and Bayview Avenue.

One type B, two type C and 1 type G loading spaces are proposed within the podium of the proposed 35-storey tower however, the loading spaces will service both towers. The proposed parking of 294 parking spaces does not meet the minimum parking requirement of the site-specific by-law, which is deficient by 753 parking spaces. The applicant submitted a TIS, including examples of proxy sites associated with recent development approvals. The proposed reduced parking supply and the proposed loading spaces are acceptable to staff. However, the proposal has not provided a minimum of 20% of electric vehicle supply equipment to permit future EVSE installation and sufficient TDM measures to support the proposed development.

Servicing

A Site Servicing Review comprised of a Functional Servicing and Stormwater Management Report and Preliminary Hydrogeological Report were submitted for Engineering and Construction Services review. The submitted reports have not determined whether the storm water runoff, sanitary flow, private water / groundwater flow and water supply demand resulting from this development can be supported by the existing municipal infrastructure. Should it be determined that there is not sufficient capacity or upgrades are required to the existing municipal infrastructure, the applicant would be required to make the necessary upgrades to the municipal infrastructure at no cost to the City and enter into financially secured Development Agreements with the City for the design and construction of any improvements to the municipal infrastructure required to support the development. These matters will be identified through the OLT hearing.

If the OLT approves this development, staff recommend that City Council requests that the OLT withholds its final order until the City advises that a Site Servicing Review comprised of storm water runoff, sanitary flow, private water / groundwater flow and water supply demand resulting from this development is reviewed and accepted by the Chief Engineer and Executive Director, Engineering and Construction Services.

Parkland

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

The applicant is required to satisfy the parkland dedication requirement through an on-site parkland dedication of 528 square metres that will be located to the east of the existing Bayview Parkette to create one contiguous park. The applicant has provided an on-site parkland dedication of 573 square metres, however, the proposal relocates the new park to the west of the existing Bayview Parkette, which has a Sheppard frontage. The relocation of the new park is acceptable to staff.

The staff requires a minimum 5 metres from the park to the proposed south building. The required 5 metres is provided from the eastern building face to the park, however, the proposed 3 metres setback from the south building face to the park is insufficient.

Regarding wind impacts, staff cannot evaluate the wind impacts on the existing and proposed park, as the necessary information was not provided in the submitted wind study. Staff have potential concerns with the wind impacts on the park.

Tree Preservation

An Arborist Report and Tree Inventory and Preservation Plan were submitted by the applicant and prepared by Kuntz Forestry Consulting Inc. Three city trees and forty-three privately owned trees are proposed for removal. The proposal is not consistent with the Official Plan and City Council's objectives concerning tree canopy cover as the proposal does not comply with Tier 1 Ecology Section of the TGS-Version 3. Staff encourage additional tree preservation of long-lived native and large shade trees as well as providing sufficient soil volumes. The proposed soil volumes are insufficient at 742 square metres whereas 897 square metres are required to support existing and new trees.

Indoor/Outdoor Amenity Space

The applicant has included the gross floor area for office lobby as private residential amenity space however this lobby space is not acceptable as private amenity space for residents. Should the applicant replace and provide a suitable alternate for private amenity space, the proposed total indoor and outdoor amenity space are acceptable to staff.

The proposal development provides a combined amenity space of 4.0 square metres per unit for a total of 1,850 square metres of indoor amenity space and 1,903 square metres of outdoor amenity space for a total of 3,753 square metres of combined amenity space. The indoor amenity space and community space are provided on the upper ground floor level as well as the second-floor level at the office floor level, in addition to the at grade lobby for office use, which is not acceptable

Community Benefits Contributions

The applicant seeks to amend the existing site-specific zoning by-law that includes Schedule A which secures an on-site 537 square metre non-profit child care and 290 square metres of exterior play space. The proposal seeks to remove the on-site non-profit child care space secured through the OLT approved 25-storey residential building.

The proposed "community space" is located on the ground and second floors, however, this space has been included in the indoor amenity space calculation, therefore it is a private amenity space for the exclusive use of the building inhabitants.

A Community Services and Facilities assessment indicates there is a need for childcare spaces, particularly those providing for infants, in pace with the anticipated growth along Sheppard Avenue East. However, under the CBC regime, the previously secured childcare space has been eliminated. Therefore, staff recommends a financial contribution toward the enhancement of community service facility improvements that may be identified as growth continues in the area.

Further Issues

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

Conclusion

The application has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), the Official Plan, and applicable City guidelines intended to implement Official Plan policies. As currently proposed, the proposal is not consistent with the PPS and it does not conform to the Growth Plan and the Official Plan.

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

CONTACT

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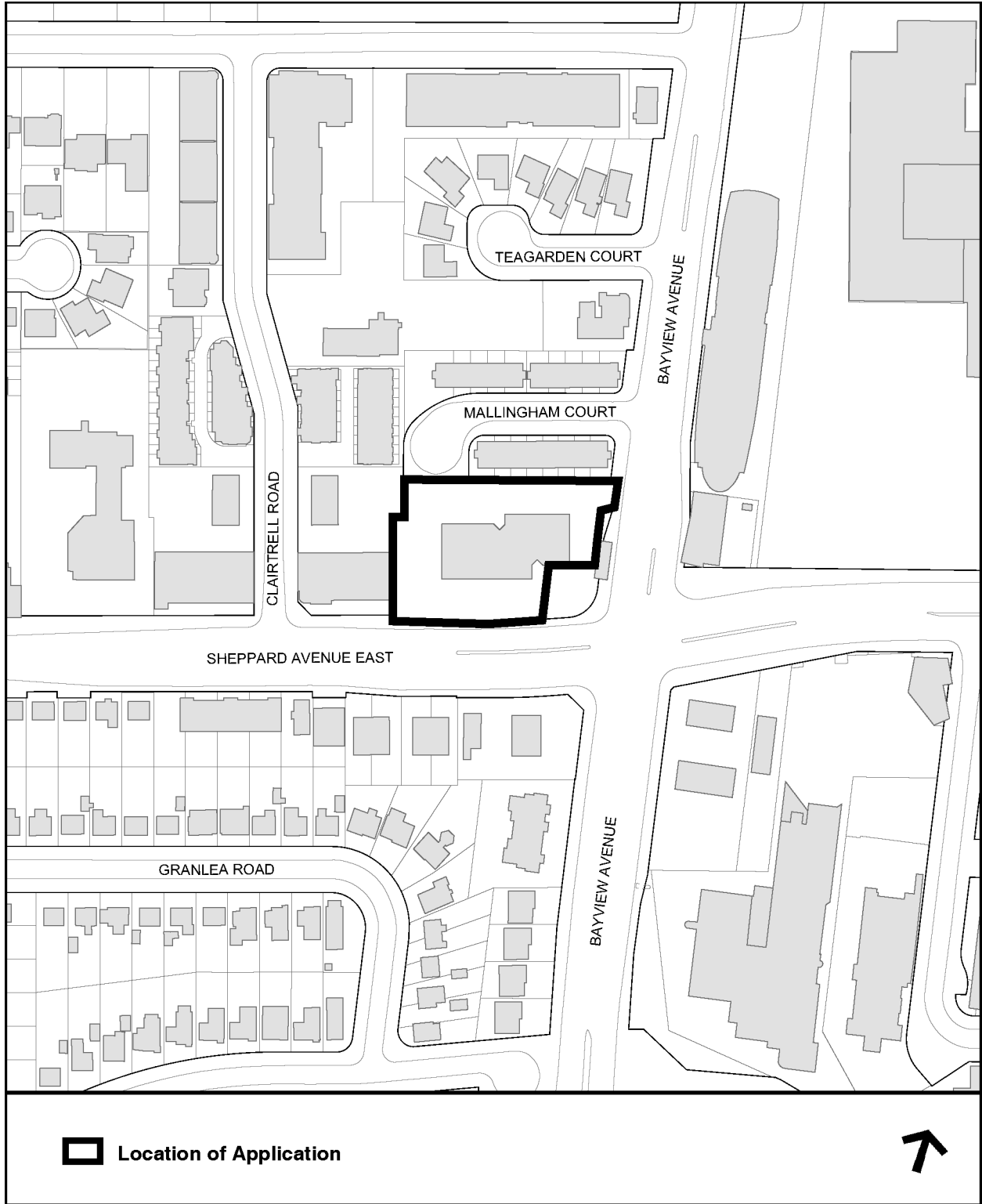
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David Sit, MCIP, RPP, MCIP
Director, Community Planning, North York District

ATTACHMENTS

- Attachment 1: Location Map
- Attachment 2: Application Data Sheet
- Attachment 3: 3D Model of Proposal in Context Looking Southwest
- Attachment 4: 3D Model of Proposal in Context Looking Northeast
- Attachment 5: Site Plan
- Attachment 6: Policy Considerations
- Attachment 7: Official Plan Land Use Map
- Attachment 8: Zoning By-law Map (569-2013)
- Attachment 9 Zoning By-law Map (7625)

Attachment 1: Location Map



Attachment 2: Application Data Sheet

Municipal Address: 500 SHEPPARD AVE E **Date Received:** November 8, 2021

Application Number: 21 235569 NNY 18 OZ

Application Type: OPA & Rezoning

Project Description: Official plan amendment and zoning by-law amendment applications propose the redevelopment of the site with a 35 and 39-storey mixed use building having a residential gross floor area of 55,850 square metres, non-residential gross floor area of 2150 square metres with a total of 928 dwelling units. The overall floor space index (FSI) of the proposed development is 10.12 times the site area.

Applicant	Agent	Architect	Owner
BISHOP STUART	Goldberg Group	IBI	BAYVIEW SHEPPARD DEVELOPMENTS LIMITED

EXISTING PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	Y
Zoning:	RM6(234)	Heritage Designation:	N
Height Limit (m):	82	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq m): 5,731 Frontage (m): 72 Depth (m): 39

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	1,536			
Residential GFA (sq m):	0		55,000	55,000
Non-Residential GFA (sq m):	3,396		3,000	3,000
Total GFA (sq m):	3,396		58,000	58,000
Height - Storeys:	3		39	39
Height - Metres:	9		127	127

Lot Coverage Ratio (%): Floor Space Index: 10.12

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	55,000	
Retail GFA:	900	
Office GFA:	2,100	
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			928	928
Other:				
Total Units:			928	928

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:			696	139	93
Total Units:			696	139	93

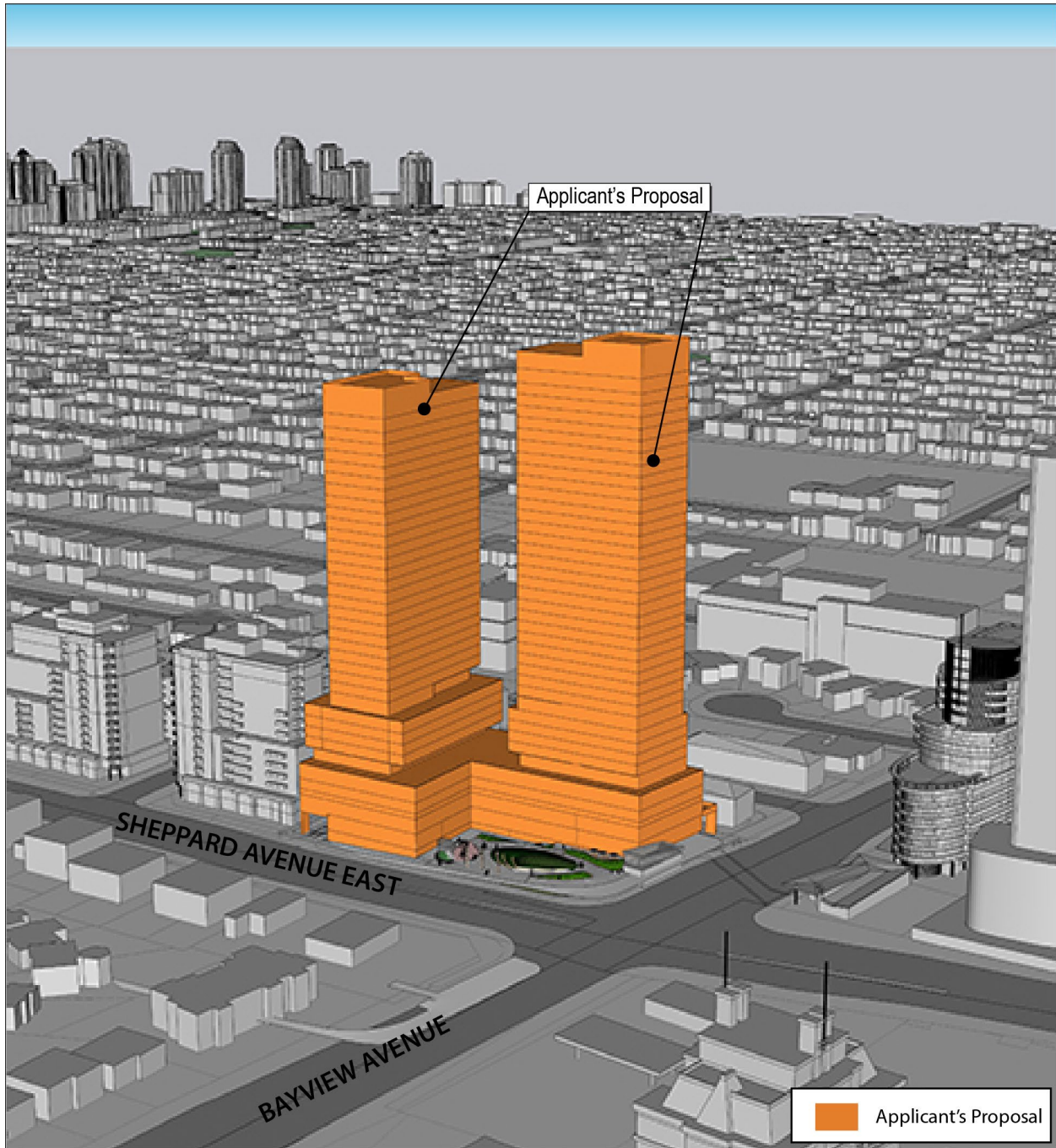
Parking and Loading

Parking Spaces: 291 Bicycle Parking Spaces: 696 Loading Docks: 4

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Attachment 3: 3D Model of Proposal in Context Looking northwest

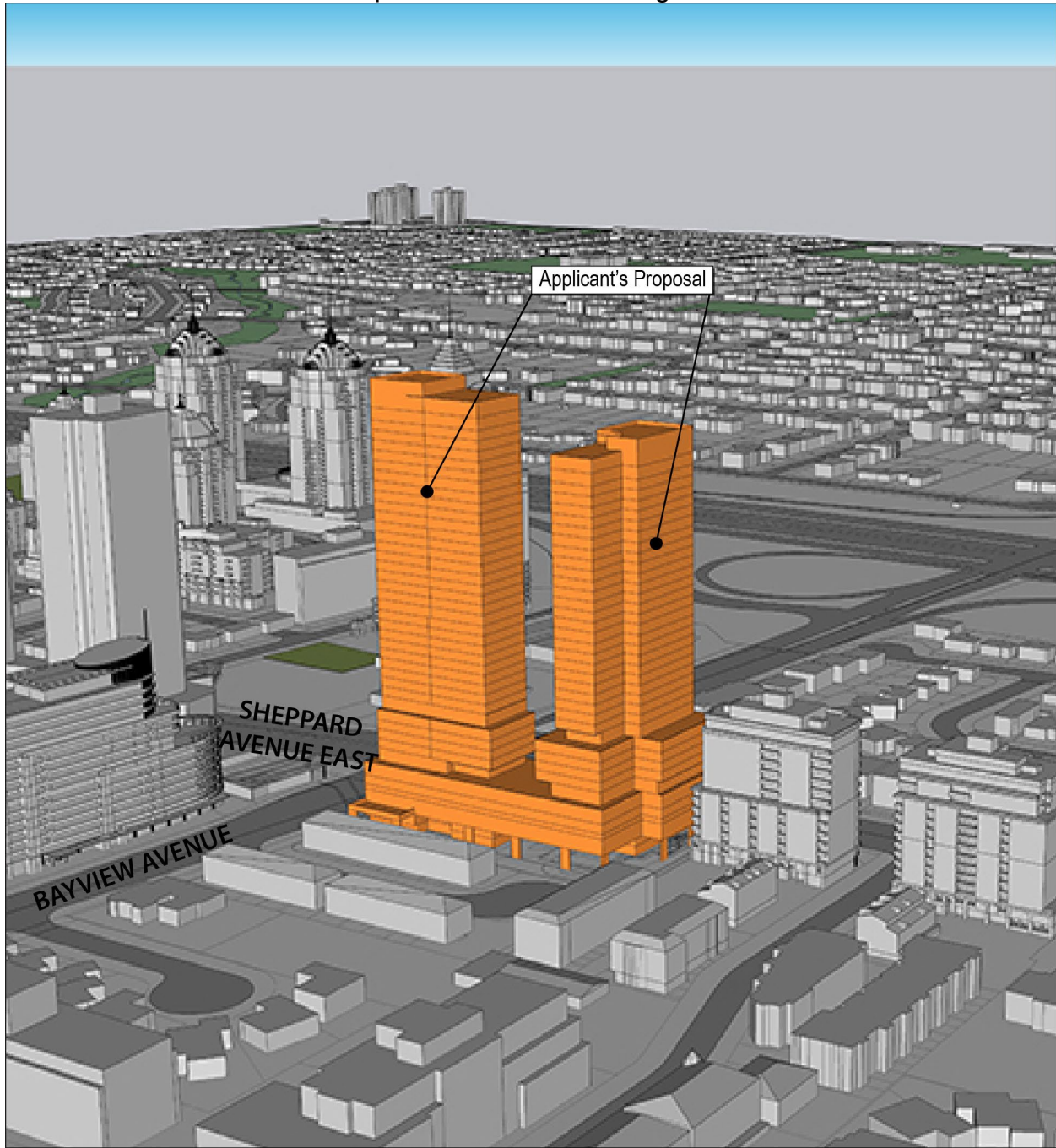


View of Applicant's Proposal Looking Northwest



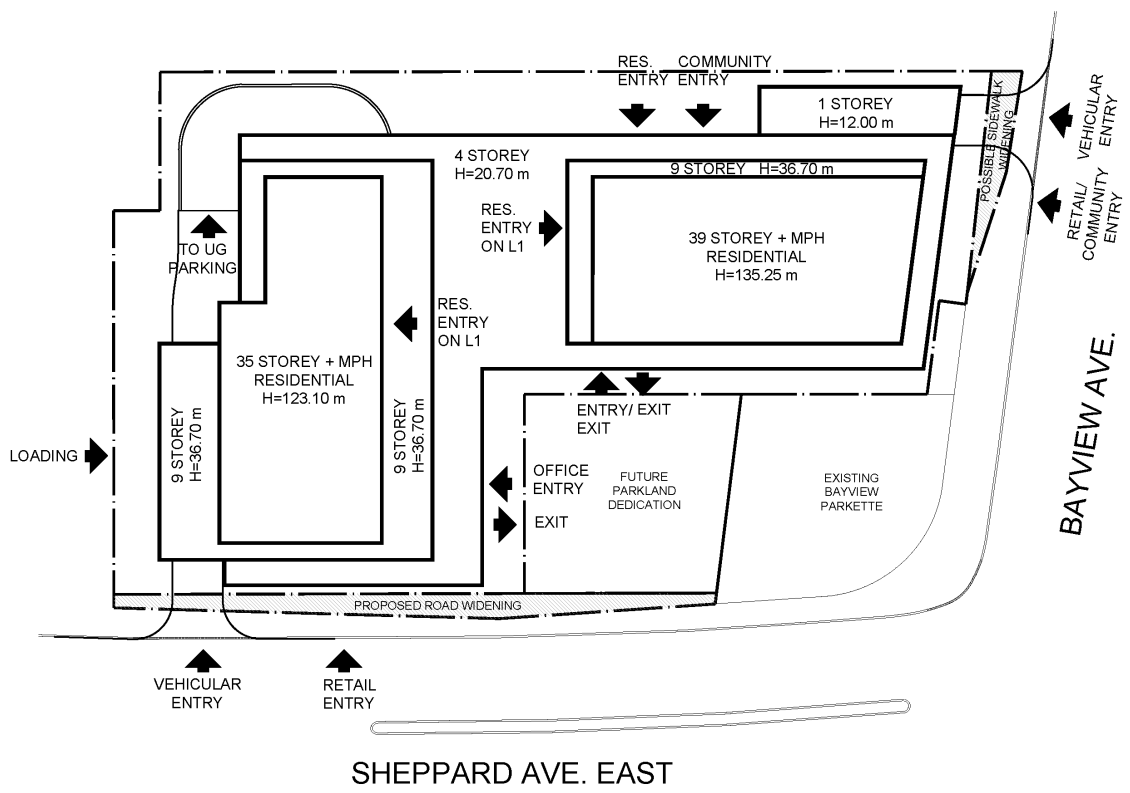
03/09/2022

Attachment 4: 3D Model of Proposal in Context Looking Northeast



View of Applicant's Proposal Looking Southeast

↙
03/09/2022



Site Plan

Attachment 6: Policy Considerations

Planning Act

Section 2 of the *Planning Act* sets out matters of provincial interest, including, but not limited to: the orderly development of safe and healthy communities; the appropriate location of growth and development; the promotion of development that is designed to be sustainable, support public transit and oriented to pedestrians; and the promotion of a built form that is well designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant

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 plan control.

The Provincial Policy Statement (2020)

The Provincial Policy Statement (2020) (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 interrelationships 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 City 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 City Council shall also be consistent with the PPS.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.6 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement.

Comprehensive, integrated and long-term planning is best achieved through official plans."

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 an 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 City 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 City Council shall also conform with the Growth Plan (2020).

Planning for Major Transit Stations

The Growth Plan (2020) contains policies pertaining to population and employment densities that should be planned for in major transit station areas ("MTSAs") along priority transit corridors or subway lines. MTSAs are generally defined as the area within an approximately 500 to 800 metre radius of a transit station, representing about a 10 minute walk. The Growth Plan (2020) requires that, at the time of the next MCR, the

City update its Official Plan to delineate MTSA boundaries and demonstrate how the MTSA's plan for the prescribed densities. Protected major transit station areas (PMTSAs) will become a subset of the MTSA's in the City. Policy 2.2.4.5 of the Growth Plan (2020) states the City may delineate MTSA's before the MCR is completed provided the delineation is for a PMTSA in accordance with Section 16(15) of the Planning Act. On July 19-22, 2022 City Council adopted MTSA and PMTSA Official Plan Amendments which would amend Chapter 8 of the Official Plan pursuant to Section 16(15) and 26 of the *Planning Act* that would demonstrate that a MTSA minimum density targets of 200 residents and jobs per hectare for subway is achieved in conformity with the Growth Plan OPA 570 and OPA 575 added a combined total of 115 MTSA's (including the Bayview Station MTSA) and PMTSA's to Chapter 8 of the Official Plan. The City Council adopted OPAs are awaiting final approval from the Minister of Municipal Affairs and Housing.

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

Toronto Official Plan

The City of Toronto Official Plan (the "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 Urban Structure Map 2 of the Official Plan identifies this portion of Sheppard Avenue East as an *Avenue*. The site is designated *Mixed Use Areas* and *Parks and Open Space Areas* as shown on Land Use Map 16. See Attachment 7 of this report for the Official Plan Land Use Map.

Sheppard East Subway Corridor Secondary Plan

The site is located within the Bayview Node in the Secondary Plan and is identified as a Key Development Site. The Bayview Node policies are contained within Section 4.1 of the Secondary Plan. The Secondary Plan identifies that the Bayview subway station development will provide opportunities for new residential uses with a mix and range of housing types that will enhance the shopping and employment at the walk-in community station primarily serving the nearby designated stable residential community, with limited development opportunities on the large surplus former industrial blocks, and on some properties fronting on Sheppard Avenue East. No new Mixed Use Areas designations will be permitted on residential lands north of Sheppard Avenue East. The urban design principles of Section 4.4 identify that there will be compatible transitions in density, height, and scale between development nodes and stable residential areas. Generally the highest densities and building heights should be permitted at the major

intersections, near the transit stations, and adjacent to Highway 401. The Sheppard East Subway Corridor Secondary Plan can be found here: <https://www.toronto.ca/wp-content/uploads/2017/11/9805-cp-official-plan-SP-9-SheppardEast.pdf>

Chapter 2 – Shaping the City

Avenues are important corridors along *major streets* where re-urbanization is anticipated and encouraged to create new housing and job opportunities while improving the pedestrian environment, the look of the street, shopping opportunities, and transit service for community residents. Development along *Avenues* is required to support the relevant land use designations in the Official Plan.

Transportation policies emphasize the integration of transportation and land use planning to achieve the overall aim of increasing accessibility throughout the City. Section 2.4 emphasizes the need to use available road space more efficiently to move people instead of vehicles and how the demand for vehicle travel can be reduced and make walking, cycling, and transit increasingly attractive alternatives to using the car and to move towards a sustainable transportation system.

Chapter 3 – Building a Successful City

The Public Realm policies provide further direction to foster: complete, well-connected walkable communities to meet the daily needs of people and support a mix of activities; active transportation and public transit use, comfortable, attractive and vibrant, safe and accessible setting for civic life and daily social interaction; contribute to the identity of and physical character of the City and its neighbourhoods, provide opportunities for passive and active recreation, be functional and fit within a larger network and contribute to the City's climate resilience. The City, together with its partners, should seek opportunities to expand and enhance the public realm to support existing and future populations.

Built Form policies our quality of life and personal enjoyment of the public realm depend in part on the buildings that define and support the edge of our streets, parks, and open spaces. The scale and massing of buildings define the edges of, and give shape to, the public realm. The ground floor uses, entrances, doors, windows, materiality, and quality of these building edges help to determine the visual quality, activity, comfortable environment, and perception of safety in those public spaces. Further, the built form policies provide principles on key relationships of the location and organization of development, its massing, and appropriate amenity within the existing and planned context to inform the built form and ensure each new building will promote and achieve the overall objectives of the Plan.

The Housing policies support a full range of housing forms, tenure, and affordability across the City and within *Neighbourhoods*. New housing supply will be encouraged through intensification and infill that is consistent with the Official Plan.

Section 3.1.4 Built Form - Building Types

Tall buildings are generally greater in height than the width of the adjacent right-of-way. Tall buildings should typically be designed to consist of three parts – a base, a tower and a top – carefully integrated into a single whole. The base portion of tall buildings should respect and reinforce good street proportion and pedestrian scale; and be lined with active, grade-related uses. The tower portion of a tall building should be designed to reduce the physical and visual impacts of the tower on the public realm and limit shadow impacts on the public realm and surrounding properties.

Chapter 4 – Land Use Designations

The site is designated *Avenue* on Map 2 of the Official Plan as well as *Mixed Use Areas* and *Parks and Open Space Areas* on Map 16 of the Official Plan. *Mixed Use Areas* are intended to provide a broad range of commercial, residential and institutional uses in a single-use or mixed use building. *Parks and Open Space Areas* are areas primarily for public park and recreational opportunities.

Avenues are important corridors along *major streets* where re-urbanization is anticipated and encouraged to create new housing and job opportunities while improving the pedestrian environment, the look of the street, shopping opportunities, and transit service for community residents. *Avenues* will transform incrementally, building-by-building, introducing new forms of retail that take advantage of nearby transit and active transportation initiatives. These areas provide the greatest opportunity in the achievement of complete communities that can meet residents' needs for daily living throughout a lifetime.

Mixed Use Areas are intended to provide a broad range of commercial, residential and institutional uses in a single-use or mixed use building. *Parks and Open Space Areas* are areas primarily for public park and recreational opportunities. The Official Plan states that "*Mixed Use Areas* will absorb most of the anticipated increase in retail, office and service employment in Toronto in the coming decades, as well as much of the new housing."

Parks and Open Space Areas will respect the physical form, design, character and function of Parks and Open Space Areas; and provide comfortable and safe pedestrian conditions.

The City of Toronto's Official Plan can be found here:

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

City-wide Tall Building Design Guidelines

City Council has adopted city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of tall building development applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure they fit within their context and minimize their local impacts. The link to the guidelines can be found here:

<https://www.toronto.ca/legdocs/mmis/2013/pg/bgrd/backgroundfile-57177.pdf>

Growing Up: Planning for Children in New Vertical Communities

On July 28, 2020, City Council adopted the Growing Up Urban Design Guidelines (Growing Up Guidelines) and directed City Planning staff to apply the Guidelines in the evaluation of new multi-unit residential development proposals. The objective of the Growing Up Guidelines is for developments to increase liveability for larger households, including families with children living in vertical communities, at the neighbourhood, building, and unit scale. The guidelines indicate that a building should provide a minimum 25 percent large units of which 10 percent should be three-bedroom units, and 15 percent should be two-bedroom units. The guidelines can be found here:

<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 purpose of the Pet Friendly Design Guidelines 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. The guidelines can be found here:

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

Retail Design Manual

On October 27, 2020, City Council adopted the Retail Design Manual. The Retail Design Manual supports the objectives of complete communities and vibrant streets which are closely tied to the provision of successful, resilient and dynamic retail uses. The Retail Design Manual is a collection of best practices and is intended to provide guidance on developing successful ground floor retail spaces by providing aspirational retail design best practices to inform, guide, inspire and educate those involved in the design and development of retail uses. The Retail Design Manual can be found here:

<https://www.toronto.ca/legdocs/mmis/2020/ph/bgrd/backgroundfile-157291.pdf>

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 intended to advance the City's objectives for resilience and to achieve net-zero emissions by 2050 or sooner. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

Applications must use the documentation required for the version of the Toronto Green Standard in effect at the time of the initial application. TGS Version 3.0: new applications submitted on or after May 1, 2018 and before May 1, 2022. Visit

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/toronto-green-standard/toronto-green-standard-version-3/mid-to-high-rise-residential-all-non-residential-version-3/>

Attachment 7: Official Plan Land Use Map




Official Plan Land Use Map #16

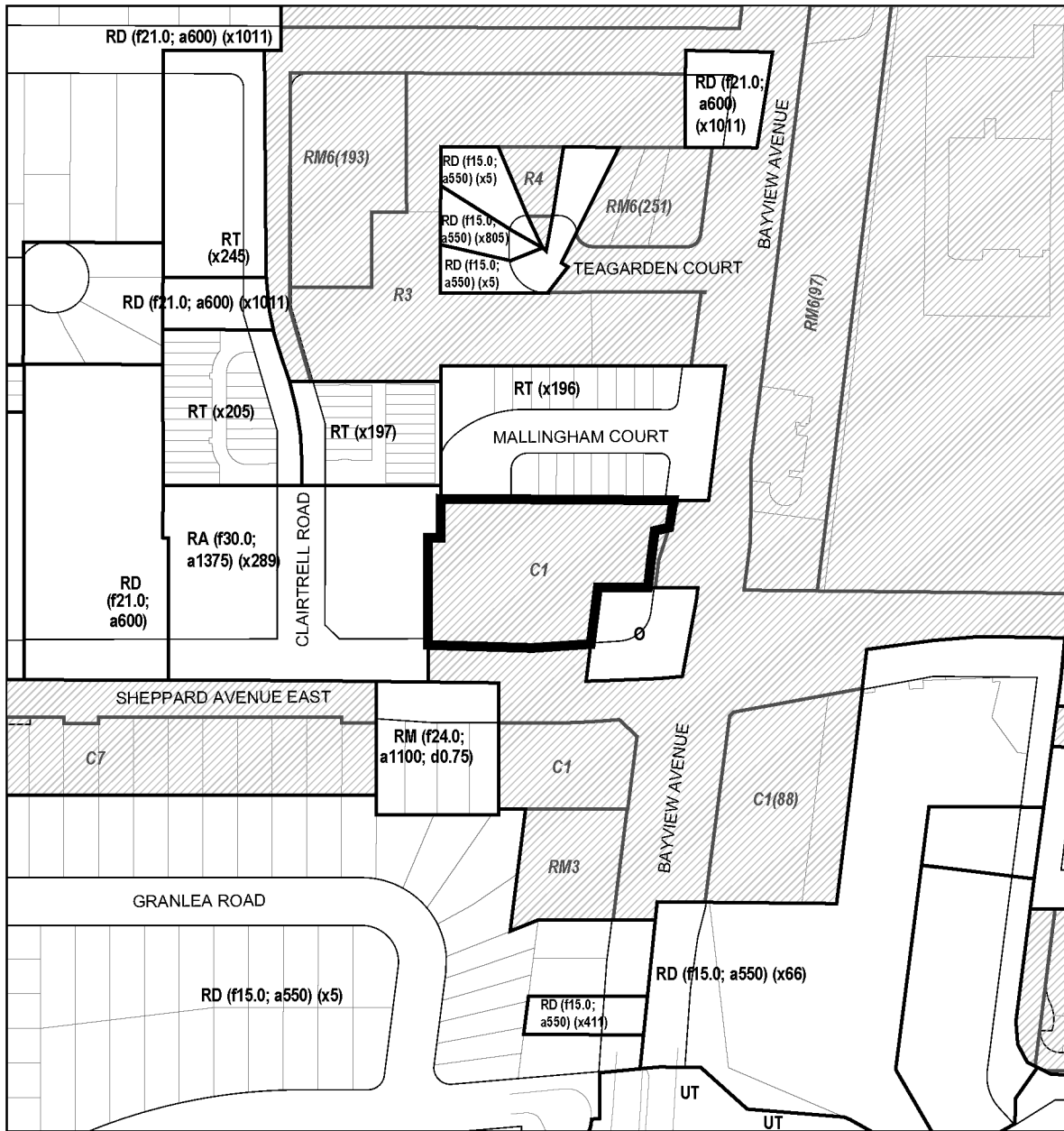
500 Sheppard Avenue East

File # 21 235569 NNY 18 0Z

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


 Not to Scale
 Extracted: 11/15/2021

Attachment 8: Zoning By-law Map




Zoning By-law 569-2013

500 Sheppard Avenue East

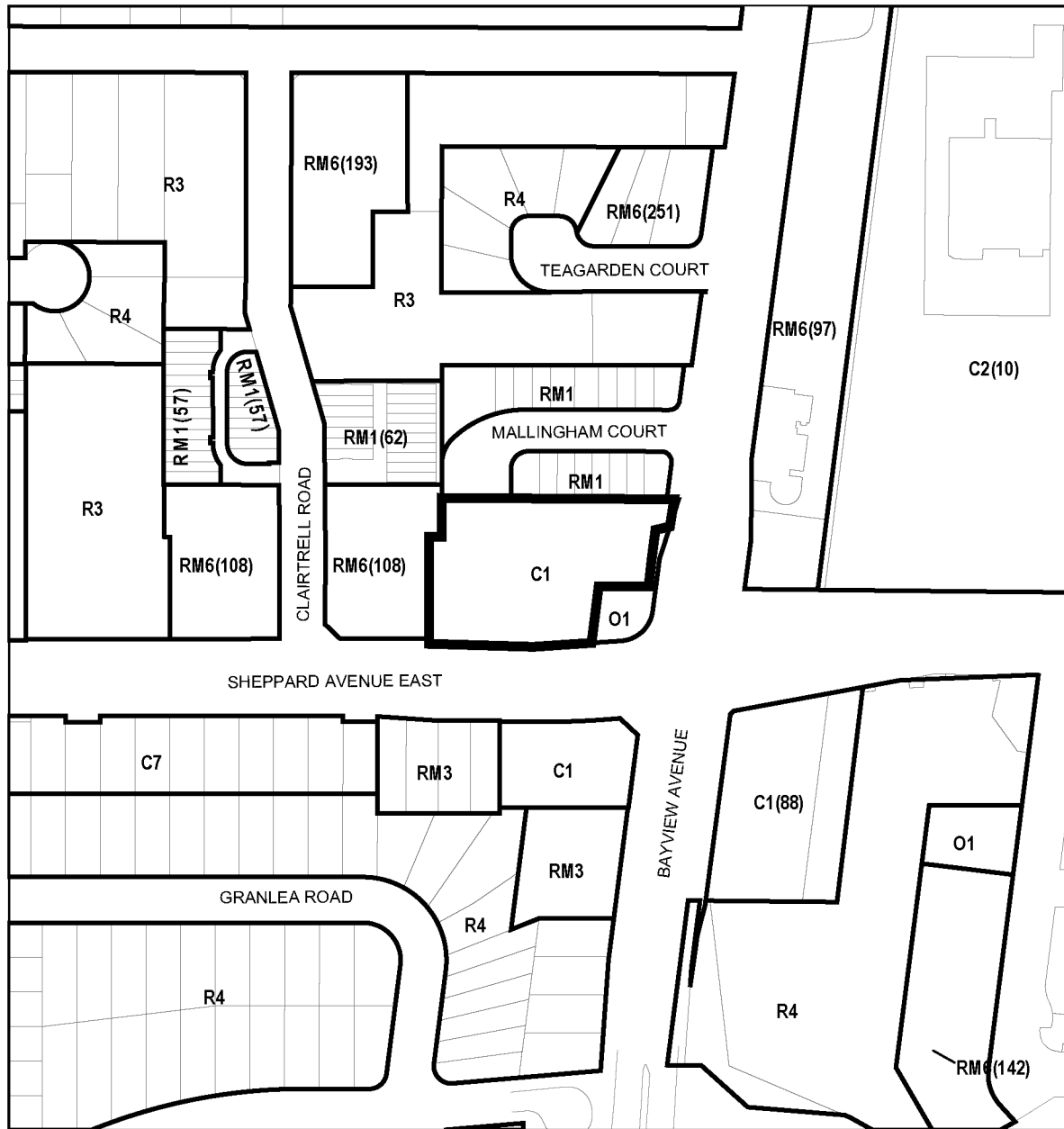
File # 21 235569 NNY 18 0Z

-  Location of Application
- RD** Residential Detached
- RT** Residential Townhouse
- RM** Residential Multiple
- RA** Residential Apartment
- O** Open Space
- UT** Utility and Transportation

-  See Former City of North York By-law No. 7625
- R3** One-Family Detached Dwelling Third Density Zone
- R4** One-Family Detached Dwelling Fourth Density Zone
- RM3** Multiple-Family Dwellings Third Density Zone
- RM6** Multiple-Family Dwellings Sixth Density Zone
- C1** General Commercial Zone
- C2** Local Shopping Centre Zone
- C7** Mixed Use Commercial Zone

↑
Not to Scale
Extracted: 11/15/2021

Attachment 9: Zoning By-law Map



Zoning By-law 7625

500 Sheppard Avenue East

File # 21 235569 NNY 18 0Z



Location of Application

- R3 One-Family Detached Dwelling Third Density Zone
- R4 One-Family Detached Dwelling Fourth Density Zone
- R7 One-Family Detached Dwelling Seventh Density Zone
- RM1 Multiple-Family Dwellings First Density Zone
- RM3 Multiple-Family Dwellings Third Density Zone
- RM6 Multiple-Family Dwellings Sixth Density Zone

- C1 General Commercial Zone
- C2 Local Shopping Centre Zone
- C7 Mixed Use Commercial Zone
- O1 Open Space Zone



Not to Scale
Extracted: 11/15/2021